

City Council Regular Meeting
Monday, April 15, 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.

{{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).

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

Date: July 2022

2. PRAYER

3. NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

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

4.A. Minutes of April 1, 2024, City Council meeting.

PROCEEDINGS OF CITY COUNCIL
April 1, 2024

A regular meeting of the mayor and council of the City of Columbus, Nebraska, was convened in open and public session on April 1, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on 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, Troy Hiemer, Rich Jablonski, Kat Lopez, and Prent Roth. Council Members Hope Freshour and Ron Schilling were absent and excused. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, Police Chief Charles Sherer, Public Works Director Chuck Sliva, Finance Director Heather Lindsley, Fire Chief Ryan Gray, Planning and Economic Development Coordinator Jean Van Iperen, and Communications Manager Matt Lindberg.
2. **PRAYER:** Jablonski led in prayer.
3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** The National Anthem was played 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 Lopez. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted "Aye" and none voted "Nay". Freshour and Schilling were absent.
 - 4.A. **Minutes of March 18, 2024, City Council meeting.**
 - 4.B. **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; 4/12/24 payroll \$841,173.34; 911 Custom 390.00 S; A&K Cnslt 300.00 T; Accent Floral 200.00 S; Ace Hrdwr 866.75 S; Adv Auto 199.15 S; American Red Cross 784.00 T; Anderson Auto 1,096.00 S; Arnold Mtr 348.70 S; ASCAP 12.83 S; Awards & Engrav 20.00 S; Baird Holm 661.50 S, Bst Vrsn Media 152.00 S; Bomgaars 1,046.88 S; Capt'l One-Walmart 151.28 S; Casey's Mail 817.42 S; CDW Gov 2,823.98 S; Cntrl Valley Ag 240.60 S; Chrome N' Steel 1,104.00 S; CN Wldg Wrks 3,380.00 S; Col Area Chmbr 1,160.00 M; CAC 2,500.00 S; CCH

PROCEEDINGS OF CITY COUNCIL

April 1, 2024

Page 2

1,899.18 S; Col Custom Emb 192.00 S; Conner Psy Srvc 1,560.00 S; Consol Mngt 421.15 T; Crnhskr Int'l Trks 1,289.59 S; Culligan 52.00 S; DAS St Acc 1,663.99 S; Eakes 573.98 S; Electrical Eng 431.37 S; Extreme Glass 317.50 S; Fastenal 126.99 S; Fifth Season 216.00 S; Gale 205.96 S; Gehring Constr 3,300.25 S; Gene Steffy 297.37 S; Grt Plns Bldng Sup 1,480.08 S; Grt Plns Comm 218.62 S; Hach 761.00 S; Hawkins 3,950.80 S; Hmtwn Lsng 175.00 S; Hotsy Eq 217.00 S; HTR Inc. 140.50 S; Ingram 2,857.76 S; Intrst Battery 573.80 S; Intrst Pwr Sys 1,059.83 S; Jackson Srv 1,688.26 S; K&S Tool 158.98 S; J Kelley 30.75 L; Kelly Sup 26.86 S; K Keyes 16.40 T; Koch Excavating 190.50 S; A Laborde 3,400.00 S; Lawson 127.06 S; Lincoln Jrnl Str 1,094.89 S; Lincoln Tent 4,500.00 S; Lincoln Winwtr Wrks 3,931.25 S; MacQueen Eq 1,029.31 S; Menards 954.48 S; Mid-America Rsrch 825.50 S; MidW Tape 69.71 S; Motion Ind 319.64 S; Muni Pipe 2,011.43 S; Mytcoat 3,310.00 S; Napa Auto 8.60 S; NE Emerg Srvc 210.00 M; NE Golf & Turf 24,492.49 S; NE Pub Hlth 750.00 S; NE Recrtn & Prk 600.00 S; NE Rural Wtr 1,335.00 T; NE NE Econom 182.25 S; Obrist 220.00 S; Occptnl Hth Srv 9,644.00 S; O'Reilly 82.76 S; Performance Prntg 342.74 S; Pet Care 333.86 S; Pete Lien & Sons 430.12 S; Platte Cnty Reg of Deeds 108.00 S; Platte Valley Humane Scty 21,000.00 S; Pomp's Tire 226.84 S; Prodcvtvy Pls 64.33 S; Quadiant 1,000.00 S; Regina's Kitchen 258.00 S; Rensenhous 36.46 S; Rvrside Portables 105.00 S; Schieffer Signs 104.00 S; Security Eq 1,590.00 CP; K Sherrill 31.77 L; Shevlin 90.76 S; Sirius 5,760.00 CP; Snap On 73.75 S; Stericycle 759.88 S; Stinson 6,573.75 S; Stryker 18,258.94 CP; Spr Svr 67.88 S; Superior Plant Rentals 4,782.55 S; Thomson Reuters 2,130.00 S; Tire Outlet 3,173.06 S; Too Fast Sup 157.99 S; Trk Cntr 7,871.02 S; True Ag & Turf 10.06 S; Turfwerks 295.60 S; Tweet's 49.98 S; Ty's Outdoor Pwr & Srvc 227.15 S; UPS 63.58 S; USA Blue Bk 388.65 S; Van Wall Eq 520.88 S; T Vasicek 113.27 T; Wanco 208.00 S; Wemhoff Refrig 1,201.79 S; J Wilkinson 223.95 T; Zimco 12,368.50 S; Zoll Med 246.00 S. TOTAL \$1,035,868.38.

5. **APPROVAL OF MINUTES:** Included in Consent Agenda
6. **SPECIAL PRESENTATIONS:** None
7. **PUBLIC HEARINGS:** None
8. **PETITIONS AND COMMUNICATIONS:** None
9. **REPORTS OF CITY OFFICES:** None
10. **REPORTS OF COUNCIL COMMITTEES:** None
11. **REPORTS OF SPECIAL COMMITTEES:** None
12. **REPORTS ON LEGISLATION:** None
13. **NEW BUSINESS:**
- 13.A. **Appointment of Michael Klee as police officer.** Jablonski read a brief resume and the mayor's appointment of Michael Klee as police officer was ratified with a motion by Bahr and a second by Lopez. Alarcón, Bahr, Hiemer,

Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent. Bulkley welcomed Klee to the police department.

13.B. Application of Husker Bar for special designated liquor license on 11th Street between 23rd and 24th Avenues, from 10 a.m. to 12 midnight, July 27, 2024, for anniversary celebration. The application of Husker Bar for a special designated liquor license was approved with a motion by Bahr and a second by Roth. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent.

13.C. Application of The Friedhof Room at Schweser's for special designated liquor license at Frankfort Square located on the corner north of 13th Street and east of 27th Avenue from 10 a.m. to 10 p.m., May 25, 2024, for anniversary celebration. The application of The Friedhof Room at Schweser's for a special designated liquor license was approved with a motion by Roth and a second by Bahr. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent.

13.D. Proposal from Security Equipment, Inc. in the amount of \$18,247 for camera upgrades at south water plant. CIP#24-34 The proposal from Security Equipment, Inc. for camera upgrades was accepted with a motion by Jablonski and a second by Lopez. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent.

13.E. Quote from Nebraska Golf & Turf in the amount of \$22,680 for batteries for 18 golf carts. Vasicek explained that there are funds available in the maintenance budget for replacing batteries that did not last as long as expected. The quote from Nebraska Golf & Turf for golf cart batteries was accepted with a motion by Lopez and a second by Hiemer. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent.

13.F. Quote from Creative Sites in the amount of \$239,462.57 for playground equipment at Community Building. CIP #24-4 Van Iperen explained that she is anticipating to hear if the city will be awarded grants from Black Hills and AARP in approximately one month. She noted the playground equipment will be installed this fall. The quote from Creative Sites for playground equipment was accepted with a motion by Hiemer and a second by Lopez. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent.

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

14. RESOLUTIONS:

14.A. Resolution No. R24-34 approving back-up response plans for Columbus Fire Department and Duncan Fire and Rescue. Gray explained that Nebraska Department of Health and Human Services requires a back-up

response plan for Emergency Medical Service (EMS) licensure as an agency. He pointed out that Duncan Fire and Rescue has become a licensed EMS provider and it is mutually beneficial to provide back-up response for each other. Gray stated that there will be an annual review of this agreement. Patrick Siemek, EMS Chief of Duncan Fire and Rescue, said they have worked hard to get their EMS license and will begin operating on May 1st. Resolution No. R24-34 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING BACK-UP RESPONSE PLANS FOR COLUMBUS FIRE DEPARTMENT AND DUNCAN FIRE AND RESCUE, EFFECTIVE MAY 1, 2024, COPIES OF WHICH ARE 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 was adopted with a motion by Bahr and a second by Lopez. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted "Aye" and none voted "Nay". Freshour and Schilling were absent.

14.B. Resolution No. R24-35 approving settlement agreement and release with International Association of Firefighters Local 1575 in the total amount of \$9,877.98 regarding calculation of overtime pay. Vasicek explained that the Fair Labor Standards Act regulations require education stipends be included in overtime calculations and this settlement will reimburse the firefighters for back pay. Resolution No. R24-35 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE SETTLEMENT AGREEMENT AND RELEASE WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 1575 IN THE TOTAL AMOUNT OF \$9,877.98 REGARDING CALCULATION OF OVERTIME PAY, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA was adopted with a motion by Jablonski and a second by Bahr. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted "Aye" and none voted "Nay". Freshour and Schilling were absent.

14.C. Resolution No. R24-36 approving agreement with RVW, Inc. in an amount not to exceed \$58,800 for design, construction, and electronics engineering phase services for Fiber Network Project 2024. CIP# 19-9 Resolution No. R24-36 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN ENGINEERING SERVICES AGREEMENT WITH RVW, INC. IN AN AMOUNT NOT TO EXCEED \$58,800 FOR DESIGN, CONSTRUCTION, AND ELECTRONICS PHASE SERVICES IN CONJUNCTION WITH FIBER NETWORK PROJECT 2024, 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 was adopted with a motion by Roth and a second by Lopez.

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

- 14.D. Resolution No. R24-37 amending schedule of fees to update water and sewer rates over a five-year period beginning June 1, 2024.** Bulkley stated that the proposed water and sewer rate schedule is a result of the HDR study to provide financial planning for the operation, maintenance, and future improvements to the city’s water and wastewater infrastructure. Resolution No. R24-37 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING RESOLUTION NO. R23-94 (SCHEDULE OF FEES) TO UPDATE THE WATER AND SEWER RATES OVER A FIVE-YEAR PERIOD BEGINNING JUNE 1, 2024, PURSUANT TO THE ATTACHED AND INCORPORATED HEREIN SCHEDULE; TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Hiemer and a second by Bahr. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Roth voted “Aye” and none voted “Nay”. Freshour and Schilling were absent.
- 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 6:20 p.m.

Presented and approved this 15th day of April 2024.

OFFICE OF THE CITY CLERK

: Janelle Kline

4.B. Minutes of April 1, 2024, Community Development Agency meeting.

COMMUNITY DEVELOPMENT AGENCY
April 1, 2024

A meeting of the mayor and city council, as the Community Development Agency, of the City of Columbus, Nebraska, was convened in open and public session on April 1, 2024, at 6:23 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on March 28, 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 AND ROLL CALL:** Mayor Bulkley announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor James Bulkley and Council Members Cynthia Alarcón, Charlie Bahr, Troy Hiemer, Rich Jablonski, Kat Lopez, and Prent Roth. Council Members Hope Freshour and Ron Schilling were absent and excused. City staff members included City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, Police Chief Charles Sherer, Public Works Director Chuck Sliva, and Communications Manager Matt Lindberg.
2. **Resolution No. R24-38 approving redevelopment project submitted by Cherry Creek Plaza LLC in conjunction with the 23rd Street Corridor Area Redevelopment Plan, awarding a revocable grant in the amount of \$15,000 for the project, and entering into a contract for the same.** Resolution No. R24-38 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN ADMINISTRATIVE PLAN AMENDMENT AND REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY CHERRY CREEK PLAZA, LLC, IN ACCORDANCE WITH THE "AMENDMENT TO REDEVELOPMENT PLAN FOR THE 23RD STREET CORRIDOR REDEVELOPMENT AREA" was adopted with a motion by Bahr and a second by Alarcón. Alarcón, Bahr, Hiemer, Jablonski, Lopez, and Roth voted "Aye" and none voted "Nay". Freshour and Schilling were absent.
3. **Resolution No. R24-39 approving redevelopment project submitted by tenant, Rensenhouse Industrial Solutions, with approval of property manager, Matcon LLC, in conjunction with the 23rd Street Corridor Area Redevelopment Plan, awarding a revocable grant in the amount of \$3,672 for the project, and entering into a contract for the same.** Resolution No. R24-39 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS GOVERNING BODY OF THE

COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN ADMINISTRATIVE PLAN AMENDMENT AND REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY MATCON LLC, IN ACCORDANCE WITH THE "AMENDMENT TO REDEVELOPMENT PLAN FOR THE 23RD STREET CORRIDOR REDEVELOPMENT AREA" was adopted with a motion by Lopez and a second by Alarcón. Alarcón, Bahr, Hiemer, Jablonski, Lopez, and Roth voted "Aye" and none voted "Nay". Freshour and Schilling were absent.

4. Adjournment: The meeting adjourned at 6:25 p.m.

Presented and approved this 15 day of April 2024.

OFFICE OF THE CITY CLERK

:Janelle Kline

4.C. Minutes of April 3, 2024, Civil Service Commission meeting certifying firefighter candidates Cruz Borer, Samuel Hilger, and Noah Lindberg.

CIVIL SERVICE COMMISSION MINUTES

April 3, 2024

A meeting of the Columbus Civil Service Commission was convened in open and public session on Wednesday, April 3, 2024 at 4:30 p.m. in the Conference Room at the Fire Station.

Notice of this meeting was given in advance thereof by public posting in City Hall, Platte County Courthouse, and Columbus Public Library on March 7, 2024. Availability of the agenda was communicated in the advance notice and in the notice to the Columbus Civil Service Commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT AND ROLL CALL:

The following statement: "In compliance with the Open Meetings Act, Legislative Bill 898, Second Session Ninety-Ninth Legislature of Nebraska, a current copy of the Act is available in this meeting room".

Present were members, Logan Bronson, Jessica Caban, Chris Steinke and Troy Loeffelholz. Member Russ Strehle was absent. The minutes from the March 4, 2024 meeting were approved with a motion by Steinke and a second by Loeffelholz with all members voting "Aye".

The purpose of the meeting was to interview four applicants for the position of Firefighter and agree upon names in no particular order who would be certified to the appointing authority as qualified for the position of Firefighter for one year.

Following discussion, a motion was made by Loeffelholz and seconded by Caban to certify to the Mayor and City Council, the applicants Noah Lindberg, Samuel Hilger and Cruz Borer. The motion passed unanimously.

There being no further items of business for the agenda, the meeting was adjourned.

Respectfully submitted,

Tammy Orender
Civil Service Commission Secretary

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.

City of Columbus

Application for License Solid Waste Hauling

FILED

APR 05 2024

CITY CLERK
COLUMBUS, NEBR

Honorable Mayor and City Council:

The undersigned hereby applies for a license to remove solid waste from within the corporate city limits of the City of Columbus, Nebraska, as provided for by Chapter 50, Title V of Columbus City Code, accompanied with a City Clerk's receipt for \$150.00 license fee and a bond for \$84,000.00 as required by Section 50.20.

Above said license expires on the 30th day of April each year and must be renewed annually.

Name of Applicant: ACE SANITATION SERVICE, INC.

Business Address of Applicant: 1616 E 23 ST Suite 100

Mailing address: 3264 E 15 Ave Columbus NE
68601

Business Phone: 402-564-4397

Contact Person: Mary Peterson

Contact Phone: same

Email Address: dmp@ace-sanitation.com

The applicant, by his/her signature below, hereby agrees to abide by all DOT, Local, State and Federal regulations pertaining to the collection, transport and disposal of solid waste collected from within the corporate city limits of the City of Columbus.

Signed: Mary Peterson 4-3-24
Authorized Representative of Business Date

City of Columbus

**Application for License
Solid Waste Hauling**

FILED

MAR 22 2024

CITY CLERK
COLUMBUS, NEBR

Honorable Mayor and City Council:

The undersigned hereby applies for a license to remove solid waste from within the corporate city limits of the City of Columbus, Nebraska, as provided for by Chapter 50, Title V of Columbus City Code, accompanied with a City Clerk's receipt for \$150.00 license fee and a bond for \$5,000.00 as required by Section 50.20.

Above said license expires on the 30th day of April each year and must be renewed annually.

Name of Applicant: BEEMER LUMBER, LLC DBA DISCOUNT DUMPSTER

Business Address of Applicant: 1302 W 7th St, Wayne NE
68787

Business Phone: 402-369-3227

Contact Person: Kelly Haacke

Contact Phone: 402-369-3227

Email Address: haackekelly@gmail.com

The applicant, by his/her signature below, hereby agrees to abide by all DOT, Local, State and Federal regulations pertaining to the collection, transport and disposal of solid waste collected from within the corporate city limits of the City of Columbus.

Signed: K. Haacke 3-18-24
Authorized Representative of Business Date

City of Columbus

**Application for License
Solid Waste Hauling**

FILED

APR 10 2021

CITY CLERK
COLUMBUS, NEBR

Honorable Mayor and City Council:

The undersigned hereby applies for a license to remove solid waste from within the corporate city limits of the City of Columbus, Nebraska, as provided for by Chapter 50, Title V of Columbus City Code, accompanied with a City Clerk's receipt for \$150.00 license fee and a bond for \$12,000.00 as required by Section 50.20.

Above said license expires on the 30th day of April each year and must be renewed annually.

Name of Applicant: HILLTOP ROLLOFF LLC DBA CALLAWAY ROLLOFF

Business Address of Applicant: 275 O ST.

David City Ne 68632


Business Phone: 402-367-3867 or 402-741-2218

Contact Person: Dan Fowlkes

Contact Phone: 402-741-2218

Email Address: dsfowlkes@hotmail.com

The applicant, by his/her signature below, hereby agrees to abide by all DOT, Local, State and Federal regulations pertaining to the collection, transport and disposal of solid waste collected from within the corporate city limits of the City of Columbus.

Signed:  4-10-21
Authorized Representative of Business Date

City of Columbus

**Application for License
Solid Waste Hauling**

FILED

MAR 18 2024

CITY CLERK
COLUMBUS, NEBR

Honorable Mayor and City Council:

The undersigned hereby applies for a license to remove solid waste from within the corporate city limits of the City of Columbus, Nebraska, as provided for by Chapter 50, Title V of Columbus City Code, accompanied with a City Clerk's receipt for \$150.00 license fee and a bond for \$5,000.00 as required by Section 50.20.

Above said license expires on the 30th day of April each year and must be renewed annually.

Name of Applicant: S2 ROLL-OFFS REFUSE & RECYCLING

Business Address of Applicant: 439 N, Main, Fremont, NE 68025

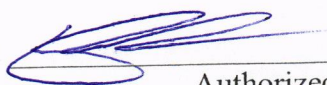
Business Phone: 402-727-6806

Contact Person: David Poe

Contact Phone: 402-727-6806

Email Address: safety@s2rolloffs.com

The applicant, by his/her signature below, hereby agrees to abide by all DOT, Local, State and Federal regulations pertaining to the collection, transport and disposal of solid waste collected from within the corporate city limits of the City of Columbus.

Signed:  _____ Date 3-14-24
Authorized Representative of the Firm

City of Columbus

**Application for License
Solid Waste Hauling**

FILED

APR 05 2024

CITY CLERK
COLUMBUS, NEBR

Honorable Mayor and City Council:

The undersigned hereby applies for a license to remove solid waste from within the corporate city limits of the City of Columbus, Nebraska, as provided for by Chapter 50, Title V of Columbus City Code, accompanied with a City Clerk's receipt for \$150.00 license fee and a bond for \$317,000.00 as required by Section 50.20.

Above said license expires on the 30th day of April each year and must be renewed annually.

Name of Applicant: U & I SANITATION, LLC

Business Address of Applicant: 2255 48ave/PO Box 1340
Columbus, Ne 68601


Business Phone: 402 563 2220

Contact Person: Joan Cech 402-285-0161

Contact Phone: Tim Cech 402-910-6761

Email Address: Ui Sanitation36@gmail.com

The applicant, by his/her signature below, hereby agrees to abide by all DOT, Local, State and Federal regulations pertaining to the collection, transport and disposal of solid waste collected from within the corporate city limits of the City of Columbus.

Signed:  Authorized Representative of Business 4/5/24 Date

City of Columbus

**Application for License
Solid Waste Hauling**

FILED

MAR 13 2024

**CITY CLERK
COLUMBUS, NEBR**

Honorable Mayor and City Council:

The undersigned hereby applies for a license to remove solid waste from within the corporate city limits of the City of Columbus, Nebraska, as provided for by Chapter 50, Title V of Columbus City Code, accompanied with a City Clerk's receipt for \$150.00 license fee and a bond for \$29,000 as required by Section 50.20.

Above said license expires on the 30th day of April each year and must be renewed annually.

Name of Applicant: WASTE CONNECTIONS OF NEBRASKA, INC.

Business Address of Applicant: 1200 Hamilton St.
Fremont, NE 68025

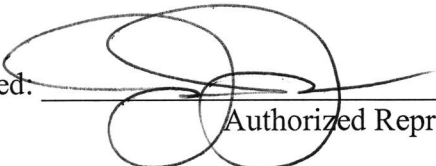
Business Phone: 402-721-7511

Contact Person: Jamie Johnson

Contact Phone: 402-721-7511

Email Address: jamiej@wasteconnections.com

The applicant, by his/her signature below, hereby agrees to abide by all DOT, Local, State and Federal regulations pertaining to the collection, transport and disposal of solid waste collected from within the corporate city limits of the City of Columbus.

Signed:  _____
Authorized Representative of Business

3/5/24 _____
Date

4.E. Resolution No. R24-40 approving permanent utility easement agreement with Loup River Public Power District (US Highway 81 substation).

Draft

RESOLUTION NO. R24-40

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.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that a permanent utility easement agreement with Loup River Public Power District, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved and the mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

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

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

The City of **Columbus**

MEMORANDUM

DATE: April 7, 2024
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Loup River Public Power District Permanent Utility Easement Agreement – US Hwy 81 West Substation

RECOMMENDATION:

I recommend approval of the permanent utility easement agreement on the property owned by Loup River Public Power District on the US Hwy 81 West Substation, 6426 Howard Boulevard/US Hwy 81 (PID 710022813).

DISCUSSION:

The permanent utility easement is for fire hydrant placement as part of the Lost Creek Parkway Water Improvements. The easement will allow the fire hydrants to be out of the Nebraska Department of Transportation right-of-way.

FISCAL IMPACT:

Permanent easement donated.

ALTERNATIVE:

None.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made and entered into on _____, 2024 by and between Loup River Public Power District, (Grantor) and the City of Columbus, a Municipal Corporation in the State of Nebraska (City/Grantee).

Grantor hereby grants and conveys to Grantee, its successors, assigns, employees, agents, contractors, invitees and licensees a permanent utility easement over and upon the following-described real estate, to-wit:

**Permanent Utility Easement
Tract No. 1**

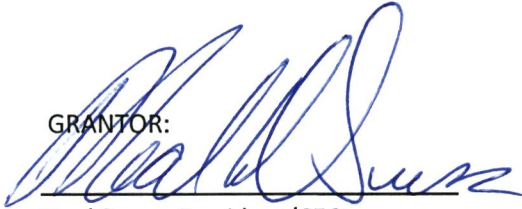
A 5.00 foot wide Permanent Utility Easement for the construction and maintenance of a water main and all of its appurtenances, located in Part of the SE1/4 SE1/4 of Section 10, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska more particularly described as follows:

Commencing at the Northwest Corner of the SE1/4 SE1/4 of Section 10, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska and assuming the north line of said SE1/4 SE1/4, to have a bearing of S 88°36'16" W, thence S 2°03'37" E and on the West line said SE1/4 SE1/4, 209.01 feet to the Point of Beginning: thence S 2°03'37" E and on said West line, 6.49 feet to a point on the northeasterly right of way line U.S. Hwy #81; thence S 52°28'30" E and on said northeasterly right of way line, 1067.02 feet; thence N 2°13'41" W, 6.50 feet; thence N 52°28'30" W and parallel to the northeasterly right of way line U.S. Hwy #81, 1066.82 feet to the Point of Beginning, containing 5334.2 square feet more or less.

The Easement is further described and defined on the attached map included as **EXHIBIT A**.

The purpose of the utility easement is to provide the Grantee, its successors, assigns, employees, agents, contractors, invitees, and licensees, with access to the aforementioned described real estate for the purpose of construction, inspection, maintenance, operation, or repair of water main facilities and related improvements, and removal of vegetation and hazards, over, across, in, and through the easement, all at the will of the Grantee. Grantee, its successors, assigns, employees, agents, contractors, invitees, and licensees, is further hereby granted the right of ingress and egress to and from said premises to carry out the rights prescribed in this utility easement. The Grantor has executed this Permanent Utility Easement on the day and year first above written.

The easement granted herein shall run with the land and be binding upon the Grantor, its heirs, successors, personal representatives, and assigns, and endure to the benefit of Grantee, its successors and assigns.



GRANTOR:

Neal Sues, President/CEO
Loup River Public Power District

STATE OF NEBRASKA)
)
COUNTY OF PLATTE)

Acknowledged before me on APRIL 4, 2024, by NEAL SUES.

Angell M. Robak
Notary Public



GRANTEE:

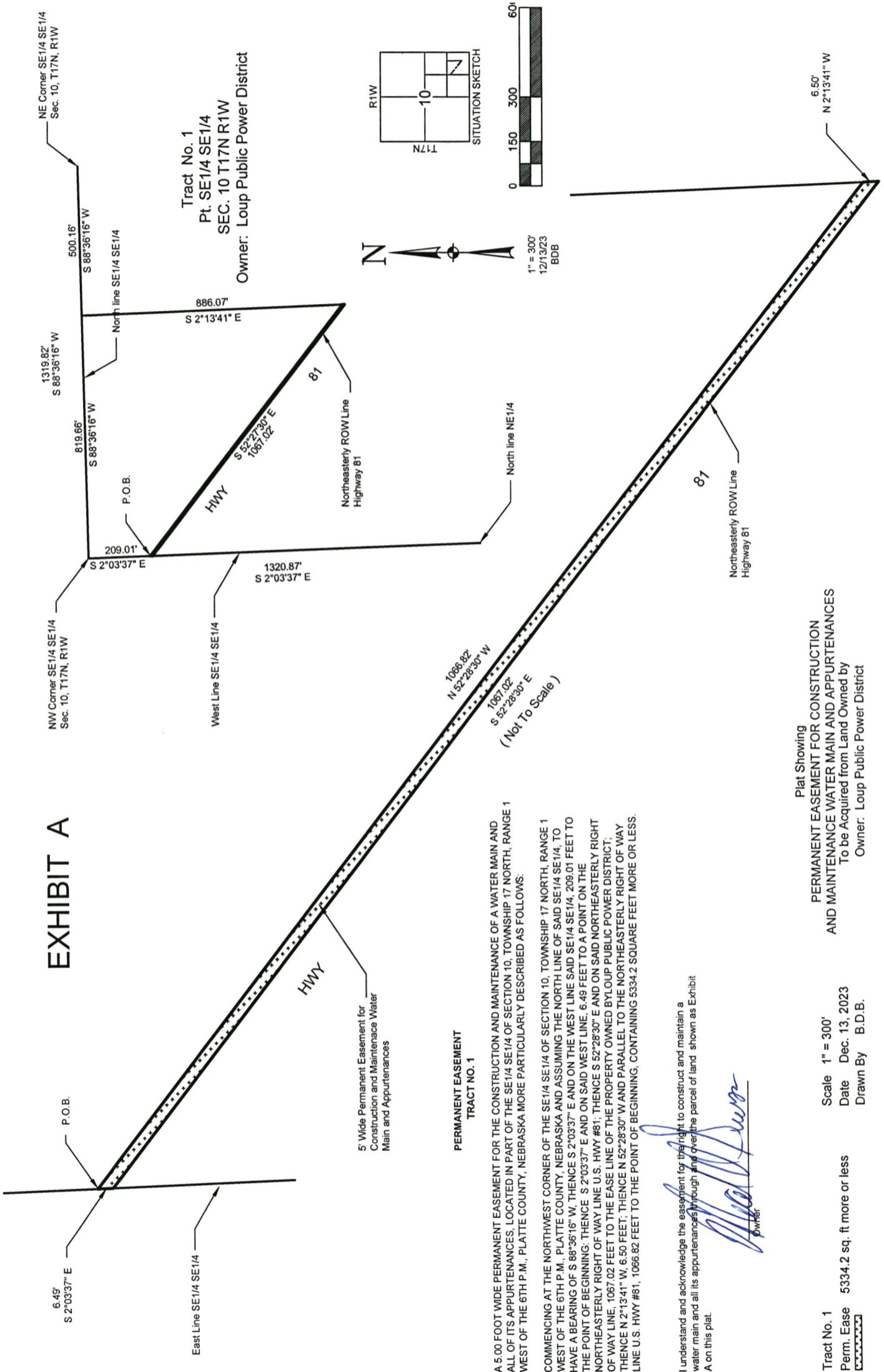
James B. Bulkley, Mayor
City of Columbus, Nebraska

STATE OF NEBRASKA)
)
COUNTY OF PLATTE)

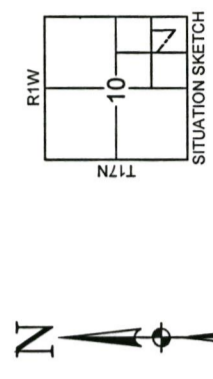
Acknowledged before me on _____, _____, 20____, by _____.

Notary Public

EXHIBIT A



Tract No. 1
 Pt. SE1/4 SE1/4
 SEC. 10 T17N R1W
 Owner: Loup Public Power District



PERMANENT EASEMENT TRACT NO. 1

A 5.00 FOOT WIDE PERMANENT EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A WATER MAIN AND ALL OF ITS APPURTENANCES, LOCATED IN PART OF THE SE1/4 SE1/4 OF SECTION 10, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SE1/4 SE1/4 OF SECTION 10, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA AND ASSUMING THE NORTH LINE OF SAID SE1/4 SE1/4, TO HAVE A BEARING OF S 88°36'16" W, THENCE S 2°03'37" E AND ON THE WEST LINE SAID SE1/4 SE1/4, 209.01 FEET TO THE POINT OF BEGINNING; THENCE S 2°03'37" E AND ON SAID WEST LINE, 6.49 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE U.S. HWY #81; THENCE S 52°28'30" E AND ON SAID NORTHEASTERLY RIGHT OF WAY LINE, 1067.02 FEET TO THE EASE LINE OF THE PROPERTY OWNED BY LOUP PUBLIC POWER DISTRICT; THENCE N 2°13'41" W, 6.50 FEET; THENCE N 52°28'30" W AND PARALLEL TO THE NORTHEASTERLY RIGHT OF WAY LINE U.S. HWY #81, 1066.82 FEET TO THE POINT OF BEGINNING, CONTAINING 5334.2 SQUARE FEET MORE OR LESS.

I understand and acknowledge the easement for the right to construct and maintain a water main and all its appurtenances through and over the parcel of land shown as Exhibit A on this plat.

[Signature]
 Owner

Tract No. 1
 Perm. Ease 5334.2 sq. ft more or less
 Scale 1" = 300'
 Date Dec. 13, 2023
 Drawn By B.D.B.

Plat Showing
 PERMANENT EASEMENT FOR CONSTRUCTION
 AND MAINTENANCE WATER MAIN AND APPURTENANCES
 To be Acquired from Land Owned by
 Owner: Loup Public Power District

4.F. Reappointment of Steve Anderson to Board of Adjustment for three-year term.



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

MEMORANDUM

DATE: April 8, 2024
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Reappointments

With your permission, I wish to submit the following name to you for reappointment at the April 15, 2024, City Council meeting. Per Council Rules, the two-week waiting period is automatically waived for someone who is reappointed to the same or similar position.

BOARD OF ADJUSTMENT

Three-Year Term as liaison to the Planning Commission
Steve Anderson


James B. Bulkley, Mayor

4.G. Finance department report.

CASH SUMMARY BY FUND FOR CITY OF COLUMBUS
 FROM 10/01/2023 TO 03/31/2024
 FUND: ALL FUNDS
 CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 10/01/2023	Total Debits	Total Credits	Ending Balance 03/31/2024
100	GENERAL FUND	7,728,514.35	9,552,617.81	11,757,779.14	5,523,353.02
160	PLATE CO LIBRARY SERVICE	95,067.68	1,952.28	186.84	96,833.12
175	ARP ACT FUNDS	847,529.63	20,567.30	1,669.59	866,427.34
189	PERPETUAL CARE	82,197.67	1,687.97	161.54	83,724.10
200	STREETS/ENGINEERING	730,820.71	3,012,287.19	4,368,110.73	(625,002.83)
205	AIRPORT	996,928.71	404,326.13	261,873.39	1,139,381.45
206	DOWNTOWN BID	0.00	85,600.14	2,895.50	82,704.64
210	SALES TAX	5,536,946.72	3,392,171.77	1,908,349.02	7,020,769.47
211	1/2 CENT SALES TAX	89,022.85	3,549,574.82	2,244,679.56	1,393,918.11
220	COMMUNICATIONS - E911	158,536.41	1,740,913.50	1,203,435.30	696,014.61
221	COMMUNICATIONS - WIRELESS E911	215,511.30	53,476.27	44,275.00	224,712.57
225	COMMUNICATIONS-EC-911 EQUIPMENT	(294,733.12)	0.00	11,824.02	(306,557.14)
240	HOUSING REHAB & LOANS	95,686.13	29,946.11	3,099.23	122,533.01
260	PROGRESS AND JOBS GROWTH	1,479,780.51	375,156.49	3,104.41	1,851,832.59
270	KENO	724,450.53	388,454.14	215,533.77	897,370.90
400	DEBT SERVICE FUND	(435,561.78)	40,070.85	703,928.25	(1,099,419.18)
480	COMMUNITY REDEVL AUTH	586,724.70	213,762.22	432,473.49	368,013.43
500	UTILITY SERVICE	17,160,788.69	6,826,826.49	6,407,320.84	17,580,294.34
520	WATER	13,649,169.20	2,837,622.06	3,327,841.92	13,158,949.34
530	LOUP DISTRIBUTION	1,895,368.89	2,215,848.50	2,327,460.49	1,783,756.90
560	STORMWATER UTILITY	1,165,306.77	241,520.46	82,074.88	1,324,752.35
570	SOLID WASTE DIVISION	3,361,338.91	1,296,882.91	916,723.66	3,741,498.16
600	HEALTH INSURANCE	2,602,497.84	634,329.76	566,790.79	2,670,036.81
710	FIRE PENSION	79,163.05	1,599.90	3,807.48	76,955.47
730	LICENSES TO SCHOOLS	2,515.00	11,570.00	1,915.00	12,170.00
740	LIBRARY FOUNDATION	761,071.19	0.00	0.00	761,071.19
745	LIBRARY ENDOWMENT	1,151,125.13	0.00	0.00	1,151,125.13
750	GERRARD PARK TRUST	135,927.90	7,903.06	0.00	143,830.96
999	PAYROLL CLEARING	2,755.12	5,119,194.86	5,233,730.19	(111,780.21)
	TOTAL - ALL FUNDS	60,604,450.69	42,055,862.99	42,031,044.03	60,629,269.65

4.H. Payroll and bills on file.

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
02359	911 CUSTOM LLC				
04/16/2024	INVOICE	55802	SURVIVAL ARMOR - SYLVESTER QM	288.00	
04/16/2024	INVOICE	55800	BLACKINGTON FLEX BADGE - BLUNK QM	40.00	
04/16/2024	INVOICE	55799	BLACKINGTON FLEX BADGE - LEVANDER QM	40.00	
			Total:	368.00	
			Net of 3 Invoices / 0 Checks	368.00	
02057	A TO Z MESSAGING				
04/16/2024	INVOICE	18122	ANSWERING SERVICE	130.00	
			Total:	130.00	
			Net of 1 Invoices / 0 Checks	130.00	
00116	ACE HARDWARE & GARDEN CNT				
04/16/2024	INVOICE	202462/5	TRACTOR	3.59	
04/16/2024	INVOICE	202459/5	SNAP BOLT ROUNDEYE	23.94	
04/16/2024	INVOICE	202513/5	TORCH HEAD	23.99	
04/16/2024	INVOICE	202499/5	KEY SCHLAGE	10.77	
04/16/2024	INVOICE	202490/5	PEX PLUG, BALL VALVE	100.55	
04/16/2024	INVOICE	202486/5	GREASE, STEM FOR MOEN, LAUNDRY FAUCET	43.96	
04/16/2024	INVOICE	202484/5	SPRAY PAINT	11.98	
04/16/2024	INVOICE	202566/5	1LB PP INTERIOR 8X1	8.49	
04/16/2024	INVOICE	202562/5	PIPE INSULATION, SILICONE	22.57	
04/16/2024	INVOICE	202602/5	PROPANE	105.38	
04/16/2024	INVOICE	202591/5	BATTERIES	5.59	
04/16/2024	INVOICE	202590/5	BALL VALVE	25.99	
04/16/2024	INVOICE	202369/5	DE-ICER	9.18	
04/16/2024	INVOICE	202451/5	SPARKPLUG, QUANTUM AIR FILTER	15.98	
04/16/2024	INVOICE	202443/5	MINI TUBE CUTTER, COUPLER	24.98	
04/16/2024	INVOICE	202428/5	BYPASS PRUNER	18.99	
04/16/2024	INVOICE	202423/5	SHOT SPOT STAIN REMOVER	6.59	
04/16/2024	INVOICE	202411/5	UTILITY KNIFE, SNIPS	27.98	
04/16/2024	INVOICE	202300/5	NUTS, BOLTS, SCREWS	18.59	
04/16/2024	INVOICE	202293/5	GREAT STUFF BIG GAP	23.98	
04/16/2024	INVOICE	202279/5	SNAP BOLT	7.59	
04/16/2024	INVOICE	202277/5	MILKHOUSE HEATER	31.99	
04/16/2024	INVOICE	202336/5	PULL UTILITY, CORNER BRACE, MINI U STYLE	14.96	
			Total:	587.61	
			Net of 23 Invoices / 0 Checks	587.61	
00180	ADVANCE AUTO PARTS				
04/16/2024	INVOICE	5606408663578	LUBE, FUEL FILTER KIT	144.17	
04/16/2024	INVOICE	5606408763595	AIR FILTER	110.94	
04/16/2024	INVOICE	5606408763606	FUEL FILTER KIT, LUBE	111.28	
04/16/2024	INVOICE	5606408763596	LUBE	32.89	
04/16/2024	INVOICE	5606410164038	RETURN - VALVE COVER GASKET	(368.99)	
04/16/2024	INVOICE	5606408063411	VALVE COVER GASKET	368.99	
04/16/2024	INVOICE	5606405762694	MINI BULB	1.32	
04/16/2024	INVOICE	5606409263738	SWAY BAR BUSHING	9.24	
04/16/2024	INVOICE	5606409263736	CREDIT - PRESSURE HOSE	(17.84)	
04/16/2024	INVOICE	5606409263747	OIL FILTER	5.24	
04/16/2024	INVOICE	5606409363790	75W140 GO FULL SYN	66.20	
04/16/2024	INVOICE	5606409363793	BATTERY CLEANER	9.36	
04/16/2024	INVOICE	5606408763597	PRESSURE HOSE	17.84	
04/16/2024	INVOICE	5606408663568	LUBE/HYDRAULIC	19.58	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	5606407753588	LUBE SPIN-ON	13.12	
04/16/2024	INVOICE	5606409453756	AIR FILTERS, LUBE, DRILL BIT, FUEL FILTER	70.33	
04/16/2024	INVOICE	5606409931861	CREDIT	(15.39)	
Total:				578.28	
Net of 17 Invoices / 0 Checks				578.28	
00133	AMERICAN LEGAL PUBLISHING CORP				
04/16/2024	INVOICE	32844	ORDS: 24-01, 24-02 LINKED IN CODE	20.00	
Total:				20.00	
Net of 1 Invoices / 0 Checks				20.00	
00587	AQUA-PURE INC				
04/16/2024	INVOICE	COLNE2404	MONTHLY SERVICE CONTRACT - NORTH & SOUTH WE:	7,944.75	
Total:				7,944.75	
Net of 1 Invoices / 0 Checks				7,944.75	
10561	ARNOLD MOTOR SUPPLY				
04/16/2024	INVOICE	78NV101670	TAPER BEARING SET	37.62	
04/16/2024	INVOICE	78NV101229	ENGINE OIL FILTER, PM 5W20 SYN BLEND	31.07	
04/16/2024	INVOICE	78NV101214	F/W SEPARATOR FILTER, OIL FILTER	41.26	
04/16/2024	INVOICE	78NV101684	2 - ENGINE OIL FILTER, AIR FILTER	54.22	
04/16/2024	INVOICE	78NV101965	FREBALL	252.00	
04/16/2024	INVOICE	78NV103010	PARTS	37.25	
Total:				453.42	
Net of 6 Invoices / 0 Checks				453.42	
00461	BEHLEN TOWING LLC				
04/16/2024	INVOICE	33257	TOWING	150.00	
04/16/2024	INVOICE	32387	TOWING	150.00	
04/16/2024	INVOICE	33260	TOWING	150.00	
04/16/2024	INVOICE	33355	TOWING	150.00	
04/16/2024	INVOICE	33358	TOWING	150.00	
04/16/2024	INVOICE	33304	TOWING	150.00	
04/16/2024	INVOICE	33367	TOWING	150.00	
04/16/2024	INVOICE	33366	TOWING	150.00	
04/16/2024	INVOICE	33305	TOWING	150.00	
04/16/2024	INVOICE	33375	TOWING	150.00	
04/16/2024	INVOICE	33376	TOWING	150.00	
04/16/2024	INVOICE	32444	TOWING	600.00	
Total:				2,250.00	
Net of 12 Invoices / 0 Checks				2,250.00	
03256	BLACK HILLS ENERGY				
04/16/2024	INVOICE	6007 1329 48 APR	2NATURAL GAS	2,006.92	
04/16/2024	INVOICE	8429 6210 02 APR	2NATURAL GAS	636.21	
04/16/2024	INVOICE	0815 1921 72 APR	2NATURAL GAS	507.62	
04/16/2024	INVOICE	0778 7198 98 APR	2NATURAL GAS	387.74	
04/16/2024	INVOICE	6310 3990 85 APR	2NATURAL GAS	334.22	
04/16/2024	INVOICE	4447 5106 07 APR	2NATURAL GAS	191.25	
04/16/2024	INVOICE	1450 5796 12 APR	2NATURAL GAS	168.84	
04/16/2024	INVOICE	5431 5180 01 APR	2NATURAL GAS	124.40	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	7226 0844 98 APR	2NATURAL GAS	128.77	
04/16/2024	INVOICE	5915 3548 20 APR	2NATURAL GAS	91.80	
04/16/2024	INVOICE	5048 9157 09 APR	2NATURAL GAS	86.51	
04/16/2024	INVOICE	7504 0422 35 APR	2NATURAL GAS	82.33	
04/16/2024	INVOICE	6942 7542 63 APR	2NATURAL GAS	80.60	
04/16/2024	INVOICE	5317 1214 84 APR	2NATURAL GAS	69.58	
04/16/2024	INVOICE	4086 6115 74 APR	2NATURAL GAS	69.03	
04/16/2024	INVOICE	2278 6168 20 APR	2NATURAL GAS	65.50	
04/16/2024	INVOICE	3343 6679 78 APR	2NATURAL GAS	60.77	
04/16/2024	INVOICE	4665 9615 35 APR	2NATURAL GAS	57.24	
04/16/2024	INVOICE	5389 9420 88 APR	2NATURAL GAS	52.55	
04/16/2024	INVOICE	9767 8260 47 APR	2NATURAL GAS	51.35	
04/16/2024	INVOICE	1164 9983 32 APR	2NATURAL GAS	43.12	
Total:				5,296.35	
Net of 21 Invoices / 0 Checks				5,296.35	
01835	BOGUS RICHARD				
04/16/2024	INVOICE	3292024	MIELAGE - NDOT HQ LOUP RIVER BRIDGE MEETING	108.54	
04/16/2024	INVOICE	3292024	MILEAGE - NDOT HWY 81 MEETING SHELBY	28.14	
04/16/2024	INVOICE	1312024	MILEAGE MEALS - NCPA CONFERENCE LINCOLN	135.86	
Total:				272.54	
Net of 3 Invoices / 0 Checks				272.54	
00240	BOUND TREE MEDICAL LLC				
04/16/2024	INVOICE	85303208	ARS NEEDLE DECOMPRESSION KIT	532.25	
04/16/2024	INVOICE	85292848	NASOPHARYNGEAL AIRWAY, DEFIB PADS, MULTI FUI	1,129.20	
Total:				1,661.45	
Net of 2 Invoices / 0 Checks				1,661.45	
11105	BURNS & MCDONNELL ENGINEERING CO				
04/16/2024	INVOICE	163183-2	R23-129 TRAFFIC SIGNAL ANALYSIS 2023	39,938.40	
Total:				39,938.40	
Net of 1 Invoices / 0 Checks				39,938.40	
10547	BVH ARCHITECTURE				
04/16/2024	INVOICE	45973	LIBRARY, CHILDRENS MUSEUM & CITY HALL	402.92	
Total:				402.92	
Net of 1 Invoices / 0 Checks				402.92	
00091	CAROLINA SOFTWARE				
04/16/2024	INVOICE	90193	WASTEWORX SOFTWARE SUPPORT QUARTER ENDING 0	600.00	
Total:				600.00	
Net of 1 Invoices / 0 Checks				600.00	
10604	CASEY'S MAIL SERVICE LLC				
04/16/2024	INVOICE	3650	DAILY MAIL & WATER STATEMENTS	4,541.53	
Total:				4,541.53	
Net of 1 Invoices / 0 Checks				4,541.53	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00008 04/16/2024	CBS - REPORTING SERVICES INVOICE	1842	FILE #114938	9.70	
			Total:	9.70	
			Net of 1 Invoices / 0 Checks	9.70	
01148 04/16/2024	CENTURY LINK INVOICE	402D33-0443	E911 PHONE CHARGES	930.00	
			Total:	930.00	
			Net of 1 Invoices / 0 Checks	930.00	
10795 04/16/2024	CHESTERMAN COMPANY INVOICE	11344466	POP & MONSTER	80.26	
			Total:	80.26	
			Net of 1 Invoices / 0 Checks	80.26	
10642 04/16/2024	CHROME N' STEEL TRUCK & TRAILER LLC INVOICE	7978	VALSE ASSY	83.06	
04/16/2024	INVOICE	7979	SENSOR COOLANT TEMP, CAP OIL FILLER	174.94	
04/16/2024	INVOICE	7977	FILTER KIT, GASKET	206.86	
			Total:	464.86	
			Net of 3 Invoices / 0 Checks	464.86	
00567 04/16/2024	CITY OF COLUMBUS INVOICE	300-54059-00	APR 2WATER & SEWER	91.87	
04/16/2024	INVOICE	200-21960-05	APR 2WATER & SEWER	126.60	
04/16/2024	INVOICE	200-37998-00	APR 2WATER & SEWER	273.31	
04/16/2024	INVOICE	200-39575-00	APR 2WATER & SEWER	25.19	
04/16/2024	INVOICE	300-47514-00	APR 2WATER & SEWER	76.85	
04/16/2024	INVOICE	300-47518-00	APR 2WATER & SEWER	46.11	
04/16/2024	INVOICE	300-49615-00	APR 2WATER & SEWER	15.78	
04/16/2024	INVOICE	300-62105-00	APR 2WATER & SEWER	113.95	
04/16/2024	INVOICE	300-62155-00	APR 2WATER & SEWER	44.21	
04/16/2024	INVOICE	100-13650-01	APR 2WATER & SEWER	218.10	
04/16/2024	INVOICE	300-44986-00	APR 2WATER & SEWER	96.31	
04/16/2024	INVOICE	300-57938-00	APR 2WATER & SEWER	93.15	
04/16/2024	INVOICE	400-70005-01	APR 2WATER & SEWER	184.43	
04/16/2024	INVOICE	200-28755-00	APR 2WATER & SEWER	42.92	
04/16/2024	INVOICE	200-41055-00	APR 2WATER & SEWER	26.46	
04/16/2024	INVOICE	300-44995-00	APR 2WATER & SEWER	97.58	
04/16/2024	INVOICE	300-47517-00	APR 2WATER & SEWER	89.97	
04/16/2024	INVOICE	300-50035-00	APR 2WATER & SEWER	57.58	
04/16/2024	INVOICE	300-57935-00	APR 2WATER & SEWER	1,063.43	
04/16/2024	INVOICE	300-57936-00	APR 2WATER & SEWER	96.31	
04/16/2024	INVOICE	300-57937-00	APR 2WATER & SEWER	197.57	
04/16/2024	INVOICE	300-61005-00	APR 2WATER & SEWER	76.84	
04/16/2024	INVOICE	400-65101-00	APR 2WATER & SEWER	89.97	
04/16/2024	INVOICE	400-69475-00	APR 2WATER & SEWER	42.92	
04/16/2024	INVOICE	400-81020-00	APR 2WATER & SEWER	214.29	
04/16/2024	INVOICE	300-57934-00	APR 2WATER & SEWER	255.72	
04/16/2024	INVOICE	300-45762-00	APR 2WATER & SEWER	30.29	
04/16/2024	INVOICE	300-44985-02	APR 2WATER & SEWER	25.19	
04/16/2024	INVOICE	200-39615-01	APR 2WATER & SEWER	105.83	
04/16/2024	INVOICE	300-45761-00	APR 2WATER & SEWER	26.57	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	200-21982-00 APR 2	WATER & SEWER	621.59	
			Total:	4,566.89	
			Net of 31 Invoices / 0 Checks	4,566.89	
10398 04/16/2024	CLAY HILLS AG INVOICE	133806	TRIUMPH RTU	132.00	
			Total:	132.00	
			Net of 1 Invoices / 0 Checks	132.00	
00262 04/16/2024	CLUB PROPHET SYSTEMS INVOICE	INV2162799	MONTHLY TEE SHEET, ONLINE RESERVATION	500.00	
			Total:	500.00	
			Net of 1 Invoices / 0 Checks	500.00	
02542 04/16/2024	CNC REPAIR LLC INVOICE	9426	LOF, AIRFILTER VIN #8537	62.75	
04/16/2024	INVOICE	9430	LOF, AIR FILTER, PRESSURE SENSOR VIN #7738	984.08	
04/16/2024	INVOICE	9496	LOF VIN #7839	45.09	
04/16/2024	INVOICE	9526	REPLACE TIMING CHAINS, CAM PHASERS, TENSIONI	3,185.73	
04/16/2024	INVOICE	9552	LOF VIN #7979	45.09	
04/16/2024	INVOICE	9584	REPLACE CABIN AIR FILTER, THERMASTAT VIN #1:	220.66	
04/16/2024	INVOICE	9587	LOF, BATTERY, REPAIR WIRING VIN #5403	204.04	
04/16/2024	INVOICE	9588	LOF VIN #1645	44.15	
04/16/2024	INVOICE	9629	SPARK PLUGS, IGNITION COIL BOOTS VIN #1808	419.75	
			Total:	5,211.34	
			Net of 9 Invoices / 0 Checks	5,211.34	
10768 04/16/2024	COLUMBUS CREDIT SERVICES INVOICE	ACCTY150 MARCH 24	MARCH COLLECTIONS	261.36	
			Total:	261.36	
			Net of 1 Invoices / 0 Checks	261.36	
00036 04/16/2024	COLUMBUS CUSTOM EMBROIDERY INVOICE	E44717	CLOTHING - BOMBERGER	111.00	
			Total:	111.00	
			Net of 1 Invoices / 0 Checks	111.00	
03139 04/16/2024	COLUMBUS PLUMBING COMPANY INVOICE	0006026	UPPER & LOWER THERMOSTAT	42.90	
04/16/2024	INVOICE	0006024	3 - SLOAN A36 KITS, 3 - SLOAN V551 KITS	121.35	
			Total:	164.25	
			Net of 2 Invoices / 0 Checks	164.25	
03142 04/16/2024	COLUMBUS STEEL SUPPLY INVOICE	147948	REBAR	462.00	
			Total:	462.00	
			Net of 1 Invoices / 0 Checks	462.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
03143	COLUMBUS TIRE & SERVICE				
04/16/2024	INVOICE	1-29086	3 - TIRES	353.37	
04/16/2024	INVOICE	1-28950	4 - P245/55R18 EAGLE TIRES	683.16	
04/16/2024	INVOICE	1-29063	4 - TIRE REPAIRS	103.00	
			Total:	1,139.53	
			Net of 3 Invoices / 0 Checks	1,139.53	
01081	CONSOLIDATED MANAGEMENT CO				
04/16/2024	INVOICE	CMC-INV-2401236	MEALS - FULLER, MEISINGER, VENZOR	219.65	
04/16/2024	INVOICE	CMC-INV-2401158	MEALS - FULLER, MEISINGER	236.80	
			Total:	456.45	
			Net of 2 Invoices / 0 Checks	456.45	
00819	CORNHUSKER INT'L TRUCKS, INC				
04/16/2024	INVOICE	4197608	SENSOR	369.66	
04/16/2024	INVOICE	4197611	SEAL KIT, PLUG ASSY	486.74	
04/16/2024	INVOICE	4197629	PLUG ASSY	86.52	
04/16/2024	INVOICE	4197602	GASKET VALVE	618.82	
04/16/2024	INVOICE	CM4197602	RETURN - GASKET VAL	(600.01)	
			Total:	961.73	
			Net of 5 Invoices / 0 Checks	961.73	
03147	CORNHUSKER PUBLIC POWER DIST				
04/16/2024	INVOICE	415030009 APR 24	ELECTRICITY	155.65	
04/16/2024	INVOICE	415030008 APR 24	ELECTRICITY	179.49	
04/16/2024	INVOICE	415030007 APR 24	ELECTRICITY	254.70	
04/16/2024	INVOICE	415030006 APR 24	ELECTRICITY	183.95	
04/16/2024	INVOICE	415030005 APR 24	ELECTRICITY	39.57	
04/16/2024	INVOICE	415030001 APR 24	ELECTRICITY	96.14	
			Total:	909.50	
			Net of 6 Invoices / 0 Checks	909.50	
03149	CULLIGAN OF COLUMBUS				
04/16/2024	INVOICE	90231890	SALT PELLET DELIVERED	63.75	
04/16/2024	INVOICE	283162	EQUIPMENT - POU COOLER	43.00	
04/16/2024	INVOICE	283193	EQUIPMENT - REVERSE OSMOSIS	32.00	
04/16/2024	INVOICE	283200	EQUIPMENT - REVERSE OSMOSIS	65.50	
			Total:	204.25	
			Net of 4 Invoices / 0 Checks	204.25	
00270	DANKO EMERGENCY EQUIPMENT				
04/16/2024	INVOICE	134754	STEEL BASE PIN	63.62	
04/16/2024	INVOICE	134923	CAP BADGES	276.00	
			Total:	339.62	
			Net of 2 Invoices / 0 Checks	339.62	
10276	DELL MARKETING LP				
04/16/2024	INVOICE	10739509503	DELL MOBILE PRECISION WORKSTATION	2,203.81	
04/16/2024	INVOICE	10739864315	AURORA R16, ALIENWARE 27 GAMING MONITOR	7,658.86	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	9,862.67	
			Net of 2 Invoices / 0 Checks	9,862.67	
00374	DUNBAR DOUGLAS				
04/16/2024	INVOICE	4.01.2024	MONTHLY CONTRACT	7,234.86	
04/16/2024	INVOICE	4012024GOLF	MONTHLY COMMISSIONS	15,309.48	
			Total:	22,544.34	
			Net of 2 Invoices / 0 Checks	22,544.34	
03260	DXP ENTERPRISES, INC.				
04/16/2024	INVOICE	54330366	OIL SEAL	31.58	
			Total:	31.58	
			Net of 1 Invoices / 0 Checks	31.58	
03158	EAKES OFFICE SOLUTIONS				
04/16/2024	INVOICE	8909193-0	HANGING FOLDER, NOTES, PENS	117.34	
04/16/2024	INVOICE	INV540466	COPIER CONTRACT	54.58	
04/16/2024	INVOICE	8910047-0	CARTRIDGES, IJ, HP730	281.97	
04/16/2024	INVOICE	8910520-0	PAPER	235.50	
04/16/2024	INVOICE	8910077-0	PAPER	79.56	
04/16/2024	INVOICE	8909193-1	FILE POCKET	56.93	
04/16/2024	INVOICE	8916009-0	TONER CARTRIDGE, CLIP, STAPLER, MAGNETIC CL	183.21	
04/16/2024	INVOICE	8915801-0	TONER	347.80	
04/16/2024	INVOICE	8915367-0	PAPER	56.30	
04/16/2024	INVOICE	8914847-1	LITERATURE RACKS	37.16	
04/16/2024	INVOICE	8914847-0	LEAFLET HOLDER	26.70	
			Total:	1,477.05	
			Net of 11 Invoices / 0 Checks	1,477.05	
00033	EATON MARTY				
04/16/2024	INVOICE	4.02.2024	CDL RENEWAL	31.00	
			Total:	31.00	
			Net of 1 Invoices / 0 Checks	31.00	
03159	EBSCO INDUSTRIES INC				
04/16/2024	INVOICE	2303262	CREDIT	(23.57)	
04/16/2024	INVOICE	1000227723-1	NOVELIST SELECT	1,610.00	
			Total:	1,586.43	
			Net of 2 Invoices / 0 Checks	1,586.43	
02762	EDISON LIGHTING SUPPLY &				
04/16/2024	INVOICE	44587	2 - ELS 220W	819.30	
			Total:	819.30	
			Net of 1 Invoices / 0 Checks	819.30	
03161	ELECTRICAL ENGINEERING &				
04/16/2024	INVOICE	8516410-00	BULK CORD	565.52	
			Total:	565.52	
			Net of 1 Invoices / 0 Checks	565.52	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00285 04/16/2024	EVIDENT, INC INVOICE	239247A	SHIPPING	94.67	
			Total:	94.67	
			Net of 1 Invoices / 0 Checks	94.67	
10330 04/16/2024	FIALA, HEATH INVOICE	3.14.2024	NRWA CONFERENCE - MEALS	57.84	
			Total:	57.84	
			Net of 1 Invoices / 0 Checks	57.84	
00334 04/16/2024	FIFTH SEASON INC INVOICE	110899	EARLY SPRING LAWN APPLICATION	186.75	
			Total:	186.75	
			Net of 1 Invoices / 0 Checks	186.75	
00242 04/16/2024	FIRST NATIONAL BANK OMAHA INVOICE	W7XVU2LPJ2	FACEBOOK CAMPAIGNS	68.04	
04/16/2024	INVOICE	111-2737493-107465	AMAZON - PIRATE COINS, PREFILLED EASTER EGG:	58.97	
04/16/2024	INVOICE	111-3954898-176422	AMAZON - THROTTLE PEDAL DEPRESSOR	24.32	
04/16/2024	INVOICE	111-8983528-491223	AMAZON - 6OHM LOAD RESISTORS	8.99	
04/16/2024	INVOICE	758474990002	UPS STORE	61.60	
04/16/2024	INVOICE	112-8237662-222021	AMAZON - KLEENEX	51.51	
04/16/2024	INVOICE	112-6166469-567066	AMAZON - PURELL HAND SANITIZER	29.75	
04/16/2024	INVOICE	112-2135160-275146	AMAZON - THERMAL PRINTER	249.99	
04/16/2024	INVOICE	112-3764006-346184	AMAZON - REAR LEAF SPRINGS	65.00	
04/16/2024	INVOICE	112-5006508-292340	AMAZON - MONEY MARKER	8.88	
04/16/2024	INVOICE	112-8817365-156424	AMAZON - HDMI TO DISPLAY PORT VIDEO ADAPTER	38.86	
04/16/2024	INVOICE	112-3899675-747540	AMAZON - ADJUSTABLE FURNITURE LEVELERS	9.99	
04/16/2024	INVOICE	112-5624801-802105	AMAZON - WIRELESS MOUSE	27.99	
04/16/2024	INVOICE	112-1546367-016741	AMAZON - NETWORK MANAGEMENT CARD	213.00	
04/16/2024	INVOICE	112-7020425-435865	AMAZON - 6 MEMORY FOAM 12 INCH MATTRESS	1,307.94	
04/16/2024	INVOICE	112-5737709-622260	AMAZON - FOAM CUPS	52.55	
04/16/2024	INVOICE	INV249875139	ZOOM ONE PRO ANNUAL 3/26/2024 - 3/25/2025	159.90	
04/16/2024	INVOICE	112-9597236-609221	AMAZON REFUND - PRINthead	(115.90)	
04/16/2024	INVOICE	112-1687289-258664	AMAZON - TONER CARTRIDGES	2,391.06	
04/16/2024	INVOICE	112-4277220-593226	AMAZON - BATTERY BACKUP SURGE PROTECTOR	176.67	
04/16/2024	INVOICE	3.11.2024	NWEA - 2024 GREAT PLAINS CONFERENCE	160.00	
04/16/2024	INVOICE	0729181-IN	BLACKBURN MANUFACTURING	98.45	
04/16/2024	INVOICE	90799646	SIGNS ON THE CHEAP	417.19	
04/16/2024	INVOICE	4012024BHM	BHM WORLD HERALD SUBSCRIPTION	34.99	
04/16/2024	INVOICE	5865535	OFFICE SUPPLY.COM- DVD-R RECORDABLE DISC	57.16	
04/16/2024	INVOICE	5859169	OFFICE SUPPLY.COM - FLASH DRIVES	132.94	
04/16/2024	INVOICE	113-6853943-073862	AMAZON - SUPER GLUE, SEWING KIT, STAPLE REM	21.39	
04/16/2024	INVOICE	345795	GLOCK TRAINING CLASS	250.00	
04/16/2024	INVOICE	TRP/100196557	GLOCK TRAINING	400.00	
04/16/2024	INVOICE	TRP/100196562	GLOCK TRAINING	250.00	
04/16/2024	INVOICE	4.02.2024	TRAINING-ASHLAND NE - MEALS & LODGING	299.66	
04/16/2024	INVOICE	113-9386842-448663	AMAZON - TURBO ATTACHE, CAT FOOD, RECEIPT B	226.88	
04/16/2024	INVOICE	4022024	RED ROOF INN	650.43	
04/16/2024	INVOICE	56820	N-EAR SINGLE EAR PIECE - HEFT QM	167.97	
04/16/2024	INVOICE	111-8676571-610900	AMAZON - ENFORCER II TINT METER - HEFT QM	127.87	
04/16/2024	INVOICE	4.04.2024	AMAZON	17.11	
04/16/2024	INVOICE	29877015	POSITIVE PROMOTIONS-VOLUNTEER APPRECIATION (400.28	
04/16/2024	INVOICE	8319106	NIC NEBRASKA - SUBSCRIPTION FEE	100.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	3152024	NACOP - PREMIUM PACKAGE	60.00	
04/16/2024	INVOICE	12340	NATIONAL LAW ENFORCEMENT-LE MEMBERSHIP	50.00	
04/16/2024	INVOICE	3272024	NPCA SEMINAR VELASQUEZ	325.00	
04/16/2024	INVOICE	12430	NATIONAL LAW ENFORCEMENT - EVENT REGISTRATI	400.00	
04/16/2024	INVOICE	4032024	MEAL FIRE ARM INSTRUCTOR TRAINING GI -TEXAS	19.17	
04/16/2024	INVOICE	3228466021	ETSY - ACRYLIC BOOK VASE	51.12	
04/16/2024	INVOICE	D01-6756060-750745	AMAZON - DIY BAT REMOVAL HANDBOOK	3.20	
04/16/2024	INVOICE	111-2002637-217784	AMAZON - CANVASES FOR PAINTING	37.98	
04/16/2024	INVOICE	111-0004483-652821	AMAZON - PAINT BRUSHES	15.78	
04/16/2024	INVOICE	239856	BETTER CONTAINERS - 16X18 PATCH HANDLE STYL	213.11	
04/16/2024	INVOICE	111-8331820-392826	AMAZON - HP TONER CARTRIDGE	361.12	
04/16/2024	INVOICE	320387	BANK SUPPLIES - CLEAR ACRYLIC SIGN HOLDER	139.98	
04/16/2024	INVOICE	111-7363964-862186	AMAZON - INKJET BOND PAPER	46.99	
04/16/2024	INVOICE	840	UNITED STATES POSTAL SERVICE - 2 ROLLS OF S'	136.00	
04/16/2024	INVOICE	51136469795	NINTENDO OF AMERICA	100.00	
04/16/2024	INVOICE	246126	SUBWAY - SANDWICH PLATTERS	91.20	
04/16/2024	INVOICE	113-2226390-341381	AMAZON - BOOKS	53.67	
04/16/2024	INVOICE	114-1486251-341623	AMAZON - PLAY STATION WIRELESS CONTROLLER	69.00	
04/16/2024	INVOICE	111-4863380-368743	AMAZON - 2024-2024 PLANNERS, AVERY SHIPPING	55.78	
04/16/2024	INVOICE	D01-2354268-936660	AMAZON - PLAY STATION STORM GIFT CARD	250.00	
04/16/2024	INVOICE	3292024	CONSTANT CONTACT	87.78	
04/16/2024	INVOICE	111-0133122-722746	AMAZON - 200 BIRTHDAY CARDS ASSORTED	48.78	
04/16/2024	INVOICE	HD01430600029EUS	ADOBE CREATVICE CLOUD ALL APPS	34.99	
04/16/2024	INVOICE	492024	MEALS AT PLA CONFERENCE FOR MELODEE PEDERSEI	61.84	
04/16/2024	INVOICE	3012374958	GODADDY.COM - DOMAIN RENEWAL	114.30	
04/16/2024	INVOICE	113-3860814-932905	AMAZON - CARD GAME, SQUISHMALLOW PLUSH, POKI	149.90	
04/16/2024	INVOICE	114-3751146-020426	AMAZON - CONTROLLER FOR SWITCH, CONTROLLER I	95.16	
04/16/2024	INVOICE	3192024	NEBRASKA LIBRARY ASSOCIATION - 2024 NLA ADV	60.00	
04/16/2024	INVOICE	3192024	NEBRASKA LIBRARY ASSOCIATION - 2024 NLA ADV	60.00	
04/16/2024	INVOICE	113-6142493-852420	AMAZON - DVD'S, LABELS, HOOKS, ENVELOPES	310.89	
04/16/2024	INVOICE	113-9018069-009464	AMAZON - 5 PACK USB-A FAST CHARGING CABLE	23.49	
04/16/2024	INVOICE	3378	NE SECRETARY OF STATE - NOTARY APPLICATION :	30.00	
04/16/2024	INVOICE	1073978	APCO INTERNATIONAL - RECERTIFICATION JOHNISO	30.00	
04/16/2024	INVOICE	1613-9815	A & K CONSULTING - 2 DAY PEER SUPPORT TRAIN	300.00	
04/16/2024	INVOICE	1154657998	TRACTOR SUPPLY - 60 GALLON UTV SPRAYER BOOM	848.98	
04/16/2024	INVOICE	113-00018857	COLUMBUS TELEGRAM SUBSCRIPTION	14.99	
04/16/2024	INVOICE	680668	STARBUCKS - BREAKFAST CLERKS CONFERENCE	11.84	
04/16/2024	INVOICE	564068	MEALS - CLERKS CONFERENCE	17.84	
04/16/2024	INVOICE	703393473	FUEL TO TAKE NEW ENGINE TO DEALER IN IOWA	182.34	
				<hr/>	
				Total:	13,663.65
				Net of 77 Invoices / 0 Checks	13,663.65
03169	FISHER SCIENTIFIC				
04/16/2024	INVOICE	1233586	CYLINDER, BEAKER	375.14	
04/16/2024	INVOICE	1270344	BEAKER	117.98	
				<hr/>	
				Total:	493.12
				Net of 2 Invoices / 0 Checks	493.12
00169	FRONTIER				
04/16/2024	INVOICE	30818801750912722	PHONE/INTERNET/FAX LINES	2,519.57	
04/16/2024	INVOICE	30818802060523942	E911 PHONE CHARGES 3/30/24 TO 4/29/24	304.12	
				<hr/>	
				Total:	2,823.69
				Net of 2 Invoices / 0 Checks	2,823.69

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00459 04/16/2024	GALE INVOICE	83982913	MATERIALS	25.60	
			Total:	25.60	
			Net of 1 Invoices / 0 Checks	25.60	
03172 04/16/2024	GALLS LLC INVOICE	027399148	4 - FUR TROOPER CAPS	145.25	
04/16/2024	INVOICE	027423249	TWILL CLASS A SHIRTS	346.95	
04/16/2024	INVOICE	027277109	NEW GUYS - JOB SHIRTS	232.38	
			Total:	724.58	
			Net of 3 Invoices / 0 Checks	724.58	
01789 04/16/2024	GAVER TIRE & AUTO CENTER INC INVOICE	83577	4 TIRES UNIT #44	880.50	
			Total:	880.50	
			Net of 1 Invoices / 0 Checks	880.50	
03174 04/16/2024	GEHRING CONSTRUCTION & INVOICE	75632	30TH AVE & 17TH STREET	1,013.00	
04/16/2024	INVOICE	75617	N/S OF ROUND ABOUT	220.63	
04/16/2024	INVOICE	75787	FOAM EXPANSION, NOMAFLEX EXPANSION	68.10	
04/16/2024	INVOICE	24019	HOT POUR TAR SEALANT	1,881.00	
04/16/2024	INVOICE	75571	1/2"X5" FIBER EXPANSION	53.00	
04/16/2024	INVOICE	75544	38TH AVE & DISCOVERER	220.63	
			Total:	3,456.36	
			Net of 6 Invoices / 0 Checks	3,456.36	
00303 04/16/2024	GENE STEFFY FORD INVOICE	PCP-707640	GLASS ASY- REAR VIEW OUTER	81.76	
04/16/2024	INVOICE	PCP-707668	MOTOR ASY	66.15	
04/16/2024	INVOICE	217094	LUB, OIL & FILTER VIN #2559	217.64	
			Total:	365.55	
			Net of 3 Invoices / 0 Checks	365.55	
03178 04/16/2024	GERHOLD CONCRETE COMPANY INVOICE	447388	38TH AVE & DISCOVERER DR	343.44	
04/16/2024	INVOICE	447638	38TH AVE & DISCOVER DRIVE	389.52	
			Total:	732.96	
			Net of 2 Invoices / 0 Checks	732.96	
11143 04/16/2024	GERI EBEL INVOICE	3267	MAILBOX	51.66	
			Total:	51.66	
			Net of 1 Invoices / 0 Checks	51.66	
00056 04/16/2024	GODFATHER'S PIZZA INVOICE	6400	PIZZA	68.47	
			Total:	68.47	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	68.47	
10401 04/16/2024	GOLFNOW INVOICE	INV00089704	WEBSITE/EMAIL HOSTING	191.22	
			Total:	191.22	
			Net of 1 Invoices / 0 Checks	191.22	
02075 04/16/2024	GREAT PLAINS COMMUNICATIONS INVOICE	139461 4025648127	PHONE/INTERNET CHARGES 04/16-05/15	1,417.90	
			Total:	1,417.90	
			Net of 1 Invoices / 0 Checks	1,417.90	
02904 04/16/2024	GUNSLINGERS LLC INVOICE	23509	TACTICAL GUN BELT - UHL QM	60.00	
04/16/2024	INVOICE	23430	STREAMLIGHT TLR-1 HL LIGHT - MCCLLOUD QM	168.65	
			Total:	228.65	
			Net of 2 Invoices / 0 Checks	228.65	
03182 04/16/2024	HACH COMPANY INVOICE	13971100	PIPET SET	1,109.00	
			Total:	1,109.00	
			Net of 1 Invoices / 0 Checks	1,109.00	
03183 04/16/2024	HADLEY-BRAITHWAIT COMPANY INVOICE	231866	2 CASES CENTER PULL TOWELS, CASE JUMBO TOIL	148.85	
04/16/2024	INVOICE	231884	PAPER TOWELS, BATH TISSUE	140.85	
			Total:	289.70	
			Net of 2 Invoices / 0 Checks	289.70	
00272 04/16/2024	HAWKINS INC INVOICE	6723850	CHEMICALS	4,113.01	
			Total:	4,113.01	
			Net of 1 Invoices / 0 Checks	4,113.01	
03185 04/16/2024	HDR ENGINEERING INC INVOICE	1200607619	WATER SYSTEM HYDRAULIC MODEL & MASTER PLAN	11,245.00	
04/16/2024	INVOICE	1200607616	LOST CREEK PARKWAY SEWER PROJECT	4,224.93	
04/16/2024	INVOICE	1200607618	DESIGN & CONSTRUCTION PHASE LOST CREEK PKWY	1,797.52	
			Total:	17,267.45	
			Net of 3 Invoices / 0 Checks	17,267.45	
01424 04/16/2024	HEARTLAND NATURAL GAS LLC INVOICE	133833	NATURAL GAS	124.37	
04/16/2024	INVOICE	133834	NATURAL GAS	66.25	
04/16/2024	INVOICE	133836	NATURAL GAS	860.62	
04/16/2024	INVOICE	133828	NATURAL GAS	807.65	
04/16/2024	INVOICE	133839	NATURAL GAS	49.36	
04/16/2024	INVOICE	133830	NATURAL GAS	243.53	
04/16/2024	INVOICE	133831	NATURAL GAS	56.82	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	133835	NATURAL GAS	910.94	
04/16/2024	INVOICE	133840	NATURAL GAS	1,036.94	
04/16/2024	INVOICE	133841	NATURAL GAS	498.48	
04/16/2024	INVOICE	133832	NATURAL GAS	26.65	
04/16/2024	INVOICE	133829	NATURAL GAS	203.61	
			Total:	4,885.22	
			Net of 12 Invoices / 0 Checks	4,885.22	
10975	HEARTLAND OFFICE CLEANERS				
04/16/2024	INVOICE	22096	APRIL CLEANING SERVICE	500.00	
			Total:	500.00	
			Net of 1 Invoices / 0 Checks	500.00	
01724	HOBBY LOBBY				
04/16/2024	INVOICE	130149455	FLORAL	5.98	
04/16/2024	INVOICE	130314458	FABRIC, NEEDLE ART	33.44	
04/16/2024	INVOICE	130137692	EASTER, HOME DECOR, FLORAL	104.39	
			Total:	143.81	
			Net of 3 Invoices / 0 Checks	143.81	
00403	HOWERTER MD MARK S				
04/16/2024	INVOICE	MONTHLY	EMERGENCY MEDICAL DIRECTOR	655.00	
04/16/2024	INVOICE	MONTHLY	EMERGENCY MEDICAL DIRECTOR - JCC	460.00	
			Total:	1,115.00	
			Net of 2 Invoices / 0 Checks	1,115.00	
03192	HY-VEE INC				
04/16/2024	INVOICE	5889761341	DORITOS	5.99	
04/16/2024	INVOICE	5889951138	GUMMY BEARS, ICE CREAM CUPS, M&M, CHOC SYRU	51.76	
04/16/2024	INVOICE	5889629574	EGGS, DAWN, ALOE VERA GEL, DERMOPLAST, COMM	41.51	
04/16/2024	INVOICE	5890233327	GROCERIES	153.98	
			Total:	253.24	
			Net of 4 Invoices / 0 Checks	253.24	
03194	INGRAM LIBRARY SERVICES, INC				
04/16/2024	INVOICE	81057114	MATERIALS	74.51	
04/16/2024	INVOICE	81178256	MATERIALS	110.74	
04/16/2024	INVOICE	81091509	MATERIALS	781.52	
04/16/2024	INVOICE	81067472	MATERIALS	732.74	
			Total:	1,699.51	
			Net of 4 Invoices / 0 Checks	1,699.51	
00183	INTOXIMETERS INC				
04/16/2024	INVOICE	757509	REPAIR HH HANDHELD	641.50	
			Total:	641.50	
			Net of 1 Invoices / 0 Checks	641.50	
03199	JACKSON SERVICES INC				
04/16/2024	INVOICE	5276330	UNIFORMS	111.65	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	5275394	UNIFORMS	233.48	
04/16/2024	INVOICE	5275405	UNIFORMS	26.57	
04/16/2024	INVOICE	5275404	MAT	2.92	
04/16/2024	INVOICE	5275403	UNIFORMS	93.23	
04/16/2024	INVOICE	5275395	UNIFORMS	135.02	
04/16/2024	INVOICE	5277162	MATS, MOPS, POLISH TOWELS, WINDSHIELD WIPES.	133.90	
04/16/2024	INVOICE	5272499	BAR MOPS, MICROFIBER TOWEL, APRONS	52.91	
04/16/2024	INVOICE	5273543	MATS	43.01	
04/16/2024	INVOICE	5264536	MATS, MOPS, POLISH TOWELS, WINDSHIELD WIPES.	133.87	
04/16/2024	INVOICE	5249901	UNIFORMS	73.54	
04/16/2024	INVOICE	5267310	SHOP TOWELS, UNIFORMS	241.65	
04/16/2024	INVOICE	5268200	CREDIT	(5.00)	
04/16/2024	INVOICE	5267323	UNIFORMS	26.54	
04/16/2024	INVOICE	5267322	MAT, BAR TOWEL, SHOP TOWELS ORANGE	24.35	
04/16/2024	INVOICE	5267321	UNIFORMS	93.20	
04/16/2024	INVOICE	5267311	UNIFORMS	134.99	
04/16/2024	INVOICE	5268239	MATS, ROLLER TOWELS, UNIFORMS	139.36	
04/16/2024	INVOICE	5265298	UNIFORMS	73.49	
04/16/2024	INVOICE	5265297	UNIFORMS	25.62	
04/16/2024	INVOICE	5265291	MATS	63.83	
Total:				1,858.13	
Net of 21 Invoices / 0 Checks				1,858.13	
02595	K & S TOOL SERVICE				
04/16/2024	INVOICE	127404	IMPACT UNIVERSAL JOINT	64.99	
Total:				64.99	
Net of 1 Invoices / 0 Checks				64.99	
03202	KELLY SUPPLY COMPANY				
04/16/2024	INVOICE	S12293532-0	LIFTING EYE BOLT	173.00	
04/16/2024	INVOICE	S12293847-0	TEADIT SHEET PACKING	72.00	
04/16/2024	INVOICE	S12293357-0	OIL ONLY TOTE SPILL KIT	59.68	
Total:				304.68	
Net of 3 Invoices / 0 Checks				304.68	
10417	KIDWELL INC.				
04/16/2024	INVOICE	240457	ADDITIONAL SIP TRUCKS FOR GREAT PLAINS ISP	815.20	
Total:				815.20	
Net of 1 Invoices / 0 Checks				815.20	
03205	KIRKHAM MICHAEL & ASSOCIATES				
04/16/2024	INVOICE	95500	CONSTRUCT 8 PLACE T-HANGAR	4,262.02	
Total:				4,262.02	
Net of 1 Invoices / 0 Checks				4,262.02	
02236	LANGUAGE LINE SERVICES INC				
04/16/2024	INVOICE	11268454	OVER THE PHONE INTERPRETATION	274.00	
04/16/2024	INVOICE	11252992	OVER THE PHONE INTERPRETATION	67.86	
Total:				341.86	
Net of 2 Invoices / 0 Checks				341.86	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
02596	LAWSON PRODUCTS				
04/16/2024	INVOICE	9311411910	FLAT FACE HYDRO COUPLER, NIPPLE, MLE PIPE	235.86	
			Total:	235.86	
			Net of 1 Invoices / 0 Checks	235.86	
10229	LINGO				
04/16/2024	INVOICE	1197829529	E911 PHONE CHARGES 2/01/2024 - 2/28/2024	61.70	
04/16/2024	INVOICE	1197961467	E911 PHONE CHARGES 3/01/2024 - 3/31/2024	56.70	
			Total:	118.40	
			Net of 2 Invoices / 0 Checks	118.40	
03214	LOUP POWER DISTRICT				
04/16/2024	INVOICE	400100 APR 24	ELECTRICITY	37.50	
04/16/2024	INVOICE	400101 APR 24	ELECTRICITY	37.50	
04/16/2024	INVOICE	169069 APR 24	ELECTRICITY	53.66	
04/16/2024	INVOICE	169004 APR 24	ELECTRICITY	1,081.08	
04/16/2024	INVOICE	169005 APR 24	ELECTRICITY	56.92	
04/16/2024	INVOICE	169009 APR 24	ELECTRICITY	27.91	
04/16/2024	INVOICE	169016 APR 24	ELECTRICITY	134.46	
04/16/2024	INVOICE	169017 APR 24	ELECTRICITY	25.00	
04/16/2024	INVOICE	169018 APR 24	ELECTRICITY	3.08	
04/16/2024	INVOICE	169019 APR 24	ELECTRICITY	53.66	
04/16/2024	INVOICE	169020 APR 24	ELECTRICITY	12.91	
04/16/2024	INVOICE	169022 APR 24	ELECTRICITY	25.51	
04/16/2024	INVOICE	169023 APR 24	ELECTRICITY	285.20	
04/16/2024	INVOICE	169024 APR 24	ELECTRICITY	56.69	
04/16/2024	INVOICE	169026 APR 24	ELECTRICITY	89.64	
04/16/2024	INVOICE	169027 APR 24	ELECTRICITY	12.91	
04/16/2024	INVOICE	169028 APR 24	ELECTRICITY	567.66	
04/16/2024	INVOICE	169029 APR 24	ELECTRICITY	702.05	
04/16/2024	INVOICE	169030 APR 24	ELECTRICITY	208.85	
04/16/2024	INVOICE	169031 APR 24	ELECTRICITY	72.04	
04/16/2024	INVOICE	169033 APR 24	ELECTRICITY	35.96	
04/16/2024	INVOICE	169035 APR 24	ELECTRICITY	5.83	
04/16/2024	INVOICE	169036 APR 24	ELECTRICITY	188.01	
04/16/2024	INVOICE	169038 APR 24	ELECTRICITY	4,752.80	
04/16/2024	INVOICE	169039 APR 24	ELECTRICITY	25.00	
04/16/2024	INVOICE	169041 APR 24	ELECTRICITY	33.28	
04/16/2024	INVOICE	169043 APR 24	ELECTRICITY	38.33	
04/16/2024	INVOICE	169044 APR 24	ELECTRICITY	37.83	
04/16/2024	INVOICE	169045 APR 24	ELECTRICITY	38.33	
04/16/2024	INVOICE	169048 APR 24	ELECTRICITY	34.60	
04/16/2024	INVOICE	169050 APR 24	ELECTRICITY	423.48	
04/16/2024	INVOICE	169051 APR 24	ELECTRICITY	25.51	
04/16/2024	INVOICE	169053 APR 24	ELECTRICITY	39.93	
04/16/2024	INVOICE	169055 APR 24	ELECTRICITY	25.61	
04/16/2024	INVOICE	169056 APR 24	ELECTRICITY	39.54	
04/16/2024	INVOICE	169057 APR 24	ELECTRICITY	25.40	
04/16/2024	INVOICE	169058 APR 24	ELECTRICITY	34.29	
04/16/2024	INVOICE	169060 APR 24	ELECTRICITY	28.23	
04/16/2024	INVOICE	169061 APR 24	ELECTRICITY	32.07	
04/16/2024	INVOICE	169062 APR 24	ELECTRICITY	167.85	
04/16/2024	INVOICE	169064 APR 24	ELECTRICITY	37.02	
04/16/2024	INVOICE	169065 APR 24	ELECTRICITY	997.36	
04/16/2024	INVOICE	169066 APR 24	ELECTRICITY	44.29	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	169072 APR 24	ELECTRICITY	250.00	
04/16/2024	INVOICE	169073 APR 24	ELECTRICITY	37.12	
04/16/2024	INVOICE	169074 APR 24	ELECTRICITY	30.66	
04/16/2024	INVOICE	169077 APR 24	ELECTRICITY	25.81	
04/16/2024	INVOICE	169080 APR 24	ELECTRICITY	126.89	
04/16/2024	INVOICE	169081 APR 24	ELECTRICITY	36.72	
04/16/2024	INVOICE	169082 APR 24	ELECTRICITY	106.28	
04/16/2024	INVOICE	169083 APR 24	ELECTRICITY	847.91	
04/16/2024	INVOICE	169084 APR 24	ELECTRICITY	2,340.98	
04/16/2024	INVOICE	169085 APR 24	ELECTRICITY	1,649.75	
04/16/2024	INVOICE	169086 APR 24	ELECTRICITY	285.72	
04/16/2024	INVOICE	169087 APR 24	ELECTRICITY	534.56	
04/16/2024	INVOICE	169089 APR 24	ELECTRICITY	33.89	
04/16/2024	INVOICE	169090 APR 24	ELECTRICITY	36.31	
04/16/2024	INVOICE	169091 APR 24	ELECTRICITY	63.76	
04/16/2024	INVOICE	169092 APR 24	ELECTRICITY	56.89	
04/16/2024	INVOICE	169093 APR 24	ELECTRICITY	64.72	
04/16/2024	INVOICE	169094 APR 24	ELECTRICITY	53.63	
04/16/2024	INVOICE	169096 APR 24	ELECTRICITY	618.93	
04/16/2024	INVOICE	169097 APR 24	ELECTRICITY	29.24	
04/16/2024	INVOICE	169098 APR 24	ELECTRICITY	35.13	
04/16/2024	INVOICE	169099 APR 24	ELECTRICITY	25.40	
04/16/2024	INVOICE	169107 APR 24	ELECTRICITY	92.38	
04/16/2024	INVOICE	169112 APR 24	ELECTRICITY	102.47	
04/16/2024	INVOICE	169116 APR 24	ELECTRICITY	44.42	
04/16/2024	INVOICE	169118 APR 24	ELECTRICITY	41.16	
04/16/2024	INVOICE	169120 APR 24	ELECTRICITY	3,195.92	
04/16/2024	INVOICE	169121 APR 24	ELECTRICITY	4,058.60	
04/16/2024	INVOICE	169122 APR 24	ELECTRICITY	2,478.84	
04/16/2024	INVOICE	169123 APR 24	ELECTRICITY	52.47	
04/16/2024	INVOICE	169124 APR 24	ELECTRICITY	63.38	
04/16/2024	INVOICE	169125 APR 24	ELECTRICITY	46.59	
04/16/2024	INVOICE	169126 APR 24	ELECTRICITY	97.83	
04/16/2024	INVOICE	169127 APR 24	ELECTRICITY	46.99	
04/16/2024	INVOICE	169130 APR 24	ELECTRICITY	37.50	
04/16/2024	INVOICE	169131 APR 24	ELECTRICITY	4.15	
04/16/2024	INVOICE	169132 APR 24	ELECTRICITY	61.76	
04/16/2024	INVOICE	169133 APR 24	ELECTRICITY	10,002.72	
04/16/2024	INVOICE	169135 APR 24	ELECTRICITY	2,733.08	
04/16/2024	INVOICE	169136 APR 24	ELECTRICITY	64.49	
04/16/2024	INVOICE	169137 APR 24	ELECTRICITY	33.69	
04/16/2024	INVOICE	169138 APR 24	ELECTRICITY	77.62	
04/16/2024	INVOICE	400001 APR 24	ELECTRICITY	241.48	
04/16/2024	INVOICE	400002 APR 24	ELECTRICITY	937.48	
04/16/2024	INVOICE	400003 APR 24	ELECTRICITY	212.76	
04/16/2024	INVOICE	400004 APR 24	ELECTRICITY	271.07	
04/16/2024	INVOICE	400005 APR 24	ELECTRICITY	27.22	
04/16/2024	INVOICE	400006 APR 24	ELECTRICITY	25.51	
04/16/2024	INVOICE	400008 APR 24	ELECTRICITY	25.61	
04/16/2024	INVOICE	400009 APR 24	ELECTRICITY	55.81	
04/16/2024	INVOICE	400010 APR 24	ELECTRICITY	34.29	
04/16/2024	INVOICE	400011 APR 24	ELECTRICITY	27.73	
04/16/2024	INVOICE	400012 APR 24	ELECTRICITY	29.04	
04/16/2024	INVOICE	400013 APR 24	ELECTRICITY	37.73	
04/16/2024	INVOICE	400015 APR 24	ELECTRICITY	455.22	
04/16/2024	INVOICE	400016 APR 24	ELECTRICITY	48.21	
04/16/2024	INVOICE	400017 APR 24	ELECTRICITY	44.39	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	400018 APR 24	ELECTRICITY	42.57	
04/16/2024	INVOICE	400019 APR 24	ELECTRICITY	186.99	
04/16/2024	INVOICE	400020 APR 24	ELECTRICITY	1,193.92	
04/16/2024	INVOICE	400023 APR 24	ELECTRICITY	434.81	
04/16/2024	INVOICE	400024 APR 24	ELECTRICITY	25.71	
04/16/2024	INVOICE	400025 APR 24	ELECTRICITY	72.87	
04/16/2024	INVOICE	400026 APR 24	ELECTRICITY	28.13	
04/16/2024	INVOICE	400028 APR 24	ELECTRICITY	325.93	
04/16/2024	INVOICE	400029 APR 24	ELECTRICITY	80.53	
04/16/2024	INVOICE	400030 APR 24	ELECTRICITY	70.05	
04/16/2024	INVOICE	400031 APR 24	ELECTRICITY	112.11	
04/16/2024	INVOICE	400032 APR 24	ELECTRICITY	79.87	
04/16/2024	INVOICE	400033 APR 24	ELECTRICITY	128.95	
04/16/2024	INVOICE	400034 APR 24	ELECTRICITY	25.40	
04/16/2024	INVOICE	400036 APR 24	ELECTRICITY	1,177.79	
04/16/2024	INVOICE	400037 APR 24	ELECTRICITY	45.00	
04/16/2024	INVOICE	400039 APR 24	ELECTRICITY	77.71	
04/16/2024	INVOICE	400040 APR 24	ELECTRICITY	28,432.50	
04/16/2024	INVOICE	400041 APR 24	ELECTRICITY	143.88	
04/16/2024	INVOICE	400042 APR 24	ELECTRICITY	33.59	
04/16/2024	INVOICE	400044 APR 24	ELECTRICITY	50.51	
04/16/2024	INVOICE	400046 APR 24	ELECTRICITY	26.38	
04/16/2024	INVOICE	400047 APR 24	ELECTRICITY	543.77	
04/16/2024	INVOICE	400048 APR 24	ELECTRICITY	114.46	
04/16/2024	INVOICE	400049 APR 24	ELECTRICITY	101.33	
04/16/2024	INVOICE	400051 APR 24	ELECTRICITY	25.00	
04/16/2024	INVOICE	400052 APR 24	ELECTRICITY	26.01	
04/16/2024	INVOICE	400055 APR 24	ELECTRICITY	25.00	
04/16/2024	INVOICE	400057 APR 24	ELECTRICITY	115.88	
04/16/2024	INVOICE	400059 APR 24	ELECTRICITY	178.48	
04/16/2024	INVOICE	400060 APR 24	ELECTRICITY	10,365.31	
04/16/2024	INVOICE	400061 APR 24	ELECTRICITY	33.89	
04/16/2024	INVOICE	400062 APR 24	ELECTRICITY	34.39	
04/16/2024	INVOICE	400063 APR 24	ELECTRICITY	37.93	
04/16/2024	INVOICE	400065 APR 24	ELECTRICITY	3,735.75	
04/16/2024	INVOICE	400066 APR 24	ELECTRICITY	59.85	
04/16/2024	INVOICE	400069 APR 24	ELECTRICITY	35.50	
04/16/2024	INVOICE	400070 APR 24	ELECTRICITY	1,427.29	
04/16/2024	INVOICE	400071 APR 24	ELECTRICITY	41.56	
04/16/2024	INVOICE	400072 APR 24	ELECTRICITY	25.00	
04/16/2024	INVOICE	400073 APR 24	ELECTRICITY	46.01	
04/16/2024	INVOICE	400075 APR 24	.ELECTRICITY	35.81	
04/16/2024	INVOICE	400076 APR 24	ELECTRICITY	32.68	
04/16/2024	INVOICE	400077 APR 24	ELECTRICITY	31.36	
04/16/2024	INVOICE	400079 APR 24	ELECTRICITY	207.88	
04/16/2024	INVOICE	400081 APR 24	ELECTRICITY	193.10	
04/16/2024	INVOICE	400083 APR 24	ELECTRICITY	64.29	
04/16/2024	INVOICE	400084 APR 24	ELECTRICITY	80.35	
04/16/2024	INVOICE	400085 APR 24	ELECTRICITY	30.35	
04/16/2024	INVOICE	400088 APR 24	ELECTRICITY	35.51	
04/16/2024	INVOICE	400089 APR 24	ELECTRICITY	262.08	
04/16/2024	INVOICE	400090 APR 24	ELECTRICITY	60.33	
04/16/2024	INVOICE	400091 APR 24	ELECTRICITY	269.00	
04/16/2024	INVOICE	400092 APR 24	ELECTRICITY	28.03	
04/16/2024	INVOICE	400093 APR 24	ELECTRICITY	38.64	
04/16/2024	INVOICE	400094 APR 24	ELECTRICITY	155.06	
04/16/2024	INVOICE	400095 APR 24	ELECTRICITY	122.40	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	400096 APR 24	ELECTRICITY	1,328.60	
04/16/2024	INVOICE	400097 APR 24	ELECTRICITY	405.06	
04/16/2024	INVOICE	400098 APR 24	ELECTRICITY	100.00	
04/16/2024	INVOICE	400099 APR 24	ELECTRICITY	327.60	
Total:				97,330.43	
Net of 161 Invoices / 0 Checks				97,330.43	
03217	MAILBOX				
04/16/2024	INVOICE	118094	NEBRASKA LAW ENFORCEMENT TRAINING CENTER	11.97	
04/16/2024	INVOICE	118095	STANARD & ASSOCIATES	14.10	
04/16/2024	INVOICE	118172	EROGETRICS	16.05	
04/16/2024	INVOICE	118468	MALLORY SAFTEY & SUPPLY	20.84	
04/16/2024	INVOICE	118286	INTOXIMETERS	36.68	
04/16/2024	INVOICE	118093	NEBRASKA PUBLIC HEALTH	25.05	
04/16/2024	INVOICE	118161	NEBRASKA PUBLIC HEALTH	26.53	
04/16/2024	INVOICE	118208	NEBRASKA PUBLIC HEALTH	13.24	
04/16/2024	INVOICE	118209	NEBRASKA PUBLIC HEALTH	13.28	
04/16/2024	INVOICE	118282	NEBRASKA PUBLIC HEALTH	13.50	
04/16/2024	INVOICE	118283	NEBRASKA PUBLIC HEALTH	13.24	
04/16/2024	INVOICE	118312	NEBRASKA PUBLIC HEALTH	13.25	
04/16/2024	INVOICE	118389	NEBRASKA PUBLIC HEALTH	13.25	
04/16/2024	INVOICE	118458	NEBRASKA PUBLIC HEALTH	13.28	
Total:				244.26	
Net of 14 Invoices / 0 Checks				244.26	
03212	MATHESON-LINWELD				
04/16/2024	INVOICE	52324928	MEDICAL OXYGEN	52.17	
04/16/2024	INVOICE	0029440117	MEDICAL OXYGEN	113.75	
Total:				165.92	
Net of 2 Invoices / 0 Checks				165.92	
00083	MECHANICAL SALES INC				
04/16/2024	INVOICE	58183	SERVICE CRAC UNIT IN COMPUTER ROOM	1,568.04	
Total:				1,568.04	
Net of 1 Invoices / 0 Checks				1,568.04	
03220	MENARDS				
04/16/2024	INVOICE	3940	GARAGE SHELVING	69.99	
04/16/2024	INVOICE	3933	2.5 GAL DEF	151.68	
04/16/2024	INVOICE	3922	SNAP RING PLIER SET, PREMIUM ADHESIVE	19.97	
04/16/2024	INVOICE	3887	VANITY COMBO, ADLER 2H 4" LAV	187.58	
04/16/2024	INVOICE	3899	FURRING STRIP	53.46	
04/16/2024	INVOICE	3868	LATEX PAINT, PAINT BRUSH, IMPLEMENT SPRAY	54.85	
04/16/2024	INVOICE	3712	POLEBARN NAIL	7.98	
04/16/2024	INVOICE	3769	PLTD ALL THRD 3/4"	65.96	
04/16/2024	INVOICE	4239	WINDSHIELD WASH, CORNER BRACE, LOCKING KNIFE	66.80	
04/16/2024	INVOICE	4238	16X20X2 AIR FILTER	33.48	
04/16/2024	INVOICE	4260	1-3/8" CARBIDE END CUT, MAX SEALANT WHITE	139.86	
04/16/2024	INVOICE	4068	FILTERS, 40W T12 UTUBE 4100K	106.88	
04/16/2024	INVOICE	4081	40W 2 BULB T12 120V BALLAST	80.97	
04/16/2024	INVOICE	4071	VINYL TUBING, HOSE CLAMP, BATTERIES, BALL V	83.78	
04/16/2024	INVOICE	4085	SPRING WATER, 4X8	61.54	
04/16/2024	INVOICE	4148	BRASS CAP, HEX HEAD PLUG, PROPANE CYLINDER,	25.21	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	4197	5 - 1/2 4X8 OSB	100.95	
04/16/2024	INVOICE	4210	CLASSIC POST MOUNT COMBO	60.99	
04/16/2024	INVOICE	4299	100W 5K LED 10 PACK	9.99	
Total:				1,381.92	
Net of 19 Invoices / 0 Checks				1,381.92	
03222	MID-AMERICAN RESEARCH				
04/16/2024	INVOICE	0815494-IN	URINAL SCREENS, BOWL CLEANER	276.00	
04/16/2024	INVOICE	0814979-IN	NUKE LIFT STATION DEGREASER	3,000.00	
Total:				3,276.00	
Net of 2 Invoices / 0 Checks				3,276.00	
00048	MID-STATES ORGANIZED CRIME				
04/16/2024	INVOICE	0004332-IN	MEMBERSHIP FOR 26-50 FT SWORN	200.00	
Total:				200.00	
Net of 1 Invoices / 0 Checks				200.00	
10309	MIDWEST ALARM SERVICES				
04/16/2024	INVOICE	447370	INSTALL RELAY MODULE	1,150.00	
Total:				1,150.00	
Net of 1 Invoices / 0 Checks				1,150.00	
03224	MIDWEST LABORATORIES INC				
04/16/2024	INVOICE	1178511	TESTING & SUPPLIES	114.42	
04/16/2024	INVOICE	1178510	TESTING & SUPPLIES	80.52	
Total:				194.94	
Net of 2 Invoices / 0 Checks				194.94	
10976	MIDWEST PETROLEUM EQUIPMENT LLC				
04/16/2024	INVOICE	38473T	INSTALLED OVERFILL ALARM	1,773.18	
Total:				1,773.18	
Net of 1 Invoices / 0 Checks				1,773.18	
00487	MIDWEST TAPE LLC				
04/16/2024	INVOICE	505289843	DVD	14.99	
04/16/2024	INVOICE	505262766	DVD'S	24.73	
Total:				39.72	
Net of 2 Invoices / 0 Checks				39.72	
03227	MIDWEST TURF & IRRIGATION				
04/16/2024	INVOICE	3927011-00	FLX34B-02-3538 SPK, BSERIES	614.76	
04/16/2024	INVOICE	3927010-00	PARTS	2,662.40	
Total:				3,277.16	
Net of 2 Invoices / 0 Checks				3,277.16	
00463	MIKE'S TOWING				
04/16/2024	INVOICE	40187	TOWING	150.00	
04/16/2024	INVOICE	40191	TOWING	150.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	40188	TOWING	150.00	
04/16/2024	INVOICE	40192	TOWING	150.00	
04/16/2024	INVOICE	40196	TOWING	150.00	
04/16/2024	INVOICE	40203	TOWING	150.00	
04/16/2024	INVOICE	40065	TOWING	150.00	
04/16/2024	INVOICE	40205	TOWING	150.00	
04/16/2024	INVOICE	40206	TOWING	150.00	
04/16/2024	INVOICE	40209	TOWING	150.00	
04/16/2024	INVOICE	40212	TOWING	150.00	
Total:				1,650.00	
Net of 11 Invoices / 0 Checks				1,650.00	
03230	MOTION INDUSTRIES INC				
04/16/2024	INVOICE	NE07-00506169	ORANGE NITRILE DISP GLOVES	162.80	
04/16/2024	INVOICE	NE07-00506316	LINE MARKING SPRAY	66.17	
04/16/2024	INVOICE	NE07-00505971	MARKING PAINT	162.58	
04/16/2024	INVOICE	NE07-00505833	OIL SEALS	392.01	
Total:				783.56	
Net of 4 Invoices / 0 Checks				783.56	
02850	MOTION PICTURE LICENSING CORP				
04/16/2024	INVOICE	504436881	MPLC UMBRELLA LICENSE 6/01/2024 TO 5/31/2024	330.98	
Total:				330.98	
Net of 1 Invoices / 0 Checks				330.98	
11144	MOTOPLEX OF COLUMBUS				
04/16/2024	INVOICE	4338737	THERMOSTAT, GASKET	37.08	
Total:				37.08	
Net of 1 Invoices / 0 Checks				37.08	
02299	MUNICIPAL SUPPLY INC OF OMAHA				
04/16/2024	INVOICE	0903040-IN	RANGER COUPLINGS	1,269.97	
Total:				1,269.97	
Net of 1 Invoices / 0 Checks				1,269.97	
00920	NAPE				
04/16/2024	INVOICE	HAPP	2024 MEMBERSHIP - TRACI HAPP	30.00	
04/16/2024	INVOICE	LOPEZ	2024 MEMBERSHIP - ANGELICA LOPEZ	30.00	
04/16/2024	INVOICE	PENSICK	2024 MEMBERSHIP - BOBBY PENSICK	30.00	
Total:				90.00	
Net of 3 Invoices / 0 Checks				90.00	
10709	NDEE				
04/16/2024	INVOICE	041124	WATER IMPROVEMENTS FOR VITALITY VILLAGE ADD:	1,600.00	
Total:				1,600.00	
Net of 1 Invoices / 0 Checks				1,600.00	
00140	NEBRASKA GOLF & TURF INC				
04/16/2024	INVOICE	02-157259	10 - CLUB CAR TEMPO ELECTRIC CARTS	60,000.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	60,000.00	
			Net of 1 Invoices / 0 Checks	60,000.00	
03233 04/16/2024	NEBRASKA LAW ENFORCEMENT INVOICE	13462	TUITION & LODGING - VENZOR	210.00	
			Total:	210.00	
			Net of 1 Invoices / 0 Checks	210.00	
00020 04/16/2024	NEBRASKA MUNICIPAL FIRE CHIEFS INVOICE	3.27.2024	MEBERSHIP DUES, NFPA DUES	517.00	
			Total:	517.00	
			Net of 1 Invoices / 0 Checks	517.00	
10621 04/16/2024	NEBRASKA STATE FIRE SCHOOL INVOICE	7551	2024 FIRE SCHOOL - EGGER & PORTER	300.00	
			Total:	300.00	
			Net of 1 Invoices / 0 Checks	300.00	
02855 04/16/2024	NEBRASKA SURVEY REPOSITORY INVOICE	255	FILING FEES	10.75	
			Total:	10.75	
			Net of 1 Invoices / 0 Checks	10.75	
00019 04/16/2024	NEBRASKA UC FUND INVOICE	1ST QTR 2024	UNEMPLOYMENT - 0160130008 - 1ST QUARTER 2024	420.00	
			Total:	420.00	
			Net of 1 Invoices / 0 Checks	420.00	
03054 04/16/2024 04/16/2024	NENA INVOICE INVOICE	200032371 200032372	EHANCED CALL MANAGEMENT-YORK, NE CINDY WIESI 9-1-1 CUSTOMER SERVICE: TAKES SECONDS YORK,	290.00 290.00	
			Total:	580.00	
			Net of 2 Invoices / 0 Checks	580.00	
03245 04/16/2024	NORTHEAST NEBRASKA SOLID INVOICE	3312024	LANDFILL CHARGES	59,033.10	
			Total:	59,033.10	
			Net of 1 Invoices / 0 Checks	59,033.10	
03249 04/16/2024 04/16/2024	OCCUPATIONAL HEALTH SERV INVOICE INVOICE	5317 5316	VACCINATIONS COLLECTION & TESTING	225.00 528.00	
			Total:	753.00	
			Net of 2 Invoices / 0 Checks	753.00	
02852 04/16/2024	OLSON'S PEST TECHNICIANS INVOICE	345329	PEST CONTROL	85.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	345330	PEST CONTROL	55.00	
04/16/2024	INVOICE	345331	PEST CONTROL	90.00	
04/16/2024	INVOICE	345332	PEST CONTROL	55.00	
04/16/2024	INVOICE	345333	PEST CONTROL	55.00	
04/16/2024	INVOICE	346774	PEST CONTROL	63.00	
04/16/2024	INVOICE	346775	PEST CONTROL	75.00	
Total:				478.00	
Net of 7 Invoices / 0 Checks				478.00	
01451	ONE CALL CONCEPTS INC				
04/16/2024	INVOICE	4030126	LOCATE FEES	383.38	
Total:				383.38	
Net of 1 Invoices / 0 Checks				383.38	
01307	ONE SOURCE				
04/16/2024	INVOICE	2022151090	BACKGROUND CHECKS	193.00	
04/16/2024	INVOICE	2022151091	BACKGROUND CHECKS	100.00	
Total:				293.00	
Net of 2 Invoices / 0 Checks				293.00	
00176	O'REILLY AUTOMOTIVE INC				
04/16/2024	INVOICE	0681-274687	WIPER BLADE, RESTORATION KIT	39.67	
04/16/2024	INVOICE	0681-266846	MINI BULB	6.93	
04/16/2024	INVOICE	0681-272726	V-BELT	15.26	
04/16/2024	INVOICE	0681-272443	ANTIFREEZE	51.97	
04/16/2024	INVOICE	0681-271951	OIL FILTER	24.47	
Total:				138.30	
Net of 5 Invoices / 0 Checks				138.30	
10411	PAPER TIGER SHREDDING				
04/16/2024	INVOICE	196724	64 GALLON CONTAINER	35.00	
Total:				35.00	
Net of 1 Invoices / 0 Checks				35.00	
01722	PEDERSEN MELODEE				
04/16/2024	INVOICE	492024	MILEAGE & AIRPORT PARKING PLA CONFERENCE	90.91	
Total:				90.91	
Net of 1 Invoices / 0 Checks				90.91	
10252	PET CARE SPECIALISTS				
04/16/2024	INVOICE	475606	BORDETELLA - EROS	21.75	
Total:				21.75	
Net of 1 Invoices / 0 Checks				21.75	
00345	PETE LIEN & SONS INC.				
04/16/2024	INVOICE	CD99157670	QUICKLIME FINES	7,179.37	
Total:				7,179.37	
Net of 1 Invoices / 0 Checks				7,179.37	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
03258	PETTY CASH				
04/16/2024	INVOICE	4.09.2024	PETTY CASH	129.05	
04/16/2024	INVOICE	040124	PETTY CASH RECEIPTS	213.39	
			Total:	342.44	
			Net of 2 Invoices / 0 Checks	342.44	
00155	PLATTE COUNTY				
04/16/2024	INVOICE	MONTHLY	COUNTY ATTORNEY SERVICES	4,062.00	
			Total:	4,062.00	
			Net of 1 Invoices / 0 Checks	4,062.00	
00460	PLATTE COUNTY HIGHWAY DEPT				
04/16/2024	INVOICE	236	12" USED CULVERTS	39.00	
			Total:	39.00	
			Net of 1 Invoices / 0 Checks	39.00	
01077	PLATTE VALLEY COMMUNICATIONS				
04/16/2024	INVOICE	032400195	SERVICE REQUEST - CHECK NORTH BATTERIES	23.75	
04/16/2024	INVOICE	032400095	SERVICE REQUEST - CHECK BATTERIES COUNTYWID	813.75	
04/16/2024	INVOICE	032400155	SERVICE REQUEST - CHECK BATTERIES AT HUMPHRI	23.75	
			Total:	861.25	
			Net of 3 Invoices / 0 Checks	861.25	
00189	PRODUCTIVITY PLUS ACCOUNT-CNH				
04/16/2024	INVOICE	19340255	AC REPAIR SERVICE CASE	4,830.76	
			Total:	4,830.76	
			Net of 1 Invoices / 0 Checks	4,830.76	
00493	PSYCHOLOGICAL RESOURCES				
04/16/2024	INVOICE	2403079	PSYCHOLOGICAL RESOURCES	450.00	
			Total:	450.00	
			Net of 1 Invoices / 0 Checks	450.00	
03263	QUILL CORPORATION				
04/16/2024	INVOICE	37928917	RECEIPT PAPER	30.59	
			Total:	30.59	
			Net of 1 Invoices / 0 Checks	30.59	
03264	REARDON LAWN & GARDEN INC				
04/16/2024	INVOICE	9079	FILTER-OIL TRANSMISSION, FILTER-FUEL, BLADE	146.95	
			Total:	146.95	
			Net of 1 Invoices / 0 Checks	146.95	
03163	RENSENHOUSE				
04/16/2024	INVOICE	1145-1021210	600V SPECIAL PURPOSE FUSE	425.40	
			Total:	425.40	
			Net of 1 Invoices / 0 Checks	425.40	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
03270	SAPP BROS COLUMBUS INC				
04/16/2024	INVOICE	IN4405118	FUEL	7,500.06	
04/16/2024	INVOICE	IN4406383	AMERIGUARD 5W-30	726.50	
04/16/2024	INVOICE	IN4409614	FUEL	5,310.00	
04/16/2024	INVOICE	IN4396653	FUEL	4,275.00	
04/16/2024	INVOICE	IN4397786	AMERIGUARD HYDRAULIC	679.75	
04/16/2024	INVOICE	IN4403106	FUEL	1,018.08	
04/16/2024	INVOICE	IN4400462	FUEL	8,581.20	
			Total:	28,090.59	
			Net of 7 Invoices / 0 Checks	28,090.59	
01712	SARGENT MELISSA				
04/16/2024	INVOICE	4042024	MILEAGE	13.43	
04/16/2024	INVOICE	4042024	MILEAGE	0.40	
			Total:	13.83	
			Net of 2 Invoices / 0 Checks	13.83	
03275	SECURITY EQUIPMENT INC				
04/16/2024	INVOICE	852560	CAMERA UPGRADE - SOUTH WATER PLANT 1077 28TI	8,385.00	
			Total:	8,385.00	
			Net of 1 Invoices / 0 Checks	8,385.00	
00465	SERVICEMASTER BY SHEVLIN				
04/16/2024	INVOICE	10876	MONTHLY JANITORIAL SERVICES	2,485.00	
04/16/2024	INVOICE	10872	MONTHLY JANITORIAL SERVICES	6,980.00	
04/16/2024	INVOICE	10868	MONTHLY JANITORIAL SERVICES	3,850.00	
			Total:	13,315.00	
			Net of 3 Invoices / 0 Checks	13,315.00	
01090	SHEVLIN SUPPLY				
04/16/2024	INVOICE	7344	HAND SANITIZER, SOAP DISPENSER	95.45	
04/16/2024	INVOICE	7352	CAN LINERS, BATH TISSUE, MULTI FOLD TOWELS	197.65	
04/16/2024	INVOICE	7351	CAN LINERS, BATH TISSUE, MULTI FOLD TOWELS	197.65	
			Total:	490.75	
			Net of 3 Invoices / 0 Checks	490.75	
11134	SHIRTS ARE US LLC				
04/16/2024	INVOICE	434	SHIRTS	1,425.00	
04/16/2024	INVOICE	432	20 - SUMMER READING PROGRAM SHIRTS	260.00	
			Total:	1,685.00	
			Net of 2 Invoices / 0 Checks	1,685.00	
03277	SIPPLE, HANSEN, EMERSON,				
04/16/2024	INVOICE	1-00M MAR 24	LEGAL SERVICES	6,674.80	
			Total:	6,674.80	
			Net of 1 Invoices / 0 Checks	6,674.80	
03278	STANLEY PETROLEUM				
04/16/2024	INVOICE	4436T	REPLACED POWER SUPPLY	1,163.17	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	1,163.17	
			Net of 1 Invoices / 0 Checks	1,163.17	
02510 04/16/2024	STATE FIRE MARSHAL TRAINING INVOICE	3153	INSTRUCTOR I CERTIFICATION	50.00	
			Total:	50.00	
			Net of 1 Invoices / 0 Checks	50.00	
03280 04/16/2024	STATE OF NEBR DEPT OF REVENUE INVOICE	3312024GOLF	SALES TAX - MARCH 2024 GOLF	7,546.76	
04/16/2024	INVOICE	3312024UTILITY	SALES TAX - MARCH 2024 UTILITY	45,215.85	
04/16/2024	INVOICE	3312024POOLS	SALES TAX - MARCH 2024 POOLS	464.38	
			Total:	53,226.99	
			Net of 3 Invoices / 0 Checks	53,226.99	
01487 04/16/2024	STOCKWELL TUCKER INVOICE	3.21.2024	KEARNEY CONFERENCE - MEALS	46.52	
			Total:	46.52	
			Net of 1 Invoices / 0 Checks	46.52	
00105 04/16/2024	SUPER SAVER INVOICE	125535	GROCERIES	11.24	
04/16/2024	INVOICE	125545	GROCERIES	14.76	
04/16/2024	INVOICE	125318	GROCERIES, SCRUBBERS	21.31	
04/16/2024	INVOICE	125599	CINNAMON ROLLS FOR CHILI	5.88	
04/16/2024	INVOICE	125586	SCINNAMON ROLLS, EGGS	20.76	
			Total:	73.95	
			Net of 5 Invoices / 0 Checks	73.95	
00110 04/16/2024	SYSCO LINCOLN INVOICE	561528364	GROCERIES, CAN LINERS, PLASTIC WRAP	1,718.05	
04/16/2024	INVOICE	561541427	GROCERIES, CAN LINERS, COFFEE	2,105.72	
04/16/2024	INVOICE	561552998	GROCERIES, LIDS, TOWELS, PAN SPRAY, MOP HEAD	2,505.87	
04/16/2024	INVOICE	561558448	GROCERIES, GLOVES, 4 & 8 OZ CUPS	1,006.98	
04/16/2024	INVOICE	561564823	GROCERIES	1,958.37	
			Total:	9,294.99	
			Net of 5 Invoices / 0 Checks	9,294.99	
02743 04/16/2024	TELECOMMUNICATION SYSTEMS INC. INVOICE	04INV-000044390	MONTHLY CIRCUIT FEE, ANNUAL MAINTENANCE & M	1,970.67	
			Total:	1,970.67	
			Net of 1 Invoices / 0 Checks	1,970.67	
10987 04/16/2024	THE GOLF SHOP INVOICE	230	MONTHLY TERMINAL USAGE FEE MARCH 2024	1,859.55	
			Total:	1,859.55	
			Net of 1 Invoices / 0 Checks	1,859.55	
03128	TIRE OUTLET INC				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
04/16/2024	INVOICE	226376	2 - USED TIRES	300.00	
			Total:	300.00	
			Net of 1 Invoices / 0 Checks	300.00	
02788	TITAN MACHINERY INC-FREMONT				
04/16/2024	INVOICE	19333219	GAS STRUTS	103.40	
04/16/2024	INVOICE	19333210	SEAL, OIL	58.05	
			Total:	161.45	
			Net of 2 Invoices / 0 Checks	161.45	
01564	TOOLEY DRUG				
04/16/2024	INVOICE	01176856	CONTOUR NEXT	19.49	
			Total:	19.49	
			Net of 1 Invoices / 0 Checks	19.49	
03283	TRACTOR SUPPLY CREDIT PLAN				
04/16/2024	INVOICE	340701	ALL THREAD PLATED	81.62	
04/16/2024	INVOICE	620579	LIQUID WRENCH LUBRICATING OIL, BLASTER PENE'	8.58	
04/16/2024	INVOICE	340239	STEEL SPACERS	24.33	
			Total:	114.53	
			Net of 3 Invoices / 0 Checks	114.53	
00550	TRUCK CENTER COMPANIES				
04/16/2024	INVOICE	XA111038649:01	THERMOSTAT COOLANT, SEAL COOLANT THERMOSTAT	199.47	
			Total:	199.47	
			Net of 1 Invoices / 0 Checks	199.47	
03294	USA BLUE BOOK				
04/16/2024	INVOICE	INV00308924	NALGENE SETTLEOMETER, CENTRIFUGE TUBES	733.56	
			Total:	733.56	
			Net of 1 Invoices / 0 Checks	733.56	
00404	USDA, APHIS				
04/16/2024	INVOICE	3004953397	PERSONNEL COMPENSATION, PROGRAM SUPPORT	1,197.81	
			Total:	1,197.81	
			Net of 1 Invoices / 0 Checks	1,197.81	
00664	UTILITY SERVICE CO INC				
04/16/2024	INVOICE	601394	601395,601396, 601397 QUARTERLY TANK & TOWE	22,897.08	
			Total:	22,897.08	
			Net of 1 Invoices / 0 Checks	22,897.08	
10948	VAN DYKE CARROLL				
04/16/2024	INVOICE	4.16.2024	OPEN/CLOSE CEMETERY GATES	146.50	
			Total:	146.50	
			Net of 1 Invoices / 0 Checks	146.50	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
02045 04/16/2024	VAN WALL EQUIPMENT INC INVOICE	6173950	CRANK-CLASSIC BALL WASHER	131.00	
			Total:	131.00	
			Net of 1 Invoices / 0 Checks	131.00	
01181 04/16/2024	VERIZON WIRELESS INVOICE	9960890076	CELL PHONE MAR 06 - APR 05	840.21	
			Total:	840.21	
			Net of 1 Invoices / 0 Checks	840.21	
03154 04/16/2024	WASTE CONNECTIONS OF NEBRASKA INVOICE	6915220T054	GARBAGE SERVICE	561.50	
			Total:	561.50	
			Net of 1 Invoices / 0 Checks	561.50	
02708 04/16/2024	WELLNESS PARTNERS LLC INVOICE	5172	MONTHLY NEWSLETTER	10.00	
			Total:	10.00	
			Net of 1 Invoices / 0 Checks	10.00	
			invoices and 0 checks for 150 vendors:	595,998.15	

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
99300	DELL MARKETING LP	03/28/2024	04/16/2024	7,658.86	7,658.86	Open	N
99332	PETE LIEN & SONS INC.	03/31/2024	04/16/2024	7,179.37	7,179.37	Open	N
99354	SERVICEMASTER BY SHEVLIN	04/01/2024	04/16/2024	6,980.00	6,980.00	Open	N
99363	AQUA-PURE INC	04/01/2024	04/16/2024	7,944.75	7,944.75	Open	N
99666	SECURITY EQUIPMENT INC	04/03/2024	04/16/2024	8,385.00	8,385.00	Open	N
99704	DUNBAR DOUGLAS	04/16/2024	04/16/2024	7,234.86	7,234.86	Open	N
99862	STATE OF NEBR DEPT OF REVENUE	04/01/2024	04/16/2024	7,546.76	7,546.76	Open	N
99875	SIPPLE, HANSEN, EMERSON,	04/08/2024	04/16/2024	6,674.80	6,674.80	Open	N
99926	SAPP BROS COLUMBUS INC	03/13/2024	04/16/2024	7,500.06	7,500.06	Open	N
99928	SAPP BROS COLUMBUS INC	03/19/2024	04/16/2024	5,310.00	5,310.00	Open	N
99932	SAPP BROS COLUMBUS INC	03/07/2024	04/16/2024	8,581.20	8,581.20	Open	N

# of Invoices:	11	# Due:	11	Totals:	80,995.66	80,995.66
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00

Net of Invoices and Credit Memos: 80,995.66 80,995.66

--- TOTALS BY FUND ---

100 - GENERAL FUND	41,405.28	41,405.28
200 - STREETS/ENGINEERING	8,581.20	8,581.20
500 - UTILITY SERVICE	7,179.37	7,179.37
520 - WATER	16,329.75	16,329.75
570 - SOLID WASTE DIVISION	7,500.06	7,500.06

--- TOTALS BY DEPT/ACTIVITY ---

100 - GENERAL ADMINISTRATION	6,674.80	6,674.80
110 - POLICE	5,310.00	5,310.00
130 - LIBRARY	14,638.86	14,638.86
155 - VAN BERG GOLF COURSE	3,780.46	3,780.46
156 - QUAIL RUN GOLF COURSE	11,001.16	11,001.16
200 - STREETS	8,581.20	8,581.20
501 - WASTEWATER TREATMENT FAC	7,179.37	7,179.37
520 - WATER	16,329.75	16,329.75
570 - TRANSFER STATION	7,500.06	7,500.06

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 100 GENERAL ADMINISTRATION					
100-100-53200	PROFESSIONAL SERVICES	AMERICAN LEGAL PUBLISHING	ORDS: 24-01, 24-02 LINKED IN CODE	20.00	
100-100-53200	PROFESSIONAL SERVICES	SIPPLE, HANSEN, EMERSON,	LEGAL SERVICES	6,674.80	
100-100-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ZOOM ONE PRO ANNUAL 3/26/2024 - 3/25/20	183.90	
100-100-53400	COMPUTER SUPPORT/MAINT	KIDWELL INC.	ADDITIONAL SIP TRUCKS FOR GREAT PLAINS	815.20	
100-100-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	SHOT SPOT STAIN REMOVER	6.59	
100-100-54310	BUILDING MAINTENANCE	JACKSON SERVICES INC	MATS	63.83	
100-100-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	85.00	
100-100-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	SPARKPLUG, QUANTUM AIR FILTER	15.98	
100-100-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - KLEENEX	143.80	
100-100-56010	SUPPLIES	SHEVLIN SUPPLY	CAN LINERS, BATH TISSUE, MULTI FOLD TOW	197.65	
100-100-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	CARTRIDGES, IJ, HP730	338.27	
100-100-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - MONEY MARKER	8.88	
100-100-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICES	3,850.00	
100-100-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL & WATER STATEMENTS	96.70	
100-100-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	2,733.08	
100-100-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	310.80	
100-100-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	416.26	
100-100-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	145.41	
100-100-56250	REFUSE	PAPER TIGER SHREDDING	64 GALLON CONTAINER	35.00	
100-100-56250	REFUSE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	123.75	
100-100-56410	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	BHM WORLD HERALD SUBSCRIPTION	49.98	
100-100-56410	BOOKS AND PUBLICATIONS	WELLNESS PARTNERS LLC	MONTHLY NEWSLETTER	10.00	
100-100-56620	EMERGENCY MANAGEMENT	BLACK HILLS ENERGY	NATURAL GAS	91.80	
100-100-56620	EMERGENCY MANAGEMENT	HEARTLAND NATURAL GAS LLC	NATURAL GAS	66.25	
100-100-56620	EMERGENCY MANAGEMENT	LOUP POWER DISTRICT	ELECTRICITY	355.58	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	BVH ARCHITECTURE	LIBRARY, CHILDRENS MUSEUM & CITY HALL	201.46	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	MIDWEST ALARM SERVICES	INSTALL RELAY MODULE	575.00	
Total For Dept 100 GENERAL ADMINISTRATION				17,614.97	
Dept 102 COLUMBUS AREA TRANSIT					
100-102-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING	193.00	
100-102-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	45.50	
100-102-54310	BUILDING & GROUNDS MAINT	MIDWEST PETROLEUM EQUIPMENT	INSTALLED OVERFILL ALARM	591.06	
100-102-54310	BUILDING & GROUNDS MAINT	OLSON'S PEST TECHNICIANS	PEST CONTROL	55.00	
100-102-54330	VEHICLE MAINTENANCE	ARNOLD MOTOR SUPPLY	ENGINE OIL FILTER, PM 5W20 SYN BLEND	31.07	
100-102-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	82.33	
100-102-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	49.36	
100-102-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	102.47	
100-102-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	97.58	
100-102-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	18.83	
100-102-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	14.66	
Total For Dept 102 COLUMBUS AREA TRANSIT				1,280.86	
Dept 103 COLUMBUS SENIOR CENTER					
100-103-55900	MISCELLANEOUS	FIRST NATIONAL BANK OMAHA	POSITIVE PROMOTIONS-VOLUNTEER APPRECIATION	400.28	
100-103-56010-III-B	SUPPLIES	CULLIGAN OF COLUMBUS	EQUIPMENT - REVERSE OSMOSIS	32.75	
100-103-56010-III-B	SUPPLIES	HY-VEE INC	EGGS, DAWN, ALOE VERA GEL, DERMOPLAST,	21.91	
100-103-56010-III-B	SUPPLIES	PETTY CASH	PETTY CASH RECEIPTS	53.28	
100-103-56010-III-B	SUPPLIES	SYSCO LINCOLN	GROCERIES, CAN LINERS, PLASTIC WRAP	96.23	
100-103-56010-III-C	SUPPLIES	CULLIGAN OF COLUMBUS	EQUIPMENT - REVERSE OSMOSIS	32.75	
100-103-56010-III-C	SUPPLIES	HY-VEE INC	EGGS, DAWN, ALOE VERA GEL, DERMOPLAST,	12.48	
100-103-56010-III-C	SUPPLIES	JACKSON SERVICES INC	BAR MOPS, MICROFIBER TOWEL, APRONS	25.05	
100-103-56010-III-C	SUPPLIES	PETTY CASH	PETTY CASH RECEIPTS	51.83	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 103 COLUMBUS SENIOR CENTER					
100-103-56010-III-C	SUPPLIES	SYSKO LINCOLN	GROCERIES, CAN LINERS, PLASTIC WRAP	258.68	
100-103-56020-III-B	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	COPIER CONTRACT	90.05	
100-103-56020-III-C	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	COPIER CONTRACT	26.19	
100-103-56020-III-E	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	COPIER CONTRACT	2.20	
100-103-56030-III-B	CLEANING SUPPLIES/SERVICE	PETTY CASH	PETTY CASH RECEIPTS	17.03	
100-103-56030-III-B	CLEANING SUPPLIES/SERVICE	SYSKO LINCOLN	GROCERIES, LIDS, TOWELS, PAN SPRAY, MOE	20.45	
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	BAR MOPS, MICROFIBER TOWEL, APRONS	27.86	
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	PETTY CASH	PETTY CASH RECEIPTS	4.25	
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	SUPER SAVER	GROCERIES, SCRUBBERS	15.48	
100-103-56040-III-B	POSTAGE AND FREIGHT	PETTY CASH	PETTY CASH RECEIPTS	4.00	
100-103-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	36.65	
100-103-56300-III-C	FOOD COSTS	PETTY CASH	PETTY CASH RECEIPTS	40.87	
100-103-56300-III-C	FOOD COSTS	SUPER SAVER	GROCERIES	58.47	
100-103-56300-III-C	FOOD COSTS	SYSKO LINCOLN	GROCERIES, CAN LINERS, PLASTIC WRAP	8,851.84	
100-103-56400-III-B	PROGRAMS	HY-VEE INC	EGGS, DAWN, ALOE VERA GEL, DERMOPLAST,	7.12	
100-103-56400-III-B	PROGRAMS	MOTION PICTURE LICENSING (MPLC	UMBRELLA LICENSE 6/01/2024 TO 5/31	330.98	
100-103-56400-III-B	PROGRAMS	PETTY CASH	PETTY CASH RECEIPTS	42.13	
100-103-56400-III-B	PROGRAMS	SYSKO LINCOLN	GROCERIES, CAN LINERS, COFFEE	67.79	
Total For Dept 103 COLUMBUS SENIOR CENTER				10,628.60	
Dept 105 FINANCE					
100-105-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	36.65	
Total For Dept 105 FINANCE				36.65	
Dept 106 CITY CLERK					
100-106-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	STARBUCKS - BREAKFAST CLERKS CONFERENCE	29.68	
100-106-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	29.32	
Total For Dept 106 CITY CLERK				59.00	
Dept 108 HUMAN RESOURCES					
100-108-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	107.14	
100-108-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	7.33	
Total For Dept 108 HUMAN RESOURCES				114.47	
Dept 110 POLICE					
100-110-52700	TRAINING AND TUITION	CONSOLIDATED MANAGEMENT CO	MEALS - FULLER, MEISINGER, VENZOR	456.45	
100-110-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	GLOCK TRAINING CLASS	1,943.83	
100-110-52700	TRAINING AND TUITION	NEBRASKA LAW ENFORCEMENT	TUITION & LODGING - VENZOR	210.00	
100-110-52700	TRAINING AND TUITION	PETTY CASH	PETTY CASH	129.05	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	CBS - REPORTING SERVICES	FILE #114938	9.70	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	FIRST NATIONAL BANK OMAHA	NACOP - PREMIUM PACKAGE	60.00	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	MAILBOX	NEBRASKA LAW ENFORCEMENT TRAINING CENTE	11.97	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	28.50	
100-110-52800	UNIFORMS	GALLS LLC	4 - FUR TROOPER CAPS	492.20	
100-110-52810	UNIFORMS-QUARTERMASTER	911 CUSTOM LLC	SURVIVAL ARMOR - SYLVESTER QM	368.00	
100-110-52810	UNIFORMS-QUARTERMASTER	FIRST NATIONAL BANK OMAHA	N-EAR SINGLE EAR PIECE - HEFT QM	312.95	
100-110-52810	UNIFORMS-QUARTERMASTER	GUNSLINGERS LLC	TACTICAL GUN BELT - UHL QM	228.65	
100-110-53200	PROFESSIONAL SERVICES	PLATTE COUNTY	COUNTY ATTORNEY SERVICES	4,062.00	
100-110-53200	PROFESSIONAL SERVICES	PSYCHOLOGICAL RESOURCES	PSYCHOLOGICAL RESOURCES	150.00	
100-110-53200	PROFESSIONAL SERVICES	USDA, APHIS	PERSONNEL COMPENSATION, PROGRAM SUPPORT	1,197.81	
100-110-54310	BUILDING MAINTENANCE	MIDWEST PETROLEUM EQUIPMEN	INSTALLED OVERFILL ALARM	591.06	
100-110-54320	EQUIPMENT MAINTENANCE	INTOXIMETERS INC	REPAIR HH HANDHELD	641.50	
100-110-54330	VEHICLE MAINTENANCE	CNC REPAIR LLC	LOF, AIRFILTER VIN #8537	5,211.34	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 110 POLICE					
100-110-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	4 - P245/55R18 EAGLE TIRES	683.16	
100-110-54380	MAINTENANCE AGREEMENTS	OLSON'S PEST TECHNICIANS	PEST CONTROL	90.00	
100-110-54530	VEHICLE TOWING	BEHLEN TOWING LLC	TOWING	2,250.00	
100-110-54530	VEHICLE TOWING	MIKE'S TOWING	TOWING	1,650.00	
100-110-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - TURBO ATTACHE, CAT FOOD, RECEI	19.99	
100-110-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	OFFICE SUPPLY.COM- DVD-R RECORDABLE DIS	418.38	
100-110-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICES	2,485.00	
100-110-56040	POSTAGE AND FREIGHT	EVIDENT, INC	SHIPPING	94.67	
100-110-56040	POSTAGE AND FREIGHT	MAILBOX	INTOXIMETERS	36.68	
100-110-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	9,585.00	
100-110-56165	K9 PROGRAM	PET CARE SPECIALISTS	BORDETELLA - EROS	21.75	
100-110-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	304.37	
100-110-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	379.95	
100-110-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	3,396.86	
100-110-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	367.46	
100-110-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	246.44	
100-110-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	413.80	
100-110-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 06 - APR 05	840.21	
100-110-56250	REFUSE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	40.00	
100-110-56650	MEMBERSHIP DUES	FIRST NATIONAL BANK OMAHA	NIC NEBRASKA - SUBSCRIPTION FEE	100.00	
100-110-56650	MEMBERSHIP DUES	NAPE	2024 MEMBERSHIP - TRACI HAPP	90.00	
Total For Dept 110 POLICE				39,618.73	
Dept 112 ANIMAL CONTROL					
100-112-56650	MEMBERSHIP DUES	MID-STATES ORGANIZED CRIME	MEMBERSHIP FOR 26-50 FT SWORN	200.00	
Total For Dept 112 ANIMAL CONTROL				200.00	
Dept 120 FIRE					
100-120-52700	TRAINING AND TUITION	MENARDS	FURRING STRIP	154.41	
100-120-52700	TRAINING AND TUITION	STATE FIRE MARSHAL TRAINING	INSTRUCTOR I CERTIFICATION	50.00	
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	MAILBOX	STANARD & ASSOCIATES	30.15	
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	VACCINATIONS	225.00	
100-120-52800	UNIFORMS	GALLS LLC	NEW GUYS - JOB SHIRTS	116.19	
100-120-52800	UNIFORMS	SHIRTS ARE US LLC	SHIRTS	712.50	
100-120-54310	BUILDING MAINTENANCE	FIFTH SEASON INC	EARLY SPRING LAWN APPLICATION	93.38	
100-120-54310	BUILDING MAINTENANCE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	53.12	
100-120-54330	VEHICLE MAINTENANCE	O'REILLY AUTOMOTIVE INC	WIPER BLADE, RESTORATION KIT	39.67	
100-120-55900	MISCELLANEOUS	GODFATHER'S PIZZA	PIZZA	34.23	
100-120-56010	SUPPLIES	DANKO EMERGENCY EQUIPMENT	STEEL BASE PIN	63.62	
100-120-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, MOPS, POLISH TOWELS, WINDSHIELD W	133.89	
100-120-56040	POSTAGE AND FREIGHT	MAILBOX	MALLORY SAFTEY & SUPPLY	10.42	
100-120-56050	FUEL	FIRST NATIONAL BANK OMAHA	FUEL TO TAKE NEW ENGINE TO DEALER IN IC	182.34	
100-120-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	447.68	
100-120-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	403.83	
100-120-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,323.67	
100-120-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	138.16	
100-120-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	252.99	
100-120-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	120.93	
100-120-56650	MEMBERSHIP DUES	NEBRASKA MUNICIPAL FIRE CHIEF	MEMBERSHIP DUES, NFPA DUES	258.50	
100-120-57510-24011	CAPITAL-EQUIPMENT	DANKO EMERGENCY EQUIPMENT	CAP BADGES	276.00	
Total For Dept 120 FIRE				8,120.68	
Dept 121 RESCUE					

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 121 RESCUE					
100-121-52800	UNIFORMS	GALLS LLC	NEW GUYS - JOB SHIRTS	116.19	
100-121-52800	UNIFORMS	SHIRTS ARE US LLC	SHIRTS	712.50	
100-121-53200	PROFESSIONAL SERVICES	HOWERTER MD MARK S	EMERGENCY MEDICAL DIRECTOR	655.00	
100-121-54310	BUILDING MAINTENANCE	FIFTH SEASON INC	EARLY SPRING LAWN APPLICATION	93.37	
100-121-54310	BUILDING MAINTENANCE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	53.13	
100-121-54330	VEHICLE MAINTENANCE	GENE STEFFY FORD	LUB, OIL & FILTER VIN #2559	217.64	
100-121-55900	MISCELLANEOUS	GODFATHER'S PIZZA	PIZZA	34.24	
100-121-55930	REFUNDS	COLUMBUS CREDIT SERVICES	MARCH COLLECTIONS	261.36	
100-121-56010	SUPPLIES	BOUND TREE MEDICAL LLC	ARS NEEDLE DECOMPRESSION KIT	1,661.45	
100-121-56010	SUPPLIES	MATHESON-LINWELD	MEDICAL OXYGEN	165.92	
100-121-56010	SUPPLIES	TOOLEY DRUG	CONTOUR NEXT	19.49	
100-121-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, MOPS, POLISH TOWELS, WINDSHIELD W	133.88	
100-121-56040	POSTAGE AND FREIGHT	MAILBOX	MALLORY SAFTEY & SUPPLY	10.42	
100-121-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	447.68	
100-121-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	403.82	
100-121-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,323.66	
100-121-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	138.14	
100-121-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	252.99	
100-121-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	120.93	
Total For Dept 121 RESCUE				6,821.81	
Dept 125 VOLUNTEER FIRE DEPARTMENT					
100-125-52700	TRAINING AND TUITION	NEBRASKA STATE FIRE SCHOOL	2024 FIRE SCHOOL - EGGER & PORTER	300.00	
100-125-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - 6 MEMORY FOAM 12 INCH MATTRESS	1,307.94	
100-125-56650	MEMBERSHIP DUES	NEBRASKA MUNICIPAL FIRE CH	MEMBERSHIP DUES, NFPA DUES	258.50	
Total For Dept 125 VOLUNTEER FIRE DEPARTMENT				1,866.44	
Dept 130 LIBRARY					
100-130-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	RED ROOF INN	832.27	
100-130-52700	TRAINING AND TUITION	PEDERSEN MELODEE	MILEAGE & AIRPORT PARKING PLA CONFERENC	90.91	
100-130-53400-PATRN	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	GODADDY.COM - DOMAIN RENEWAL	114.30	
100-130-53400-PCLAB	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - HP TONER CARTRIDGE	361.12	
100-130-55400	ADVERTISING AND PROMOTION	FIRST NATIONAL BANK OMAHA	BANK SUPPLIES - CLEAR ACRYLIC SIGN HOLI	274.75	
100-130-56010-BUILD	SUPPLIES	FIRST NATIONAL BANK OMAHA	ETSY - ACRYLIC BOOK VASE	51.12	
100-130-56010-BUILD	SUPPLIES	HOBBY LOBBY	FLORAL	110.37	
100-130-56010-BUILD	SUPPLIES	SARGENT MELISSA	MILEAGE	3.41	
100-130-56010-BUILD	SUPPLIES	SHEVLIN SUPPLY	HAND SANITIZER, SOAP DISPENSER	293.10	
100-130-56010-MTRLS	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - 2024-2024 PLANNERS, AVERY SHIF	23.95	
100-130-56010-PATRN	SUPPLIES	FIRST NATIONAL BANK OMAHA	BETTER CONTAINERS - 16X18 PATCH HANDLE	261.89	
100-130-56010-PATRN	SUPPLIES	QUILL CORPORATION	RECEIPT PAPER	30.59	
100-130-56010-STAFF	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - DVD'S, LABELS, HOOKS, ENVELOPE	9.80	
100-130-56010-STAFF	SUPPLIES	SARGENT MELISSA	MILEAGE	1.97	
100-130-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PAPER	235.50	
100-130-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - 2024-2024 PLANNERS, AVERY SHIF	52.65	
100-130-56020	OFFICE SUPPLIES	SARGENT MELISSA	MILEAGE	1.96	
100-130-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICES	6,980.00	
100-130-56040	POSTAGE AND FREIGHT	FIRST NATIONAL BANK OMAHA	UNITED STATES POSTAL SERVICE - 2 ROLLS	136.00	
100-130-56040	POSTAGE AND FREIGHT	SARGENT MELISSA	MILEAGE	1.19	
100-130-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	10,002.72	
100-130-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	310.79	
100-130-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	102.61	
100-130-56250	REFUSE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	123.75	
100-130-56400-ADULT	PROGRAMS	SARGENT MELISSA	MILEAGE	2.86	

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 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 130 LIBRARY					
100-130-56400-CHILD	PROGRAMS	FIRST NATIONAL BANK OMAHA	AMAZON - CANVASES FOR PAINTING	271.68	
100-130-56400-CHILD	PROGRAMS	HY-VEE INC	DORITOS	211.73	
100-130-56400-CHILD	PROGRAMS	SARGENT MELISSA	MILEAGE	2.01	
100-130-56400-CHILD	PROGRAMS	SHIRTS ARE US LLC	20 - SUMMER READING PROGRAM SHIRTS	260.00	
100-130-56400-YASCH	PROGRAMS	FIRST NATIONAL BANK OMAHA	AMAZON - PLAY STATION WIRELESS CONTROLI	125.67	
100-130-56400-YASCH	PROGRAMS	HOBBY LOBBY	FABRIC, NEEDLE ART	33.44	
100-130-56400-YASCH	PROGRAMS	SARGENT MELISSA	MILEAGE	0.43	
100-130-56400-YASRP	PROGRAMS	FIRST NATIONAL BANK OMAHA	AMAZON - CARD GAME, SQUISHMALLOW PLUSH,	149.90	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	AMAZON - DIY BAT REMOVAL HANDBOOK	348.91	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	GALE	MATERIALS	25.60	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES,	MATERIALS	904.89	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	MIDWEST TAPE LLC	DVD	39.72	
100-130-56410-CHILD	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES,	MATERIALS	36.07	
100-130-56410-SUBSC	BOOKS AND PUBLICATIONS	EBSCO INDUSTRIES INC	CREDIT	1,586.43	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	AMAZON - PLAY STATION STORM GIFT CARD	250.00	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES,	MATERIALS	758.55	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	BVH ARCHITECTURE	LIBRARY, CHILDRENS MUSEUM & CITY HALL	201.46	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	DELL MARKETING LP	AURORA R16, ALIENWARE 27 GAMING MONITOF	7,658.86	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	FIRST NATIONAL BANK OMAHA	ADOBE CREATVICE CLOUD ALL APPS	34.99	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	MIDWEST ALARM SERVICES	INSTALL RELAY MODULE	575.00	
Total For Dept 130 LIBRARY				33,884.92	
Dept 140 CEMETERY					
100-140-52500	UNEMPLOYMENT	NEBRASKA UC FUND	UNEMPLOYMENT - 0160130008 - 1ST QUARTEF	420.00	
100-140-53520	CONTRACT SERVICES	VAN DYKE CARROLL	OPEN/CLOSE CEMETERY GATES	146.50	
100-140-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	101.34	
100-140-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	26.46	
100-140-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	7.33	
Total For Dept 140 CEMETERY				701.63	
Dept 145 COMMUNITY DEVELOPMENT					
100-145-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	NWEA - 2024 GREAT PLAINS CONFERENCE	16.00	
100-145-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	3 - TIRES	353.37	
100-145-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	SIGNS ON THE CHEAP	417.19	
100-145-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	36.65	
Total For Dept 145 COMMUNITY DEVELOPMENT				823.21	
Dept 150 PARKS					
100-150-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING	134.00	
100-150-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	151.00	
100-150-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	25.62	
100-150-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	NWEA - 2024 GREAT PLAINS CONFERENCE	16.00	
100-150-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	SNAP BOLT ROUNDEYE	181.66	
100-150-54310	BUILDING MAINTENANCE	COLUMBUS PLUMBING COMPANY	UPPER & LOWER THERMOSTAT	164.25	
100-150-54310	BUILDING MAINTENANCE	CULLIGAN OF COLUMBUS	EQUIPMENT - POU COOLER	43.00	
100-150-54310	BUILDING MAINTENANCE	MENARDS	POLEBARN NAIL	88.95	
100-150-54310	BUILDING MAINTENANCE	MID-AMERICAN RESEARCH	URINAL SCREENS, BOWL CLEANER	276.00	
100-150-54310	BUILDING MAINTENANCE	MIDWEST PETROLEUM EQUIPMEN	INSTALLED OVERFILL ALARM	591.06	
100-150-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	TORCH HEAD	23.99	
100-150-54320	EQUIPMENT MAINTENANCE	FIRST NATIONAL BANK OMAHA	UPS STORE	61.60	
100-150-54320	EQUIPMENT MAINTENANCE	MENARDS	VINYL TUBING, HOSE CLAMP, BATTERIES, BF	108.99	
100-150-54320	EQUIPMENT MAINTENANCE	MOTOPLEX OF COLUMBUS	THERMOSTAT, GASKET	37.08	
100-150-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	MINI BULB	6.93	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 150 PARKS					
100-150-54330	VEHICLE MAINTENANCE	FIRST NATIONAL BANK OMAHA	AMAZON - THROTTLE PEDAL DEPRESSOR	33.31	
100-150-54330	VEHICLE MAINTENANCE	MENARDS	100W 5K LED 10 PACK	9.99	
100-150-54330	VEHICLE MAINTENANCE	SAPP BROS COLUMBUS INC	AMERIGUARD HYDRAULIC	679.75	
100-150-55400	ADVERTISING AND PROMOTION	FIRST NATIONAL BANK OMAHA	FACEBOOK CAMPAIGNS	68.04	
100-150-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	BATTERIES	5.59	
100-150-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	125.30	
100-150-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	93.84	
100-150-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	4,549.83	
100-150-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	464.42	
100-150-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	29.32	
Total For Dept 150 PARKS				7,969.52	
Dept 151 PAWNEE PLUNGE WATER PARK					
100-151-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	BALL VALVE	25.99	
100-151-54310	BUILDING MAINTENANCE	MENARDS	SNAP RING PLIER SET, PREMIUM ADHESIVE	19.97	
100-151-54310	BUILDING MAINTENANCE	RENSENHOUSE	600V SPECIAL PURPOSE FUSE	425.40	
100-151-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	80.60	
100-151-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,427.29	
100-151-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	98.37	
100-151-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	14.66	
100-151-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - MARCH 2024 POOLS	197.54	
Total For Dept 151 PAWNEE PLUNGE WATER PARK				2,289.82	
Dept 152 AQUATIC CENTER POOL					
100-152-53200	PROFESSIONAL SERVICES	JACKSON SERVICES INC	MATS	43.01	
100-152-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	63.00	
100-152-54310	BUILDING MAINTENANCE	KELLY SUPPLY COMPANY	LIFTING EYE BOLT	173.00	
100-152-54310	BUILDING MAINTENANCE	MENARDS	16X20X2 AIR FILTER	173.34	
100-152-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	636.21	
100-152-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	1,036.94	
100-152-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	4,752.80	
100-152-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	273.31	
100-152-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	100.14	
100-152-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	14.66	
100-152-56300	FOOD COSTS	CHESTERMAN COMPANY	POP & MONSTER	80.26	
100-152-56400	PROGRAMS	FIRST NATIONAL BANK OMAHA	AMAZON - PIRATE COINS, PREFILLED EASTEF	58.97	
100-152-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - MARCH 2024 POOLS	266.84	
Total For Dept 152 AQUATIC CENTER POOL				7,672.48	
Dept 155 VAN BERG GOLF COURSE					
100-155-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	1,132.21	
100-155-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	MONTHLY CONTRACT	2,387.56	
100-155-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	716.69	
100-155-53540	COMMISSION ON PASSES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	1,049.02	
100-155-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	SPRAY PAINT	30.57	
100-155-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	TRACTOR	11.18	
100-155-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	2 - ENGINE OIL FILTER, AIR FILTER	91.47	
100-155-54320	EQUIPMENT MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	STEEL SPACERS	24.33	
100-155-54490	IRRIGATION MAINTENANCE	MIDWEST TURF & IRRIGATION	FLX34B-02-3538 SPK, BSERIES	614.76	
100-155-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	DE-ICER	28.17	
100-155-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	124.40	
100-155-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	124.37	
100-155-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	730.91	

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 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 155 VAN BERG GOLF COURSE					
100-155-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	46.11	
100-155-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	21.99	
100-155-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - MARCH 2024 GOLF	1,392.90	
100-155-57200-23018	CAPITAL-LAND & BUILDINGS	NEBRASKA GOLF & TURF INC	10 - CLUB CAR TEMPO ELECTRIC CARTS	60,000.00	
Total For Dept 155 VAN BERG GOLF COURSE				68,526.64	
Dept 156 QUAIL RUN GOLF COURSE					
100-156-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING	134.00	
100-156-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	34.00	
100-156-53400	COMPUTER SUPPORT/MAINT	CLUB PROPHET SYSTEMS	MONTHLY TEE SHEET, ONLINE RESERVATION	500.00	
100-156-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - THERMAL PRINTER	249.99	
100-156-53400	COMPUTER SUPPORT/MAINT	GOLFNOW	WEBSITE/EMAIL HOSTING	191.22	
100-156-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	4,627.34	
100-156-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	MONTHLY CONTRACT	4,847.30	
100-156-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	1,839.77	
100-156-53540	COMMISSION ON PASSES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	5,944.45	
100-156-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	75.00	
100-156-54350	GOLF CART/COURSE MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - REAR LEAF SPRINGS	65.00	
100-156-54490	IRRIGATION MAINTENANCE	MIDWEST TURF & IRRIGATION	PARTS	2,662.40	
100-156-55920	MISC FEES	THE GOLF SHOP	MONTHLY TERMINAL USAGE FEE MARCH 2024	1,859.55	
100-156-56010	SUPPLIES	JACKSON SERVICES INC	UNIFORMS	53.11	
100-156-56010	SUPPLIES	MENARDS	LATEX PAINT, PAINT BRUSH, IMPLEMENT SPF	121.65	
100-156-56010	SUPPLIES	VAN WALL EQUIPMENT INC	CRANK-CLASSIC BALL WASHER	131.00	
100-156-56050	FUEL	HEARTLAND NATURAL GAS LLC	NATURAL GAS	56.82	
100-156-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	1,018.08	
100-156-56110	PRO-SHOP SUPPLIES	CULLIGAN OF COLUMBUS	SALT PELLET DELIVERED	63.75	
100-156-56110	PRO-SHOP SUPPLIES	HADLEY-BRAITHWAIT COMPANY	2 CASES CENTER PULL TOWELS, CASE JUMBO	289.70	
100-156-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	86.51	
100-156-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,107.86	
100-156-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	158.16	
100-156-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	100.14	
100-156-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	58.63	
100-156-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - MARCH 2024 GOLF	6,153.86	
Total For Dept 156 QUAIL RUN GOLF COURSE				32,429.29	
Total For Fund 100 GENERAL FUND				237,659.72	
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-52700	TRAINING AND TUITION	BOGUS RICHARD	MILEAGE MEALS - NCPA CONFERENCE LINCOLN	135.86	
200-200-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	406.35	
200-200-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON REFUND - PRINthead	1.37	
200-200-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.33	
200-200-54450	STREET MAINTENANCE	GEHRING CONSTRUCTION &	N/S OF ROUND ABOUT	562.36	
200-200-54450	STREET MAINTENANCE	GERHOLD CONCRETE COMPANY	38TH AVE & DISCOVERER DR	732.96	
200-200-54460	LAND MAINTENANCE	CLAY HILLS AG	TRIUMPH RTU	132.00	
200-200-54460	LAND MAINTENANCE	MENARDS	PLTD ALL THRD 3/4"	65.96	
200-200-54460	LAND MAINTENANCE	PLATTE COUNTY HIGHWAY DEP	12" USED CULVERTS	39.00	
200-200-54460	LAND MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	ALL THREAD PLATED	81.62	
200-200-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	PROPANE	105.38	
200-200-56010	SUPPLIES	GEHRING CONSTRUCTION &	HOT POUR TAR SEALANT	1,881.00	
200-200-56010	SUPPLIES	GERI EBEL	MAILBOX	51.66	
200-200-56010	SUPPLIES	MENARDS	CLASSIC POST MOUNT COMBO	60.99	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-56010	SUPPLIES	MOTION INDUSTRIES INC	LINE MARKING SPRAY	228.75	
200-200-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	8,581.20	
200-200-56090	SMALL TOOLS	ACE HARDWARE & GARDEN CNT	UTILITY KNIFE, SNIPS	27.98	
200-200-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	233.95	
200-200-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	348.94	
200-200-56220	ELECTRICITY	CORNHUSKER PUBLIC POWER DI	ELECTRICITY	594.30	
200-200-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	31,326.53	
200-200-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	163.58	
200-200-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	29.32	
200-200-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	47.75	
200-200-57200-23022	CAPITAL-LAND & BUILDINGS	BURNS & MCDONNELL ENGINEER	R23-129 TRAFFIC SIGNAL ANALYSIS 2023	39,938.40	
Total For Dept 200 STREETS				85,795.54	
Dept 202 MECHANICS SHOP					
200-202-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	63.78	
200-202-56010	SUPPLIES	ADVANCE AUTO PARTS	BATTERY CLEANER	9.36	
200-202-56010	SUPPLIES	MOTION INDUSTRIES INC	ORANGE NITRILE DISP GLOVES	162.80	
200-202-56090	SMALL TOOLS	K & S TOOL SERVICE	IMPACT UNIVERSAL JOINT	64.99	
200-202-56130	SUPPLIES FOR RESALE	ADVANCE AUTO PARTS	AIR FILTER	369.81	
200-202-56130	SUPPLIES FOR RESALE	ARNOLD MOTOR SUPPLY	TAPER BEARING SET	289.62	
200-202-56130	SUPPLIES FOR RESALE	CHROME N' STEEL TRUCK & T	VALVE ASSY	464.86	
200-202-56130	SUPPLIES FOR RESALE	CORNHUSKER INT'L TRUCKS, I	SENSOR	961.73	
200-202-56130	SUPPLIES FOR RESALE	GENE STEFFY FORD	GLASS ASY- REAR VIEW OUTER	147.91	
200-202-56130	SUPPLIES FOR RESALE	LAWSON PRODUCTS	FLAT FACE HYDRO COUPLER, NIPPLE, MLE PI	235.86	
200-202-56130	SUPPLIES FOR RESALE	O'REILLY AUTOMOTIVE INC	OIL FILTER	24.47	
200-202-56130	SUPPLIES FOR RESALE	PRODUCTIVITY PLUS ACCOUNT-	AC REPAIR SERVICE CASE	4,830.76	
200-202-56130	SUPPLIES FOR RESALE	SAPP BROS COLUMBUS INC	AMERIGUARD 5W-30	726.50	
200-202-56130	SUPPLIES FOR RESALE	TITAN MACHINERY INC-FREMO	GAS STRUTS	161.45	
200-202-56130	SUPPLIES FOR RESALE	TRUCK CENTER COMPANIES	THERMOSTAT COOLANT, SEAL COOLANT THERMC	199.47	
Total For Dept 202 MECHANICS SHOP				8,713.37	
Total For Fund 200 STREETS/ENGINEERING				94,508.91	
Fund 205 AIRPORT					
Dept 205 AIRPORT					
205-205-56010	SUPPLIES	MENARDS	VANITY COMBO, ADLER 2H 4" LAV	294.46	
205-205-56030	CLEANING SUPPLIES/SERVICE	HEARTLAND OFFICE CLEANERS	APRIL CLEANING SERVICE	250.00	
205-205-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,594.42	
205-205-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	25.19	
205-205-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	21.99	
205-205-56260	UTILITIES - FSS BUILDING	CITY OF COLUMBUS	WATER & SEWER	52.92	
205-205-56260	UTILITIES - FSS BUILDING	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	40.00	
205-205-57200-23030	CAPITAL-LAND & BUILDINGS	KIRKHAM MICHAEL & ASSOCIA	CONSTRUCT 8 PLACE T-HANGAR	4,262.02	
205-205-57520-24025	CAPITAL-VEHICLES	FIRST NATIONAL BANK OMAHA	TRACTOR SUPPLY - 60 GALLON UTV SPRAYER	848.98	
Total For Dept 205 AIRPORT				7,389.98	
Total For Fund 205 AIRPORT				7,389.98	
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	NE SECRETARY OF STATE - NOTARY APPLICAI	360.00	
220-220-52700	TRAINING AND TUITION	NENA	EHANCED CALL MANAGEMENT-YORK, NE CINDY	580.00	
220-220-52710	EMPLOYEE RECRUITMENT/RETENTION	PSYCHOLOGICAL RESOURCES	PSYCHOLOGICAL RESOURCES	300.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-53200	PROFESSIONAL SERVICES	HOWERTER MD MARK S	EMERGENCY MEDICAL DIRECTOR - JCC	460.00	
220-220-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	OVER THE PHONE INTERPRETATION	341.86	
220-220-53400	COMPUTER SUPPORT/MAINT	EAKES OFFICE SOLUTIONS	TONER CARTRIDGE, CLIP, STAPLER, MAGNETI	154.99	
220-220-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - HDMI TO DISPLAY PORT VIDEO ADP	66.85	
220-220-53400	COMPUTER SUPPORT/MAINT	MECHANICAL SALES INC	SERVICE CRAC UNIT IN COMPUTER ROOM	1,568.04	
220-220-56010	SUPPLIES	CULLIGAN OF COLUMBUS	EQUIPMENT - REVERSE OSMOSIS	32.00	
220-220-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - 5 PACK USB-A FAST CHARGING CAC	23.49	
220-220-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	HANGING FOLDER, NOTES, PENS	202.49	
220-220-56030	CLEANING SUPPLIES/SERVICE	HEARTLAND OFFICE CLEANERS	APRIL CLEANING SERVICE	250.00	
220-220-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	664.30	
220-220-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	52.91	
220-220-56240	TELEPHONE	CENTURY LINK	E911 PHONE CHARGES	930.00	
220-220-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	943.83	
220-220-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	7.33	
220-220-56240	TELEPHONE	LINGO	E911 PHONE CHARGES 2/01/2024 - 2/28/202	118.40	
220-220-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	40.00	
220-220-56650	MEMBERSHIP DUES	FIRST NATIONAL BANK OMAHA	NATIONAL LAW ENFORCEMENT-LE MEMBERSHIP	50.00	
220-220-57510-21084	CAPITAL-EQUIPMENT	PLATTE VALLEY COMMUNICATIO	SERVICE REQUEST - CHECK NORTH BATTERIES	861.25	
Total For Dept 220 E911				8,007.74	
Total For Fund 220 COMMUNICATIONS - E911				8,007.74	
Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHARING					
Dept 225 EC-911 EQUIPMENT SHARING					
225-225-56240	TELEPHONE	TELECOMMUNICATION SYSTEMS	MONTHLY CIRCUIT FEE, ANNUAL MAINTENANCE	1,970.67	
Total For Dept 225 EC-911 EQUIPMENT SHARING				1,970.67	
Total For Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHAF				1,970.67	
Fund 500 UTILITY SERVICE					
Dept 500 WASTEWATER COLLECTION					
500-500-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS CUSTOM EMBROIDER	CLOTHING - BOMBERGER	111.00	
500-500-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	270.01	
500-500-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON REFUND - PRINthead	(14.63)	
500-500-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.34	
500-500-54330	VEHICLE MAINTENANCE	GAVER TIRE & AUTO CENTER 14	TIRES UNIT #44	880.50	
500-500-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	GREAT STUFF BIG GAP	23.98	
500-500-54390	SYSTEM MAINTENANCE	ONE CALL CONCEPTS INC	LOCATE FEES	191.69	
500-500-54390	SYSTEM MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	LIQUID WRENCH LUBRICATING OIL, BLASTER	8.58	
500-500-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PAPER	39.78	
500-500-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL & WATER STATEMENTS	2,222.42	
500-500-56060	CHEMICALS	MID-AMERICAN RESEARCH	NUKE LIFT STATION DEGREASER	3,000.00	
500-500-56220	ELECTRICITY	CORNHUSKER PUBLIC POWER DJ	ELECTRICITY	315.20	
500-500-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	2,321.66	
500-500-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	27.26	
500-500-56240	TELEPHONE	A TO Z MESSAGING	ANSWERING SERVICE	65.00	
500-500-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	33.55	
500-500-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	20.00	
500-500-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVI	SALES TAX - MARCH 2024 UTILITY	35,623.64	
500-500-57300-20091	CAPITAL-NEW CONSTRUCTION	HDR ENGINEERING INC	LOST CREEK PARKWAY SEWER PROJECT	4,224.93	
Total For Dept 500 WASTEWATER COLLECTION				49,382.91	
Dept 501 WASTEWATER TREATMENT FAC					

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 500 UTILITY SERVICE					
Dept 501 WASTEWATER TREATMENT FAC					
500-501-52700	TRAINING AND TUITION	EATON MARTY	CDL RENEWAL	31.00	
500-501-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	186.43	
500-501-54310	BUILDING MAINTENANCE	EDISON LIGHTING SUPPLY &	2 - ELS 220W	819.30	
500-501-54320	EQUIPMENT MAINTENANCE	ADVANCE AUTO PARTS	LUBE, FUEL FILTER KIT	144.17	
500-501-54320	EQUIPMENT MAINTENANCE	DXP ENTERPRISES, INC.	OIL SEAL	31.58	
500-501-54320	EQUIPMENT MAINTENANCE	ELECTRICAL ENGINEERING &	BULK CORD	565.52	
500-501-54320	EQUIPMENT MAINTENANCE	KELLY SUPPLY COMPANY	TEADIT SHEET PACKING	72.00	
500-501-54320	EQUIPMENT MAINTENANCE	MOTION INDUSTRIES INC	OIL SEALS	392.01	
500-501-54330	VEHICLE MAINTENANCE	ARNOLD MOTOR SUPPLY	F/W SEPARATOR FILTER, OIL FILTER	41.26	
500-501-55640	COMPLIANCE TESTING	MIDWEST LABORATORIES INC	TESTING & SUPPLIES	114.42	
500-501-56010	SUPPLIES	MENARDS	GARAGE SHELVING	131.53	
500-501-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MAT	27.27	
500-501-56060	CHEMICALS	PETE LIEN & SONS INC.	QUICKLIME FINES	7,179.37	
500-501-56100	LABORATORY	FISHER SCIENTIFIC	CYLINDER, BEAKER	493.12	
500-501-56100	LABORATORY	HACH COMPANY	PIPET SET	1,109.00	
500-501-56100	LABORATORY	USA BLUE BOOK	NALGENE SETTLEOMETER, CENTRIFUGE TUBES	733.56	
500-501-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	2,006.92	
500-501-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	1,771.56	
500-501-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	14,423.91	
500-501-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	1,450.46	
500-501-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	107.14	
500-501-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	36.65	
500-501-56250	REFUSE	NORTHEAST NEBRASKA SOLID	LANDFILL CHARGES	153.77	
Total For Dept 501 WASTEWATER TREATMENT FAC				32,021.95	
Total For Fund 500 UTILITY SERVICE				81,404.86	
Fund 520 WATER					
Dept 520 WATER					
520-520-52700	TRAINING AND TUITION	FIALA, HEATH	NRWA CONFERENCE - MEALS	57.84	
520-520-52700	TRAINING AND TUITION	STOCKWELL TUCKER	KEARNEY CONFERENCE - MEALS	46.52	
520-520-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	147.03	
520-520-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON REFUND - PRINthead	162.03	
520-520-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.33	
520-520-54320	EQUIPMENT MAINTENANCE	FIRST NATIONAL BANK OMAHA	AMAZON - NETWORK MANAGEMENT CARD	213.00	
520-520-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	V-BELT	67.23	
520-520-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	PEX PLUG, BALL VALVE	100.55	
520-520-54390	SYSTEM MAINTENANCE	GEHRING CONSTRUCTION &	30TH AVE & 17TH STREET	1,013.00	
520-520-54390	SYSTEM MAINTENANCE	MIDWEST LABORATORIES INC	TESTING & SUPPLIES	80.52	
520-520-54390	SYSTEM MAINTENANCE	MUNICIPAL SUPPLY INC OF OM	RANGER COUPLINGS	1,269.97	
520-520-54390	SYSTEM MAINTENANCE	ONE CALL CONCEPTS INC	LOCATE FEES	191.69	
520-520-54390	SYSTEM MAINTENANCE	UTILITY SERVICE CO INC	601395,601396, 601397 QUARTERLY TANK &	22,897.08	
520-520-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PAPER	39.78	
520-520-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - TONER CARTRIDGES	2,391.06	
520-520-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL & WATER STATEMENTS	2,222.41	
520-520-56040	POSTAGE AND FREIGHT	MAILBOX	NEBRASKA PUBLIC HEALTH	144.62	
520-520-56060	CHEMICALS	AQUA-PURE INC	MONTHLY SERVICE CONTRACT - NORTH & SOU	7,944.75	
520-520-56060	CHEMICALS	HAWKINS INC	CHEMICALS	4,113.01	
520-520-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	628.60	
520-520-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	149.54	
520-520-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	14,094.18	
520-520-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	164.54	
520-520-56240	TELEPHONE	A TO Z MESSAGING	ANSWERING SERVICE	65.00	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 520 WATER					
Dept 520 WATER					
520-520-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	179.42	
520-520-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	55.54	
520-520-56250	REFUSE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	20.00	
520-520-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVENUE	SALES TAX - MARCH 2024 UTILITY	7,510.15	
520-520-57200-22031	CAPITAL-LAND & BUILDINGS	HDR ENGINEERING INC	DESIGN & CONSTRUCTION PHASE LOST CREEK	1,797.52	
520-520-57200-24029	CAPITAL-LAND & BUILDINGS	NDEE	WATER IMPROVEMENTS FOR VITALITY VILLAGE	1,600.00	
520-520-57510-23042	CAPITAL-EQUIPMENT	HDR ENGINEERING INC	WATER SYSTEM HYDRAULIC MODEL & MASTER PLAN	11,245.00	
520-520-57510-24034	CAPITAL-EQUIPMENT	SECURITY EQUIPMENT INC	CAMERA UPGRADE - SOUTH WATER PLANT 1077	8,385.00	
Total For Dept 520 WATER				89,014.91	
Total For Fund 520 WATER				89,014.91	
Fund 560 STORMWATER UTILITY					
Dept 560 STORMWATER UTILITY					
560-560-53200	PROFESSIONAL SERVICES	BOGUS RICHARD	MIELAGE - NDOT HQ LOUP RIVER BRIDGE MEE	136.68	
560-560-53400	COMPUTER SUPPORT/MAINT	DELL MARKETING LP	DELL MOBILE PRECISION WORKSTATION	800.00	
560-560-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	NWEA - 2024 GREAT PLAINS CONFERENCE	16.00	
560-560-55500	PUBLICATIONS AND NOTICES	NEBRASKA SURVEY REPOSITORY	FILING FEES	10.75	
560-560-55900	MISCELLANEOUS	DELL MARKETING LP	DELL MOBILE PRECISION WORKSTATION	1,000.00	
560-560-56010	SUPPLIES	COLUMBUS STEEL SUPPLY	REBAR	462.00	
560-560-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	BLACKBURN MANUFACTURING	98.45	
560-560-56020	OFFICE SUPPLIES	DELL MARKETING LP	DELL MOBILE PRECISION WORKSTATION	403.81	
560-560-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	42.92	
560-560-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVENUE	SALES TAX - MARCH 2024 UTILITY	2,082.06	
Total For Dept 560 STORMWATER UTILITY				5,052.67	
Total For Fund 560 STORMWATER UTILITY				5,052.67	
Fund 570 SOLID WASTE DIVISION					
Dept 570 TRANSFER STATION					
570-570-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING	67.00	
570-570-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	34.00	
570-570-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	216.85	
570-570-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	55.00	
570-570-53400	COMPUTER SUPPORT/MAINT	CAROLINA SOFTWARE	WASTEWORKS SOFTWARE SUPPORT QUARTER ENI	600.00	
570-570-54320	EQUIPMENT MAINTENANCE	ADVANCE AUTO PARTS	AIR FILTERS, LUBE, DRILL BIT, FUEL FILT	54.94	
570-570-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	FILTER-OIL TRANSMISSION, FILTER-FUEL, F	146.95	
570-570-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	4 - TIRE REPAIRS	103.00	
570-570-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	2 - USED TIRES	300.00	
570-570-54550	LANDFILL DISPOSAL	NORTHEAST NEBRASKA SOLID	LANDFILL CHARGES	58,879.33	
570-570-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	TONER	347.80	
570-570-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, ROLLER TOWELS, UNIFORMS	34.16	
570-570-56050	FUEL	MENARDS	2.5 GAL DEF	151.68	
570-570-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	7,500.06	
570-570-56050	FUEL	STANLEY PETROLEUM	REPLACED POWER SUPPLY	1,163.17	
570-570-56190	PERSONAL PROTECTIVE SUPP	KELLY SUPPLY COMPANY	OIL ONLY TOTE SPILL KIT	59.68	
570-570-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	997.36	
570-570-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	255.72	
570-570-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 04/16-05/15	21.99	
Total For Dept 570 TRANSFER STATION				70,988.69	
Total For Fund 570 SOLID WASTE DIVISION				70,988.69	

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
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Fund Totals:

Fund 100 GENERAL FUND	237,659.72
Fund 200 STREETS/ENGINEE	94,508.91
Fund 205 AIRPORT	7,389.98
Fund 220 COMMUNICATIONS	8,007.74
Fund 225 COMMUNICATIONS-	1,970.67
Fund 500 UTILITY SERVICE	81,404.86
Fund 520 WATER	89,014.91
Fund 560 STORMWATER UTII	5,052.67
Fund 570 SOLID WASTE DIV	70,988.69

Total For All Funds:	<u>595,998.15</u>
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5. APPROVAL OF MINUTES - Included in Consent Agenda

6. SPECIAL PRESENTATIONS

6.A. Proclamation declaring May 2, 2024, as National Day of Prayer.



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

PROCLAMATION

WHEREAS, Throughout history America has faced trials and triumphs, and Americans have responded in prayer seeking courage and comfort, inspiration, and joy-filled celebration. Faith compels us to seek and cling to the Light in times of darkness and spread light to those in need; and

WHEREAS, From the first gatherings of our Founding Fathers, elected officials have prayed and entreated those they serve and represent to join them in prayer, including the authors of our Declaration of Independence, wrote that they, “the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world...” and carried on to present day in Presidential Proclamations such as last year’s invitation to “join him in asking for God’s continued guidance, mercy, and protection”; and

WHEREAS, A National Day of Prayer has not only been a part of our heritage since it was declared by the First Continental Congress in 1775, but it is a Public Law established in the United States Congress in 1952 approved by a Joint Resolution and amended by Congress and President Reagan with Public Law 100-307 in 1988, affirming that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May annually as The National Day of Prayer; and

WHEREAS, In every state across America the observance of the National Day of Prayer will be held on Thursday, May 2, 2024, with the theme, “Lift Up the Word, Light Up the World,” based on the verses found in 2 Samuel 22:29-31, “For you are my lamp, O Lord, and my God lightens my darkness... This God – his way is perfect; the word of the Lord proves true; he is a shield for all those who take refuge in him”; and

WHEREAS, Unified prayer is mobilized across America every first Thursday of May on the National Day of Prayer as neighbors come together to join their hearts and voices in reading sacred Scriptures and attending services to seek God for the city and country where we live, learn, work, worship, serve, and desire all to thrive; and

WHEREAS, We express our faith and exercise our freedom in prayer, then unite our hearts and voices in personal prayer and public gatherings across America with fervent praise, repentance, love, and humble intercession for our neighbor and nation, holding fast to the promises throughout the Holy Scriptures that the Lord hears and avails much as He answers the faith-filled prayers of His people.

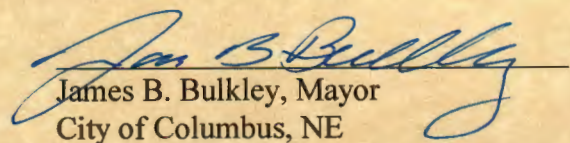
NOW, THEREFORE, I, James B. Bulkley, Mayor of Columbus, Nebraska, do hereby proclaim May 2, 2024 as

“NATIONAL DAY OF PRAYER”

in the City of Columbus, Nebraska.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Official Seal of the City of Columbus, Nebraska.




James B. Bulkley, Mayor
City of Columbus, NE

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.)

MEMORANDUM

DATE: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Addition – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of Vitality Village Addition as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

I recommend the approval of the Final Plat as it is consistent with the Preliminary Plat.

DISCUSSION:

The subdivision property was selected from multiple proposals from property owners. The City Council approved the purchase of the property after the public hearing on January 15, 2024, for the purpose of developing a multi-use subdivision which meets the needs of residential developers and builders. Proposals for multi-use residential buildings were received from various entities, both from Columbus and outside. The subdivision lots were sized to meet the required minimum standards and to provide efficient use of the property.

The subdivision consists of 38 lots consisting of nine (9) single family lots, ten (10) townhomes (on 20 lots), eight (8) multi-family lots, and one (1) greenspace lot. Subdivision highlights include:

- Concrete street paving, a looped water main system, sanitary sewer mains, and storm sewer
- The development will utilize the existing storm water treatment and detention to the north of the subdivision to lessen impact on the neighborhood
- Limited access onto 8th Street and proposed garage locations on the larger lot to the east will assist in lowering visual and sound impacts on the existing properties to the south
- Single family and townhome units around the existing Weir Subdivision single family to better blend
- A walking trail will be constructed along the north side of 8th Street connecting to the 3rd Avenue north trail system

The property is already within the city limits.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wiskroen

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

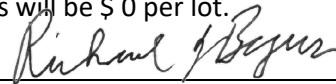
PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

I hereby apply for a Major Subdivision / Addition and have paid 0 application fee plus additional lot review fees - Preliminary Plats will be \$0 per lot and Final Plats will be \$ 0 per lot.



Owner or Owner's Representative

Richard J. Bogus, City Engineer

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

<https://www.columbusne.us/114/Land-Development-Zoning-Code>

This plat was prepared at the request of the City of Columbus, Columbus NE

FIELD NOTES

NW Corner SW1/4 SE1/4 Sec. 20 T17N R1E: Found 1-1/2" iron pipe, bent over, as recorded on survey by Byron L. Willman, LS #316, dated August 11, 1989. Monument is also recorded on survey by Joseph J. Veltick, LS #500, on December 9, 2000. Perpetuated pipe with 5/8" x 24" iron bar with cap. Ties to the monument are more in line with the Willman survey.

PRELIMINARY PLAT
VITALITY VILLAGE ADDITION

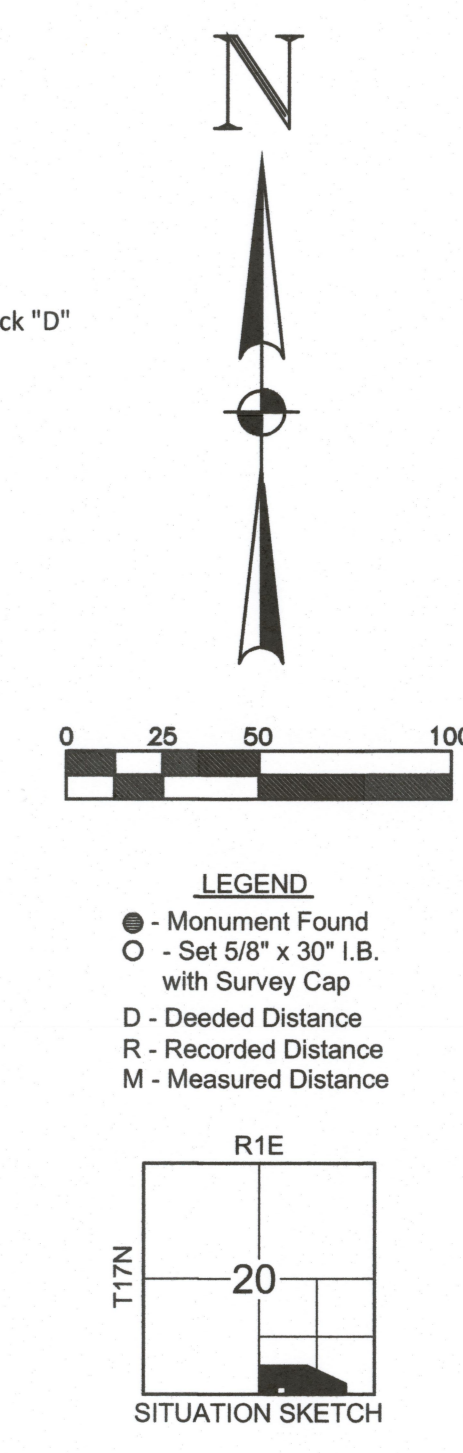
A Subdivision of Part of The S1/2 SE1/4
Sec. 20, T17N, R1E of the 6th P.M., Platte County, Nebraska
Lying South and West of of the Southwesterly Right-of-Way line of the now abandoned C.B. & Q.R.R.

OWNER: Nels Johnson, 22355 Pine Hill Dr., Gretna, NE 68028
ENGINEER: Brian D. Benck, City of Columbus, 2500 14th Street, Columbus, NE 68602
SURVEYOR: Brian D. Benck, City of Columbus, 2500 14th Street, Columbus, NE 68602

PRESENT ZONING: R1
PROPOSED ZONING: R1 - Lots 1-7 Block "A" & Lots 1 & 2 Block "C"
R2 - Lots 1-2, 4-12 Block "B" & Lots 3-10, 12-13 Block "C"
R3 - Lots 8-12 Block "A", Lot 3 Block "B", Lot 11 Block "C", & Lots 1 & 2 Block "D"

TOPOGRAPHY LEGEND table with symbols for fence, bare hill, elevation contours, centerline, waterline, etc.

PROPOSED DESIGN LEGEND table with symbols for waterline, storm sewer line, sanitary sewer line, building setback line, etc.



LEGAL DESCRIPTION

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 degrees 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 a tract of land located in 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 degrees 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 degrees 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 degrees 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 degrees 45' 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 degrees 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) of 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 degrees 29' 35" W; Thence N 01 degrees 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 81 degrees 32' 03" W, and on said West Line, 689.24 feet to a point on the South Line of Columbus Cemetery; thence N 88 degrees 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 degrees 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 degrees 29' 33" E and on the West Line of 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 degrees 30' 21" W and on said north line, 572.86 feet; thence S 88 degrees 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 degrees 23' 12" W and on the east line said Weir Subdivision, 165.30 feet to the Northeast Corner said Lot 2; thence S 88 degrees 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 degrees 29' 33" E and on the west line said Lot 1, 165.18 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 degrees 29' 35" W and on said North line, 114.63 feet; thence N 88 degrees 34' 24" W and on said north line 200.27 feet to the Point of Beginning, containing 25.11 Acres more or less.

SURVEYOR'S CERTIFICATE

I, Brian D. Benck, Nebraska Registered Land Surveyor No. 536, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Minimum Standards for Surveys in Nebraska in effect at the time of this survey.

Brian D. Benck, Nebraska L.S. #536



CITY COUNCIL APPROVAL

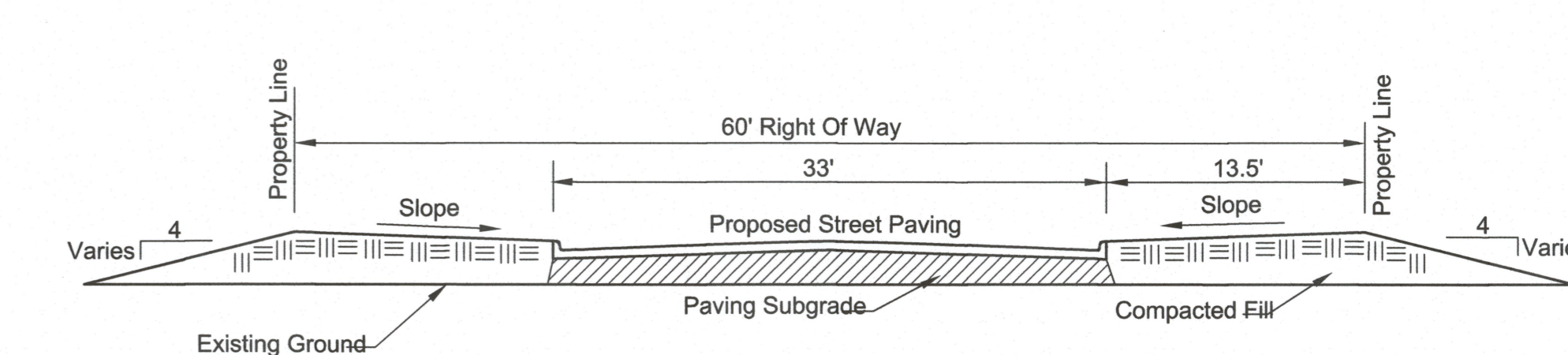
This Preliminary Plat of VITALITY VILLAGE ADDITION to the City of Columbus, Nebraska, approved by the City Council this ___ day of ___, 2024.

City Clerk: _____ Mayor: _____

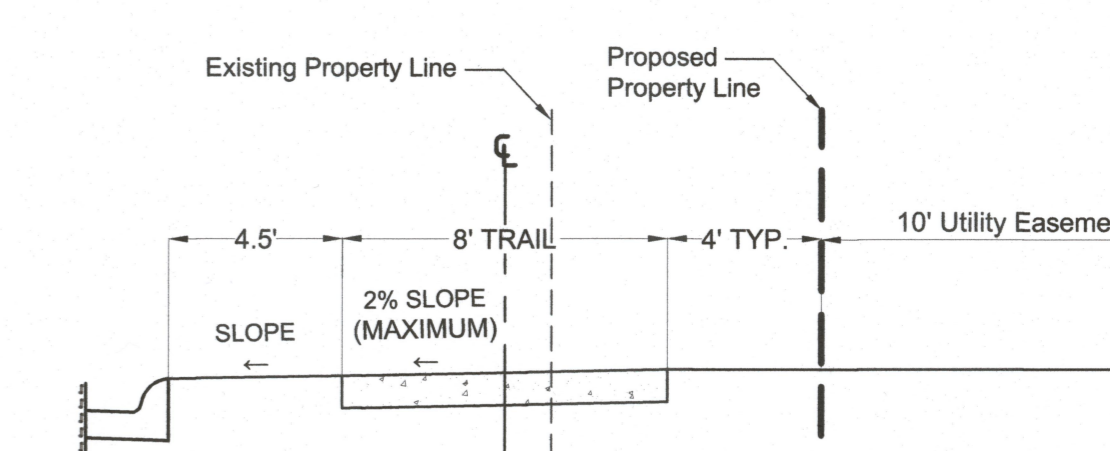
PLANNING COMMISSION APPROVAL

This Preliminary Plat of VITALITY VILLAGE ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this ___ day of ___, 2024.

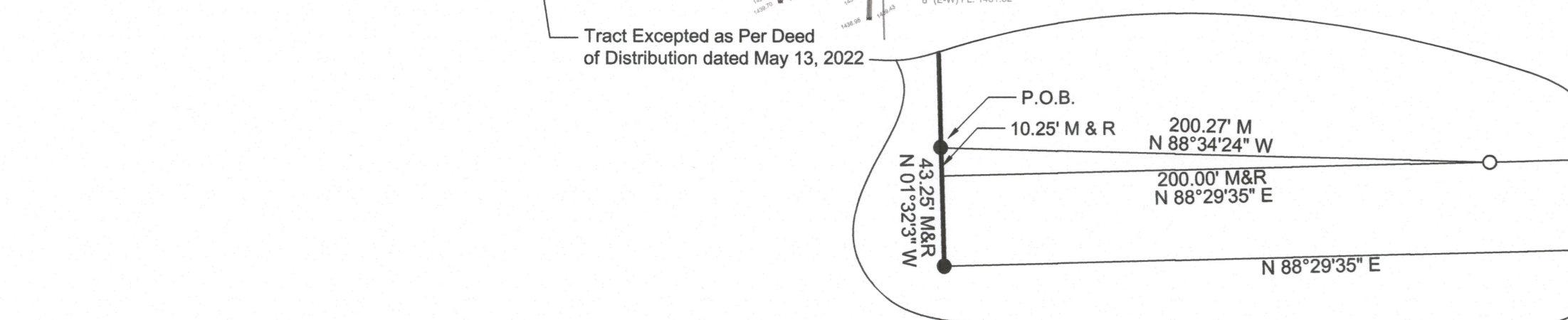
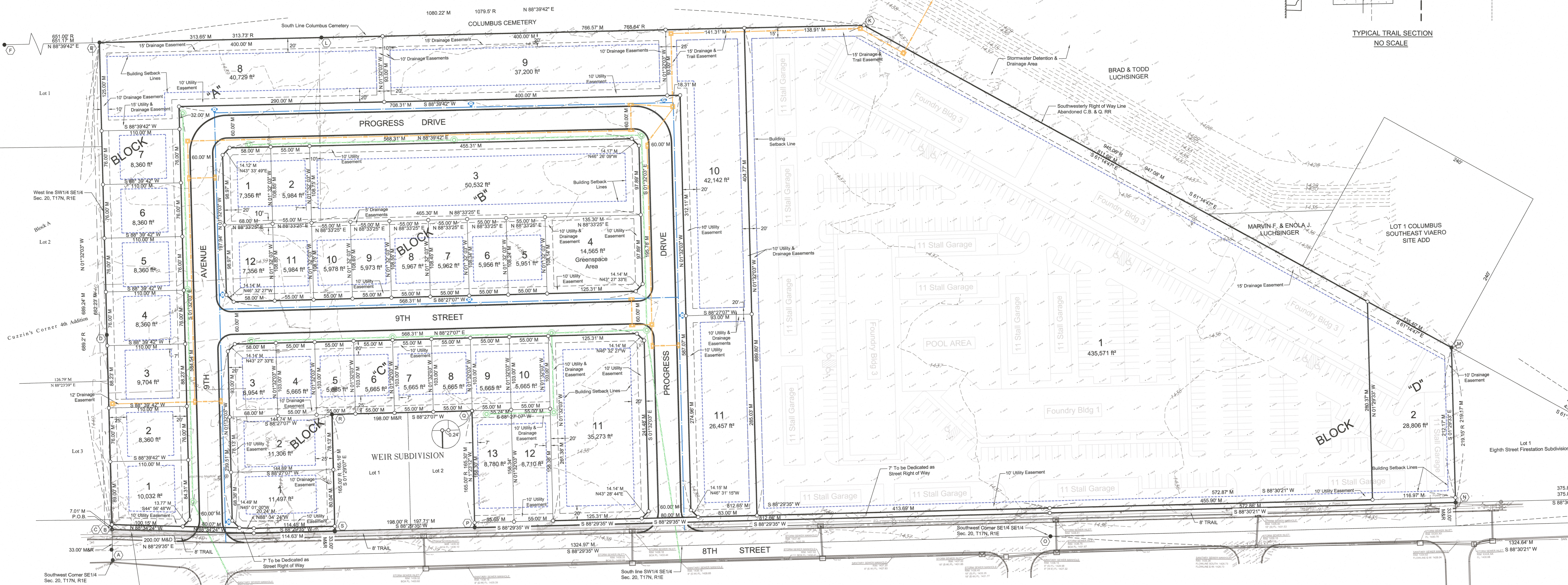
Chairman: _____



TYPICAL STREET EMBANKMENT CROSS SECTION NO SCALE

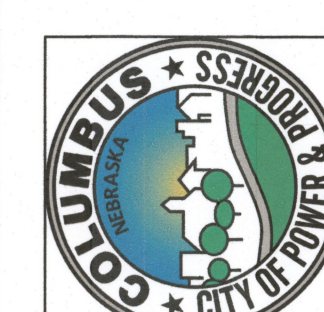


TYPICAL TRAIL SECTION NO SCALE



2500 14TH STREET, SUITE 3
P.O. BOX 1677
COLUMBUS, NE 68602-1677
(402) 562-4609

COLUMBUS NEBRASKA
ENGINEERING DEPARTMENT



PRELIMINARY PLAT
VITALITY VILLAGE ADDITION
to the City of Columbus
Platte County, Nebraska

VITALITY VILLAGE ADDITION



VITALITY VILLAGE ADDITION

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.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, April 15, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat of Vitality Village Addition, 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 (N of 8th St and 7th Ave) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 04:04:24
Two Affidavits of Publication

MEMORANDUM

DATE: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Addition – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of Vitality Village Addition as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

I recommend the approval of the Final Plat as it is consistent with the Preliminary Plat.

DISCUSSION:

The subdivision property was selected from multiple proposals from property owners. The City Council approved the purchase of the property after the public hearing on January 15, 2024, for the purpose of developing a multi-use subdivision which meets the needs of residential developers and builders. Proposals for multi-use residential buildings were received from various entities, both from Columbus and outside. The subdivision lots were sized to meet the required minimum standards and to provide efficient use of the property.

The subdivision consists of 38 lots consisting of nine (9) single family lots, ten (10) townhomes (on 20 lots), eight (8) multi-family lots, and one (1) greenspace lot. Subdivision highlights include:

- Concrete street paving, a looped water main system, sanitary sewer mains, and storm sewer
- The development will utilize the existing storm water treatment and detention to the north of the subdivision to lessen impact on the neighborhood
- Limited access onto 8th Street and proposed garage locations on the larger lot to the east will assist in lowering visual and sound impacts on the existing properties to the south
- Single family and townhome units around the existing Weir Subdivision single family to better blend
- A walking trail will be constructed along the north side of 8th Street connecting to the 3rd Avenue north trail system

The property is already within the city limits.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wiskroen

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

I hereby apply for a Major Subdivision / Addition and have paid \$0 application fee plus additional lot review fees - Preliminary Plats will be \$0 per lot and Final Plats will be \$0 per lot.



Owner or Owner's Representative

Richard J. Bogus, City Engineer

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

<https://www.columbusne.us/114/Land-Development-Zoning-Code>

VITALITY VILLAGE ADDITION



FINAL PLAT

VITALITY VILLAGE ADDITION

A Subdivision of Part of The S1/2 SE1/4 Sec. 20, T17N, R1E of the 6th P.M., Platte County, Nebraska

Lying South and West of the Southwesterly Right-of-Way line of the now abandoned C.B. & Q.R.R.

This plat was prepared at the request of the City of Columbus, Columbus NE

FIELD NOTES

NW Corner SW1/4 SE1/4 Sec. 20 T17N R1E: Found 1-1/2" iron pipe, bent over, as recorded on survey by Byron L. Willman, LS #316, dated August 11, 1989.

SW Corner SE1/4 Sec. 20 T17N R1E: Found 5/8" iron bar with aluminum cap in monument well in 8th Street as recorded on survey by Thomas A. Tremel, LS #455, dated August 20, 1996.

SE Corner SE1/4 Sec. 20 T17N R1E: Found star drill hole in concrete on the northeast side of monument well as recorded on survey by Joseph J. Veticik, LS #500, dated August 22, 1998.

SE Corner SE1/4 Sec. 20 T17N R1E: Found aluminum cap in concrete as recorded on survey by Thomas A. Tremel, L.S. #455 dated February 27, 2007.

At "A" found 1" iron pipe in monument well in 8th Street. At "B" found 5/8" iron bar as recorded on survey by John V. Berry, LS #535, dated June 16, 2016.

LEGAL DESCRIPTION

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.

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.

PLANNING COMMISSION

STATE OF NEBRASKA) COUNTY OF PLATTE) SS CITY OF COLUMBUS)

This plat of VITALITY VILLAGE ADDITION to the City of Columbus, Platte County, Nebraska, approved by the Planning Commission this ____ day of _____, 2024.

Chairman

CITY COUNCIL

STATE OF NEBRASKA) COUNTY OF PLATTE) SS CITY OF COLUMBUS)

The foregoing plat approved by the City Council of Columbus, Nebraska, by Resolution No. _____ duly passed by the City Council on the ____ day of _____, 2024.

Attest:

City Clerk

Mayor

SCHOOL DISTRICT

STATE OF NEBRASKA) COUNTY OF PLATTE) SS

The above plat approved by Columbus School District No. 71-0001, Platte County, Nebraska

Attest:

Secretary

President

SURVEYOR'S CERTIFICATE

STATE OF NEBRASKA) COUNTY OF PLATTE) ss CITY OF COLUMBUS)

I, Brian D. Benck, Nebraska Registered Land Surveyor No. 536, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat;

Brian D. Benck, Nebraska L.S. #536

Date: _____

Brian D. Benck, Nebraska L.S. #536

Date: _____

Brian D. Benck, Nebraska L.S. #536

Date: _____

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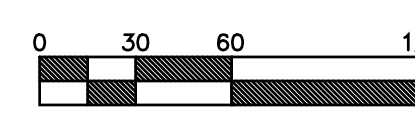
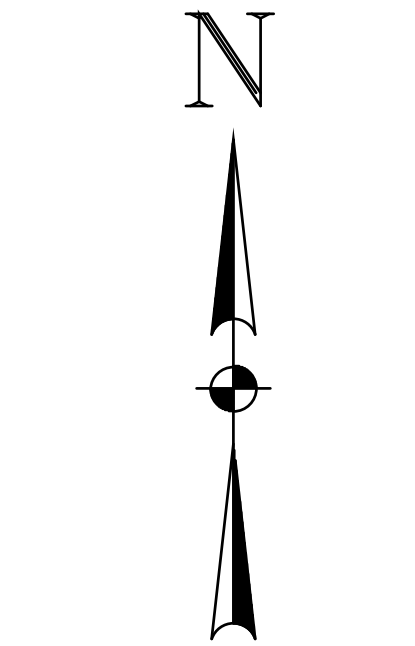
Date: _____

Brian D. Benck, Nebraska L.S. #536

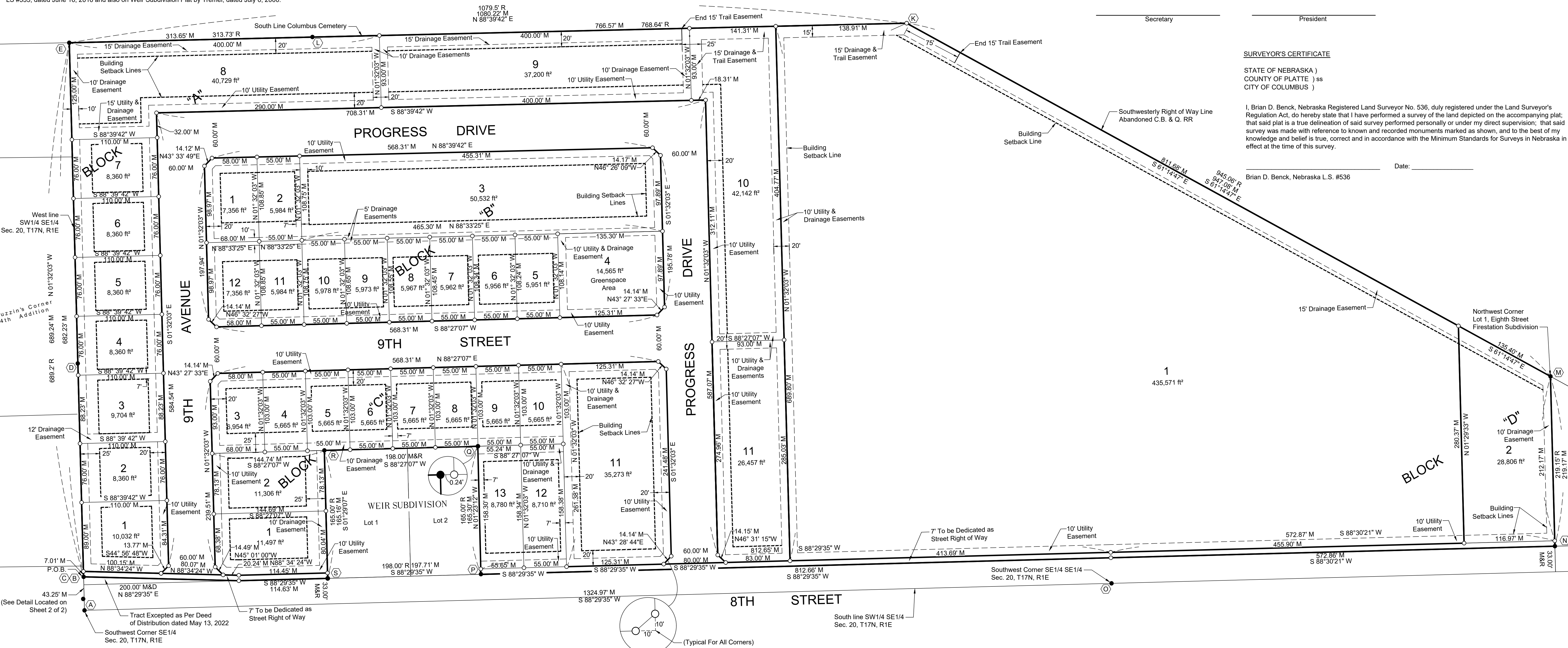
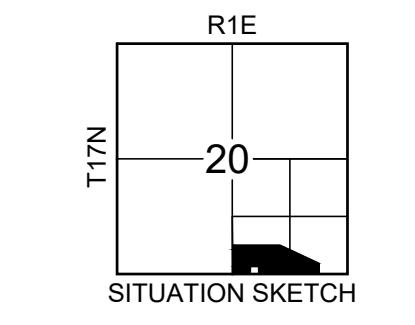
Date: _____

Brian D. Benck, Nebraska L.S. #536

Date: _____



- LEGEND
- Monument Found
- Set 5/8" x 30" I.B. with Survey Cap
- D - Deeded Distance
- R - Recorded Distance
- M - Measured Distance
- Building Setback Line
- Easement Line



Vertical sidebar containing revision notes, contact information for Columbus, Nebraska Engineering Department, and sheet number 1 of 2.

FINAL PLAT

VITALITY VILLAGE ADDITION

This plat was prepared at the request of the City of Columbus, Columbus NE

FIELD NOTES

NW Corner SW1/4 SE1/4 Sec. 20 T17N R1E: Found 1-1/2" iron pipe, bent over, as recorded on survey by Byron L. Willman, LS #316, dated August 11, 1989. Monument is also recorded on survey by Joseph J. Veticik, LS #500, on December 9, 2000. Perpetuated pipe with 5/8" x 24" iron bar with cap. Ties to the monument are more in line with the Willman survey.
 26.98' NW to the southeast corner Leona Eilers head stone
 10.88' NE to the southwest corner Bertha Eilers head stone
 7.56' W to 1" iron pipe 0.6' deep (I believe this is corner of a cemetery plot)
 59.98' E to 5/8" iron bar located at the edge asphalt near corner fence post
 52.71' E to 5/8" iron bar in the middle of asphalt road

SW Corner SE1/4 Sec. 20 T17N R1E: Found 5/8" iron bar with aluminum cap in monument well in 8th Street as recorded on survey by Thomas A. Tremel, LS #455, dated August 20, 1996.
 13.1' N to centerline concrete
 14.74' N to 1" iron pipe in monument well
 5.30' S to "X" nails in power pole
 39.20' N to "X" nails in power pole

SW Corner SE1/4 SE1/4 Sec. 20 T17N R1E: Found star drill hole in concrete on the northeast side of monument well as recorded on survey by Joseph J. Veticik, LS #500, dated August 22, 1998.
 0.45' SW to center of monument well
 35.70' SW to "X" nails in power pole
 58.34' NW to "X" nails in power pole
 105.27' NE to "X" nails in power pole
 On centerline 8th Street
 45' W to centerline 7th Avenue south

SE Corner SE1/4 Sec. 20 T17N R1E: Found aluminum cap in concrete as recorded on survey by Thomas A. Tremel, L.S. #455 dated February 27, 2007.
 48.20' SW to "X" nails in power pole
 47.51' SE to "X" nails in power pole
 0.60' N to centerline 8th Street
 1.1' E to centerline 3rd Avenue

At "A" found 1" iron pipe in monument well in 8th Street. At "B" found 5/8" iron bar as recorded on survey by John V. Berry, LS #535, dated June 16, 2016. Found monument to be .11' E and .08' S of its recorded position. At "C" found 1-1/8" iron pipe 0.30' West of "B" as recorded. At "D" found 5/8" rebar with cap as recorded on Cuzzini's Corner 2nd Subdivision plat, by Thomas A. Tremel, LS #455, dated June 19, 2018. Found this monument to be 0.18' west of the West line SW1/4 SE1/4. At "E" found 1" iron pipe as recorded on Cuzzini's Corner 2nd Subdivision plat, by Thomas A. Tremel, LS #455, dated June 19, 2018. At "F" found 1-1/8" iron pipe as recorded on Cuzzini's Corner Subdivision Plat by Thomas A. Tremel, LS #455, dated January 26, 2012. At "G" found 1" iron pipe 0.6' deep located with in cemetery. I believe this is a cemetery plot corner and not to be confused with the NW Corner SW1/4 SE1/4 Sec. 20, T17N, R1E. At "H" found 5/8" iron bar in asphalt road in cemetery 60.00' east of "G". This point is not to be confused with the 5/8" iron bar as recorded on survey Joseph J. Veticik, LS #500, dated December 9, 2000. Monument is located at the edge of asphalt road near corner fence post and is the same corner that Willman surveyed in 1989. At "K" found 5/8" rebar with cap as recorded on survey by John V. Berry, LS #535, dated June 16, 2016. this monument was set as a witness to the actual corner which is recorded as being 2.00' east of witness and on the southeasterly right of way line of Burlington Northern Railroad now abandoned. I ran the right of way line as recorded by Veticik in May of 2002 and found the witness and the actual corner to not be on said line. I also ran the north line of the survey by Berry, dated June, 2016 and found the witness to not be on the extension of said line as surveyed. I disregard the witness corner. At "L" found 5/8" rebar with cap as recorded on survey by John V. Berry, LS #535, dated June 16, 2016. Said point was set on the extension of line "F-E" as per survey. I found this monument to be 0.10' north of line. At "M", "N", and "O" found 1" iron pipe as recorded on survey by Joseph J. Veticik, LS #500, dated August 22, 1998. I found "N" to be 0.11' W and 0.29' N of the actual location of corner. At "P" found 1" iron pipe as recorded on Weir Subdivision Plat by Thomas A. Tremel, LS #455, dated July 6, 2000 and later by John V. Berry, LS #535, dated June 16, 2016. I found this monument to be .24' N of the north line 8th Street which is consistent with Tremel survey. At "Q", "R", and "S" found 1" iron pipe as recorded on survey by John V. Berry, LS #535, dated June 16, 2016 and also on Weir Subdivision Plat by Tremel, dated July 6, 2000.

LEGAL DESCRIPTION

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 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) of Section Twenty (20), a distance of 200 feet; thence northwesterly on a 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:

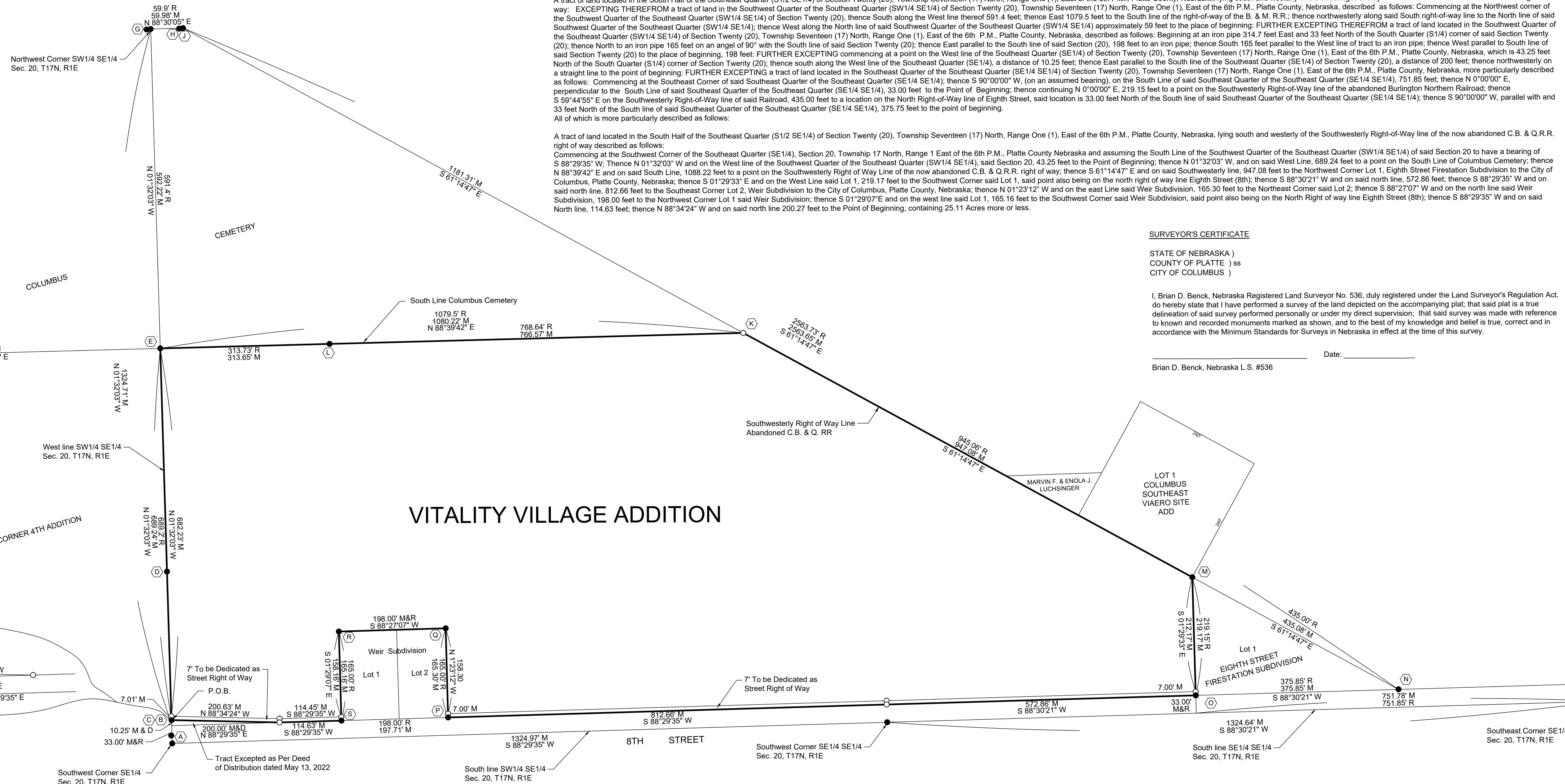
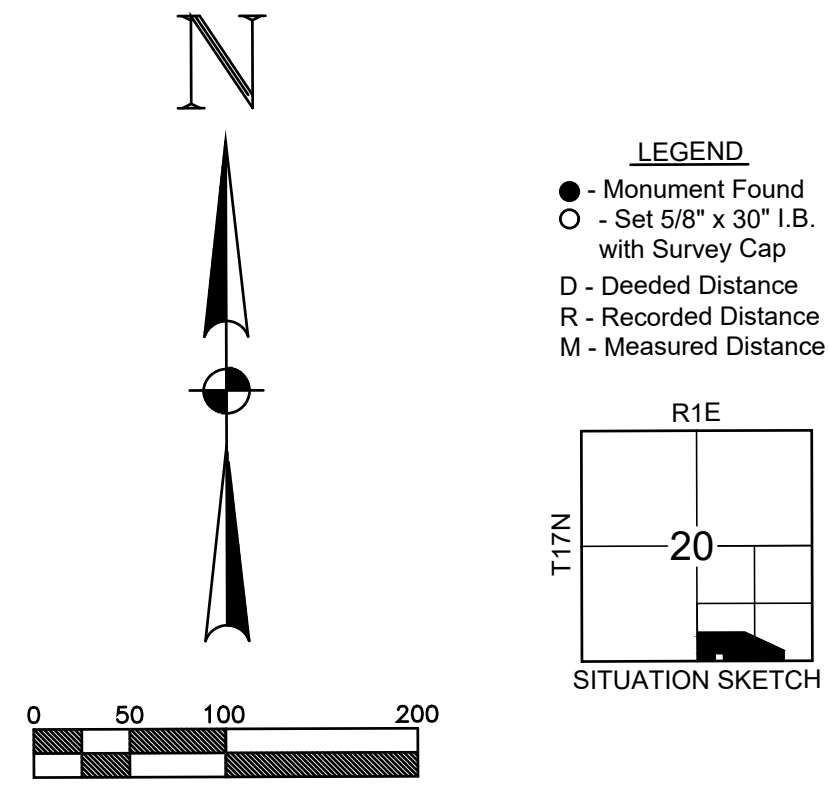
A tract of land located in the South Half of the Southeast Quarter (S1/2 SE1/4) of Section Twenty (20), Township Seventeen (17) North, Range One (1), East of the 6th P.M., Platte County, Nebraska, lying south and westerly of the Southwesterly Right-of-Way line of the now abandoned C.B. & Q.R.R. right 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 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.

SURVEYOR'S CERTIFICATE

STATE OF NEBRASKA)
 COUNTY OF PLATTE) ss
 CITY OF COLUMBUS)

I, Brian D. Benck, Nebraska Registered Land Surveyor No. 536, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Minimum Standards for Surveys in Nebraska in effect at the time of this survey.

 Brian D. Benck, Nebraska L.S. #536
 Date: _____



REVISIONS

2500 14TH STREET, SUITE 3
 P.O. BOX 1677
 COLUMBUS, NE 68602-1677
 (402) 958-4039

COLUMBUS
NEBRASKA
 ENGINEERING DEPARTMENT

FINAL PLAT
 VITALITY VILLAGE ADDITION
 to the City of Columbus
 Platte County, Nebraska

DRN BY: JML
 4/4/2024
 SCALE: 1" = 100'

 SHEET
 2 of 2

7.B.1. Resolution No. R24-42 approving final plat.

Draft

RESOLUTION NO. R24-42

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.

WHEREAS, Nels Johnson is the owner of the real estate described as:

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 angel 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 Fire station 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.

all of which is presently unplatted and within the boundaries and within the zoning jurisdiction of the City of Columbus, Nebraska; and

WHEREAS, said owner has laid out said land into lots, blocks, streets, and avenue roadways with appropriate utility, drainage, and trail easements under the name of Vitality Village Addition to City of Columbus, Platte County, Nebraska; and

WHEREAS, said owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, and avenue roadways with appropriate utility, drainage, and trail easement areas belonging to such Addition, all as provided by law, and bearing the certificate of Brian Benck, registered land surveyor, under the date April 5, 2024, a copy of which Plat is hereto attached; and

WHEREAS, the owner shall execute an instrument of dedication of the streets, public ways and utility, drainage, and trail easements to the use and benefit of the public, all as provided by law, said instrument being attached to said plat; and

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

WHEREAS, all of the lots shown on said plat are zoned R1, R2, and B2 according to the zoning regulations of the City of Columbus, Nebraska; and

WHEREAS, said owner has agreed with the City of Columbus, Nebraska, to pay all costs necessary to extend water and sewer mains to serve said Addition and to pay all costs for laying such water and sewer mains with the Addition itself, to pave the streets and ways according to the regulations of the City of Columbus and the requirements of the City Engineer and deliver the same to the City of Columbus, Nebraska without cost to it; and

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

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

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

WHEREAS, the mayor and the city council have held a public hearing on the approval of the final plat of said Addition and following such public hearing, and having heard all persons appearing at such hearing, approved said final plat.

NOW THEREFORE, BE IT RESOLVED by the mayor and council of the City of Columbus, Nebraska, that the Deed of Dedication for Vitality Village Addition to the City of

Columbus, Platte County, Nebraska, be and the same is hereby accepted, the plat thereof be and the same hereby is approved as provided by law, that the mayor and city clerk be and are hereby authorized and instructed to endorse such approval on said original plat, the area carries a classification R1, R2, and B2 Zoning District according to the Zoning Regulations of the City of Columbus, Nebraska, that the Vitality Village Addition attached hereto as Exhibit "A" is hereby approved and accepted, and the mayor and city clerk be and hereby are authorized to sign the Deed of Dedication for Vitality Village Addition.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

MEMORANDUM

DATE: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Addition – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of Vitality Village Addition as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

I recommend the approval of the Final Plat as it is consistent with the Preliminary Plat.

DISCUSSION:

The subdivision property was selected from multiple proposals from property owners. The City Council approved the purchase of the property after the public hearing on January 15, 2024, for the purpose of developing a multi-use subdivision which meets the needs of residential developers and builders. Proposals for multi-use residential buildings were received from various entities, both from Columbus and outside. The subdivision lots were sized to meet the required minimum standards and to provide efficient use of the property.

The subdivision consists of 38 lots consisting of nine (9) single family lots, ten (10) townhomes (on 20 lots), eight (8) multi-family lots, and one (1) greenspace lot. Subdivision highlights include:

- Concrete street paving, a looped water main system, sanitary sewer mains, and storm sewer
- The development will utilize the existing storm water treatment and detention to the north of the subdivision to lessen impact on the neighborhood
- Limited access onto 8th Street and proposed garage locations on the larger lot to the east will assist in lowering visual and sound impacts on the existing properties to the south
- Single family and townhome units around the existing Weir Subdivision single family to better blend
- A walking trail will be constructed along the north side of 8th Street connecting to the 3rd Avenue north trail system

The property is already within the city limits.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wiskroen

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

Once Recorded Return Document To:

Attn: Engineering Department
City of Columbus
2500 14th Street, Suite 3
Columbus, NE 68601

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Nels Johnson, is the owner of the following described real estate:

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 angel 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.

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

Said owner and dedicator covenants and agrees with the City of Columbus to lay, at owners expense,

and in accordance with specifications acceptable to the City Water and Sanitary Sewer Department, and deliver the same to the City of Columbus, Nebraska, without cost to it the necessary water and sewer mains to adequately serve such platted area, and to pave the streets and avenues, and to deliver the same to the City without cost to it.

IN WITNESS WHEREOF, the Grantor named herein has executed these presents this ____ day of _____, 2024.

Nels Johnson, Owner

STATE OF NEBRASKA

: ss.

COUNTY OF PLATTE

On this ____ day of _____, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Nels Johnson, to me personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledged the said instrument to be his voluntary act and deed.

Notary Public

(SEAL)

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.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, April 15, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone 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; thence S 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 "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 "R-1" (Single-Family Residential District) to "B-2" (General Commercial District) (both tracts located north of 8th Street between 5th and 9th Avenue) and at said hearing, the city council will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE

Janelle Kline, City Clerk

Publish: 04:04:24

Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: April 2, 2024

FROM: Andy Woehrer, Chief Building and Code Official

TO: Tara Vasicek, City Administrator

RE: Proposed future Vitality Village Addition partial rezoning from R-1 to R-2 & B-2 to allow the development for two-family & multi-family dwellings in addition to single family dwellings

RECOMMENDATION:

Staff and I recommend approval of this rezoning on a portion of the land from R-1 Single-Family Residential to R-2 Two-Family Residential & B-2 General Commercial District and to amend the Future Land Use map accordingly.

DISCUSSION:

As shown in the attached proposed zoning drawing, a portion of the land will remain R1 for construction of single family dwellings. The City of Columbus intends to rezone future lots 1,2, and 4-12 Block "B" and Lots 3-10, and 12 Block "C", Vitality Village Addition from R-1 to R-2 and lots 8-12 Block "A", Lot 3 Block "B", Lot 11 Block "C", and Lots 1 and 2 Block "D", Vitality Village from R-1 to B-2 for the construction of two-family and multi-family housing development. The requested zoning for the area is a good fit and is in conformance with the Columbus land Development Ordinance.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

By: Andy J. Woehrer

Approved By: [Signature]

REZONING APPLICATION

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 will be held.

APPLICANT/PROPERTY OWNER NAME: _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE NUMBER: _____

APPLICANT EMAIL ADDRESS: _____

ATTORNEY/FIRM: _____

ATTORNEY PHONE NUMBER: _____

ATTORNEY E-MAIL ADDRESS: _____

ADDRESS OF PROPERTY TO BE REZONED: _____

LEGAL DESCRIPTION OF PROPERTY: _____

PRESENT ZONING CLASSIFICATION: _____

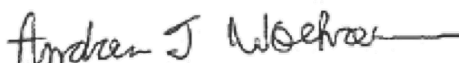
REQUESTED ZONING CLASSIFICATION: _____

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION: _____

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use)

I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS _____ DAY OF _____, _____.



Owner or Owner's Representative

LEGAL DESCRIPTIONS

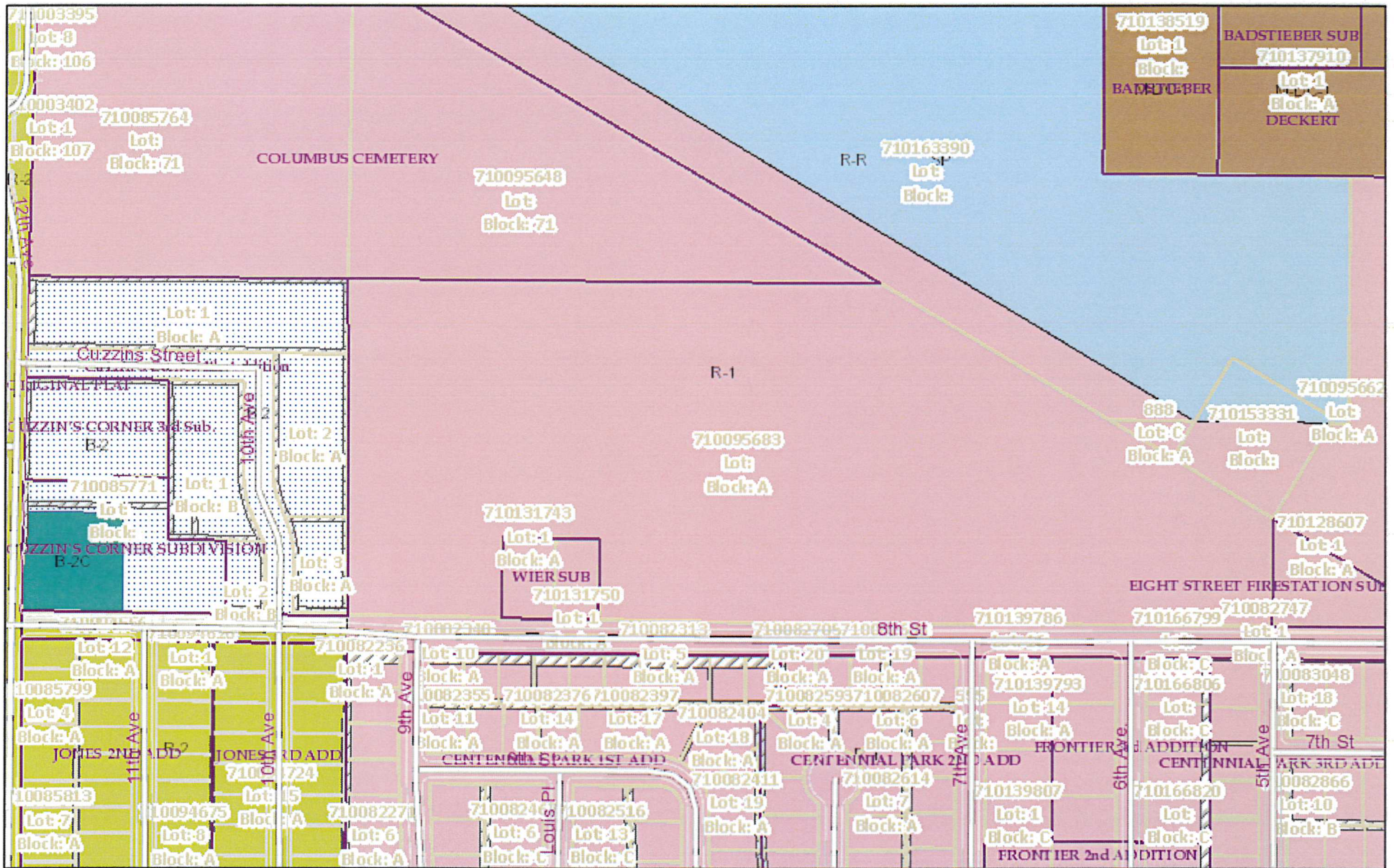
R-2

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, 135.31 feet; thence N 01°32'03" W 138.00 feet; thence S 88°33'25" W, 455.31 feet; thence N 01°32'03" W, 136.74 feet; thence S 88°39'42" W, 153.00 feet; thence S 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 4.32 Acres more or less.

B-2

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, 135.31 feet; thence N 01°32'03" W, 138.00 feet; thence S 88°33'25" W, 455.31 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.

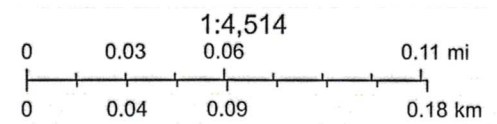




710163519 Lot:1 Block: BADSTIEBER	BADSTIEBER SUB 710167910 Lot:1 Block:A DECKERT
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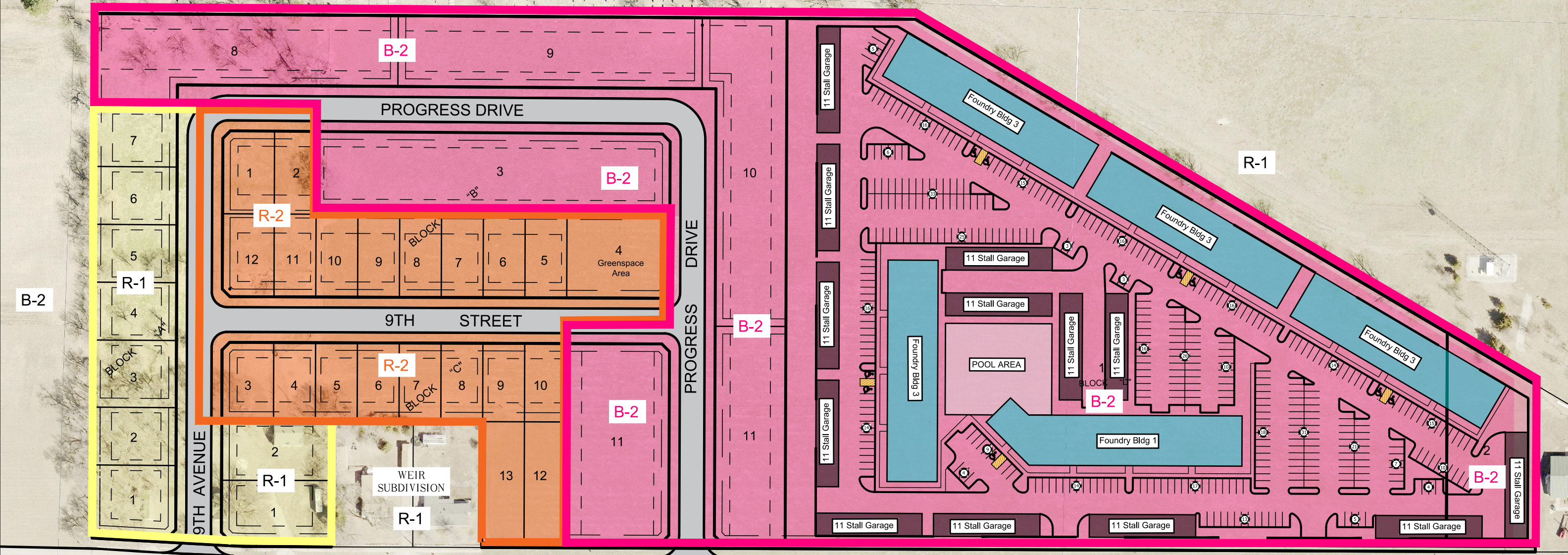
3/26/2024

Streets	TaxParcel_4K	ColumbusZoning	AG	B-2	C-1C	M-HC	ML/CI
Road Centerlines	Easement_4K	<all other values>	B-1	B-2C	L-C	M-L	R-1
Subdivision_4K	Office		B-1C	C-1	M-H	M-L/C-1	R-1C



City of Columbus GIS, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,

VITALITY VILLAGE ADDITION PROPOSED ZONING EXHIBIT



**CITY COUNCIL PUBLIC HEARING
AFFIDAVIT OF NOTICE COMPLIANCE
REZONING**

STATE OF NEBRASKA)
)
COUNTY OF PLATTE)

Andrew Woehrer, the undersigned affiant, being first duly sworn on oath,

deposes and states as follows:

1. That the undersigned affiant is the party instituting and maintaining an action to rezone the following described real property, to wit:

R-2

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, 135.31 feet; thence N 01°32'03" W 138.00 feet; thence S 88°33'25" W, 455.31 feet; thence N 01°32'03" W, 136.74 feet; thence S 88°39'42" W, 153.00 feet; thence S 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 4.32 Acres more or less.

B-2

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2. That the undersigned affiant causes to be posted a notice in a conspicuous place on or near the above described property. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 1/2 inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the street and was posted at least ten days before the date of the City Council hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and sign remained visible and legible for said ten-day period. Said notice was posted on the 4th day of April, 2024, and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

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

‘NOTICE OF PUBLIC HEARING TO REZONE’

R-2

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, 135.31 feet; thence N 01°32'03" W 138.00 feet; thence S 88°33'25" W, 455.31 feet; thence N 01°32'03" W, 136.74 feet; thence S 88°39'42" W, 153.00 feet; thence S 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 4.32 Acres more or less.

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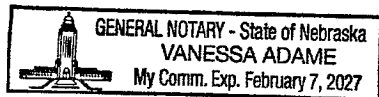
Platte County, Nebraska from R-1 to R-2 & B-2 classification, to be held in the Community Room, 2500 14th St., Columbus, NE on the 15th day of April, 2024 at 6:00 p.m.

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

DATED: April 15, 2024

Andren J. Boehrer
Affiant

Subscribed and sworn to before me on this 15 day of April, 2024.



Vanessa Adame
Notary Public

"Exhibit A"

Owner Name	Owner Addr	Owner City	Owner Zip	Owner Zip	Situs Addr	Situs City	Situs Stat	Situs Zip
BURESH/CHAZ A	820 6 ST	COLUMBUS	NE	68601	820 6 ST	COLUMBUS	NE	68601
GRADO-SAENZ/NAIN E	774 7 AVE	COLUMBUS	NE	68601	774 7 AVE	COLUMBUS	NE	68601
PLUMMER/DANIEL G & MELANIE A	709 8 ST	COLUMBUS	NE	68601	709 8 ST	COLUMBUS	NE	68601
PATRAS/DONALD E & NANCY A	810 6 ST	COLUMBUS	NE	68601	810 6 ST	COLUMBUS	NE	68601
BELLER/BARBARA A	812 6 ST	COLUMBUS	NE	68601	812 6 ST	COLUMBUS	NE	68601
JARECKI/ROBERT S & ELIZABETH J	808 6 ST	COLUMBUS	NE	68601	808 6 ST	COLUMBUS	NE	68601
MCCARTHY/ERIC & MYRIAH ANDERSEN	816 8 ST	COLUMBUS	NE	68601	816 8 ST	COLUMBUS	NE	68601
GODFREY/MARK D & TABITHA L	814 8 ST	COLUMBUS	NE	68601	814 8 ST	COLUMBUS	NE	68601
EIHAUSEN/WANDA L	1021 8 ST	COLUMBUS	NE	68601	1021 8 ST	COLUMBUS	NE	68601
SMITH/RICHARD R & SHARON L	760 CENTENNIAL PL	COLUMBUS	NE	68601	760 CENTENNIAL PL	COLUMBUS	NE	68601
HICKMAN/DANIEL D	816 6 ST	COLUMBUS	NE	68601	816 6 ST	COLUMBUS	NE	68601
DISCHNER/DOUGLAS P	731 8 ST	COLUMBUS	NE	68601	731 8 ST	COLUMBUS	NE	68601
CASEY'S RETAIL COMPANY STORE 3089	PO BOX 54288	LEXINGTON	KY	40555	1118 8 ST	COLUMBUS	NE	68601
MEDRANO/CARLOS G SANUNCINI	762 9 AVE	COLUMBUS	NE	68601	762 9 AVE	COLUMBUS	NE	68601
VARGAS/GUSTAVO LIRA	1622 C ST	SCHUYLER	NE	68661	768 9 AVE	COLUMBUS	NE	68601
NELSON/BRADLEY JOHN & SHIRLEY S	915 8 ST	COLUMBUS	NE	68601	915 8 ST	COLUMBUS	NE	68601
VELASQUEZ/MARIA A	801 8 ST	COLUMBUS	NE	68601	801 8 ST	COLUMBUS	NE	68601
REYES/CARLOS ESPIRITU	671 5 AVE	COLUMBUS	NE	68601	671 5 AVE	COLUMBUS	NE	68601
HENGGELER/KIMBERLY L	765 9 AVE	COLUMBUS	NE	68601	765 9 AVE	COLUMBUS	NE	68601
BRIDGES/LOUISE A	844 6 ST	COLUMBUS	NE	68601	844 6 ST	COLUMBUS	NE	68601
EICKMEIER/GREGORY H & JENNIFER M	836 6 ST	COLUMBUS	NE	68601	836 6 ST	COLUMBUS	NE	68601
WOLFE/ROGER L & DEBRA J	830 6 ST	COLUMBUS	NE	68601	830 6 ST	COLUMBUS	NE	68601
MOUNTAIN TOWER & LAND LLC	1224 WEST PLATTE AVE	FORT MORGAN	CO	80701	308 8 ST	COLUMBUS	NE	68601
LUCHSINGER/BRAD & TODD	LUCHSINGER %BRAD LUCHSINGER	COLUMBUS	NE	68601	773 9 AVE	COLUMBUS	NE	68601
SMITH/JOAN M	773 9 AVE	COLUMBUS	NE	68601	773 9 AVE	COLUMBUS	NE	68601
KRUPKA/MYLISSA	843 8 ST	COLUMBUS	NE	68601	843 8 ST	COLUMBUS	NE	68601
SLOMA/YVONNE MICHELLE	837 8 ST	COLUMBUS	NE	68601	837 8 ST	COLUMBUS	NE	68601
RHOADS/RONALD R & CHRISTINE N	831 8 ST	COLUMBUS	NE	68601	831 8 ST	COLUMBUS	NE	68601
EARLEY RENTALS LLC	PO BOX 1466	COLUMBUS	NE	68602-146	825 8 ST	COLUMBUS	NE	68601
MOSER/LOUISE E	819 8 ST	COLUMBUS	NE	68601	819 8 ST	COLUMBUS	NE	68601
GARDEA/CARLOS HUMBERTO & NORMA I	813 8 ST	COLUMBUS	NE	68601	813 8 ST	COLUMBUS	NE	68601
DISCHNER/DONNA J	807 8 ST	COLUMBUS	NE	68601	807 8 ST	COLUMBUS	NE	68601
PETERSEN/NICHOLAS J & DAISY E	735 8 ST	COLUMBUS	NE	68601	735 8 ST	COLUMBUS	NE	68601
SALAZAR	735 8 ST	COLUMBUS	NE	68601	735 8 ST	COLUMBUS	NE	68601
ROCHA/LUIS M JR & GLORIA ROCHA	1003 8 ST	COLUMBUS	NE	68601	1003 8 ST	COLUMBUS	NE	68601
MENDEZ	1003 8 ST	COLUMBUS	NE	68601	1003 8 ST	COLUMBUS	NE	68601
VEIK/THOMAS L	766 10 AVE	COLUMBUS	NE	68601	766 10 AVE	COLUMBUS	NE	68601
BACILIO/JOSE M PORTILLO & JENNIFER M ORTEGA	762 10 AVE	COLUMBUS	NE	68601	762 10 AVE	COLUMBUS	NE	68601
BECKER/AL H & MAXINE E	758 10 AVE	COLUMBUS	NE	68601	758 10 AVE	COLUMBUS	NE	68601
TORRES/RICARDO	715 8 ST	COLUMBUS	NE	68601	715 8 ST	COLUMBUS	NE	68601
GARCIA/HERVER ADRIAN GALVAN & LEVYN P MARTINEZ VASQUEZ	723 8 ST	COLUMBUS	NE	68601	723 8 ST	COLUMBUS	NE	68601
PENA/JOSE	760 7 AVE	COLUMBUS	NE	68601	760 7 AVE	COLUMBUS	NE	68601
RIVERA/JOSE O & CRISTINA	766 7 AVE	COLUMBUS	NE	68601	766 7 AVE	COLUMBUS	NE	68601
KRZYCKI/WALTER S TRUST	921 8 ST	COLUMBUS	NE	68601	921 8 ST	COLUMBUS	NE	68601
WOERTH/ANA ZULEMA	765 10 AVE	COLUMBUS	NE	68601	765 10 AVE	COLUMBUS	NE	68601
VACHAL/SHIRRI A	418 7 ST	COLUMBUS	NE	68601	418 7 ST	COLUMBUS	NE	68601
KONOP/CURTIS E & HEFT/ANGIE M	765 5 AVE	COLUMBUS	NE	68601	765 5 AVE	COLUMBUS	NE	68601
MCPHILLIPS/SCOTT	430 7 ST	COLUMBUS	NE	68601	430 7 ST	COLUMBUS	NE	68601
MATSON/PAUL D & GINA K	763 CENTENNIAL PL	COLUMBUS	NE	68601	763 CENTENNIAL PL	COLUMBUS	NE	68601
BONILLA/OLGA L	424 7 ST	COLUMBUS	NE	68601-241	424 7 ST	COLUMBUS	NE	68601
DUKE/ALLEN J JR & LAURA A	761 10 AVE	COLUMBUS	NE	68601	761 10 AVE	COLUMBUS	NE	68601
MOUANDZA/GERMAIN & NADEGE	757 10 AVE	COLUMBUS	NE	68601	757 10 AVE	COLUMBUS	NE	68601
LASSEK/DEBORAH L	759 CENTENNIAL PL	COLUMBUS	NE	68601	759 CENTENNIAL PL	COLUMBUS	NE	68601
WIELGUS/NADINE MARIE & MICHAEL WAYNE	764 CENTENNIAL PL	COLUMBUS	NE	68601	764 CENTENNIAL PL	COLUMBUS	NE	68601
LUCHSINGER/MARVIN F & ENOLA J	128 38 ST	COLUMBUS	NE	68601	128 38 ST	COLUMBUS	NE	68601
JOHNSON/NELS	22335 PINE HILL DR	GRETNA	NE	68028	820 8 ST	COLUMBUS	NE	68601
CITY OF COLUMBUS		COLUMBUS	NE	68601		COLUMBUS	NE	68601
ALDREDGE/ROCKEY	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
HOLLIDAY/AARON & TRACEY	765 7 AVE	COLUMBUS	NE	68601	765 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY L	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY & DAN L DECKERT	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601



"Exhibit B"
1 of 3

City of Columbus
Building Department

Phone: 402-562-4236 Email: CommDevPermits@columbusne.us
www.columbusne.us

MEMORANDUM

DATE: March 26, 2024

FROM: Andy Woehrer, Chief Building and Code Official

SUBJECT: 820 8th St - Rezone

The City of Columbus is in the process of rezoning a tract of land for housing developments. As a neighboring property owner within 300 feet of the proposed site, we want to ensure you are aware of this potential change and its implications.

If you would like more information about the proposed rezoning, including details about the project, its scope, and potential impacts, we invite you to attend our upcoming public meetings.

Attached to this memo, you will find the dates and locations of the public meetings regarding the rezoning proposal.

Should you have any immediate questions or concerns, please do not hesitate to contact us at Community Development (402) 562-4236.

Andy Woehrer
Chief Building and Code Official



NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, April 15, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone 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; thence S 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 "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 "R-1" (Single-Family Residential District) to "B-2" (General Commercial District) (both tracts located north of 8th Street between 5th and 9th Avenue) and at said hearing, the city council will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 04:04:24

Two Affidavits of Publication

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, April 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone 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; thence S 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 "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 "R-1" (Single-Family Residential District) to "B-2" (General Commercial District) (both tracts located north of 8th Street between 5th and 9th Avenue) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 03:29:24
Two Affidavits of Publication

7.C.1. Ordinance No. 24-09 approving rezoning.

Draft

ORDINANCE NO. 24-09

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.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of hearings called for the purpose of rezoning and reclassifying 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; thence S 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)

and to amend the Zoning Map of the Future Land Use Map which have been adopted and made a part of the City of Columbus Land Development Ordinance, Zoning Chapter, to show said rezonings and reclassifications as provided by law; and

WHEREAS, the planning commission held a hearing thereon, and has heard all persons appearing at such hearing and in consideration of the evidence and the premises, has voted to recommend approval of the rezoning application; and

WHEREAS, the mayor and city council have held a separate hearing thereon and have heard all persons appearing at such hearing and in consideration of the evidence and the premises hereby find and determine that said rezoning will be for the public good and general welfare and will provide for the proper, appropriate, and best use of said real estate.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA;

Section 1. That the Columbus Land Development Ordinance, Zoning Chapter, passed and adopted August 21, 2023, as the Zoning Code for the City of Columbus by Ordinance No. 23-09 be and the same is hereby amended to show that 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; thence S 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,

has been rezoned and reclassified 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)

has been rezoned and reclassified from the present zoning classification of "R-1" (Single-Family Residential District) to "B-2" (General Commercial District); and that the Future Land Use Map as well as the Zoning Map which have been adopted and made a part of said Columbus Land Development Ordinance, Zoning Chapter, be and the same are hereby amended to show such rezonings and reclassifications.

Section 2. That all ordinances and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

Section 3. 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 §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 _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

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.)

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

DATE: March 20, 2023

NAME OF SUBDIVISION: Quail Meadows Addition

NAME OF PROPERTY OWNER: Quail Meadows, LLC

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Roger D. Nadrchal

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 213 South 1st Street, Norfolk, NE 68701


PHONE NUMBER: 402-379-3311

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: nwnen@nwnen.org

NUMBER OF LOTS IN SUBDIVISION: 64

ADDRESS OF SUBDIVISION: South of 1st Street, between 10th and 14th Avenues

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative



Attorney / Legal Counsel for Applicant
Matthew S. McKeever, NE #21680

Development Agreement submitted on: March 20, 2023

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

The City of **Columbus**

MEMORANDUM

DATE: April 6, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Quail Meadows Addition – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of Quail Meadows Addition as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

I recommend the approval of the Final Plat as it is consistent with the Preliminary Plat.

DISCUSSION:

The Subdivider initially obtained an approved Preliminary Plat from the Planning Commission on May 8, 2023, and City Council and May 15, 2023. At that time the Subdivider did not proceed with a Final Plat. The Final Plat request as this time was not deemed consistent with State Statute with the 2023 approved Preliminary Plat. Therefore, the Subdivider had to resubmit a revised Preliminary Plat. It was determined by Administration that due to the fact that the Preliminary Plat layout was similar in concept to that prior approved and is just lesser in lot number count (from 66 to 40), that the revised Preliminary Plat and Final Plat could be done concurrently.

The addition consists of 40 residential lots, paving and utility extensions, and stormwater treatment and detention

The subdivision and future Quail Meadows subdivisions to the south will be served by a sanitary sewer lift station located in the southwest corner of Outlot 1.

The subdivision and future Quail Meadows subdivision to the south will be served by a stormwater treatment facility (STF) and detention located along the south line of Outlot 1. The STF and detention is sized to accept storm water coming in from the north along 10th, 12th and 14th Avenues. In addition, existing storm sewer in the northwest corner of the development will be relocated and the easements vacated once complete. The Platte County road easement along the east line of the subdivision will also be vacated.

The subdivision rezoning will be at a future Planning Commission and City Council meeting.

The property will be brought into the corporate limits as a condition of the platting.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wehr

SIGNATURE:

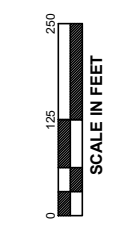
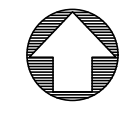
By: Richard J. Bogue

Approved By: [Signature]



2600 14TH STREET
COLUMBUS, NE 68602-1677
(402)-562-4309

THE CITY OF
COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT



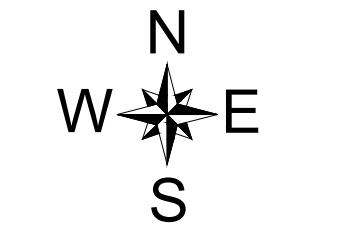
QUAIL MEADOWS AERIAL MAP
PLAN SHEET

DRN BY: BEL
DATE: 04/03/2024
PROJ.: ###

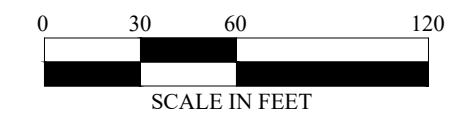


SHEET
AM

PRELIMINARY PLAT
QUAIL MEADOWS ADDITION
 A Subdivision of Part of the Northeast 1/4 of the Southwest 1/4 of
 Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska.



Drawn By: LRR
 Date: March 25, 2024
 Project Number: S-071-147
 Scale: 1" = 60'



SCALE IN FEET

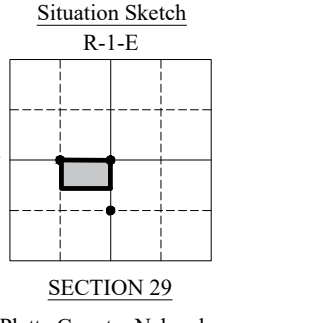
- LEGEND**
- Section Corner Found
 - Property Corner Found
 - Property Corner Set (5/8" x 24" I.B. w/Cap)
 - M Measured Distance
 - R Recorded Distance (AM) James A. McMeekin, LS#165, dated August 5, 1968 (D) Storm Sewer Easement, Bl. 40 of Misc., Page 1, dated October 26, 1962, (BDB) Brian D. Benck, LS#536, dated April 23, 2002.

DEVELOPER:
 NeighborWorks Northeast Nebraska
 213 S. 1st Street
 Norfolk, NE 68701
 Phone: 402-379-3311

ENGINEER:
 John A. Zwingman, PE
 Advanced Consulting Engineering Services, Inc.
 133 W. Washington Street
 West Point, NE 68788
 Phone: 402-372-1923

SURVEYOR:
 Terry L. Schulz, LS
 Advanced Consulting Engineering Services, Inc.
 133 W. Washington Street
 West Point, NE 68788
 Phone: 402-372-1923

Zoning
 Existing Zone: RR - Rural Residential
 Proposed Zone: R2 - Two-Family Residential &
 R3 - Multiple-Family Residential



- Zone R2**
- 20' Front Setback
 - 20' Street Side Setback
 - 7' Side Setback
 - 25' Rear Setback
- Zone R3**
- 20' Front Setback
 - 20' Street Side Setback
 - 7' Side Setback
 - 20' Rear Setback

FIELD NOTES

A) Northwest Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E: Found 5/8" Rebar w/ Cap#455. 33.15 East to 1" Iron Pipe. 34.33 ENE to "X" Nails in Power Pole. 71.75 SE to "X" Nails in Power Pole.

B) Northeast Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E: Found 2" Aluminum Cap#455. 33.00' West to 5/8" Rebar. 66.00' South to 1" Iron Pipe. 53.95' SE to "X" in North Rim Manhole. 63.00' South to Nail in West End of CMP.

C) Southeast Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E: Found 7/8" Iron Pipe. 18.76' SSE to Centerline of 6" Steel Pivot Stop. 25.42' SSE to Centerline of 6" Steel Pivot Stop.

LEGAL DESCRIPTION
 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°24'22" 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°24'22" E on said North line, 1252.08 feet; thence S 02°29'38" E, 66.00 feet; thence N 88°11'11" E, 33.00 feet; thence S 01°31'55" E, 679.14 feet; thence S 88°24'22" 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, 745.01 feet to the Point of Beginning, containing 21.94 acres, more or less.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 25, 2024, also that all dimensions are in feet and are correct to the best of my knowledge and belief.



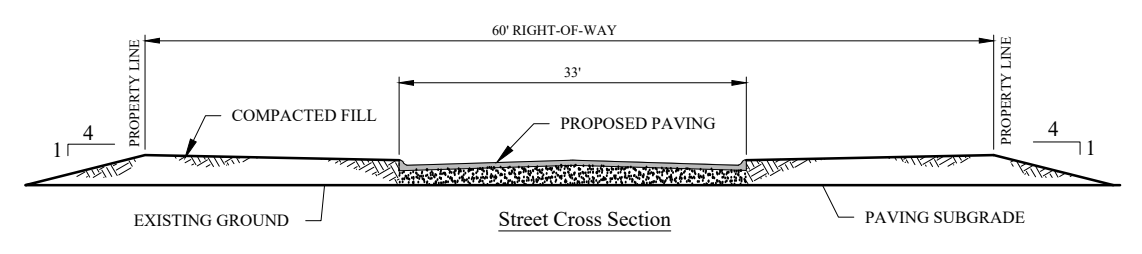
Terry L. Schulz, State of Nebraska, LS #550 Date _____

COLUMBUS, NEBRASKA PLANNING COMMISSION
 This Preliminary Plat of QUAIL MEADOWS ADDITION to the City of Columbus, Nebraska approved by the Planning Commission on this _____ day of _____, 2024.

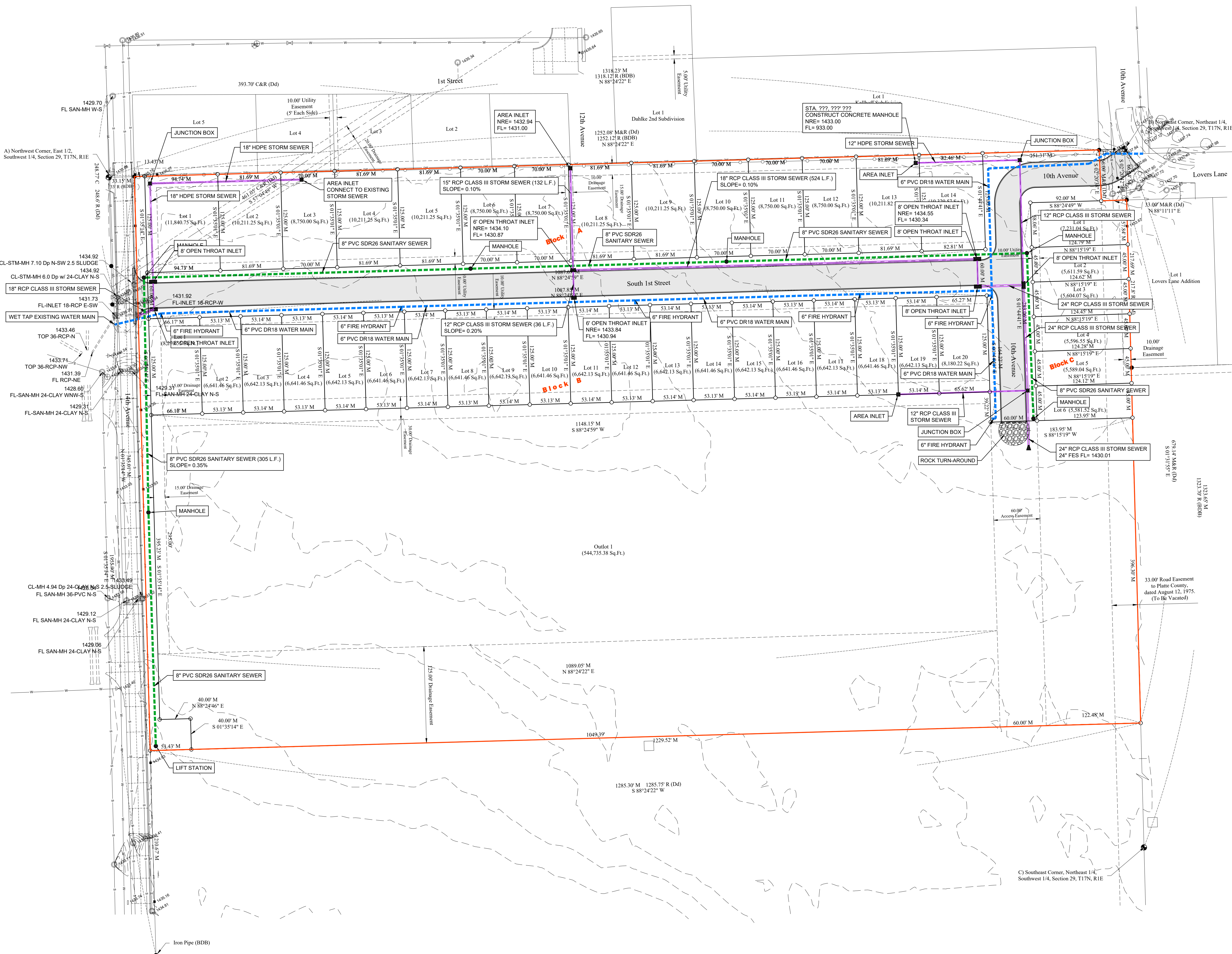
Chairman _____

COLUMBUS, NEBRASKA CITY COUNCIL
 This Preliminary Plat of QUAIL MEADOWS ADDITION to the City of Columbus, Nebraska approved by the City Council on this _____ day of _____, 2024.

Mayor _____ City Clerk _____



C) Southeast Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E



A) Northwest Corner, East 1/2, Southwest 1/4, Section 29, T17N, R1E

CL-STM-MH 7.10 Dp N-SW 2.5 SLUDGE
 CL-STM-MH 6.0 Dp w/ 24-CLAY N-S
 18" RCP CLASS III STORM SEWER

FL-INLET 18-RCP E-SW
 WET TAP EXISTING WATER MAIN
 TOP 36-RCP-N
 TOP 36-RCP-NW
 1431.39 FL RCP-NE
 1428.60 FL SAN-MH 24-CLAY WNW-S
 1429.31 FL SAN-MH 24-CLAY N-S

CL-MH 4.94 Dp 24-CLAY N-S
 FL SAN-MH 36-PVC N-S

1429.12 FL SAN-MH 24-CLAY N-S
 1429.06 FL SAN-MH 24-CLAY N-S

Iron Pipe (BDB)

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.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, April 15, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Quail Meadows Addition, 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 (south of 1st St between 10th and 14th Ave) and at said time and place you may appear and be heard. In addition, you are hereby notified that at the same time and place, the city council will hold a separate public hearing as to whether said addition or subdivision as above described should be included within the corporate limits of the city and become a part of said municipality for all purposes whatsoever, and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 04:04:24
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: April 6, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Quail Meadows Addition – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of Quail Meadows Addition as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

I recommend the approval of the Final Plat as it is consistent with the Preliminary Plat.

DISCUSSION:

The Subdivider initially obtained an approved Preliminary Plat from the Planning Commission on May 8, 2023, and City Council and May 15, 2023. At that time the Subdivider did not proceed with a Final Plat. The Final Plat request as this time was not deemed consistent with State Statute with the 2023 approved Preliminary Plat. Therefore, the Subdivider had to resubmit a revised Preliminary Plat. It was determined by Administration that due to the fact that the Preliminary Plat layout was similar in concept to that prior approved and is just lesser in lot number count (from 66 to 40), that the revised Preliminary Plat and Final Plat could be done concurrently.

The addition consists of 40 residential lots, paving and utility extensions, and stormwater treatment and detention

The subdivision and future Quail Meadows subdivisions to the south will be served by a sanitary sewer lift station located in the southwest corner of Outlot 1.

The subdivision and future Quail Meadows subdivision to the south will be served by a stormwater treatment facility (STF) and detention located along the south line of Outlot 1. The STF and detention is sized to accept storm water coming in from the north along 10th, 12th and 14th Avenues. In addition, existing storm sewer in the northwest corner of the development will be relocated and the easements vacated once complete. The Platte County road easement along the east line of the subdivision will also be vacated.

The subdivision rezoning will be at a future Planning Commission and City Council meeting.

The property will be brought into the corporate limits as a condition of the platting.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wehr

SIGNATURE:

By: Richard J. Bogue

Approved By: [Signature]

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

DATE: 3/13/2024

NAME OF SUBDIVISION: Quail Meadows Addition

NAME OF PROPERTY OWNER: Quail Meadow, LLC

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Roger Nadrchal

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 213 S. 1st Street, Norfolk, NE 68701

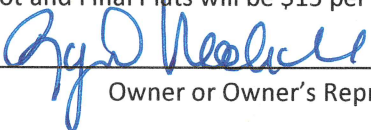
PHONE NUMBER: 402-379-3311

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: rogern@nwnen.org

NUMBER OF LOTS IN SUBDIVISION: 41

ADDRESS OF SUBDIVISION: South of 1st Street, between 10th & 14th Avenues

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative

Matthew McKeever
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: March, 14, 2024

City Attorney
Neal Valorz – nvalorz@1492law.com
Gene G. Schumacher – gschum@1492law.com



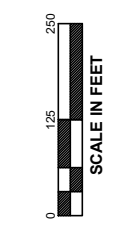
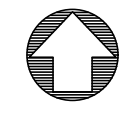
QUAIL MEADOW ADDITION
(PID 710169179)

TRANSFER STATION

WASTEWATER TREATMENT FACILITY

2600 14TH STREET
COLUMBUS, NE 68602-1677
(402)-562-4309

THE CITY OF
COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT



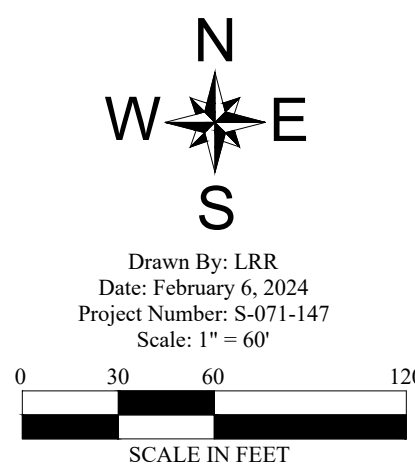
QUAIL MEADOWS AERIAL MAP
PLAN SHEET

DRN BY: BEL
DATE: 04/03/2024
PROJ: ###



SHEET
AM

FINAL PLAT
QUAIL MEADOWS ADDITION
 A Subdivision of Part of the Northeast 1/4 of the Southwest 1/4 of
 Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska.



Drawn By: LBR
 Date: February 8, 2024
 Project Number: S-071-147
 Scale: 1" = 60'

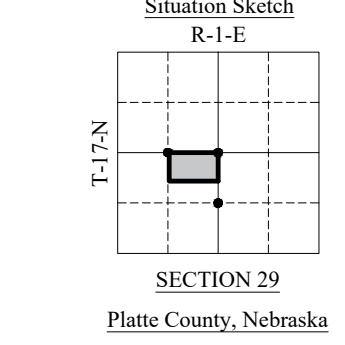
LEGEND

- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" L.B. w/Cap)
- M Measured Distance
- R Recorded Distance (JAM) James A. McMeekin, LS#165, dated August 5, 1968 (DD) Storm Sewer Easement, Bk. 40 of Misc., Page 1, dated October 26, 1962. (BDB) Brian D. Benck, LS#536, dated April 23, 2002.

DEVELOPER/OWNER:
 Quail Meadows, LLC,
 a Nebraska limited liability company
 213 S. 1st Street
 Norfolk, NE 68701
 Phone: 402-379-3311

ENGINEER:
 John A. Zwingsman, PE
 Advanced Consulting Engineering Services, Inc.
 133 W. Washington Street
 West Point, NE 68788
 Phone: 402-372-1923

SURVEYOR:
 Terry L. Schulz, LS
 Advanced Consulting Engineering Services, Inc.
 133 W. Washington Street
 West Point, NE 68788
 Phone: 402-372-1923



FIELD NOTES

A) Northwest Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E: Found 5/8" Rebar w/ Cap#455. 33.15 East to 1" Iron Pipe. 34.33 East to "X" Nails in Power Pole. 71.75 SE to "X" Nails in Power Pole.

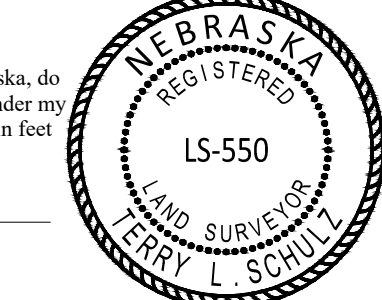
B) Northeast Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E: Found 2" Aluminum Cap#455. 33.00 West to 3/8" Rebar. 66.04 South to 1" Iron Pipe. 53.95 SE to "X" in North Rim Manhole. 63.00 South to Nail in West End of CMP.

C) Southeast Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E: Found 7/8" Iron Pipe. 18.76 SSE to Centerline of 6" Steel Pivot Stop. 25.42 SSE to Centerline of 6" Steel Pivot Stop.

LEGAL DESCRIPTION
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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°24'22" 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°24'22" E on said North line, 1252.08 feet; thence S 02°20'38" E, 66.00 feet; thence S 01°13'55" E, 679.14 feet; thence S 88°24'22" 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, 745.01 feet to the Point of Beginning, containing 21.94 acres, more or less.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on February 21, 2024, also that all dimensions are in feet and are correct to the best of my knowledge and belief.



Terry L. Schulz, State of Nebraska, LS #550 Date _____

DEDICATION
 We, QUAIL MEADOWS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY AND GREAT PLAINS STATE BANK, owner and lien holder of the described property, QUAIL MEADOWS ADDITION, hereby dedicate the streets, avenues, roads, and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as QUAIL MEADOWS ADDITION of part of the Northeast 1/4 of the Southwest 1/4 of Section 29, T17N, R1E, Platte County, Nebraska.

Quail Meadows, LLC, a Nebraska limited liability company Great Plains State Bank, Representative
 Member

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared _____, member of Quail Meadows, LLC, a Nebraska limited liability company to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: _____

Notary Public

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared _____, representative of Great Plains State Bank to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: _____

Notary Public

SCHOOL BOARD APPROVAL
 This Final Plat of QUAIL MEADOWS ADDITION to the City of Columbus, Nebraska was approved by Columbus School District on the _____ day of _____, 2024.

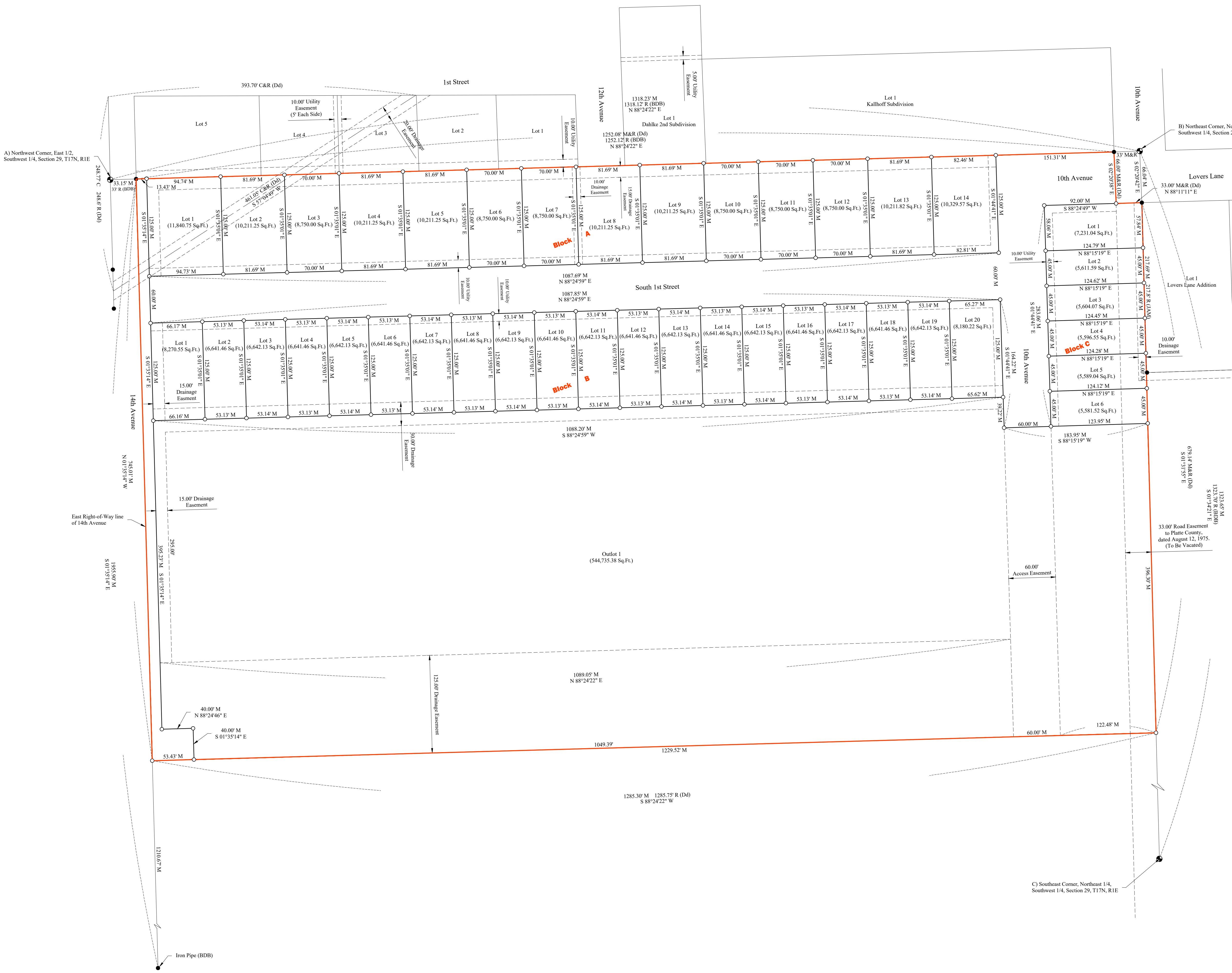
School Superintendent _____

COLUMBUS, NEBRASKA PLANNING COMMISSION
 This Final Plat of QUAIL MEADOWS ADDITION to the City of Columbus, Nebraska approved by the Planning Commission on this _____ day of _____, 2024.

Chairman _____

COLUMBUS, NEBRASKA CITY COUNCIL
 This Final Plat of QUAIL MEADOWS ADDITION to the City of Columbus, Nebraska approved by the City Council by Resolution _____ on this _____ day of _____, 2024.

Mayor _____ City Clerk _____



7.E.1. Public hearing - Determine whether Quail Meadows Addition should be included within corporate city limits. (Planning Commission recommends approval.)

7.E.2. Resolution No. R24-43 approving final plat, development agreement, and bringing said addition into corporate city limits.

Draft

RESOLUTION NO. R24-43

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.

WHEREAS, Quail Meadows LLC, a Nebraska limited liability company, is the owner of real estate described as follows:

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, a portion of which is presently unplatted land which is located outside but contiguous to the corporate boundaries and within the zoning jurisdiction to the City of Columbus, Nebraska; and

WHEREAS, said Owner has laid out said land into lots, blocks, streets, and avenues with appropriate utility easement areas, drainage easements and access easement areas, under the name of Quail Meadows Addition to the City of Columbus, Platte County, Nebraska; and

WHEREAS, said Owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, and avenues and easement areas belonging to such addition, all as provided by law, a copy of which plat is attached hereto; and

WHEREAS, said Owner has executed an instrument of dedication of the public ways and utilities easements, drainage easements and access easement to the use and benefit of the public, all as provided by law, said instrument being attached to said plat; and a Survey thereof or other document certifying the same has been executed as provided by law, and said plat and deed of dedication in no way changes the present zoning classification of the area included therein; and

WHEREAS, the plat referred to herein is the plat bearing the certificate of Terry L. Schulz, Registered Land Surveyor, under the date of April 4, 2024, which plat has been heretofore approved by the Planning Commission; and

WHEREAS, said Owner has agreed to pay all costs necessary to extend water and sewer mains to serve said addition and to pay all costs for laying such water and sewer mains with the addition itself, to pave the streets and ways according to the regulations of the City of Columbus and the requirements of the city engineer and deliver the same to the City without costs to it; and

WHEREAS, said proposed addition and plan for development has been heretofore submitted to the Planning Commission of Columbus, Nebraska, the city engineer and Platte County School District No. 001, Columbus, Nebraska; and

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of the hearings called for the purpose of approving the final plat and determining whether the portion not currently in the city should be included within the corporate limits; and

WHEREAS, after public hearing, the Planning Commission recommended approval of the plat of Quail Meadows Addition to the City of Columbus, Nebraska, and after conducting a separate public hearing on the inclusion of that portion of said

addition not currently within the Columbus, Nebraska, corporate limits, by a separate vote recommended approval thereof; and

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

WHEREAS, the mayor and city council have held separate public hearings on the approval of the final plat of said addition and on the inclusion of that portion of said addition not currently within the City of Columbus corporate limits and following each such public hearing, and having heard all persons appearing at such hearings, by separate votes, approved said final plat and approved the inclusion thereof within the corporate boundary.

NOW, THEREFORE, BE IT RESOLVED by the mayor and council of the City of Columbus, Nebraska, that the Deed of Dedication for Quail Meadows Addition to the City of Columbus, Platte County, Nebraska, be and the same is hereby accepted, and the plat thereof be and the same hereby is approved as provided by law, and the said area as so platted which was in part heretofore outside but contiguous to the City corporate limits shall become a part of the City of Columbus, Nebraska, for all purposes whatsoever and the inhabitants of such addition shall be entitled to all rights and privileges, and subject to all the laws, rules, and regulations of the City of Columbus, Nebraska, and that the mayor and city clerk be and hereby are authorized and instructed to endorse such approval on said original plat, and that the Quail Meadows Addition Development Agreement attached hereto as Exhibit "A" is hereby approved and accepted and the mayor and city clerk are hereby authorized to sign the same.

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: April 6, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Quail Meadows Addition – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of Quail Meadows Addition as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

I recommend the approval of the Final Plat as it is consistent with the Preliminary Plat.

DISCUSSION:

The Subdivider initially obtained an approved Preliminary Plat from the Planning Commission on May 8, 2023, and City Council and May 15, 2023. At that time the Subdivider did not proceed with a Final Plat. The Final Plat request as this time was not deemed consistent with State Statute with the 2023 approved Preliminary Plat. Therefore, the Subdivider had to resubmit a revised Preliminary Plat. It was determined by Administration that due to the fact that the Preliminary Plat layout was similar in concept to that prior approved and is just lesser in lot number count (from 66 to 40), that the revised Preliminary Plat and Final Plat could be done concurrently.

The addition consists of 40 residential lots, paving and utility extensions, and stormwater treatment and detention

The subdivision and future Quail Meadows subdivisions to the south will be served by a sanitary sewer lift station located in the southwest corner of Outlot 1.

The subdivision and future Quail Meadows subdivision to the south will be served by a stormwater treatment facility (STF) and detention located along the south line of Outlot 1. The STF and detention is sized to accept storm water coming in from the north along 10th, 12th and 14th Avenues. In addition, existing storm sewer in the northwest corner of the development will be relocated and the easements vacated once complete. The Platte County road easement along the east line of the subdivision will also be vacated.

The subdivision rezoning will be at a future Planning Commission and City Council meeting.

The property will be brought into the corporate limits as a condition of the platting.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wehr

SIGNATURE:

By: Richard J. Bogue

Approved By: [Signature]

Please return to:
NeighborWorks Northeast Nebraska
Attn: Roger D. Nadrchal
213 South 1st Street
Norfolk, NE 68701
nwnen@nwnen.org

QUAIL MEADOWS ADDITION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on ____ day of _____, 20 __, by and between _____, (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

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

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

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

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

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

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise 21.94 acres of property

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

SECTION I

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

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

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

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

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

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to City standards within a dedicated right-of-way and easement areas per plat (Exhibit "A") on a water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider shall be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider, with exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

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

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

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

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

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

K. Subdivider shall provide copies of all required Federal and State permits to City prior to work on or in those respective areas.

L. Subdivider agrees to pay all costs necessary to extend sanitary sewer system, water system and storm sewer that will service the property.

M. Subdivider agrees to complete and submit to the City a Floodplain Development Permit prior to any disturbance or work within the FEMA designated floodplain.

SECTION II

Subdivider and City covenant and agree that the Subdivider will abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City pertaining to construction of public improvements, and testing procedures therefor, except as otherwise provided in this Development Agreement.

SECTION III

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

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

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

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

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

SECTION IV

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

SECTION V

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

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

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

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

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

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

SECTION VI

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

SECTION VII

This Agreement shall run with the land and shall be binding upon and insure to the benefit of all parties hereto, their successors and assigns, including all future lot owners of the Area to be Developed.

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

ATTEST:

CITY OF COLUMBUS

CITY CLERK

MAYOR Date

APPROVED AS TO FORM

CITY ATTORNEY

SUBDIVIDER

QUAIL MEADOWS LLC

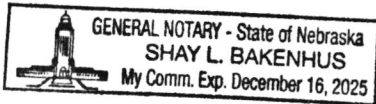
By Roger D. Nadrchal

Dated this 4th day of April, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 4th day of April, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Roger D. Nadrchal, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

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



Shay L. Bakenhus
Notary Public

(My commission expires: December 16, 2025)

Matthew McKeever
Burnett Wilson Law
17525 Arbor Street
Omaha, NE 68130

DEED OF DEDICATION

KNOWN ALL MEN BY THESE PRESENTS:

WHEREAS, Quail Meadows, LLC, a Nebraska limited liability company, the proprietor and owner of Quail Meadows Addition to the City of Columbus, Platte County, Nebraska and a tract of land located in the East ½ of the Southwest ¼ of Section, 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°24'22" 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°24'22" 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; thence S 01°31' 55" E, 679.14 feet; thence S 88°24'22" 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, 745.01 feet to the Point of Beginning, containing 21.94 acres, more or less.

has caused the above described real estate to be laid out into lots, blocks, streets, and avenues with appropriate utility, drainage easements and access under the name of Quail Meadows Addition to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing lots, streets, avenues, and easements belonging to said Addition, a plat of which bearing the date of R____-____ and certified by _____, RLS # _____, is attached hereto.

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

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

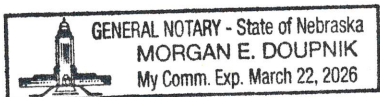
IN WITNESS WHEREOF, this instrument has been signed on April 4, 2024.



QUAIL MEADOWS, LLC
By: Roger D. Nadrchal, Member

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 4th day of April, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Roger D. Nadrchal, Member, on behalf of Quail Meadows, LLC, personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledge the said instrument to be his voluntary act and deed.



Morgan E. Doupnik
Notary Public

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.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, April 15, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Farm View Second Subdivision, Lot 2, Block A and Lot 2, Block B, Adele Addition to the City of Columbus, Platte County, Nebraska, containing 12.82 acres, more or less (16th Ave and 31st St) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 04:04:24
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Farm View Second Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Farm View Second Subdivision as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on March 11, 2024, and City Council on March 18, 2024.

DISCUSSION:

The addition consists of 30 residential lots, paving and utility extensions, and stormwater treatment and detention. The platting is consistent with the Farm View Area proposed layout. The property is within the corporate limits.

The development agreement includes that the Subdivider will obtain any FAA or NDOT Aeronautics Division permits and file a Noise and Operations Easement since abutting the airport.

A temporary drainage easement agreement to be located in the property north of this subdivision (future Farm View Third Subdivision).

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woschke

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

DATE: 3/20/2024

NAME OF SUBDIVISION: Farm View Second subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, Inc.

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd., Columbus, NE 68601

PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 30

ADDRESS OF SUBDIVISION: Lot 2, Block A and Lot 2, Block B, Adele Addition

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative

Steven Ramaekers

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

FARMVIEW 2ND SUBDIVISION



FARM VIEW SECOND SUBDIVISION
A Subdivision of Part of Lot 2, Block A and Lot 2, Block B,
Adele Addition to the City of Columbus, Platte County, Nebraska.

This survey was prepared at the request of Steven Ramaekers, Columbus, Nebraska.

LEGAL DESCRIPTION

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.

TEMPORARY DRAINAGE EASEMENT

A temporary drainage easement located in 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 Northwest corner of Lot 2, Block A, Adele Addition to the City of Columbus, Platte County, Nebraska; thence N 87°58'09" E on the North line of said Lot 2, Block A, 387.29 feet to the Northeast corner; thence S 31°54'21" E on the East line of said Lot 2, 334.91 feet; thence S 58°04'46" W, 119.79 feet; thence N 31°55'14" W, 22.25 feet; thence S 58°04'46" W, 173.63 feet; thence S 23°15'18" E, 82.76 feet; thence S 88°26'49" W, 202.67 feet; thence S 01°33'11" E, 57.40 feet; thence S 88°26'48" W, 120.00 feet to a point on the East line of Lot 1, Block B of said Adele Addition; thence N 01°33'09" W on said West line, 54.92 feet to the Southwest corner of said Lot 2, Block A; thence N 01°33'09" W on the West line of said Lot 2, Block A, 324.43 feet; thence N 01°33'36" W on the West line of said Lot 2, Block A, 170.04 feet to the Point of Beginning, containing 5.06 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on January 8, 2024; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz, State of Nebraska, LS #550

Date



DEDICATION

I, Steven Ramaekers, Granville Custom Homes, Inc., owner of the described property, FARM VIEW SECOND SUBDIVISION, hereby dedicate the streets, avenues, roads, and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as FARM VIEW SECOND SUBDIVISION of Lot 2, Block B and part of Lot 2, Block B, Adele Addition to the City of Columbus, Platte County, Nebraska.

Steven Ramaekers
Granville Custom Homes, Inc.

STATE OF NEBRASKA) ss
COUNTY OF PLATTE)

On this ___ day of ___, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Steven Ramaekers, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: _____

Notary Public

COLUMBUS, NEBRASKA SCHOOL BOARD

This Final Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska is approved by the Columbus Public Schools on this ___ day of ___, 2024.

School Superintendent

COLUMBUS, NEBRASKA PLANNING COMMISSION

This Final Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission on this ___ day of ___, 2024.

Chairman

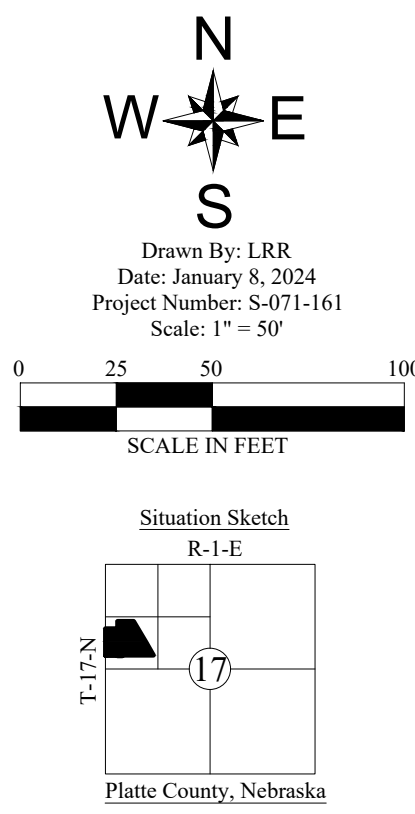
COLUMBUS, NEBRASKA CITY COUNCIL

This Final Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the City Council by Resolution ___ on this ___ day of ___, 2024.

Mayor

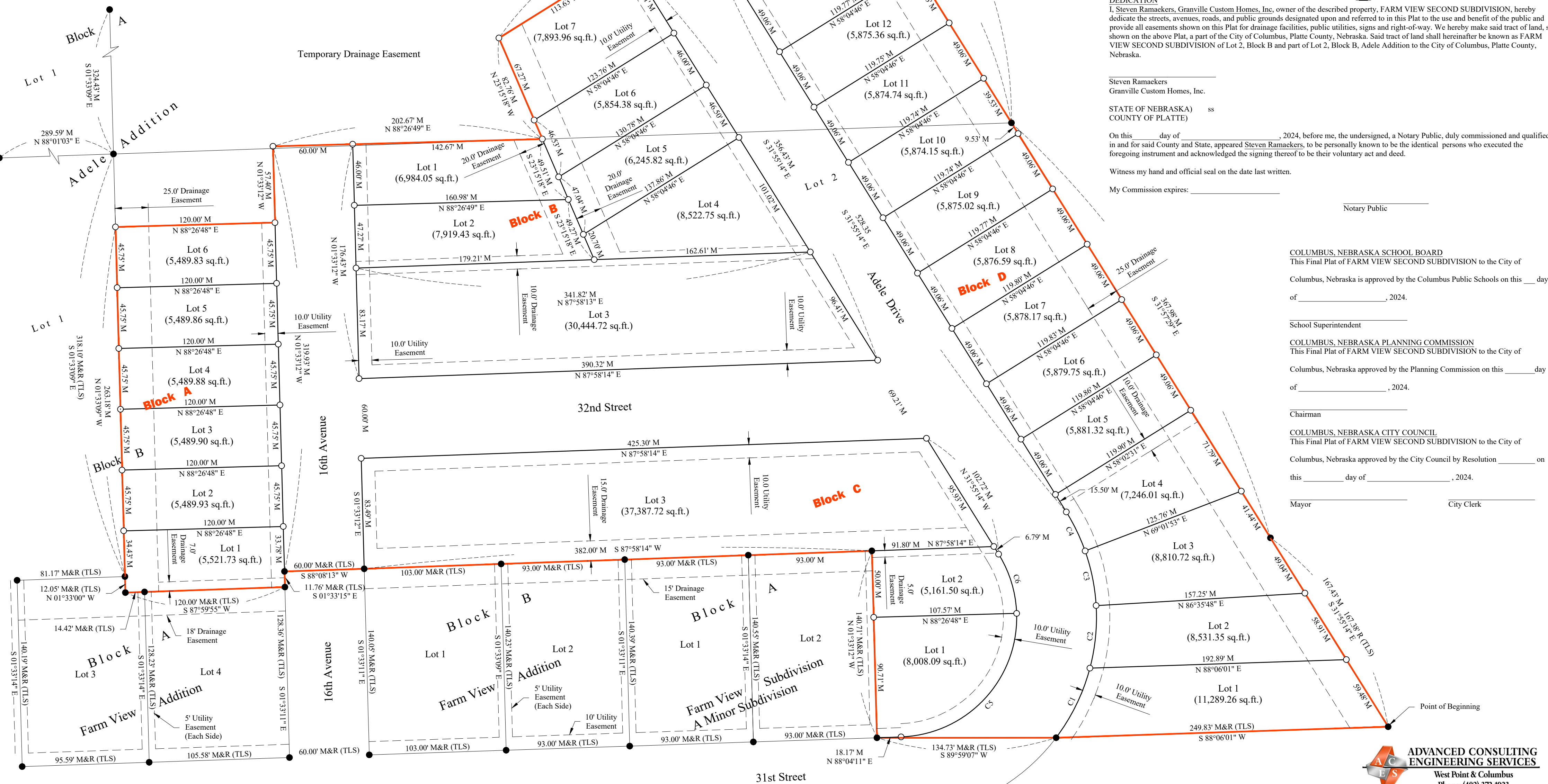
City Clerk

OWNER/DEVELOPER: Granville Custom Homes, Inc. 4514 Howard Blvd. Columbus, NE 68601 Phone: 402-276-3476
ENGINEER: John A. Zwingman, PE Advanced Consulting Engineering Services, Inc. 133 West Washington Street West Point, NE 68788 Phone: 402-372-1923
SURVEYOR: Terry L. Schulz, RLS Advanced Consulting Engineering Services, Inc. 133 West Washington Street West Point, NE 68788 Phone: 402-372-1923



- Curve Data
C1 Radius: 150.00' Arc Length: 58.61' M Chord Length: 58.24' M Bearing: N 25°55'42" E
C2 Radius: 150.00' Arc Length: 47.49' M Chord Length: 47.29' M Bearing: N 05°39'57" E
C3 Radius: 150.00' Arc Length: 42.09' M Chord Length: 41.96' M Bearing: N 11°24'50" W
C4 Radius: 150.00' Arc Length: 32.57' M Chord Length: 32.50' M Bearing: N 25°44'23" W
C5 Radius: 90.00' Arc Length: 141.37' M Chord Length: 127.28' M Bearing: N 43°04'10" E
C6 Radius: 90.00' Arc Length: 47.11' M Chord Length: 46.57' M Bearing: N 16°55'33" W

- LEGEND
● Property Corner Found
○ Property Corner Set (5/8" x 24" I.B. w/Cap)
M Measured Distance
R Recorded Distance (TLS) Terry L. Schulz, LS#550 dated July 27, 2018 & May 8, 2019.



7.F.1. Resolution No. R24-41 approving final plat and development agreement.

Draft

RESOLUTION NO. R24-41

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.

WHEREAS, Granville Custom Homes, Inc., a Nebraska Corporation, is the owner of the real estate described as:

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,

all of which is presently platted and within the boundaries and within the zoning jurisdiction of the City of Columbus, Nebraska; and

WHEREAS, said owner has laid out said land into lots, blocks, streets and avenue roadways with appropriate utility, sidewalk, and drainage easements under the name of Farm View Second Subdivision to City of Columbus, Platte County, Nebraska; and

WHEREAS, said owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets and avenue roadways with appropriate utility, sidewalk and drainage easement areas belonging to such addition, all as provided by law, and bearing the certificate of Terry L. Schultz, registered land surveyor, under the date April 8, 2024, a copy of which Plat is hereto attached; and

WHEREAS, said owner has executed an instrument of dedication of the streets, public ways and utility, sidewalk, and drainage easements to the use and benefit of the public, all as provided by law, said instrument being attached to said plat; and

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

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

WHEREAS, said owner has agreed with the City of Columbus, Nebraska to pay all costs necessary to extend water and sewer mains to serve said addition and to pay all costs for laying such water and sewer mains with the subdivision itself, to pave the streets and ways according to the regulations of the City of Columbus and the requirements of the city engineer and deliver the same to the City of Columbus, Nebraska without cost to it; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the mayor and council of the City of Columbus, Nebraska, that the Deed of Dedication for Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, be and the same is hereby accepted, the plat thereof be and the same hereby is approved as provided by law, that the mayor and city clerk be and hereby are authorized and instructed to endorse such approval on said original plat, the area carries a classification R3 Zoning District according to the Zoning Regulation of the City of Columbus, Nebraska; that the Farm View Second Subdivision Development Agreement attached hereto as Exhibit "A" is hereby approved and accepted and the mayor and city clerk are hereby authorized to sign said Development Agreement.

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: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Farm View Second Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Farm View Second Subdivision as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on March 11, 2024, and City Council on March 18, 2024.

DISCUSSION:

The addition consists of 30 residential lots, paving and utility extensions, and stormwater treatment and detention. The platting is consistent with the Farm View Area proposed layout. The property is within the corporate limits.

The development agreement includes that the Subdivider will obtain any FAA or NDOT Aeronautics Division permits and file a Noise and Operations Easement since abutting the airport.

A temporary drainage easement agreement to be located in the property north of this subdivision (future Farm View Third Subdivision).

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woschke

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

DATE: 3/20/2024

NAME OF SUBDIVISION: Farm View Second subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, Inc.

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd., Columbus, NE 68601

PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 30

ADDRESS OF SUBDIVISION: Lot 2, Block A and Lot 2, Block B, Adele Addition

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative

Steven Ramaekers

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney
Neal Valorz – nvalorz@1492law.com
Gene G. Schumacher – gschum@1492law.com

Please return to:
Steven Ramaekers
4514 Howard Blvd
Columbus, NE 68601

FARM VIEW SECOND SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on 15 day of April, 2024, by and between Granville Custom Homes, Inc. (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

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

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

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

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

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

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise 7.75 acres of property.

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

SECTION I

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

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

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

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

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

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to City standards within a dedicated right-of-way and easement areas per plat (Exhibit "A") on a water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider shall be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider, with exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

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

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

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

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

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

K. Subdivider shall provide copies of all required Federal and State permits to City prior to work on or in those respective areas.

L. Subdivider agrees to pay all costs necessary to extend sanitary sewer system, water system and storm sewer that will service the property.

M. Subdivider agrees to complete and submit any required FAA and Nebraska Department of Transportation Aeronautics Division permit applications and any notifications and provide copies of such to the City prior to improvements in the Area.

N. Subdivider agrees to file the Noise and Operations Easement attached hereto as Exhibit B and incorporated by this reference against the Area to be Developed.

O. Subdivider has dedicated a drainage easement on Subdivider's property north of Farm View Second Subdivision. The easement serves Farm View Second Subdivision. Subdivider shall maintain the easement such that it can serve this purpose.

SECTION II

Subdivider and City covenant and agree that the Subdivider will abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City pertaining to construction of public improvements, and testing procedures therefor, except as otherwise provided in this Development Agreement.

SECTION III

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

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

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

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

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

SECTION IV

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

SECTION V

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

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

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

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

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

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

SECTION VI

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

SECTION VII

This Agreement shall run with the land and shall be binding upon and insure to the benefit of all parties hereto, their successors and assigns, including all future lot owners of the Area to be Developed.

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

ATTEST:

CITY OF COLUMBUS

CITY CLERK

MAYOR Date

APPROVED AS TO FORM

CITY ATTORNEY

SUBDIVIDER



Granville Custom Homes, Inc.

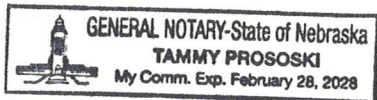
By Steven Ramaekers

Dated this 8th day of April, 2024

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 8th day of April, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Steven Ramaekers who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

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



Tammy Prosocki

Notary Public

(My commission expires: 2-28-28)

Once Recorded Return Document To:

Steven Ramaekers
4514 Howard Blvd
Columbus, NE 68601

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Granville Custom Homes, Inc., is the owners of the following described real estate:

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;

and has caused the above-described real estate to be laid out into lots, blocks, streets and easement areas belonging to such Addition, under the name of Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing the lots, blocks, streets and easements belonging to such Addition, a plat of which bearing

date of April 8th, 2024, and certified by Terry L. Schultz, registered land surveyor, is attached hereto.

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

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

8th IN WITNESS WHEREOF, the Grantors named herein have executed these presents this day of April, 2024.



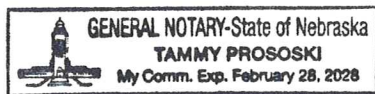
Steven Ramaekers, President
Granville Custom Homes, Inc.

STATE OF NEBRASKA

: ss.

COUNTY OF PLATTE

On this 8th day of April, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Steven Ramaekers, to me personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledged the said instrument to be his voluntary act and deed.



Notary Public

(SEAL)

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.)

Kline, Janelle

From: Steven Ramaekers <steven@granville-homes.com>
Sent: Monday, April 15, 2024 3:42 PM
To: Kline, Janelle
Cc: Vasicek, Tara; Bulkley, Jim
Subject: Granville Petition to Rezone

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

Janelle,

Please pull the petition to rezone Farm View 2nd addition from tonight's agenda.
Please leave the plat approval on the agenda.

Steven Ramaekers
Granville Custom Homes, Inc.
4514 Howard Blvd, Columbus, NE
Direct: 402-276-3476
granville-homes.com

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, April 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on 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, (16th St and 31st Ave) from "R-2" (Two-Family Residential District) to "R-3" (Multiple-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 03:29:24
Two Affidavits of Publication

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.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, April 15, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, to consider various Text Amendments to the Zoning and Subdivision Chapters of the Columbus Land Development Ordinance (CLDO) for the City of Columbus, adopted August 21, 2023, by Ordinance No. 23-09, to-wit: Said Text Amendment proposes various changes throughout both the Zoning and Subdivision Chapters, including but not limited to changes which encompass various corrections and discrepancies as well as revisions to the administration of both chapters, including revisions to definitions, changes to special use permit and re-zoning applications and procedures, changes to the procedures concerning administrative, minor and major subdivisions, including preliminary plats and final plats; new and revised "Figures" and "Tables" appearing in the CLDO; changes to "Use Types", "Site Development Regulations", "Supplemental Use Regulations", "Supplemental Site Development Regulations", Required Landscape Depth, Off-Street Parking Requirements, Sign Regulations, Circulation System Design, Storm Sewers and Storm Water Management, Improvement Procedures; and changes to promote the workability of said chapters. A copy of the entire proposed text amendment is available at the office of the city clerk, City Hall, 2500 14 St, Ste 3, Columbus, and at said time and place you may appear to be heard.

CITY OF COLUMBUS, NE
Janelle Kline, City Clerk

Publish: 04:04:24
Two Affidavits of Publication

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 bullet 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: 

The Columbus Land Development Ordinance for the City of Columbus

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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 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.

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

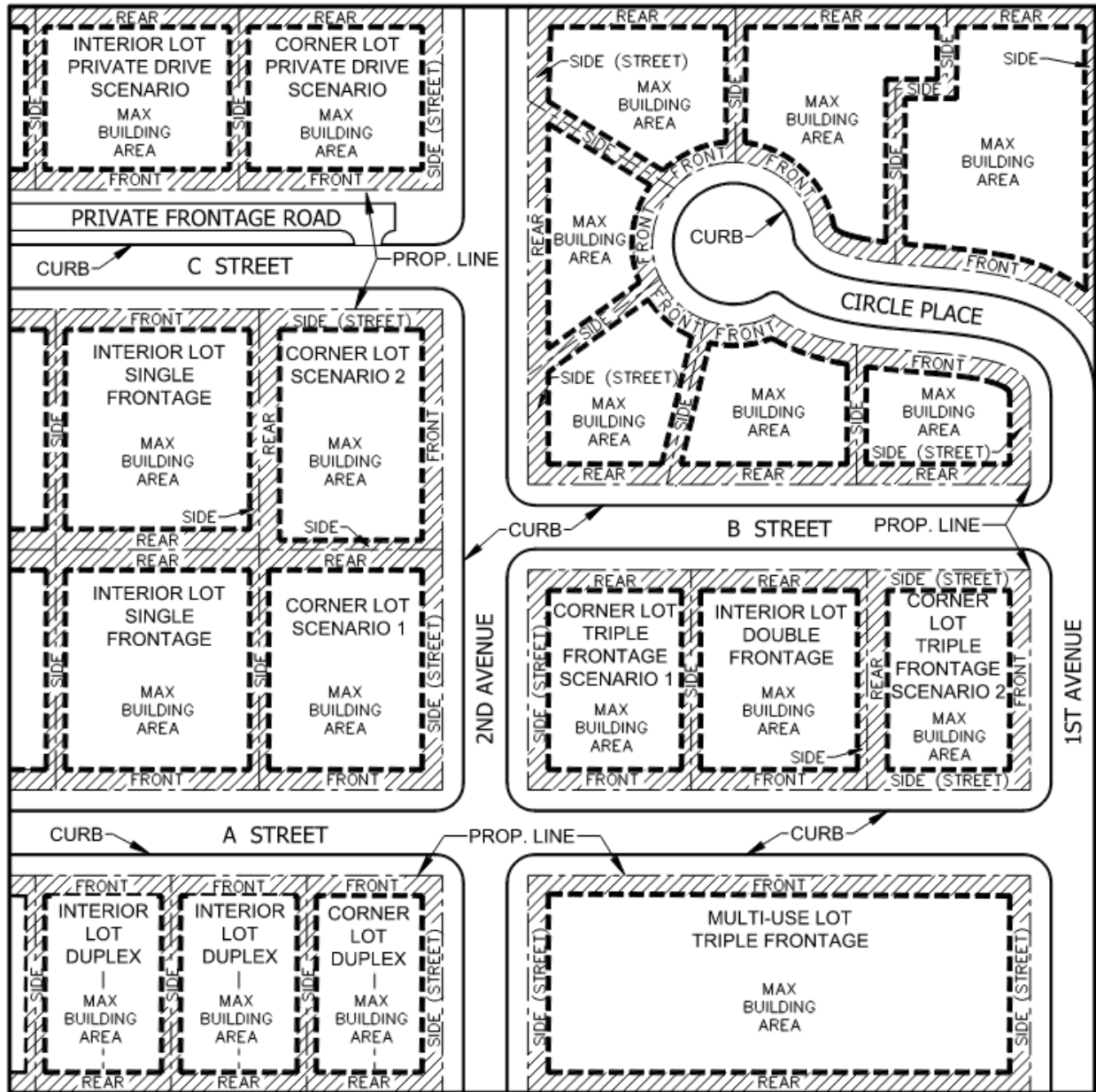
2-14 K

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.

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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.

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- 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.

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- 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)

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- d. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
- e. Business or Trade Schools: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- f. Campground: Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc., are allowed.
- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- h. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.
- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.
- 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.

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- 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.

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- 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.

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- 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.

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- 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

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
NTR	Non-Traditional Residential District
O	Office District
LC	Limited Commercial District
UC	Urban Commercial District
B-1	Central Business District
B-2	General Commercial District
ML/C-1	Light Industrial District
MH	General Industrial District
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
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family	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
Civic Uses														
Administration		S					P	P	P	P	P	P	P	
Cemetery	P	P	S		S									
Clubs	S	S	S	S	S	S	P	P	P	P	P			6-4(a)
College / University		S	S	S	P	S	S	P	P		P			
Convalescent Services					P		P	P	P					
Cultural Services		P	P	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S		
Day Care (General)		S/P*	S/P*	S/P*	P	S/P*	P	P	P	P	P	S	S	6-4(b)
Detention Facilities	S									S	S	S		
Emergency Residential	P	P	P	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S	S	S	S	S	P	P	P	P	P	S		6-4(c)
Group Home	P	P	P	P	P	P	P	P	P	P	P			6-4(c)
Guidance Services					P		P	P	P	P	P	P	P	6-8(b)
Hospitals					S		P	S	S	S	P			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	

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
Civic Uses														
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
Office Uses														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
Commercial Uses														
Agricultural Sales/Service	S										P	P	P	
Automotive Rental/Sales										P	P	S		
Auto Services								S	S	P	P	P	P	6-5(a), 6-5(b)
Body Repair											S	P	P	6-5(a)
Crematory											S	S	P	6-5(f)
Equipment Rental/Sales										S	P	P	P	
Equipment Repair											P	P	P	6-5(a)
Vehicle Storage											S	P	P	
Bed & Breakfast			S	S	P		P	P	P	P	P			6-5(c) * Note 1

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
Commercial Uses														
Personal Services					S		P	P	P	P	P	P		
Personal Improvement Services					S		P	P	P	P	P	P		
Pet Services								P	P	P	P	P		
Research Services	S							P	P	P	P	P		
Restaurants (Drive-In)									S		P	S		
Restaurants (General)							P	P	P	P	P	S		
Sexually Oriented Business												S		6-5(g)
Stables	P	S												
Surplus Sales										P	P	P	P	
Veterinary Services	S	S									P	P		
Gaming Facility										P	P			

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
Parking Uses														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: 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
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										S	S	P	P	
General Industry												P	P	
Heavy Industry													P	
Resource Extraction	S	S											P	6-6(a)
Salvage Services													P	6-6(b)
Warehousing												P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	

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
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	**S	**S										**S	P	
WECS (Wind Energy Conservation System)	P	P			S			S	S		S	P	P	
Landfill (Non-Putrescible)	S												S	
Landfill (Putrescible)	S												S	
Major Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P	P	
Minor Alternative Energy Production Devices	P	P	P	P	P	P	P	P	P	P	P	P	P	

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

**** Temporary Construction Batch Plants Only.**

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	-	-	-
Minimum Lot Width (feet)	300	100	-	-	-
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	-	-	-
Minimum Yards (feet)					
Front Yard	50	50	-	-	-
Front Yard to Building Line	-	-	15	15	15
Front Yard to Garage Line	-	-	20	20	20
Street Side Yard	25	25	15	15	15
Interior Side Yard	25	25	7	7 (Note 1)	7 (Note 2)
Rear Yard	35	35	15	15	15
Maximum Height (feet)	100	36	36 (Note 2,3)	36 (Note 2,3)	36 (Note 2,3)
Maximum Building Coverage	NA	NA	50%	50%	50%
Maximum Impervious Coverage	NA	NA	55%	65%	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: 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
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (Note 4)	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*
Minimum Lot Area (square feet)	5,000	5,000	5,000	NONE	5,500
Minimum Lot Width (feet)	50	50	50	NONE	50
Site Area per Housing Unit (square feet)	2,000 (Note 5)	2,000 (Note 5)	2,000 (Note 5)	500	1,500 (Note 5)
Minimum Yards (feet)					
Front Yard	20	20	15	0	10
Street Side Yard	20	20	10	0	10
Interior Side Yard	10	10	10	0	0
Rear Yard	20	20	20	0	20
Maximum Height (feet)	48	36	36	NO LIMIT	60
Maximum Building Coverage	50%	50%	50%	100%	70%
Maximum Impervious Coverage (Note 6)	70%	70%	80%	100%	90%
Floor Area Ratio	1.00	1.00	1.00	5.0	3.0

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

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

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.

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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.

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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.

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- 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.

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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.

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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.

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- (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).

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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.

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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.

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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.

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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.

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- (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.

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(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.

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- (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

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- (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.

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(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;

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- (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.

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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.

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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.

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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.

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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."

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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.

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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.

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6 ARTICLE SIX: SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

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

6-2 Supplemental Use Regulations: Agricultural Uses

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

- a. Horticulture and Crop Production: Retail Sales: Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:
 1. Garden Centers: A 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.

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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.

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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.

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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.

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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.

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- (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;

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- (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.

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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.

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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.

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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

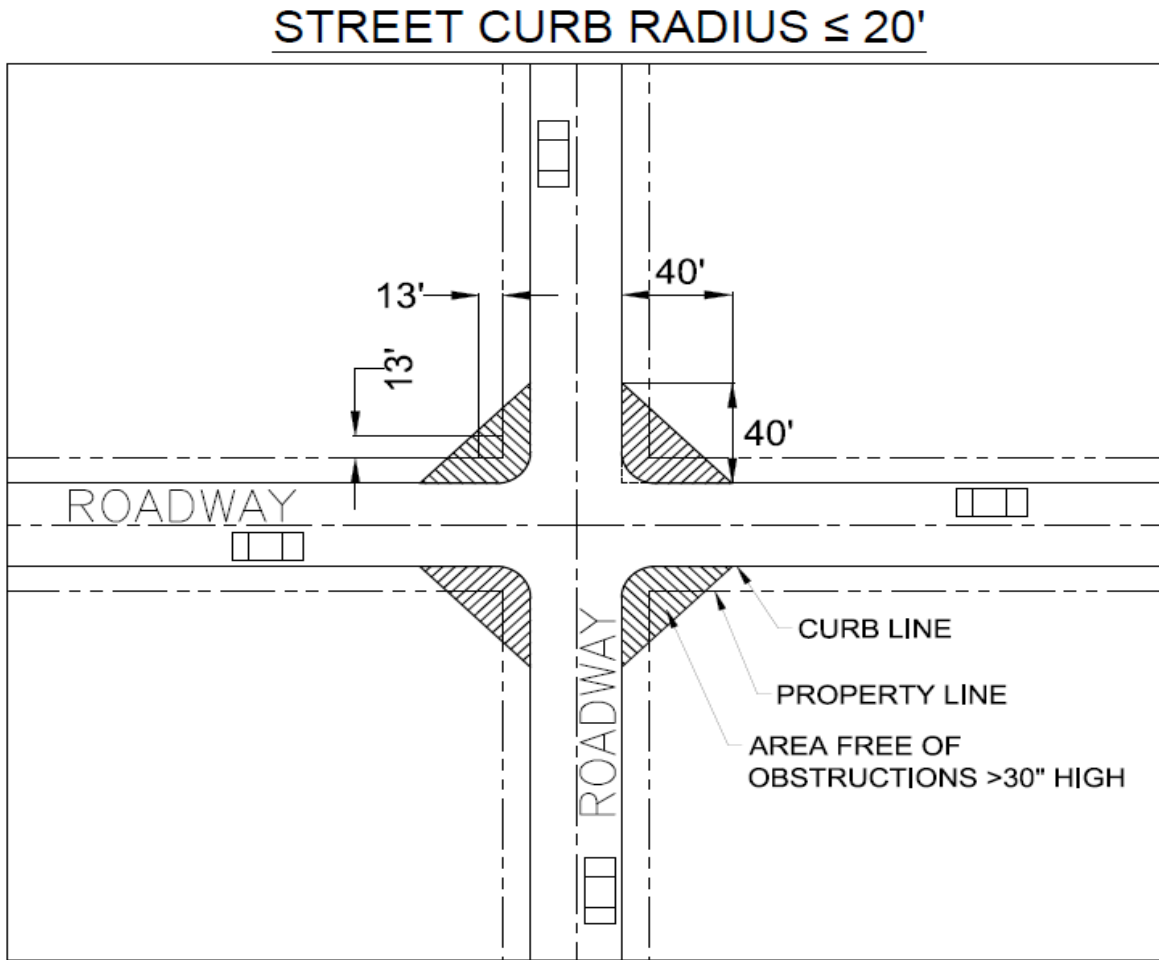


Figure 7-2(b): Vision Clearance Zone

STREET CURB RADIUS > 20'

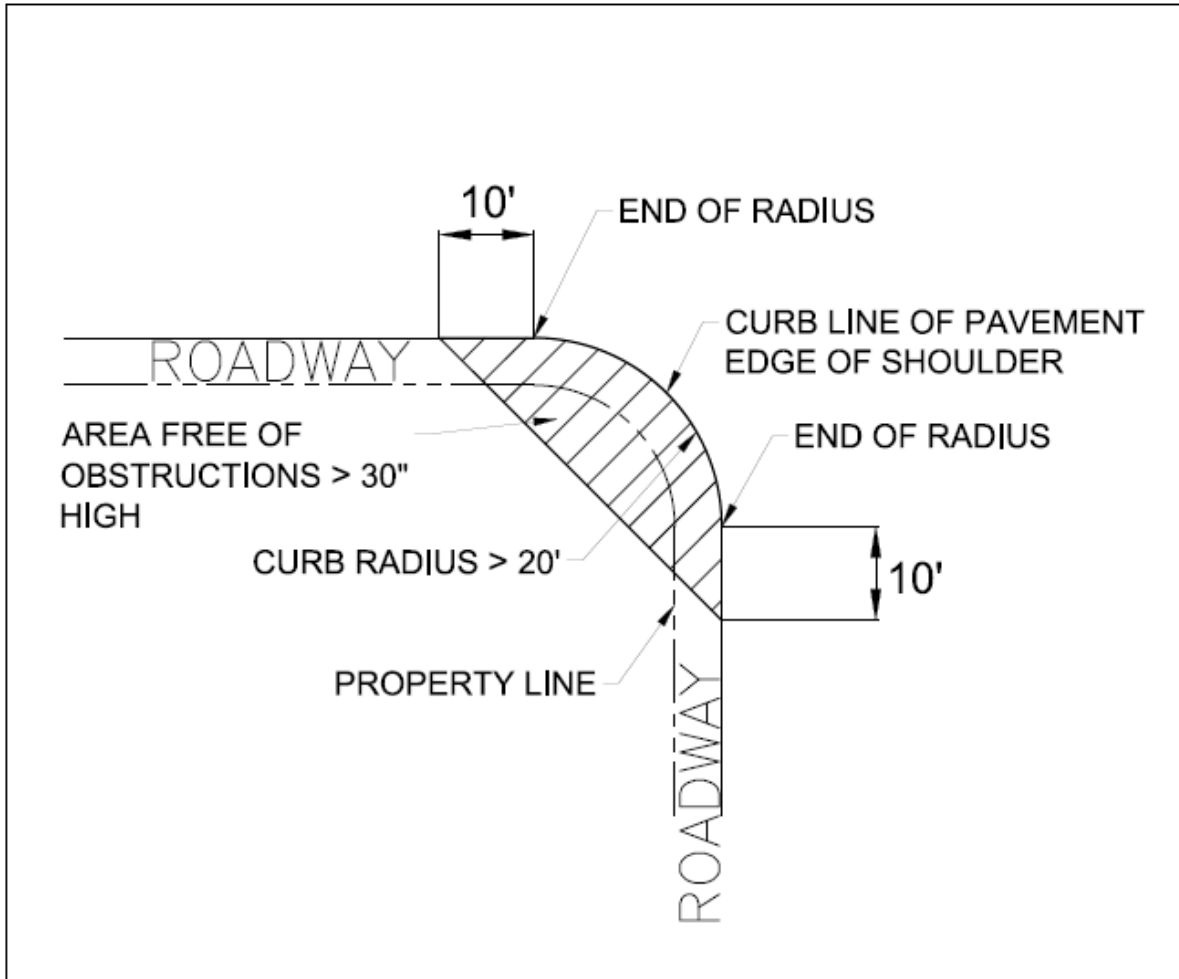


FIGURE 7-2 (b): VISION CLEARANCE ZONE

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

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

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

The Downtown 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

Zoning District	Depth of Landscaping Adjacent to Street Property Line
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)

More Intensive District	Less Intensive District						
		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

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
LC, UC, B-2	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
ML/C-1	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	55
* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.		

Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78-degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9 ARTICLE NINE: OFF-STREET PARKING

9-1 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

9-2 General Applications

- a. Applicability: Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
- b. Exemptions: Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

9-3 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

- a. Computation
 1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
 2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
 3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1 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

Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4-person capacity.
Religious Assembly	1 space per 4-person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4-person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

SCHEDULE A	
This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.	
Function of Element	Requirement
Office or Administration	1 space per 400 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment, Servicing, or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-4 Parking Facility Location

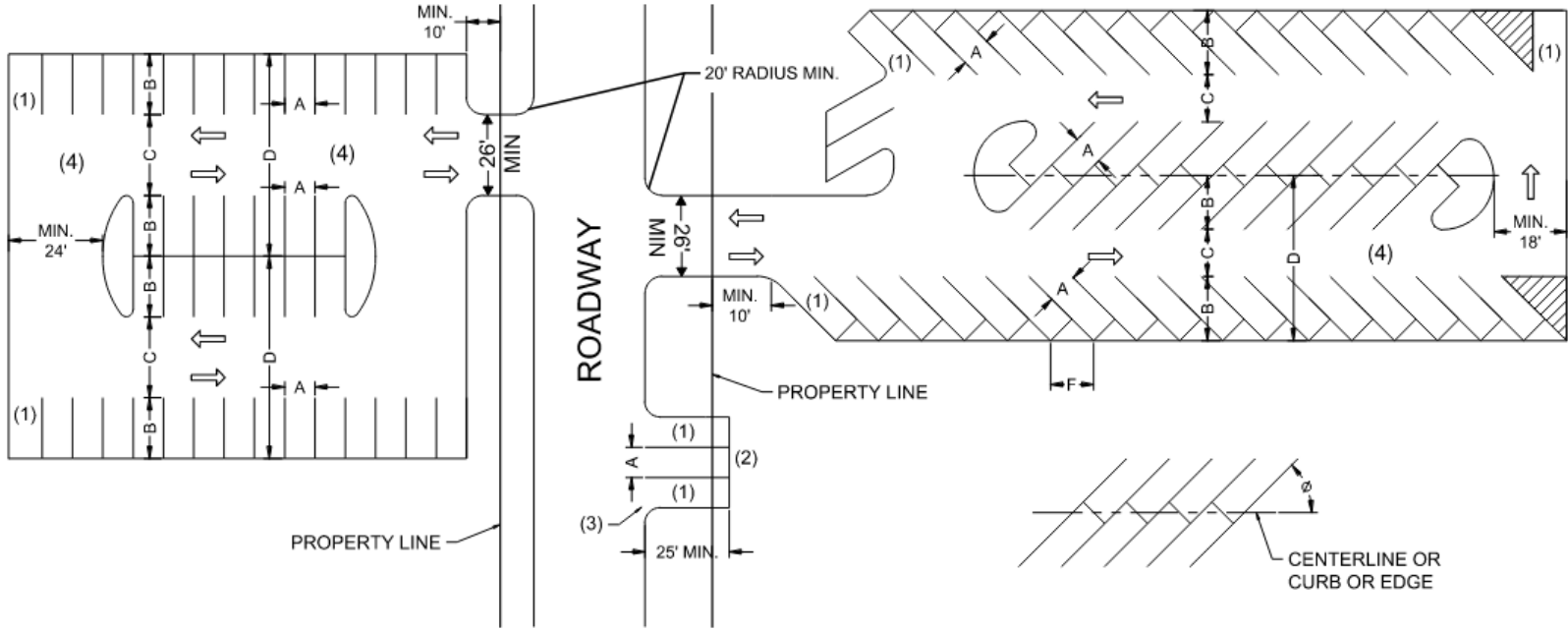
- a. Residential Parking
 1. Off-street parking for residential uses shall be located on the same lot or site as the use.
 2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.
- b. Non-Residential Parking
 1. Off-street parking 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

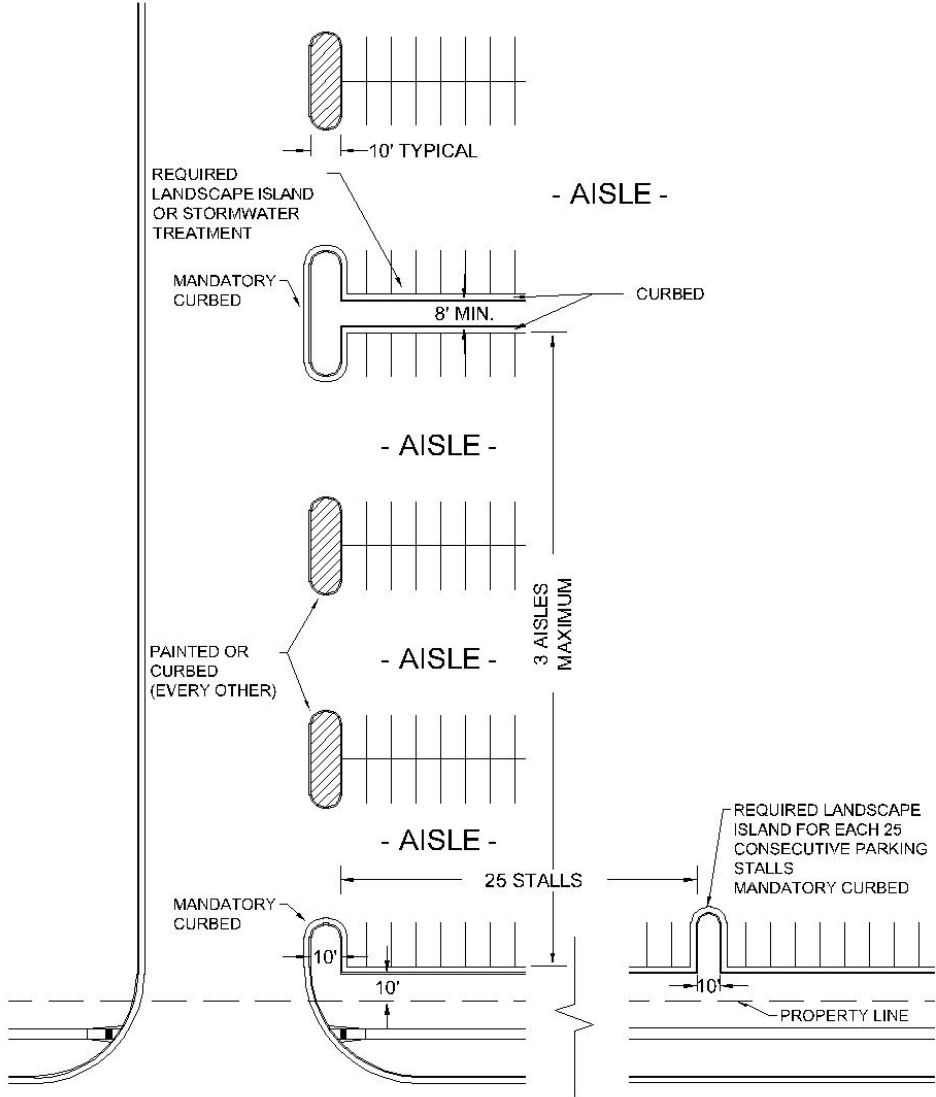
- a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).
- b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall 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.

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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.

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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.

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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.

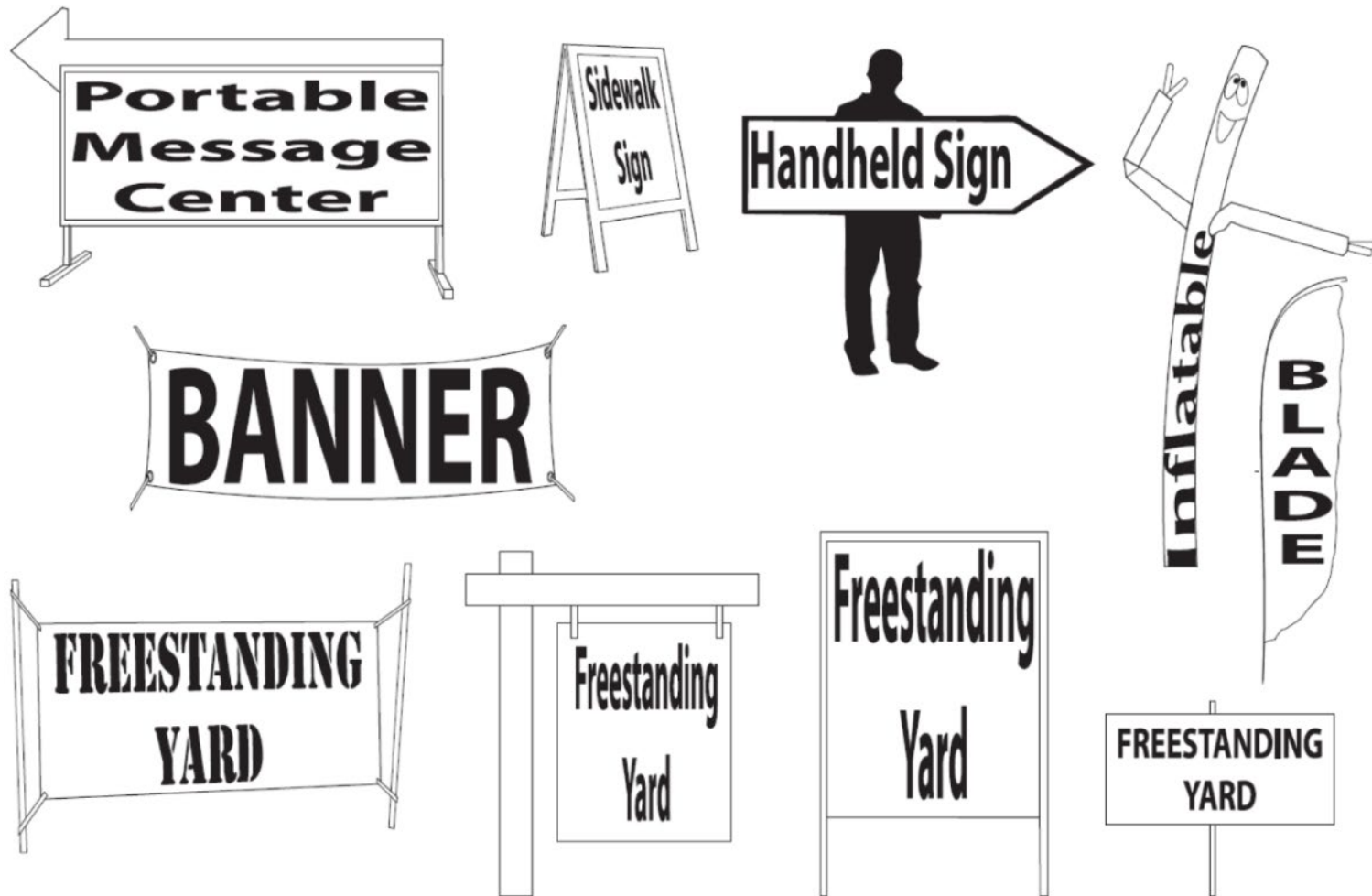
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Figure 10-3 (a): Permanent Signs Example



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Figure 10-3 (b): Temporary Signs Example



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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

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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.

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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.

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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.

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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 ²)	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.

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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.

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(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.

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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.

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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.

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Table 10–2: Permitted Permanent Sign Budget by District

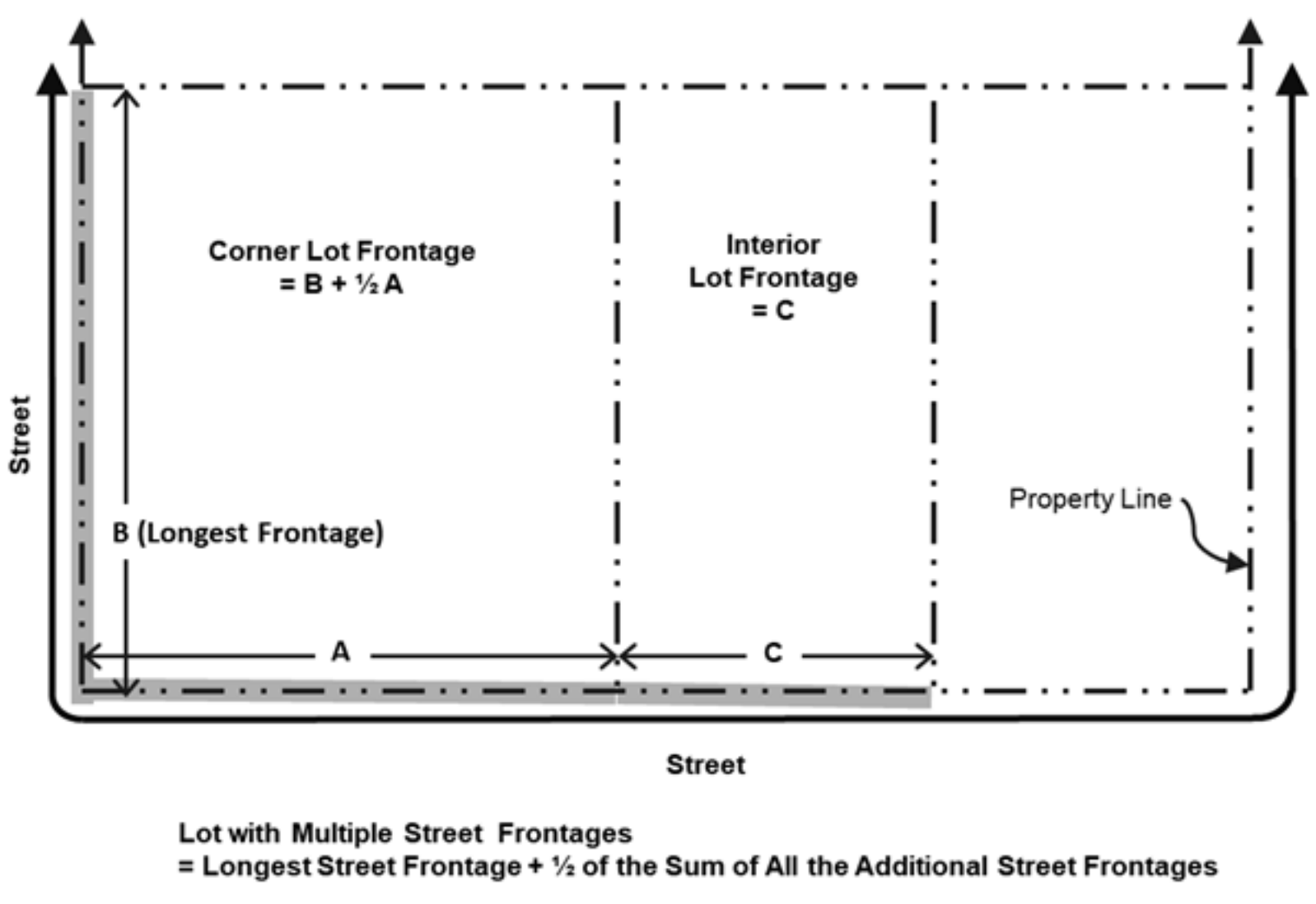
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated Permitted Sign Budget	0.5	1	1	1	0.5	0.75	1.5	1.5	2
Allowable Minimum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
Maximum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150 RU, 300 NRU	400	800	500	800	800

RU: Residential Uses includes all residential uses plus permitted home based businesses and excludes multi-family and non-traditional residential use types.

NRU: Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

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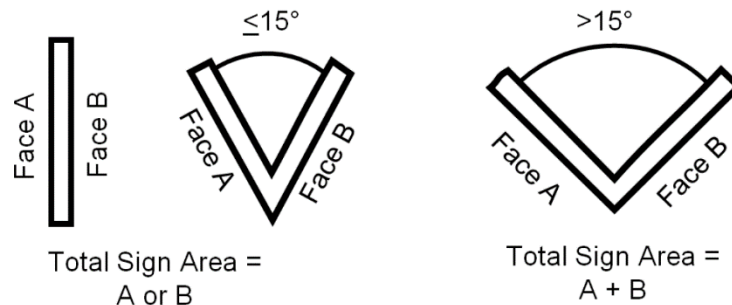
Figure 10-6 (a): Lot Frontage Determination



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- 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.

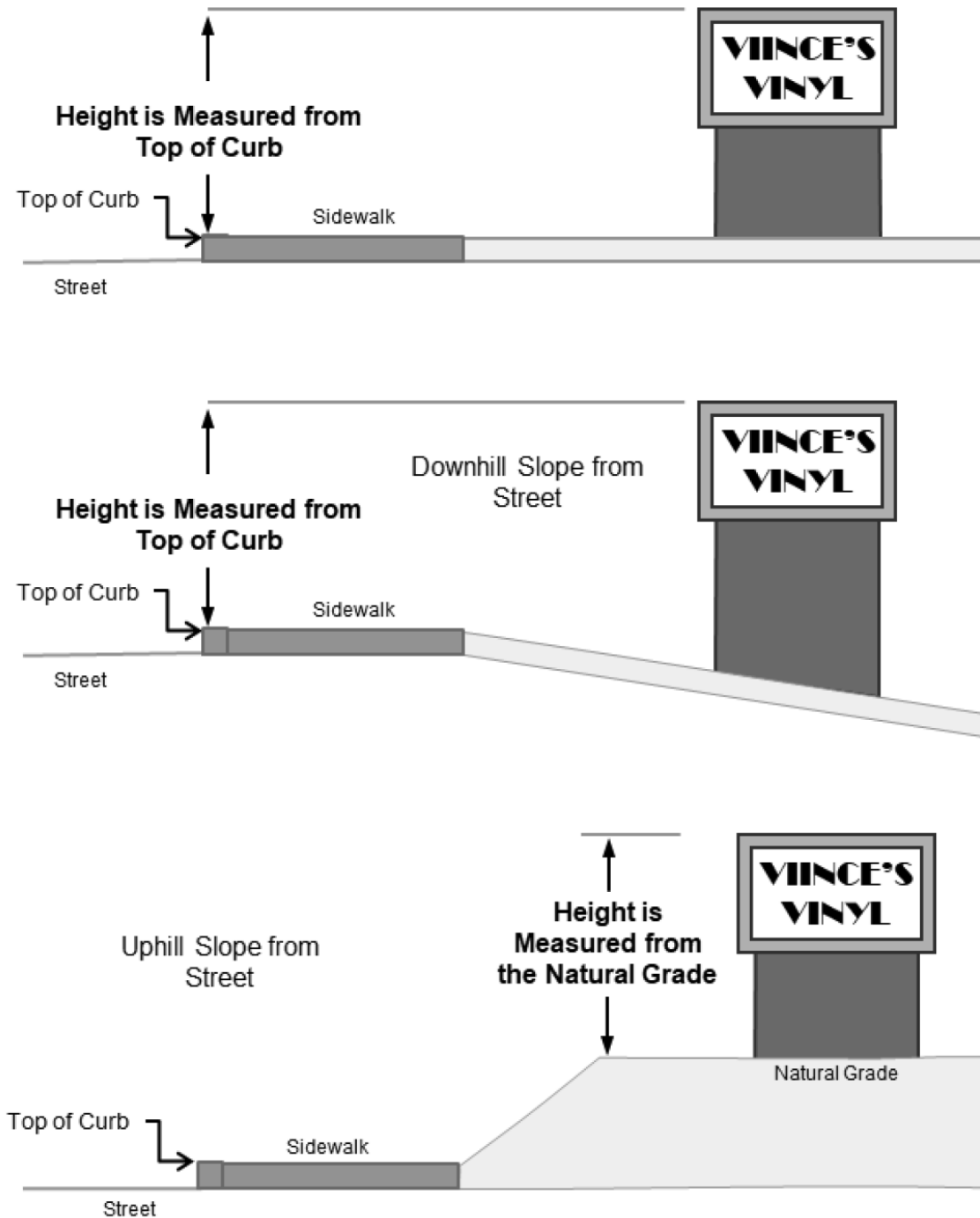
Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces



- 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.

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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.

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10-7 Permitted Permanent Sign Type by Zoning District

Table 10 - 3: Permitted Permanent Signs by Type and Zoning District

	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Detached Signs												
Ground	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	N	N	N	N	N	N	N	N	P	P	P
Billboard	N	N	N	N	N	N	N	P(A)	P(A)	P(A)	P(A)	P(A)
Attached Signs												
Awning	N	N	N	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NRU	NRU	NRU	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information*	N	N/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

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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.

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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
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200
Maximum Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	25	25
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0	-	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	-	2	2

NA - Not Applicable

N - Not Permitted

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- b) *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, in order to determine the maximum percentage of street façade coverage.

Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts

Regulation Item	Zoning Districts							
	AG	RR R-1 R-2 R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH
Maximum Size of Attached Sign (square feet)	100	32	50	150	150	300	300	300
Maximum % of Street Façade	15%	15%	15%	20%	20%	25%	20%	25%

- c) *Awnings and Awning Signs.* Awnings and awning signs, where permitted, are subject to the following regulations:
- (a) The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
 - (b) Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.
 - (c) Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
 - (d) Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.
2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:
- (a) The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
 - (b) All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.

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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.

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- (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.

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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.

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- 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.

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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.

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Table 10-7: Permitted Temporary Signs by Type and Zoning District

Sign Types	Permit Required	Sign Types								
		AG	RR	R-1 R-2 R-3 NTR	O LC UC	B-1	B-2	DBD	ML/C-1	MH
Banner	Yes*	P	P	P	P	P	P	P	P	P
Blade	No	P	N	N	P	P	P	P	P	P
Flag	No	P	P	P	P	P	P	P	P	P
Freestanding Yard	Yes*	P	P	P	P	P	P	P	P	P
Handheld	No	N	N	N	N	P	P	P	P	P
Inflatable/ Air-Activated	No	N	N	N	N	P	P	P	P	P
Portable Message Center	Yes	P	N	N	N	P	P	P	P	P
Sidewalk	Yes	N	N	N	N	N	N	P	N	N
Window	No	P	P	P	P	P	P	P	P	P

*Banner and Freestanding Yard Signs thirty-two (32) square feet or larger require a Sign Permit.

N - Not Permitted

P - Permitted

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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.

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- c. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
 - 1. All Flag Signs shall meet clearance standards found this article.
 - 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.
 - 3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in Section 7-2.
- d. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.
 - 1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.
 - 2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 - 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in Figure 7-2(a).

Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)	Maximum Height (feet)
Less than 75	2	16	6
75-300	3	36	8
Greater than 300	4	64	10

Handheld Signs. Handheld Signs, where permitted, are subject to the following supplemental regulations.

- 4. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
- 5. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
- 6. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- 7. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

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- 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.

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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
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
		Site Plan Review	Special Use Permit
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
Land Use Compatibility			
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

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
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X

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.

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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

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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.

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- (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.

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- 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.

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- 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.

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- 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;

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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.

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- 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.

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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.

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- 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.

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- 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.

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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.

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- 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.

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- 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.

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13-16 Retention of Expert Assistance and Reimbursement by Applicant

- a. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- b. An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The Initial Deposit shall be \$8,500 unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.
- c. Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.
- d. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

13-17 Public Hearing and Notification Requirements

The procedure for obtaining a Special Use Permit for Wireless Telecommunications Facilities shall follow the procedure set forth in Section 12-3 of the Columbus Zoning Ordinance with the exception that no public hearing or notifications are required for Eligible Facility applications.

The procedures of Article 12 are amended for purposes of Special Use Permits for Wireless Telecommunication Facilities to require written notice of such public hearing to be given to the owners of all real estate located within 500 feet instead of 300 feet of the real estate, which is the subject of the Special Use Permit for Wireless Telecommunication Facilities.

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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.

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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.

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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.

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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.

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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.

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- 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.

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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.

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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.

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: 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

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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

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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.

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“**Wireline backhaul facility**” means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

13-43 Purpose and Scope

This Article supplements the generally applicable right-of-way permitting provisions in Article 15 with specific provisions for the placement, permitting, and use of small wireless facilities in the City’s right-of-way. In the event of a conflict between Article 15 and this Article, this Article shall control. This Article is intended to comply with the Small Wireless Facilities Deployment Act as adopted by the 106th Nebraska Legislature First Session, referred to in this Article as the “Act”. Nothing in this Chapter shall restrict any authority of the City as provided in the Act.

A. *Applicability of this Article.* No person shall site, place, construct, operate, maintain, repair, remove, modify, or prepare any small wireless facility, any wireless support structure, any utility pole built or modified solely to accommodate a small wireless facility, or any other structure built solely to support a wireless facility, in the City’s right-of-way, without first having received a permit from the City to occupy right-of-way pursuant to Article 15. Any small wireless facility, wireless support structure, or any utility pole or other structure built or modified solely to support a wireless facility, which is located outside the City’s right-of-way, is not subject to this Article; however, such facilities and structures are subject to the City’s Zoning Ordinance.

B. *Exceptions and Limitations.*

Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

- a. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.
- b. Except as provided in Article 13, Part B, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way so long as such facilities and poles do not obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by utilities or the safe operation of their systems or provision of service.
- c. Article 13, Part B, Section 13-44 to Section 13-47 shall not apply to public power suppliers or to the collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier.

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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.

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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.

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- 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.

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- 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.

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- 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.

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- 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.

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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.

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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.

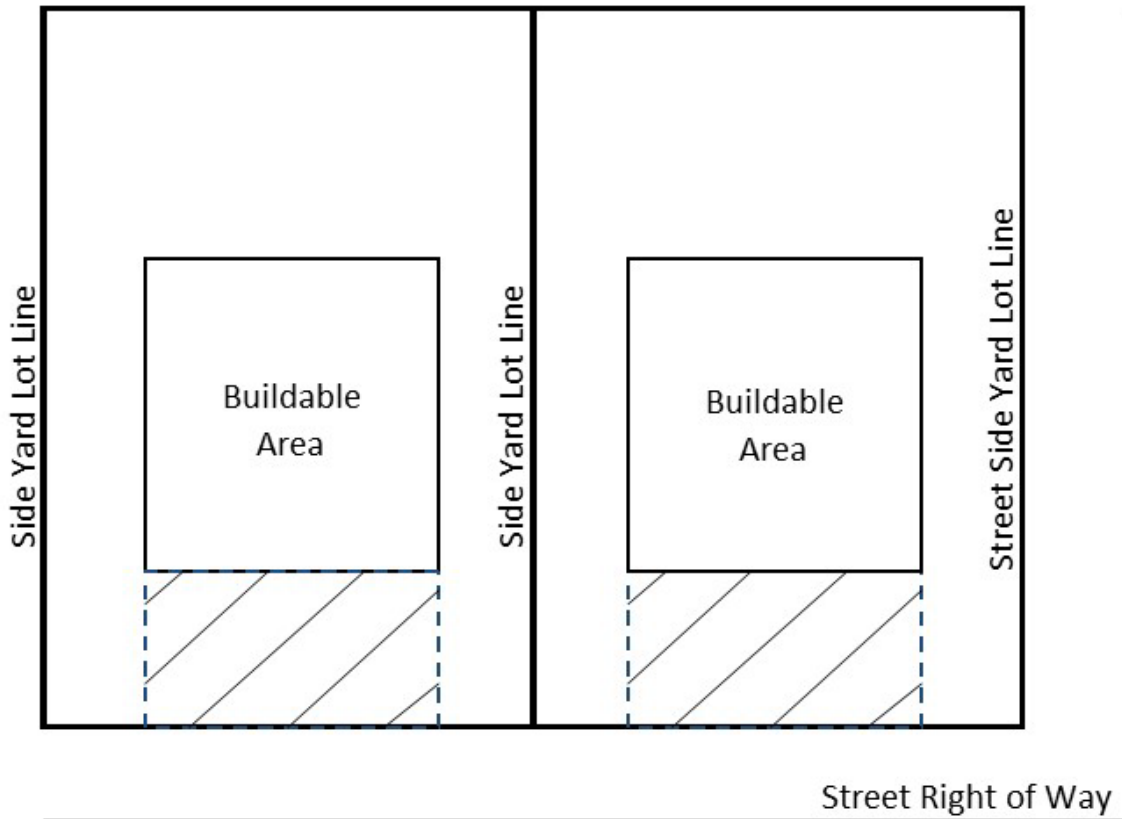
- a. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.
- b. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities 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.

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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.

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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.

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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

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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.

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- 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
PLAT INFORMATION				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.	X	X	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

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	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, 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
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	X	X	X
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		X	X	
Floodplain Development Permit	X	X	X	

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross-sections.			X	
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

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
GRADING AND DRAINAGE PLAN (separate plan sheet) 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.				
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	

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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 Q_{wQ} (cfs)</i>	<i>WQCV (cf) or Q_{wQ} (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.

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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.

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- (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.

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- (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.

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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.

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(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.

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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.
 - (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.

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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.

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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
Private Street or Frontage Road (Private)	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
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

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TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (Private)	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	Two 12-foot through lanes	May be limited, must meet NFPA standards	33 feet	10%
Minor and Other Arterials	Each through land 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
Major Arterials	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

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4-6 Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extension of roadway segments, and design as determined by the City Engineer.

TABLE 4-3: Curb, Sidewalk, and Right-of-Way Requirements

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
Local - Rural	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
Local - Urban	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
Collector	Curb	Required both sides	4 feet	60 or 80 feet
Minor or Other Arterial	Curb	Both Sides	4 feet or greater as approved by City Engineer	100 feet or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

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.

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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.

The Columbus Land Development Ordinance for the City of Columbus

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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 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.
- 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.

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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.

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

2-12 I

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

2-13 J

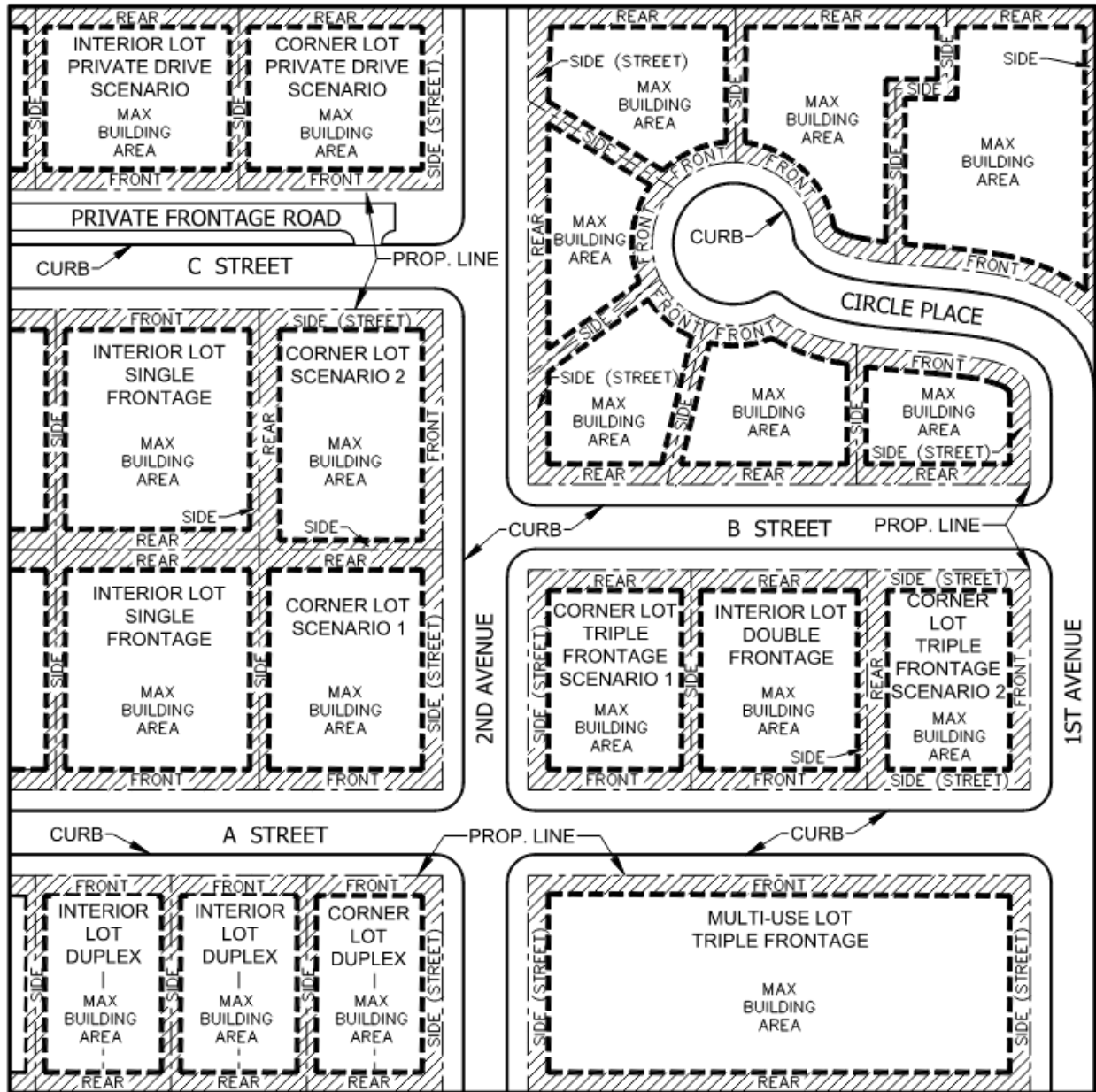
2-14 K

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.

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Figure 2-15: Lot Definitions



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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.

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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

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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

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
NTR	Non-Traditional Residential District
O	Office District
LC	Limited Commercial District
UC	Urban Commercial District
B-1	Central Business District
B-2	General Commercial District
ML/C-1	Light Industrial District
MH	General Industrial District
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
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family	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
Civic Uses														
Administration		S					P	P	P	P	P	P	P	
Cemetery	P	P	S		S									
Clubs	S	S	S	S	S	S	P	P	P	P	P			6-4(a)
College / University		S	S	S	P	S	S	P	P		P			
Convalescent Services					P		P	P	P					
Cultural Services		P	P	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S		
Day Care (General)		S/P*	S/P*	S/P*	P	S/P*	P	P	P	P	P	S	S	6-4(b)
Detention Facilities	S									S	S	S		
Emergency Residential	P	P	P	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S	S	S	S	S	P	P	P	P	P	S		6-4(c)
Group Home	P	P	P	P	P	P	P	P	P	P	P			6-4(c)
Guidance Services					P		P	P	P	P	P	P	P	6-8(b)
Hospitals					S		P	S	S	S	P			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	

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
Civic Uses														
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
Office Uses														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
Commercial Uses														
Agricultural Sales/Service	S										P	P	P	
Automotive Rental/Sales										P	P	S		
Auto Services								S	S	P	P	P	P	6-5(a), 6-5(b)
Body Repair											S	P	P	6-5(a)
Crematory											S	S	P	6-5(f)
Equipment Rental/Sales										S	P	P	P	
Equipment Repair											P	P	P	6-5(a)
Vehicle Storage											S	P	P	
Bed & Breakfast			S	S	P		P	P	P	P	P			6-5(c) * Note 1

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
Commercial Uses														
Personal Services					S		P	P	P	P	P	P		
Personal Improvement Services					S		P	P	P	P	P	P		
Pet Services								P	P	P	P	P		
Research Services	S							P	P	P	P	P		
Restaurants (Drive-In)									S		P	S		
Restaurants (General)							P	P	P	P	P	S		
Sexually Oriented Business												S		6-5(g)
Stables	P	S												
Surplus Sales										P	P	P	P	
Veterinary Services	S	S									P	P		
Gaming Facility										P	P			

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
Parking Uses														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: 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
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										S	S	P	P	
General Industry												P	P	
Heavy Industry													P	
Resource Extraction	S	S											P	6-6(a)
Salvage Services													P	6-6(b)
Warehousing												P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	

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
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	**S	**S										**S	P	
WECS (Wind Energy Conservation System)	P	P			S			S	S		S	P	P	
Landfill (Non-Putrescible)	S												S	
Landfill (Putrescible)	S												S	
Major Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P	P	
Minor Alternative Energy Production Devices	P	P	P	P	P	P	P	P	P	P	P	P	P	

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

**** Temporary Construction Batch Plants Only.**

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	-5,500	-4,840 / 7,480 (5)	-5,500
Minimum Lot Width (feet)	300	100	-54	-44 (2)	-50 (2)
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	-5,500	-4,840 (Single Family) 3,740 (Two Family)	-1,500 (3)
Minimum Yards (feet)					
Front Yard	50	50	-20	-20	-20
<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	20 <u>15</u>	20 <u>15</u>	20 <u>15</u>
Interior Side Yard	25	25	7	7 (Note 1)	7 (Note 42)
Rear Yard	35	35	25 <u>15</u>	25 <u>15</u>	20 <u>15</u>
Maximum Height (feet)	100	36	36 (Note 42,3,6)	36 (Note 42,3,6)	36 (Note 42,3,6)
Maximum Building Coverage	NA	NA	40 <u>50</u> %	40 <u>50</u> % (7)	50%
Maximum Impervious Coverage	NA	NA	50 <u>55</u> %	55 <u>65</u> % (8)	65%
Floor Area Ration	NA	NA	NA	NA	1.00

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

~~Note 2:~~ See Section 6 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

~~Note 3:~~ Density of multi-family residential may exceed this 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.

Note 63: Accessory buildings cannot be over 20 feet in height to the peak.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

~~**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
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (Note 14)	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*
Minimum Lot Area (square feet)	5,000	5,000	5,000	NONE	5,500
Minimum Lot Width (feet)	50	50	50	NONE	50
Site Area per Housing Unit (square feet)	2,000 (Note 5)	2,000 (Note 5)	2,000 (Note 5)	500	2,000 ^{1,500} (Note 5)
Minimum Yards (feet)					
Front Yard	20	20	15	0	10
Street Side Yard	20	20	10	0	10
Interior Side Yard	10	10	10	0	0
Rear Yard	20	20	20	0	20
Maximum Height (feet)	48	36	36	NO LIMIT	60
Maximum Building Coverage	50%	50%	50%	100%	70%
Maximum Impervious Coverage (Note 6)	70%	70%	80%	100%	90%
Floor Area Ratio	1.00	1.00	1.00	5.0	3.0

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

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

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.

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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.

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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.

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- (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).

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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.

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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.

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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.

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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.

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- (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.

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(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.

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- (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

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- (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.

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(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;

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- (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.

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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 taken 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 its 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.

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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.

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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.

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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.

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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.

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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.

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- (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;

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- (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.

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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.

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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.

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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.

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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.

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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.

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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 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

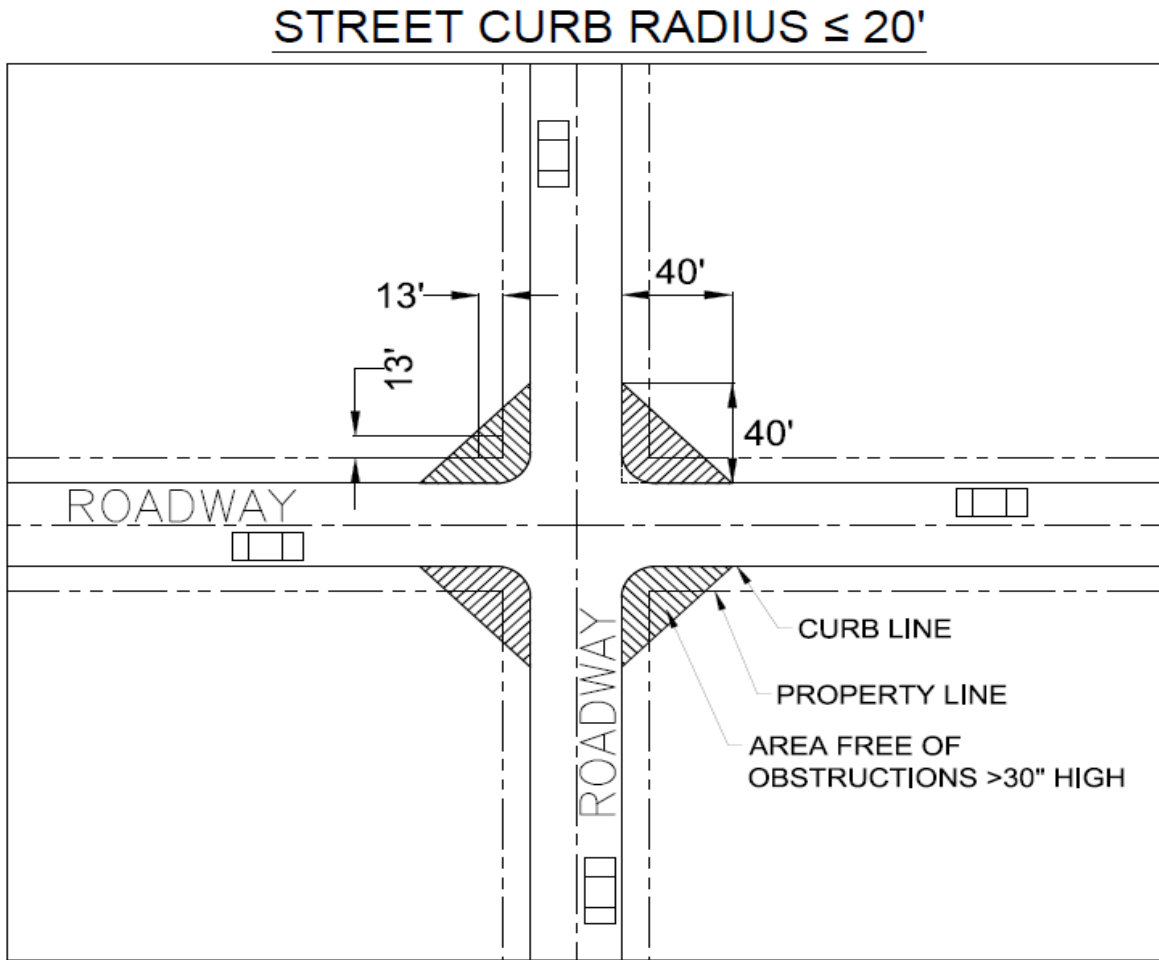


Figure 7-2(b): Vision Clearance Zone

STREET CURB RADIUS > 20'

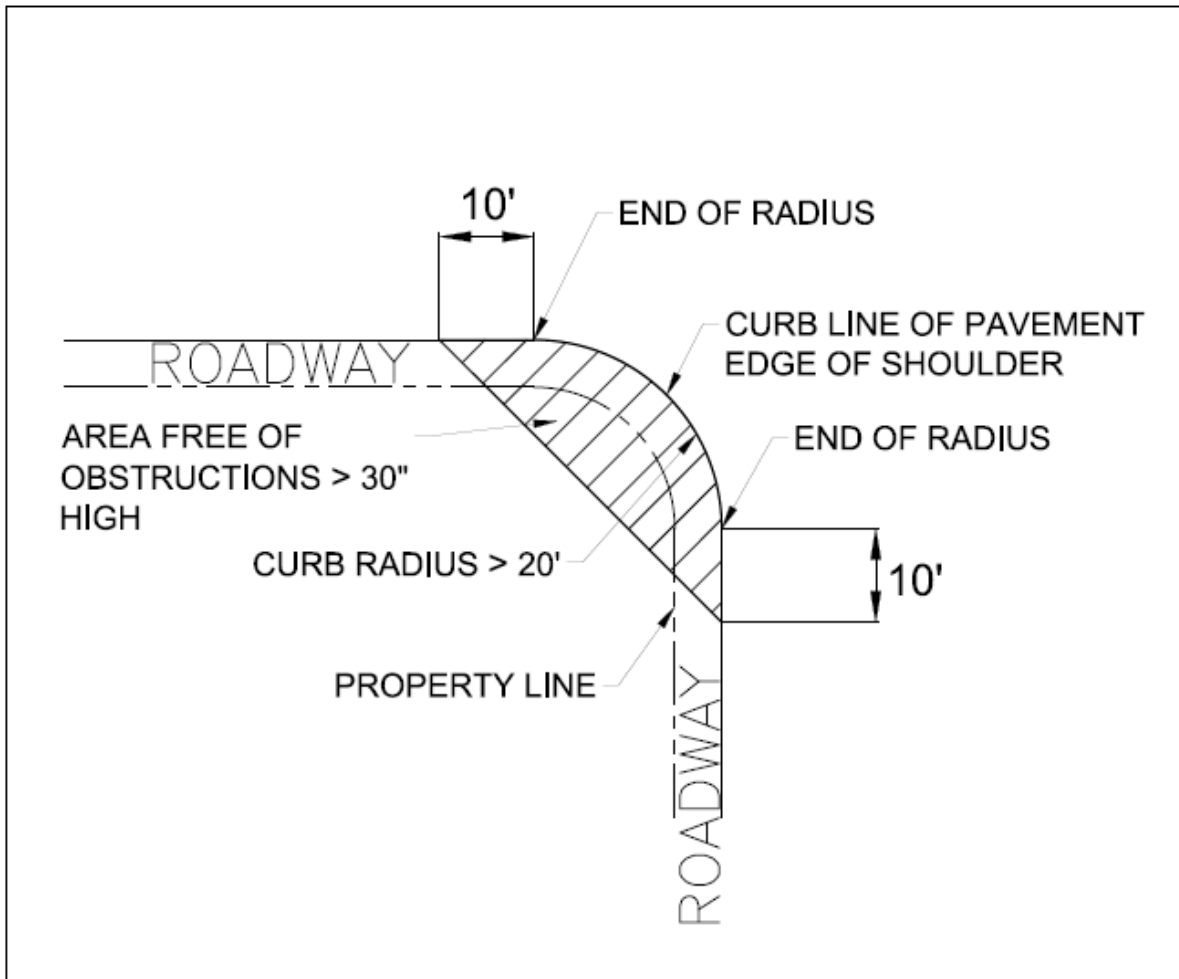


FIGURE 7-2 (b): VISION CLEARANCE ZONE

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 ~~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 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public right-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

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

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

The Downtown 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.

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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

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	50 feet
R-1	20 <u>15</u> feet
R-2	20 <u>15</u> feet
R-3*	20 <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)

More Intensive District	Less Intensive District						
		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

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
LC, UC, B-2	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
ML/C-1	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	55
* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.		

Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78-degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9 ARTICLE NINE: OFF-STREET PARKING

9-1 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

9-2 General Applications

- a. Applicability: Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
- b. Exemptions: Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

9-3 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

- a. Computation
 1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
 2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
 3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1.5 spaces per 1 bedroom dwelling units <u>or studios, and</u> , 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

Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4-person capacity.
Religious Assembly	1 space per 4-person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4-person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

SCHEDULE A	
This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.	
Function of Element	Requirement
Office or Administration	1 space per 400 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment, Servicing, or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-4 Parking Facility Location

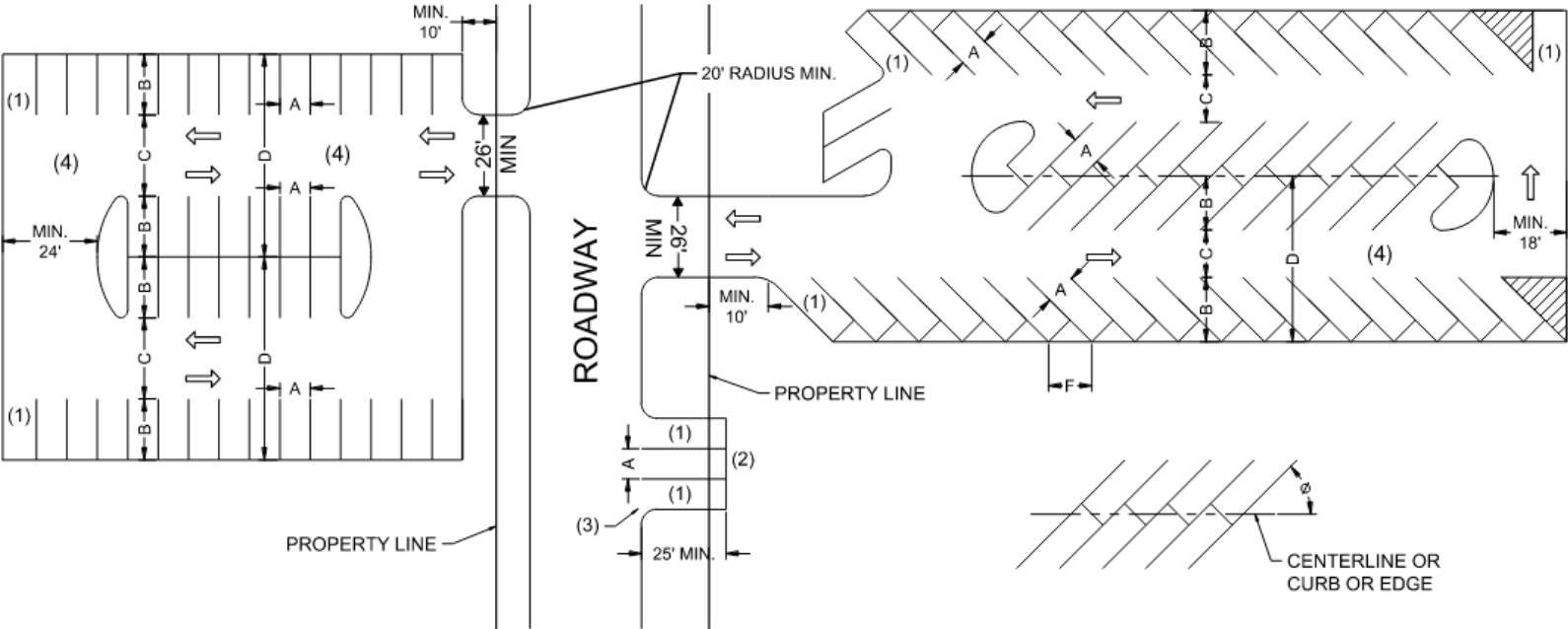
- a. Residential Parking
 1. Off-street parking for residential uses shall be located on the same lot or site as the use.
 2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.
- b. Non-Residential Parking
 1. Off-street parking 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

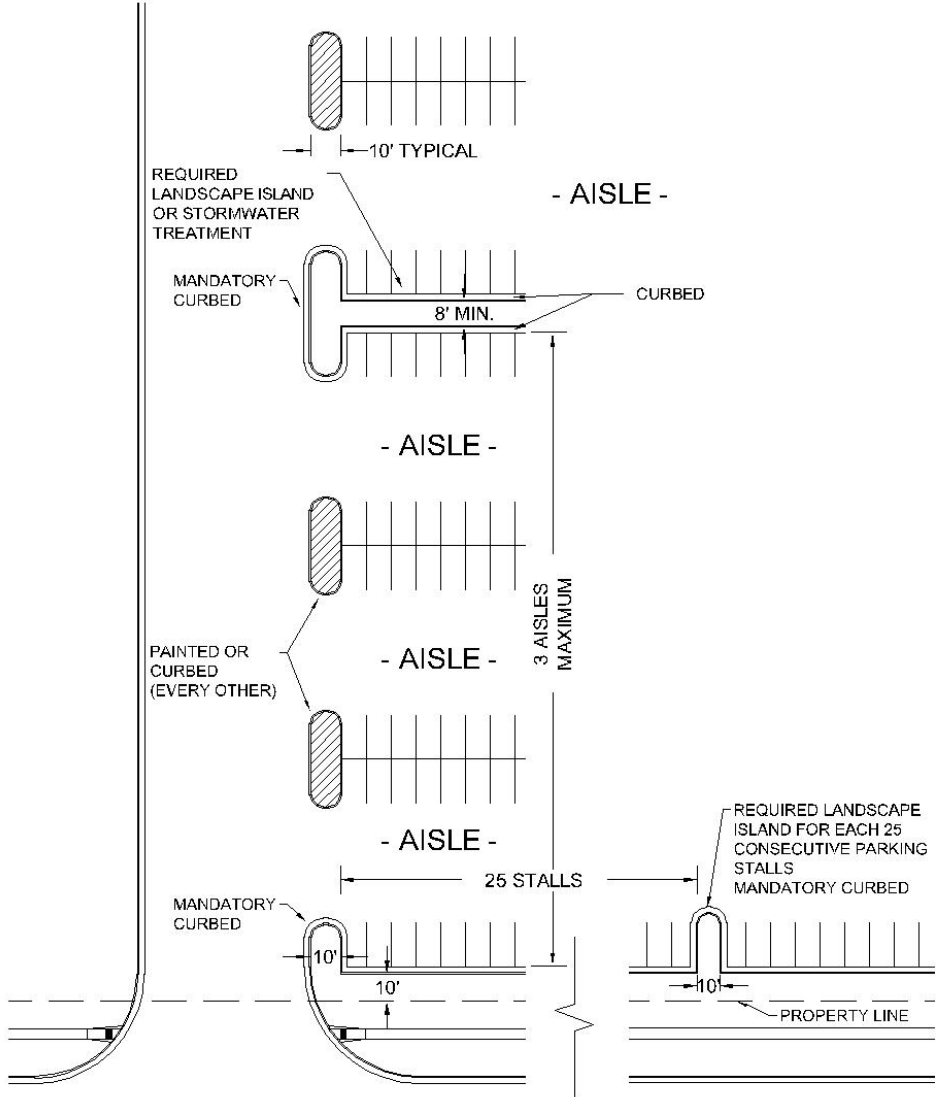
- a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).
- b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall 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 mMust 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.

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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.

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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

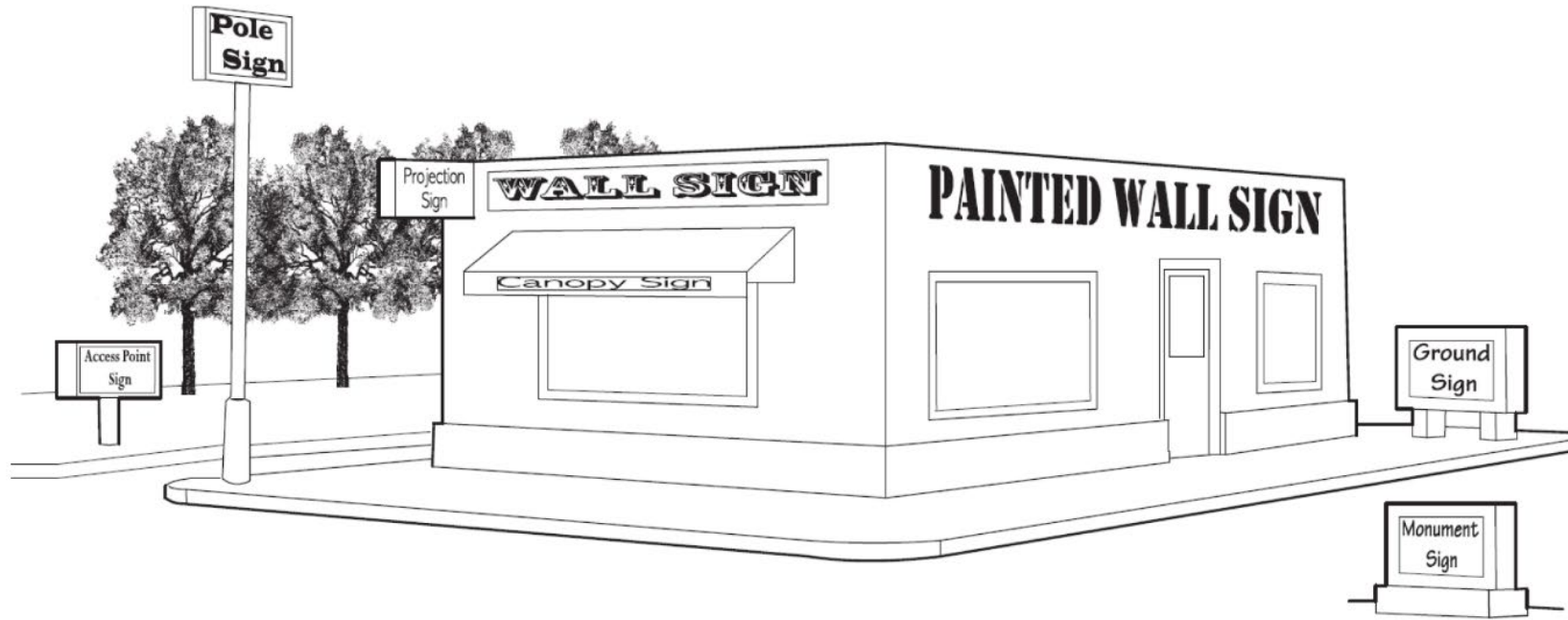
38. Painted Wall Sign: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. Permanent Sign. A sign constructed of durable materials, attached to the ground or a building in a manner provided 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.

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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.

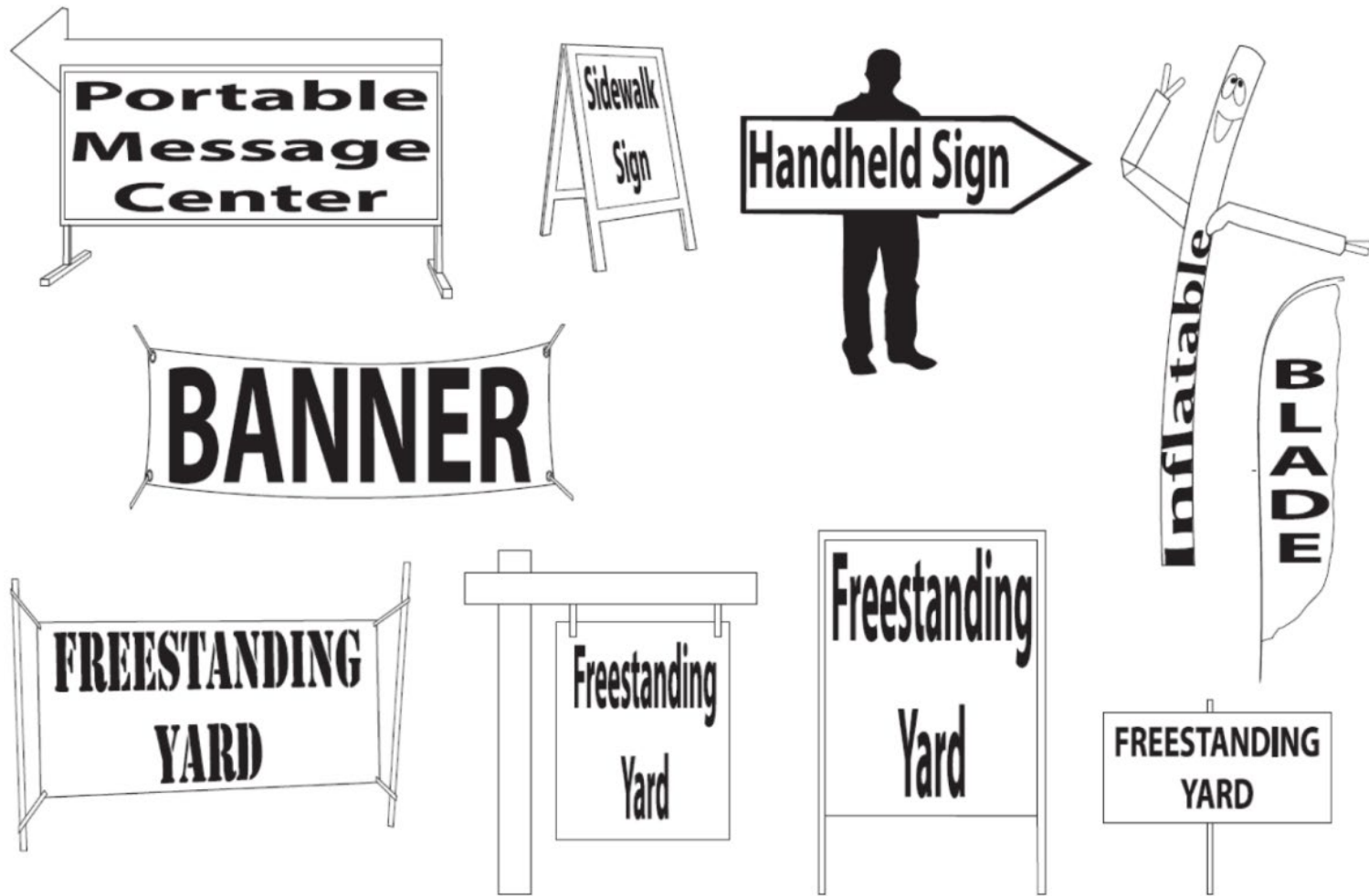
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Figure 10-3 (a): Permanent Signs Example



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Figure 10-3 (b): Temporary Signs Example



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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

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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.

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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.

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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.

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- 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 (in²)	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.

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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.

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(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.

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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.

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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.

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Table 10–2: Permitted Permanent Sign Budget by District

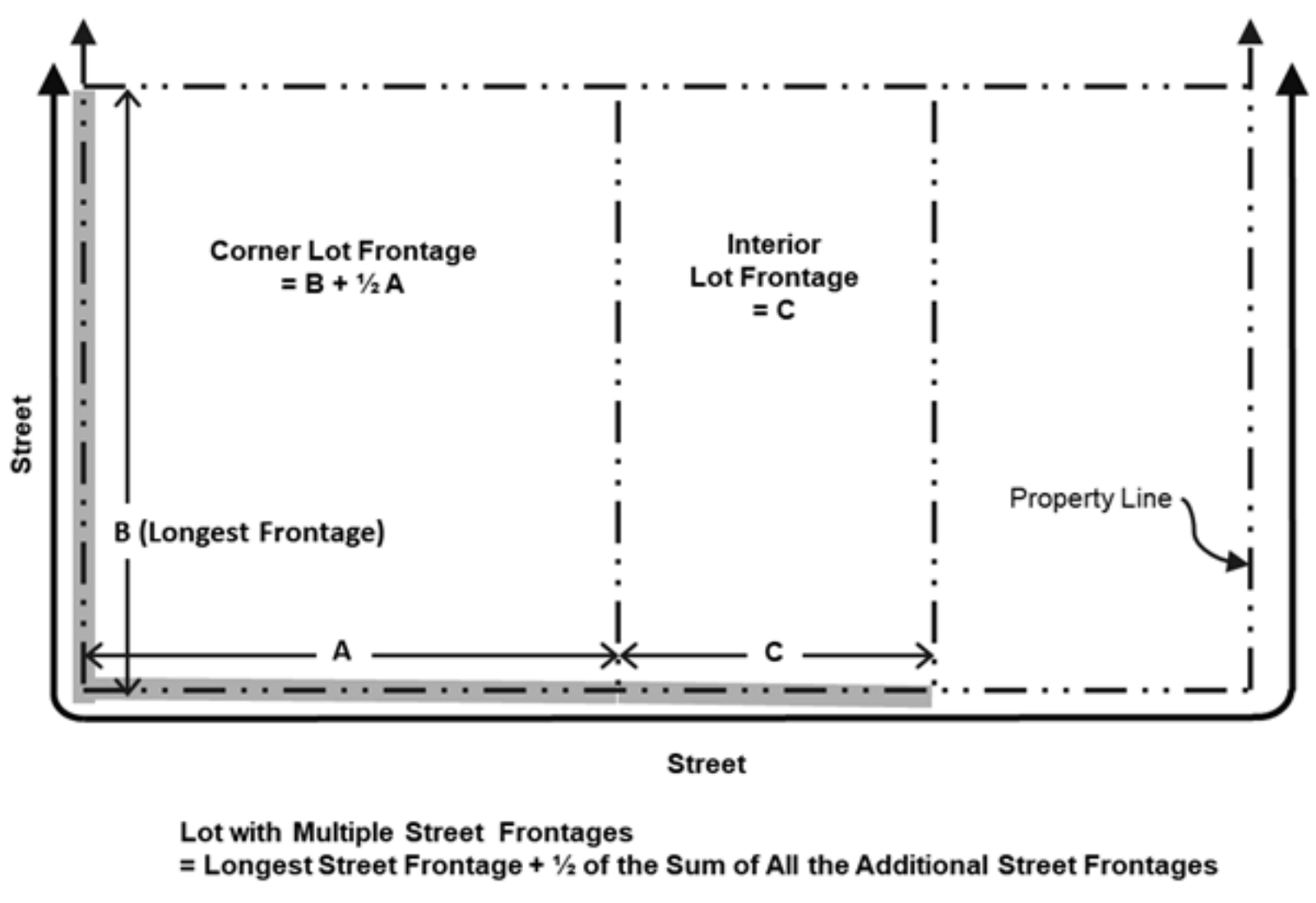
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated Permitted Sign Budget	0.5	1	1	1	0.5	0.75	1.5	1.5	2
Allowable Minimum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
Maximum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150 RU, 300 NRU	400	800	500	800	800

RU: Residential Uses includes all residential uses plus permitted home based businesses and excludes multi-family and non-traditional residential use types.

NRU: Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

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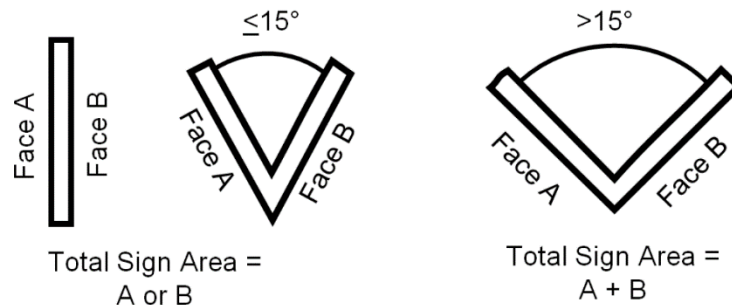
Figure 10-6 (a): Lot Frontage Determination



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- 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.

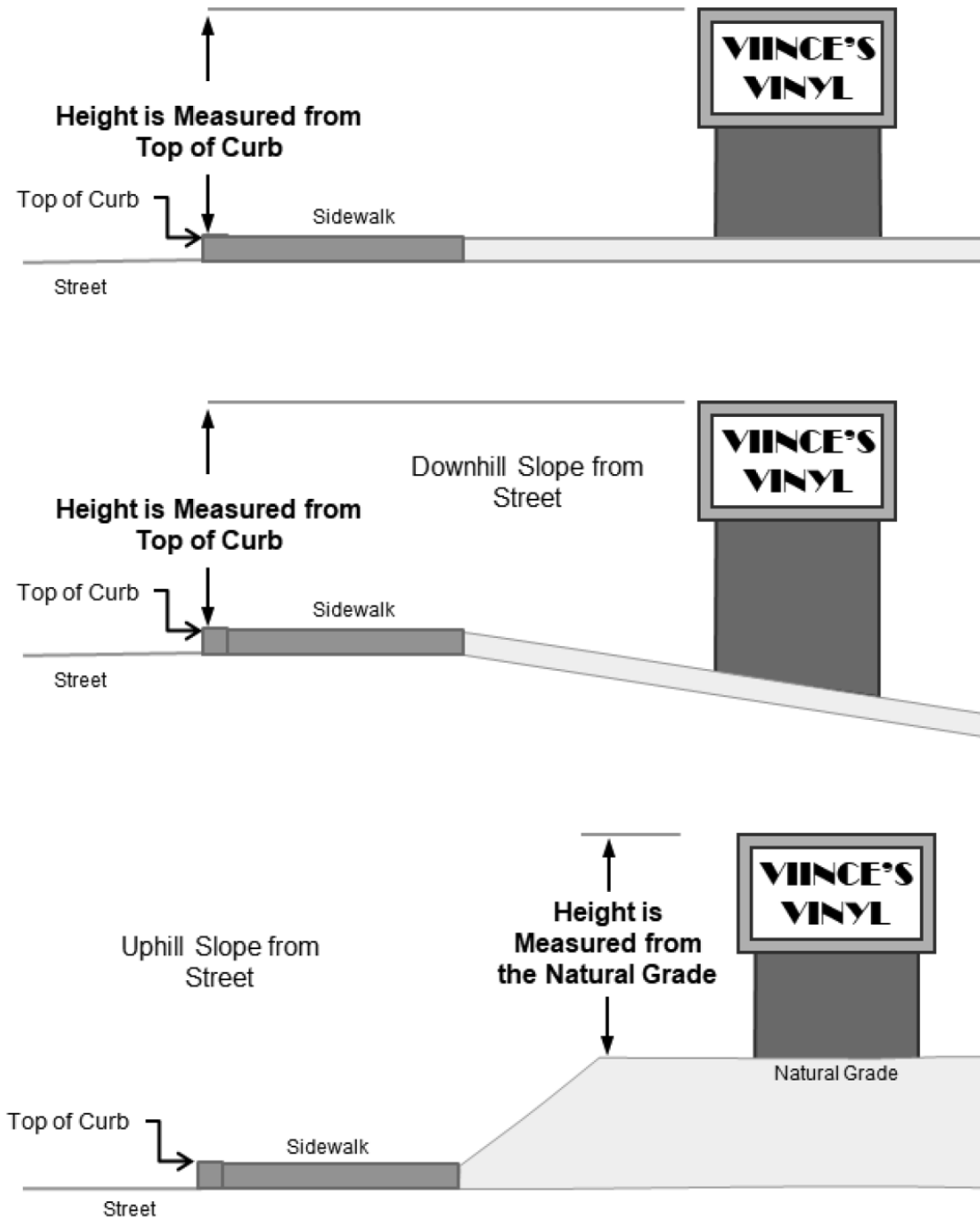
Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces



- 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.

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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.

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10-7 Permitted Permanent Sign Type by Zoning District

Table 10 - 3: Permitted Permanent Signs by Type and Zoning District

	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Detached Signs												
Ground	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	N	N	N	N	N	N	N	N	P	P	P
Billboard	N	N	N	N	N	N	N	P(A)	P(A)	P(A)	P(A)	P(A)
Attached Signs												
Awning	N	N	N	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NRU	NRU	NRU	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information*	N	<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

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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.

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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
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200
Maximum Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	45 25	25
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0	-	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	-	2	2

NA - Not Applicable

N - Not Permitted

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- b) *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, in order to determine the maximum percentage of street façade coverage.

Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts

Regulation Item	Zoning Districts							
	AG	RR R-1 R-2 R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH
Maximum Size of Attached Sign (square feet)	100	32	50	150	150	300	300	300
Maximum % of Street Façade	15%	15%	15%	20%	20%	25%	20%	25%

- c) *Awnings and Awning Signs.* Awnings and awning signs, where permitted, are subject to the following regulations:
- (a) The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
 - (b) Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.
 - (c) Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
 - (d) Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.
2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:
- (a) The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
 - (b) All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.

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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.

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- (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.

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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.

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- 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.

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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.

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Table 10-7: Permitted Temporary Signs by Type and Zoning District

Sign Types	Permit Required	Sign Types								
		AG	RR	R-1 R-2 R-3 NTR	O LC UC	B-1	B-2	DBD	ML/C-1	MH
Banner	Yes*	P	P	P	P	P	P	P	P	P
Blade	No	P	N	N	P	P	P	P	P	P
Flag	No	P	P	P	P	P	P	P	P	P
Freestanding Yard	Yes*	P	P	P	P	P	P	P	P	P
Handheld	No	N	N	N	N	P	P	P	P	P
Inflatable/ Air-Activated	No	N	N	N	N	P	P	P	P	P
Portable Message Center	Yes	P	N	N	N	P	P	P	P	P
Sidewalk	Yes	N	N	N	N	N	N	P	N	N
Window	No	P	P	P	P	P	P	P	P	P

*Banner and Freestanding Yard Signs thirty-two (32) square feet or larger require a Sign Permit.

N - Not Permitted

P - Permitted

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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.

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- c. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
 - 1. All Flag Signs shall meet clearance standards found this article.
 - 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.
 - 3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in Section 7-2.
- d. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.
 - 1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.
 - 2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 - 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in Figure 7-2(a).

Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)	Maximum Height (feet)
Less than 75	2	16	6
75-300	3	36	8
Greater than 300	4	64	10

Handheld Signs. Handheld Signs, where permitted, are subject to the following supplemental regulations.

- 4. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
- 5. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
- 6. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- 7. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

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- 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.

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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.

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- 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.

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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.

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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;

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- (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.

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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.

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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;

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- (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.

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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.

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TABLE 12-1: Criteria for Site Plan Review and Special Use Permits

CRITERIA		APPLICATION TO	
Land Use Compatibility		Site Plan Review	Special Use Permit
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

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TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
		Site Plan Review	Special Use Permit
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
Land Use Compatibility			
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

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TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Operating Characteristics		Site Plan Review	Special Use Permit
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X

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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

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- (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~~P~~ermit~~ 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.

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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.

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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.

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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.

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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.

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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.

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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

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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.

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- (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.

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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

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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.

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13 ARTICLE THIRTEEN: PART A - WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

13-1 Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the City of Columbus' authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Columbus, Nebraska finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Columbus, Nebraska.

13-2 Title

Article 13, Part A, shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the City of Columbus, Nebraska, and herein referred to as Article 13, Part A.

13-3 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part A, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part A, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Any Special Use Permit issued for Wireless Telecommunications Facilities shall follow the Special Use Permit Rules and Procedures under Article 12.

13-4 Definitions

For purposes of Article 13, Part A, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include 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.

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- 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~~ 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.

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- 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.

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- 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.

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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.

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- 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.

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- 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;

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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.

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- 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.

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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.

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- 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.

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- 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.

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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.

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- 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.

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- 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.

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13-16 Retention of Expert Assistance and Reimbursement by Applicant

- a. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- b. An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The Initial Deposit shall be \$8,500 unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.
- c. Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.
- d. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

13-17 Public Hearing and Notification Requirements

The procedure for obtaining a Special Use Permit for Wireless Telecommunications Facilities shall follow the procedure set forth in Section 12-3 of the Columbus Zoning Ordinance with the exception that no public hearing or notifications are required for Eligible Facility applications.

The procedures of Article 12 are amended for purposes of Special Use Permits for Wireless Telecommunication Facilities to require written notice of such public hearing to be given to the owners of all real estate located within 500 feet instead of 300 feet of the real estate, which is the subject of the Special Use Permit for Wireless Telecommunication Facilities.

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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.

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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.

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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.

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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.

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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.

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- 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.

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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.

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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.

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: 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

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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

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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.

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“**Wireline backhaul facility**” means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

13-43 Purpose and Scope

This Article supplements the generally applicable right-of-way permitting provisions in Article 15 with specific provisions for the placement, permitting, and use of small wireless facilities in the City’s right-of-way. In the event of a conflict between Article 15 and this Article, this Article shall control. This Article is intended to comply with the Small Wireless Facilities Deployment Act as adopted by the 106th Nebraska Legislature First Session, referred to in this Article as the “Act”. Nothing in this Chapter shall restrict any authority of the City as provided in the Act.

A. *Applicability of this Article.* No person shall site, place, construct, operate, maintain, repair, remove, modify, or prepare any small wireless facility, any wireless support structure, any utility pole built or modified solely to accommodate a small wireless facility, or any other structure built solely to support a wireless facility, in the City’s right-of-way, without first having received a permit from the City to occupy right-of-way pursuant to Article 15. Any small wireless facility, wireless support structure, or any utility pole or other structure built or modified solely to support a wireless facility, which is located outside the City’s right-of-way, is not subject to this Article; however, such facilities and structures are subject to the City’s Zoning Ordinance.

B. *Exceptions and Limitations.*

Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

- a. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.
- b. Except as provided in Article 13, Part B, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way so long as such facilities and poles do not obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by utilities or the safe operation of their systems or provision of service.
- c. Article 13, Part B, Section 13-44 to Section 13-47 shall not apply to public power suppliers or to the collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier.

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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.

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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.

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- 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.

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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

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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

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- 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.

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- 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.

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- 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.

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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.

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- 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.

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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.

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- 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.

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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.

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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.

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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.

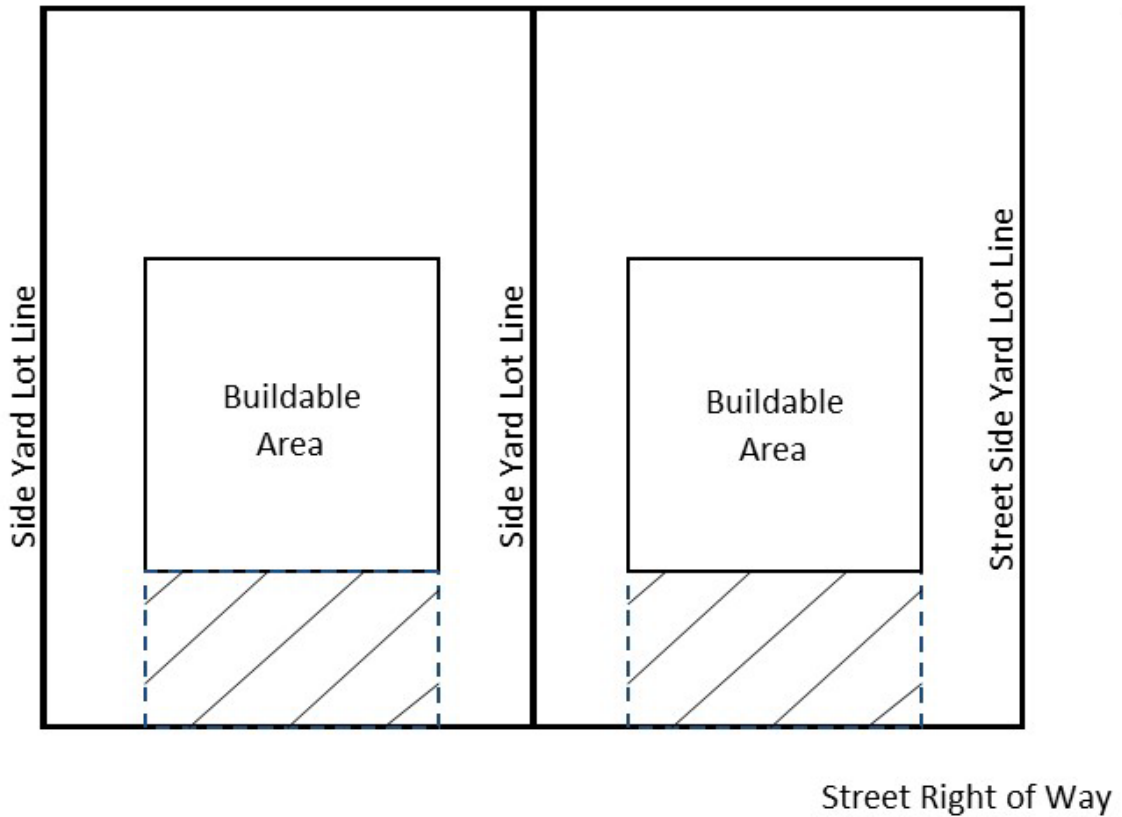
- a. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.
- b. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities 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.

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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.

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~~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.

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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.

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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

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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

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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

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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

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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
PLAT INFORMATION				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.	X	X	X	X
<u>Aerial boundary map with adjacent features.</u>	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

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	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, <u>lot bearings</u> , <u>setback lines</u> , and lot areas in square feet; lot bearings.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	X	X	X
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		X	X	
Floodplain Development Permit	X	X	X	

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross-sections.			X	
<u>Table 3-2 STF identification with completed information</u>			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

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
GRADING AND DRAINAGE PLAN (separate plan sheet) <u>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.</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	

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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Table 3-2: Storm Water Treatment Facility Identifier

<i><u>STF Type</u></i>	<i><u>STF Location</u></i> <i><u>(Lat/Long)</u></i>	<i><u>Drainage</u></i> <i><u>Area</u></i> <i><u>(Acres)</u></i>	<i><u>Design WQCV</u></i> <i><u>(cf) or Q_{wo} (cfs)</u></i>	<i><u>WQCV (cf) or</u></i> <i><u>Q_{wo} (cfs)</u></i> <i><u>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 ~~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.
 - (4)(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
Private Street or Frontage Road (Private)	Street providing private or controlled access to no more than twelve housing units m. 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
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (Private)	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	Two 12-foot through lanes	May be limited, must meet NFPA standards	33 feet	10%
Minor and Other Arterials	Each through land 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
Major Arterials	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

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

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
Local - Rural	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
Local - Urban	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
Collector	Curb	Required both sides	4 feet	60 or 80 feet
Minor or Other Arterial	Curb	Both Sides	4 feet or greater as approved by City Engineer	100 feet or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

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.

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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.

7.H.1. Ordinance No. 24-10 approving Text Amendments to Columbus Land Development Ordinance.

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.

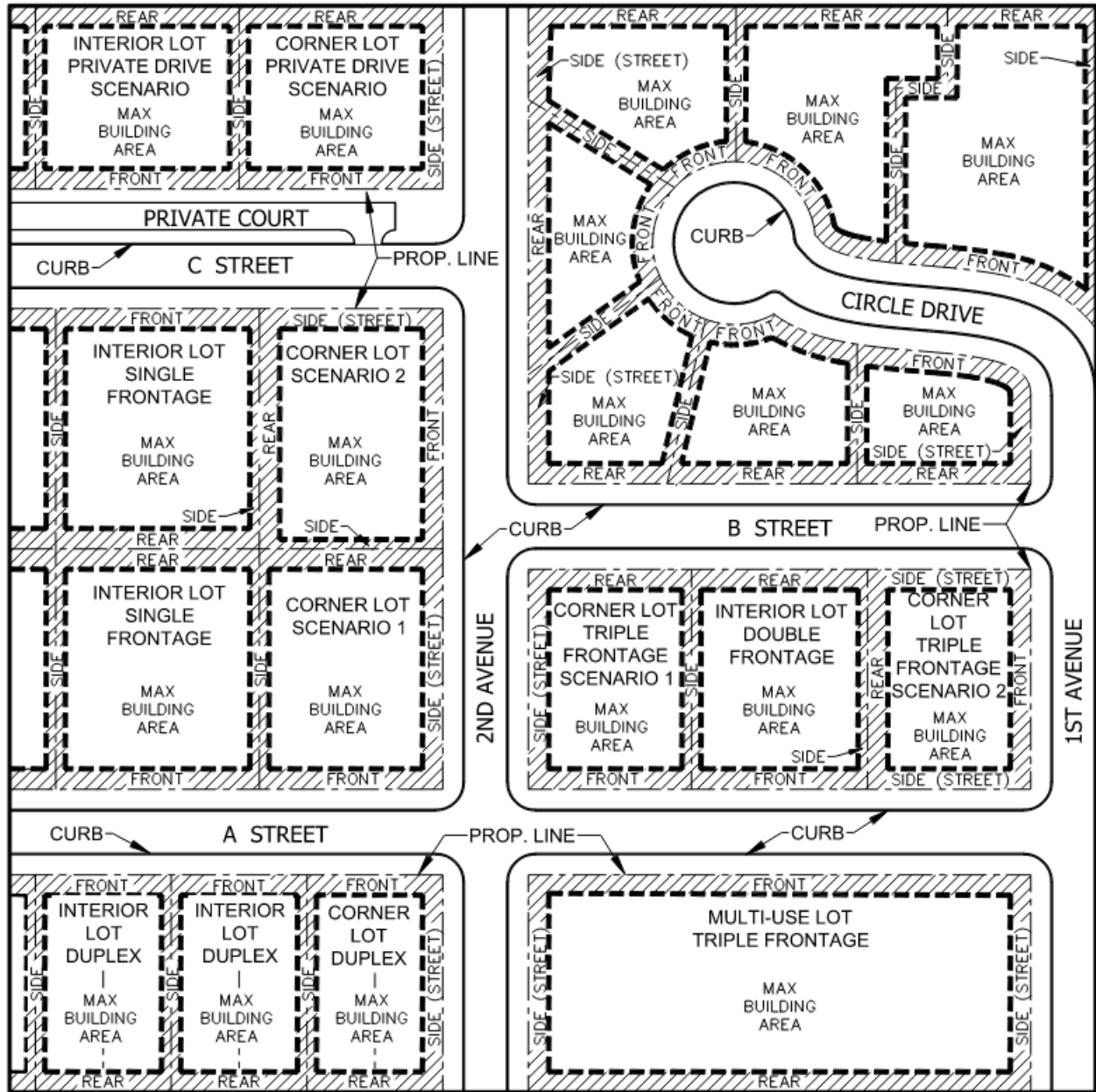
D. Article Two, Section 2-9 F., is hereby amended and revised to read as follows:

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:

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.
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
Minimum Lot Area (square feet)	10 Acres	1 acre	-	-	-
Minimum Lot Width (feet)	300	100	-	-	-
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	-	-	-
Minimum Yards (feet)					
Front Yard	50	50	-	-	-
Front Yard to Building Line	-	-	15	15	15
Front Yard to Garage Line	-	-	20	20	20
Street Side Yard	25	25	15	15	15
Interior Side Yard	25	25	7	7 (Note 1)	7 (Note 1)
Rear Yard	35	35	15	15	15
Maximum Height (feet)	100	36	36 (Note 2,3)	36 (Note 2,3)	36 (Note 2,3)
Maximum Building Coverage	NA	NA	50%	50%	50%
Maximum Impervious Coverage	NA	NA	55%	65%	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: 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

Regulator	NTR Park	NTR Subdivision
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (Note 4)	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

Regulator	O*	LC*	UC*	B-1	B-2*
Minimum Lot Area (square feet)	5,000	5,000	5,000	NONE	5,500
Minimum Lot Width (feet)	50	50	50	NONE	50
Site Area per Housing Unit (square feet)	2,000 (Note 5)	2,000 (Note 5)	2,000 (Note 5)	500	1,500 (Note 5)
Minimum Yards (feet)					
Front Yard	20	20	15	0	10
Street Side Yard	20	20	10	0	10
Interior Side Yard	10	10	10	0	0
Rear Yard	20	20	20	0	20
Maximum Height (feet)	48	36	36	NO LIMIT	60
Maximum Building Coverage	50%	50%	50%	100%	70%
Maximum Impervious Coverage (Note 6)	70%	70%	80%	100%	90%
Floor Area Ratio	1.00	1.00	1.00	5.0	3.0

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

Note 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

Regulator	NTR Park	NTR Subdivision
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (Note 4)	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

Zoning District	Depth of Landscaping Adjacent to Street Property Line
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

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 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.

Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
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.

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.

Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4-person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.

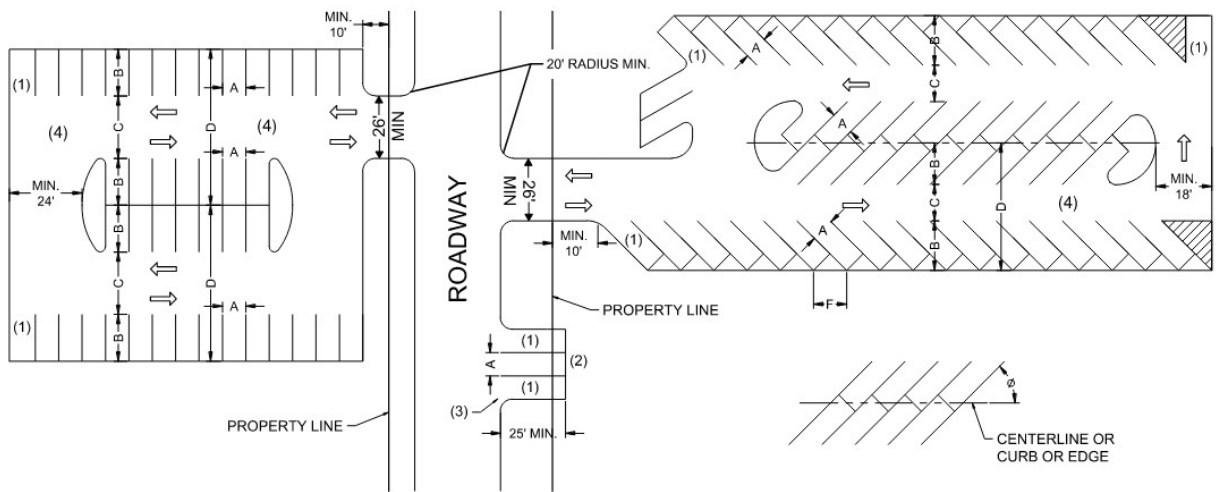
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

SCHEDULE A	
This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.	
Function of Element	Requirement
Office or Administration	1 space per 400 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment, Servicing, or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

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
Detached Signs												
Ground	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	N	N	N	N	N	N	N	N	P	P	P
Billboard	N	N	N	N	N	N	N	P(A)	P(A)	P(A)	P(A)	P(A)
Attached Signs												
Awning	N	N	N	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NRU	NRU	NRU	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information*	N	N/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
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200
Maximum Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	25	25
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0	-	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	-	2	2

NA = Not Applicable

N = Not Permitted

a) Detached Signs. Ground, Monument, and Pole signs. Table 10-5 below regulates detached signs.

Table 10-5: Permitted Site Development Standards for Detached Signs by Zoning Districts

Regulation Item (All Detached Signs, Except Where Noted)	Zoning Districts								
	AG	RR, R-1, R-2	R-3, NTR	O	LC, UC	DBD	B-1	B-2	MLC-1, MH
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200
Maximum Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	25	25
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0	-	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	-	2	2

NA = Not Applicable

N = Not Permitted

b) Attached Signs. Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, in order to determine the maximum percentage of street façade coverage.

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.

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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 away 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
PLAT INFORMATION				
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, 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
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	X	X	X
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X

Topography adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		X	X	
Floodplain Development Permit	X	X	X	

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
PLAT INFORMATION				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.	X	X	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
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross sections.			X	
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
GRADING AND DRAINAGE PLAN (separate plan sheet)				
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.				

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

			Major Subdivision
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	Administrative Subdivision	Minor Subdivision	Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

<i>STF Type</i>	<i>STF Location (Lat/Long)</i>	<i>Drainage Area (Acres)</i>	<i>Design WQCV (cf) or Q_{wQ} (cfs)</i>	<i>WQCV (cf) or Q_{wQ} (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:

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.
- (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
Private Street or Frontage Road (Private)	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
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000

Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

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 bullet 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: 

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.

NDOT - 23rd Street Reconstruction Project

The Nebraska Department of Transportation and Paulsen Construction provided the following 23rd Street Reconstruction 2024 construction season update for Segment 2 (23rd Street from 16th Avenue through 26th Avenue) and in Segment 1 East 6th Avenue intersection reconstruction.

- Segment 1: East 6th Avenue intersection construction is over one-half complete. They remain on schedule for completion of this intersection in about 4 weeks.
- Segment 1: Sidewalks and ramps at intersections will be constructed a time and labor allows, but the priority is working on the East 6th Avenue intersection
- Segment 2: The contractor completed paving removals on the north lanes from 16th Avenue to 23rd Avenue. The did not yet remove from 23rd to 26th Avenues to keep accesses open better to adjacent properties.
- Segment 2: The utility construction has begun with water and storm sewer in the north lanes.
- Segment 2: The plan remains to complete utility work and pavement on the north side through 18th Avenue before reopening it to traffic.

REMINDER:

- Alternate route signs around the project, the same as Segment 1 last year, remain in place. They direct traffic to use Lost Creek Parkway or 8th Street.
- Additional advanced construction signage and temporary no parking signs near intersections of “back business access” roadways in Segment 2 are in place
- Alternate route map to “back of business access” in Segment 2, where possible, is on the City website

NDOT PROJECT WEBSITE and SOCIAL MEDIA SPECIFICALLY FOR THIS PROJECT:

- NDOT website page: <https://dot.nebraska.gov/projects/future-projects/23rd-st-columbus/>
 - You can subscribe to receive updates
- “X” @23rdStColumbus
 - You can follow to receive updates

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.



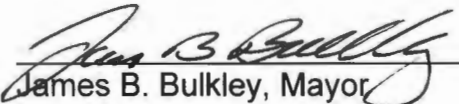
City Hall
2500 14th St.
Columbus, NE 68601
402-562-4232
columbusne.us

MEMORANDUM

DATE: April 9, 2024
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Appointment

With your permission, I wish to submit the name of **Cruz Borer** for conditional appointment to the position of Firefighter, subject to successful completion of all pre-employment requirements. Per Council Rules, the two week waiting period is waived for an appointment of paid firefighter. Mr. Borer was certified for Firefighter by the Civil Service Commission at their meeting held April 3, 2024.

Cruz Borer is currently a resident of Sioux Falls, South Dakota, but is excited to relocate back to Nebraska. He is a graduate of Stanton High School in Stanton, Nebraska and holds an Associate's Degree in Paramedicine and an Associate's Degree in Personal Training from Northeast Community College. Cruz holds certifications in Firefighter I and II, Haz-Mat Operations, and is a National Registry Paramedic. He has most recently been employed as a hardscape landscaper.


James B. Bulkley, Mayor

13.B.Appointment of Samuel Hilger as firefighter.



City Hall
2500 14th St.
Columbus, NE 68601
402-562-4232
columbusne.us

MEMORANDUM

DATE: April 9, 2024
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Appointment

With your permission, I wish to submit the name of **Sam Hilger** for conditional appointment to the position of Firefighter, subject to successful completion of all pre-employment requirements. Per Council Rules, the two week waiting period is waived for an appointment of paid firefighter. Mr. Hilger was certified for Firefighter by the Civil Service Commission at their meeting held April 3, 2024.

Sam Hilger is currently a resident of David City, Nebraska. He is a graduate of Aquinas Catholic High School in David City, and is currently taking classes at Southeast Community College for an Associate's Degree in Health Sciences. Sam is currently a member of the David City Volunteer Fire Department and is a National Registered EMT. He has most recently been employed at his family farm Hilger Alfalfa Inc.

James B. Bulkley, Mayor

13.C.Appointment of Joe Marksmeier to Business Improvement Board to fill unexpired term of Mary Nyffeler.



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

MEMORANDUM

DATE: April 2, 2024
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Appointments

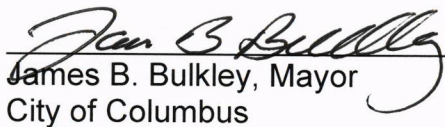
With your permission, I wish to submit the following name to you for appointment to the Business Improvement Board at the April 15, 2024, City Council meeting, per City Council rules.

BUSINESS IMPROVEMENT BOARD

Filling unexpired term of Mary Nyffeler until February 2025
Joe Marksmeier, Owner – Inked Screen Printing & Apparel
2724 13th Street, Columbus, NE

Joe Marksmeier and his wife, Carmen, own Inked Screen Printing and Apparel as well as Polished Salon and Spa, both businesses located downtown at 2724 13th Street. They have owned and operated Inked Screen Printing since 2016, and Polished Salon and Spa since 2022. They have 5 children.

Mr. Marksmeier started Inked Screen Printing and Apparel in March of 2016. After purchasing their building downtown in December of 2019, they started renovation on the building and finished the salon portion in 2021. They completed the renovation on the rest of the building and moved the Inked business to that location in 2022. The move to Columbus's downtown has been great for both of their businesses and they have seen great growth in Inked since the move. Joe is excited to join the Business Improvement Board and to do all he can to help our downtown grow and thrive.


James B. Bulkley, Mayor
City of Columbus

13.D. Quote from Applied Connective Technologies in the amount of \$13,480.79 for eleven desktop computers.

Information Technology

☎ 402-562-4242

📠 402-562-4265

@ it@columbusne.us



City of Columbus

City Hall

2424 14th St.

P. O. Box 1677

Columbus, NE 68602

MEMORANDUM

DATE: 4/4/2024
TO: City Administrator / Mayor / City Council
FROM: Matt Soukup, Computer Network Technician
RE: City Staff Desktops

RECOMMENDATION:

Purchase 11 Dell desktops with additional components from Applied Connective to replace end of life desktops for city staff in multiple departments.

DISCUSSION:

Current desktops are 5 years or older and are scheduled for replacement. Current desktops cannot be upgraded to the latest operating system.

FISCAL IMPACT:

Cost for the 11 desktops and components will be \$13,480.79. Funding for this purchase is included in the Computer Support and Maintenance budgets (53400).

Code	Remaining Budget	Cost
100-100-53400	41,780.08	1,155.70
100-120-53400	4,832.85	3,467.11
100-130-53400-STAFF	13,046.16	2,735.25
100-145-53400	8,540.00	2,231.78
200-200-53400	15,624.84	455.87
500-500-53400	4,952.76	1,139.69
520-520-53400	10,197.13	2,295.39

CONCURRENCE:

None at this time.

ALTERNATIVES:

Staff makes no alternative recommendation.

SIGNATURE:

By: *Matt J Soukup*
Matt Soukup, Computer Network Technician

Approved By: *Arthur Lindberg*



Information Technology

☎ 402-562-4242

📠 402-562-4265

@ it@columbusne.us

City of Columbus

City Hall

2424 14th St.

P. O. Box 1677

Columbus, NE 68602

Heather Lindsley, Finance Director

Approved By:

Tara Vasicek, City Administrator



Applied Connective

WWW.APPLIEDCONNECTIVE.COM

City of Columbus

Matt Soukup
Matt.Soukup@columbusne.us

Ed Knott

eknott@appliedconnective.com
402-395-6924

Executive Summary

About Us

For over 20 years, Applied Connective Technologies, LLC, (Albion, Norfolk, Columbus, Lincoln, Elkhorn) has been helping partners leverage technology to achieve maximum security, efficiency, and profitability. With 60+ highly skilled full-time staff, we provide our partners unrivaled service and support and cutting-edge solutions in managed IT (MSP) services, commercial telephone systems, security, surveillance, fiber optic, low voltage cabling, and professional audio video. Applied Connective is a one touch point vendor for all of your technology needs.

Hardware/Software Only Proposal

The attached hardware and software proposal does not include any professional installation or configuration services. If you would like a cost quote for additional services please let us know. If services are requested, time and materials rates would apply for provided services.

Hardware

Description	Price	Qty	Ext. Price
Dell Optiplex 7010 Micro Form Factor Plus Workstation Dell Optiplex 7010 Micro Form Factor Plus Workstation, Intel Core i5 13th Gen i5-13500T Tetradeca-core (14 Core) 1.60 GHz - 16 GB RAM DDR5 SDRAM - 512 GB M.2 PCI Express NVMe SSD - Micro PC - Black - Intel Chip - Windows 11 Pro - Intel UHD Graphics 770 DDR5 SDRAM - English Keyboard - IEEE 802.11ax - 130 W - 802.11ax (Wi-Fi 6E) a/b/g/n/ac/ax - 3 Years Hardware Service with Onsite/In-Home Service After Remote Diagnosis	\$899.61	11	\$9,895.71
Dell 24" LED Monitor - Professional Series USB-C Hub Monitor P2422HE - 3yr Warranty	\$210.90	15	\$3,163.50
Slim Soundbar for P series Monitors - SB521A	\$39.62	9	\$356.58
		Subtotal:	\$13,415.79

Dell Hardware Quote Request - 3/28/2024



Prepared by:

Albion
Ed Knott
402-395-6924
eknott@appliedconnective.com

Prepared for:

City of Columbus
2424 14th St
PO Box 1677
Columbus, NE 68602
Matt Soukup
(402) 562-4242
Matt.Soukup@columbusne.us

Quote Information:

Quote #: 015362

Version: 1
Delivery Date: 04/01/2024
Expiration Date: 05/01/2024

One-Time Products and Services Summary

Description	Amount
Hardware	\$13,415.79
Subtotal:	\$13,415.79
Shipping:	\$65.00
Total:	\$13,480.79

Acceptance and Incorporation by Reference

This Order together with the Master Services Agreement and Service Attachments and other terms and conditions identified on Exhibit A, all of which are incorporated herein by reference (collectively, the "Agreement") is between Applied Connective Technologies (sometimes referred to as "we," "us," "our," or "Provider"), and the customer found on the signature block at the end of this Order (sometimes referred to as "you," "your," or "Client"). This Agreement is effective as of the date both parties have signed below (the "Effective Date."). Both Provider and Client are sometimes referred to individually as a "Party", or together as the "Parties". Any capitalized terms in this Order not directly defined are referred to in the applicable document identified on Exhibit A of this Order. If there is a conflict between this Order, the Master Services Agreement, any Service Attachment, or Exhibit, this Order will control.

The parties hereby agree that electronic signatures to this Order shall be relied upon and will bind them to the obligations stated herein. Each party hereby warrants and represents that it has the express authority to execute this Agreement(s). This Order supersedes all prior negotiations, proposals, orders, agreements and communications between the parties regarding Provider's Services.


The terms and conditions identified on Exhibit A are subject to change at Provider's discretion. You should review these documents periodically and prior to entering into a new Order. Client may access the current version of the terms and conditions at any time by visiting <http://appliedconnective.com/legal>.

The parties, acting through their authorized officers, hereby execute this Agreement.

IN WITNESS WHEREOF, this Order Form is agreed to by the parties below and entered into as of the Order Effective Date.

By signing below, Client acknowledges, represents, and warrants that it has read and agree to the terms and conditions in the following documents, which are incorporated herein by reference and can be found at Exhibit A.

Albion

Signature: Edmond D Knott 

Name: Ed Knott

Title: President

Date: 04/01/2024

City of Columbus

Signature: _____

Name: Matt Soukup

Date: _____

Exhibit A

Agreement	Description
All Legal Terms and Conditions	All Legal Terms and Conditions
Master Services Agreement	General terms and conditions applicable to all Provider products and services.
Service Attachment for Managed Services	Core managed services including monitoring, remote management, and help-desk.
Service Attachment for Managed Security Services	Advanced cyber-security services including SOC, EDR and SIEM.
Service Attachment for Backup and Disaster Recovery Services	Managed backup and disaster recovery services including local, cloud, and third-party backups.
Service Attachment for Cloud Services	Cloud and hosting services including Microsoft 365.
Service Attachment for Voice-Over Internet Protocol	Managed unified communication services including voice over IP.
Service Attachment for Managed Surveillance Services	Video surveillance services including installation and monitoring of cameras.
Schedule of Third-Party Services	Notice of third-party service providers and waiver of claims.
Data Processing Agreement	Data security and privacy agreement including statutorily required terms.
Service Level Objectives	Targeted response times by tier of severity.



CERTIFIED QUOTATION

Customer Number 2173954	Quotation Number 9406709	Issue Date 03/28/24	Payment by Visa	Customer Reference None
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Issued by: Dan Ackerman 330-433-2556 dackerman@provantage.com

<p>ACCTS PAYABLE LAURA RUPP CITY OF COLUMBUS 2500 14TH ST STE 3 COLUMBUS, NE 68601-4958</p> <p>(402)562-4242 accountspayable@columbusne.us</p>	<p>QUOTATION</p>	<p>Shipping MATT SOUKUP CITY OF COLUMBUS 2500 14TH ST STE 2 FL 1 COLUMBUS, NE 68601-4958</p> <p>(402)562-4242 msoukup@columbusne.us</p> <p>Via Ground Service</p>
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Attention: (402)562-4242 matt.soukup@columbusne.us

SKU	Product Name	Part Number	Quantity	Each	Total
DELLFLY	Dell OptiPlex 7010 Plus, micro, Core i5 13500T 1.6GHz, vPro Enterprise,	MF9GT	11	915.00	10,065.00
DELLCHX	Dell P2422HE 24" LED MON 19X10 5MS DPT HDMI	DELL-P2422HE	15	208.00	3,120.00
DELLC59	Dell Slim Soundbar SB521A	DELL-SB521A	9	42.00	378.00

Provantage LLC	Subtotal: 13,563.00
7576 Freedom Ave NW	Shipping: 195.00
North Canton, OH 44720	Total: \$13,758.00

To place your order, email dackerman@provantage.com or call 330-433-2556.

Please note that prices on this quotation cannot be guaranteed beyond the issue date.



Thank you for choosing CDW. We have received your quote.

Hardware Software Services IT Solutions Brands Research Hub

Review and Complete Purchase

MATT SOUKUP,

Thank you for considering CDW•G for your technology needs. **If you are an eProcurement or single sign on customer, please log into your system to access the CDW site.** You can search for your quote to retrieve and transfer back into your system for processing.

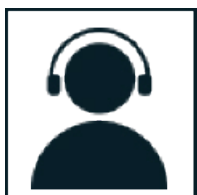
Convert Quote to Order

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
1CDLRTV	3/28/2024	DELL DT01	3896862	\$15,835.62

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Dell OptiPlex 7010 Plus - micro - Core i5 13500T 1.6 GHz - vPro Enterprise Mfg. Part#: MF9GT Contract: Sourcwell 121923-CDWG Tech Catalog (121923)	11	7411479	\$1,063.77	\$11,701.47
Dell P2422HE - LED monitor - Full HD (1080p) - 24" Mfg. Part#: DELL-P2422HE Contract: Sourcwell 121923-CDWG Tech Catalog (121923)	15	6562452	\$246.75	\$3,701.25
Dell SB521A - sound bar - for monitor Mfg. Part#: DELL-SB521A Contract: Sourcwell 121923-CDWG Tech Catalog (121923)	9	6267233	\$48.10	\$432.90

SUBTOTAL	\$15,835.62
SHIPPING	\$0.00
SALES TAX	\$0.00
GRAND TOTAL	\$15,835.62

PURCHASER BILLING INFO	DELIVER TO
Billing Address: CITY OF COLUMBUS ACCTS PAYABLE 2500 14TH ST STE 3 COLUMBUS, NE 68601-4958 Phone: (402) 564-8584 Payment Terms:	Shipping Address: CITY OF COLUMBUS ATTN:MATT SOUKUP 2500 14TH ST STE 3 COLUMBUS, NE 68601 Phone: (402) 564-8584 Shipping Method: UPS Ground
	Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515



Sales Contact Info

Mike Elliott | 800.808.4239 | mike.elliott@cdwg.com

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Call 800.800.4239

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This order is subject to CDW's Terms and Conditions of Sales and Service Projects at

<http://www.cdw.com/content/terms-conditions/product-sales.aspx>

For more information, contact a CDW account manager

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13.E. Quote from Daktronics, Inc. in the amount of \$266,825 for scoreboard at Memorial Stadium.

The City of **Columbus**

RESPONSIBLE

RESPONSIVE

REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

MEMORANDUM

DATE: 4/10/2024
FROM: Betsy Eckhardt, Park and Recreation Director
TO: Tara Vasicek, City Administrator
RE: Memorial Stadium Scoreboard

RECOMMENDATION: Staff recommends that the City Council approves the quote at \$266,825 from Daktronics for a scoreboard at Memorial Stadium.

DISCUSSION: The current scoreboard is 12 years old and can no longer be updated to function. In many games and track meets the board will stop working or have complete sections that quit working. We have had Daktronics out on many occasions to update and repair what they can but it has since exceeded its capability to be repaired. The city has been collecting sponsorship dollars in the past twelve years in the amount of \$615,707.

FISCAL IMPACT: We would like to use funds for the Centennial Park Splash pad in the amount of \$70,000 since we did not receive a matching grant to support the project. We would also use monies from the Bookmobile that was discontinued in the amount of \$97,000 and the City Owned Billboard in the amount of \$99825.00.

ALTERNATIVE: To not replace the scoreboard.

CONCURRENCE: Tom Ek, Park Superintendent

SIGNATURE:

Approved By: *Betsy Eckhardt*
Betsy Eckhardt, Park and Recreation Director

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



Crouch Recreation, Inc.
 1309 S 204th Street #330
 Elkhorn, NE 68022
 nicole@crouchrec.com
 www.crouchrec.com

Quote



ADDRESS
City of Columbus 2424 14th Street Unit 2 Columbus, NE 68601 Betsy Eckhardt (402) 562-4234

SHIP TO
American Lift & Sign 6958 N. 97th Circle Omaha, NE 68122

QUOTE #	DATE	EXPIRATION DATE
3109	10/10/2023	12/01/2023

TERMS
 50% Deposit W/Order

SALES REP
 Ryan Wilke

PROJECT NAME
 Pawnee Park

DATE	ACTIVITY	QTY	RATE	AMOUNT
05/09/2023	Freight	1	1,250.00	1,250.00
	Daktronics Please Reference 832478-1-0 LVX-2160-264X480-15HDMR-LT-25, 13.2' x 0.5' Side Borders Daktronics Live Video Display Matrix: 264 lines by 480 columns Line Spacing: 15mm LED Color: RGB- - 281 Trillion Colors Cabinet Dimensions: 13' 3" H X 25' 0" W X 0' 11" D (Approx. Dimensions) Max Power: 14025 watts/display Weight: 3590 lbs Includes: Daktronics System Installation Drawings Daktronics System Electrical Drawings Control-1 video input (Primary Player & Processor Only) w/ Laptop for All Sport® Pro Standard Definition or High Definition (1080p); 1 video input for All Sport® Pro All Sport® Pro -	1	160,845.00	160,845.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	<p>Football/Soccer/Lacrosse Software with tablet control capability (1 iPad included)</p> <p>Outdoor Scoreboard Radio Communication (Transmitter) - Frequency of 2.4 GHz</p> <p>All Sport® Pro Wireless Access Point TP-Link Wireless Access Point</p> <p>Fiber Optic Cable; 50 m Multimode; 6 Fiber with non-terminated ends</p> <p>System Startup - Final Commissioning of Equipment</p> <p>Daktronics FB-2036-W-PV-F PanaView® Football Scoreboard; Scoreboard Color: Black (8800) Semi-Gloss Finish; Caption Color: White (7725-10) Cabinet Dimensions: 4' 0" H X 25' 0" W X 0' 8" D (Approx. Dimensions) Digit Type: PANAVIEW Digit Color: WHITE Weight: 600 lbs Includes: Perimeter Border Stripe for FB-2036 Scoreboard; Color: _____</p> <p>8x48-34mm LED Team Name Message Center; Set of 2; White LED's Digit Color: WHITE Weight: 120 lbs</p> <p>FB-2036 Backlit Captions 4' Scoreboard Backlit Captions</p> <p>12VDC Trumpet Horn w/Power Supply For Outdoor Scoreboards</p> <p>All Sport® 5010 Control Console Kit 1 Outdoor Scoreboard Radio Communication (Transmitter) - Frequency of 2.4 GHz</p> <p>Radio Receiver - Frequency of 2.4 GHz</p>	1	21,680.00	21,680.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	<p>All Sport® Radio Antenna Extension Kit 25ft</p> <p>DAK Score App with All Sport® MX-1 Mobile Scoring Kit and Gen VI Radio Transmitter. Includes Outdoor Enclosure</p> <p>I-Beam Mounting Method (A) For 2 I-Beams</p> <p>Standard Video with SCS One-on-One Webinar Training</p> <p>Custom Logo RTD Frames. 1-3 RTD Frames 1</p> <p>Premium Animations Pick 20 Personalized Package - Pick 20 Animations from any Team Spirit Animations</p> <p>Daktronics Sportsound 500HD Sound Cabinet, Dual Coverage, *BLACK*, Mesh Color:</p> <hr/> <p>Includes: Sportsound Rack 100 that includes: 10Ch analog mixer and input/output panel for easy plug and play operation, XLR cables, and Laptop/MP3 interface unit. SSR-100 can use up to 2 wireless components (wireless components sold separately).</p> <p>Sportsound Announcers Mixer, 2Ch Tabletop, Microphone and MP3 Inputs, Includes Single-Muff Headset, 1/8"to1/8" stereo cable, and XLR output cable. Power Supply Included.</p> <p>Wireless microphone handheld package includes: wireless receiver, handheld transmitter w/ SM58 mic, power supply, 1/2 wave antennas, rack</p>	1	37,600.00	37,600.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
	<p>mount kit, zippered accessory bag, and AA alkaline batteries</p> <p>Wireless Bodypack Microphone System for Referees. Includes: Receiver, Bodypack Transmitter with Black Pouch, Shure MX150B/O-TQG Lavalier Microphone with Clip, Windscreen, Case, Headworn Microphone, Antenna Combiner Kit for Dual Wireless Systems, and Daktronics In-Line Referee Mute Switch.</p> <p>Wireless microphone remote antenna kit includes: (2) 25' BNC antenna cables, (2) mounting brackets and bulkhead adapters. Uses 1/2 wave antennas supplied with rack.</p> <p>Spare Parts Kit for Sportsound 500HD system. Includes (1) Amplifier, (1) LF Speaker, (2) MF Speakers, (2) HF Speakers</p> <p>Fiber conversion box converts the analog audio signal from the source equipment into fiber optic signal to the sound system. Box includes analog backup switch.</p> <p>Cable, Audio Signal, 1 pair shielded 22 AWG, 1000' spool</p> <p>Regional Field Service Technician Labor which includes final termination of audio cables, audio system commissioning, and customer operation training</p> <p>OPTIONS: Angle Clamp Mounting Method (A) For 2 Tubes (FB-2036)</p> <p>One Year Extended Service for on-site labor coverage</p>			

DATE	ACTIVITY	QTY	RATE	AMOUNT
	ADD: \$3915.00 to total American Lift & Sign *Removal and recycle old displays, including old audio system, except bottom sponsor panel and top arch. *Scrape, spot prime and paint steel *Install new display and detail out including new audio system. Take control equipment to press box. *Fabricate additional new sponsor panel for bottom.	1	45,450.00	45,450.00

Items needed to place the order:

*If this project is tax-exempt and involving an installation, a form 17 will be required to place the order.

*Signed Quote

*If payment terms requires a deposit, we will need that in hand to place the order.

1.5% Late Fee will be added to any invoices past 14 days late of the due date. Please see payment terms above.

SUBTOTAL	266,825.00
TAX	0.00
TOTAL	\$266,825.00

Accepted By

Accepted Date

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*

Information Technology

☎ 402-562-4242

📠 402-562-4265

@ it@columbusne.us



City of Columbus

City Hall

2424 14th St.

P. O. Box 1677

Columbus, NE 68602

MEMORANDUM

DATE: 4/8/2024
TO: City Administrator / Mayor / City Council
FROM: Matt Soukup, Computer Network Technician
RE: City Parks & Public Facilities Wi-Fi Hardware

RECOMMENDATION:

I recommend the approval of the Sirius SOWs for Wi-Fi hardware and services.

DISCUSSION:

The addition of Wi-Fi will give staff and the public access to internet in areas of each of these locations. Sites included are: Bradshaw Park, Centennial Park, Wilderness Park, 18th Ave Ped Bridge, Pawnee Plunge, Aquatic Center, Senior Center, Quail Run Pro Shop, and Van Berg Pro Shop. Cost includes hardware and estimated Sirius services for implementation.

FISCAL IMPACT:

Cost will be \$80,729.90 including hardware and estimated Sirius services cost. There will be additional costs outside of Sirius's scope to extend fiber, electrical needs at multiple sites, and miscellaneous cables and parts.

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 J Soukup*
Matt Soukup, Computer Network Technician

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

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



SOLUTION PROPOSAL

Prepared for:

CITY OF COLUMBUS
2424 14TH ST
COLUMBUS, NEBRASKA 68601-5038
UNITED STATES

Client Executive:

Kathleen O'Konski
+1 (402) 689-6344
kathleen.okonski@cdw.com

Proposal Number: Q-00415816
Proposal Date: 04/08/2024
Expires: 04/28/2024
Description: Additional Sites for Parks Wi-Fi Expansion
Currency: USD

Client Executive:
 Kathleen O'Konski
 +1 (402) 689-6344
 kathleen.okonski@cdw.com

CITY OF COLUMBUS
2424 14TH ST
COLUMBUS, NEBRASKA 68601-5038
UNITED STATES



Sirius Computer Solutions, LLC

Proposal Number: Q-00415816
Proposal Date: 04/08/2024
Expires: 04/28/2024
Description: Additional Sites for Parks Wi-Fi Expansion
Attn:

Headquarters:
 10100 Reunion Place, Suite 500
 San Antonio, Texas 78216
 www.siriuscom.com
 Sirius Tax ID # 74-2836721

Bradshaw Park

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9124AXI-B	Wi-Fi 6 Outdoor AP, Internal Ant, -B Regulatory Domain	4	\$4,810.94
CON-SSSNT-C9124AXI	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Internal Ant, -B Reg	4	\$2,392.91
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	4	\$0.00
AIR-AP-NO-BRACKET	AP Bracket not shipped	4	\$0.00
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	4	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	4	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	4	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	4	\$223.80
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	4	\$786.13
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	4	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	4	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	4	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	4	\$0.00
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	1	\$1,186.15
CON-L1NCD-C9200CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	1	\$696.72
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	1	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	1	\$0.00
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	1	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	1	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	1	\$33.05
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	1	\$159.85
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	1	\$23.58
C9K-CMPCT-PWR-CLP	Cisco Power Retainer Clip for 9200CX Compact Switch	1	\$15.00
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	2	\$1,013.77
Bradshaw Park Subtotal:			\$11,341.90

Bradshaw Park Concessions

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9124AXD-B	Wi-Fi 6 Outdoor AP, Directional Ant, -B Regulatory Domain	1	\$1,307.54
CON-SSSNT-C91B14XD	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Directional Ant, -B	1	\$636.96
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	1	\$0.00
AIR-MNT-VERT1	Vertical pole/wall mounting kit for Catalyst APs	1	\$51.89
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	1	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	1	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	1	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	1	\$55.95
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	1	\$196.53
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	1	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	1	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	1	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9124AXI-B	Wi-Fi 6 Outdoor AP, Internal Ant, -B Regulatory Domain	1	\$1,202.73
CON-SSSNT-C9124AXI	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Internal Ant, -B Reg	1	\$598.23
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	1	\$0.00
AIR-AP-NO-BRACKET	AP Bracket not shipped	1	\$0.00
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	1	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	1	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	1	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	1	\$55.95
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	1	\$196.53
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	1	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	1	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	1	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	1	\$1,186.15

CON-L1NCD-C920CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	1	\$696.72
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	1	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	1	\$0.00
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	1	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	1	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	1	\$33.05
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	1	\$159.85
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	1	\$23.58
C9K-CMPCT-PWR-CLP	Cisco Power Retainer Clip for 9200CX Compact Switch	1	\$15.00
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	2	\$1,013.77
Bradshaw Park Concessions Subtotal:			\$7,430.44

Centennial Park

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9124AXD-B	Wi-Fi 6 Outdoor AP, Directional Ant, -B Regulatory Domain	5	\$6,537.72
CON-SSSNT-C91B14XD	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Directional Ant, -B	5	\$3,184.81
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	5	\$0.00
AIR-MNT-VERT1	Vertical pole/wall mounting kit for Catalyst APs	5	\$259.43
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	5	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	5	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	5	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	5	\$279.75
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	5	\$982.66
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	5	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	5	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	5	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	5	\$0.00
C9124AXI-B	Wi-Fi 6 Outdoor AP, Internal Ant, -B Regulatory Domain	1	\$1,202.73
CON-SSSNT-C9124AXI	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Internal Ant, -B Reg	1	\$598.23
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	1	\$0.00
AIR-AP-NO-BRACKET	AP Bracket not shipped	1	\$0.00
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	1	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	1	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	1	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	1	\$55.95
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	1	\$196.53
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	1	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	1	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	1	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	1	\$1,186.15
CON-L1NCD-C920CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	1	\$696.72
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	1	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	1	\$0.00
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	1	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	1	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	1	\$33.05
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	1	\$159.85
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	1	\$23.58
C9K-CMPCT-PWR-CLP	Cisco Power Retainer Clip for 9200CX Compact Switch	1	\$15.00
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	2	\$1,013.77
Centennial Park Subtotal:			\$16,425.94

Wilderness Park

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9124AXD-B	Wi-Fi 6 Outdoor AP, Directional Ant, -B Regulatory Domain	2	\$2,615.08
CON-SSSNT-C91B14XD	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Directional Ant, -B	2	\$1,273.92
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	2	\$0.00
AIR-MNT-VERT1	Vertical pole/wall mounting kit for Catalyst APs	2	\$103.78
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	2	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	2	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	2	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	2	\$111.90
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	2	\$393.06
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	2	\$0.00

AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	2	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	2	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	2	\$0.00
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	1	\$1,186.15
CON-L1NCD-C920CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	1	\$696.72
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	1	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	1	\$0.00
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	1	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	1	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	1	\$33.05
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	1	\$159.85
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	1	\$23.58
C9K-CMPCT-PWR-CLP	Cisco Power Retainer Clip for 9200CX Compact Switch	1	\$15.00
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	2	\$1,013.78
Wilderness Park Subtotal:			\$7,625.87

18th Ave Ped Bridge

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	2	\$2,372.30
CON-L1NCD-C920CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	2	\$1,393.44
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	2	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	2	\$0.00
C9K-CMPCT-PWR-CLP	Power Retainer Clip for 9200CX Compact Switch	2	\$26.20
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	2	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	2	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	2	\$66.10
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	2	\$319.70
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	2	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	2	\$47.16
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	4	\$2,027.56
18th Ave Ped Bridge Subtotal:			\$6,252.46

Pawnee Plunge

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	1	\$1,186.15
CON-L1NCD-C920CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	1	\$696.72
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	1	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	1	\$0.00
C9K-CMPCT-PWR-CLP	Power Retainer Clip for 9200CX Compact Switch	1	\$13.10
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	1	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	1	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	1	\$33.05
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	1	\$159.85
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	1	\$23.58
Pawnee Plunge Subtotal:			\$2,112.45

Aquatic Center

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9124AXD-B	Wi-Fi 6 Outdoor AP, Directional Ant, -B Regulatory Domain	1	\$1,307.54
CON-SSSNT-C91B14XD	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Directional Ant, -B	1	\$636.96
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	1	\$0.00
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	1	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential, 5Y Term, Trk Lic	1	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	1	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	1	\$55.95
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	1	\$196.53
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	1	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	1	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	1	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9124AXI-B	Wi-Fi 6 Outdoor AP, Internal Ant, -B Regulatory Domain	1	\$1,202.73
CON-SSSNT-C9124AXI	SOLN SUPP 8X5XNBD Wi-Fi 6 Outdoor AP, Internal Ant, -B Reg	1	\$598.23
SW9124AX-CAPWAP-K9	Capwap software for Catalyst 9124AX	1	\$0.00

AIR-AP-NO-BRACKET	AP Bracket not shipped	1	\$0.00
CDNA-E-C9124	Wireless Cisco DNA On-Prem Essentials, 9124Tracking	1	\$0.00
DNA-E-5Y-C9124	C9124AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	1	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	1	\$0.00
CON-SSTCM-AIRDNAE	SOLN SUPP SW SUBAironet CISCO DNA Es	1	\$55.95
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	1	\$196.53
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	1	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	1	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	1	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
Aquatic Center Subtotal:			\$4,250.42

Senior Center

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
C9120AXI-B	C9120AX Internal 802.11 ax 4x4:4 MIMO;IOT;BT5;mGig;USB;RHL	2	\$1,808.46
CON-L1NCD-C9120BIX	CX LEVEL 1 8X7NCDCisco Catalyst 9120AX Series	2	\$1,127.30
SW9120AX-CAPWAP-K9	Capwap software for Catalyst 9120AX	2	\$0.00
AIR-AP-BRACKET-1	802.11 AP Low Profile Mounting Bracket (Default)	2	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for APs & Cellular Gateways-Recessed	2	\$0.00
CDNA-E-C9120	Wireless Cisco DNA On-Prem Essentials, 9120 Tracking	2	\$0.00
DNA-E-5Y-C9120	C9120AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	2	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	2	\$0.00
CON-L1SWT-AIRDNAE	CX LEVEL 1 SW SUB Aironet CISCO DNA Es	2	\$110.18
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	2	\$393.06
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	2	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	2	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	2	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	2	\$0.00
C9120AXI-SINGLE	SINGLE PACK OPTION	2	\$0.00
C9120-OVER	C9120AX OVERPACK OPTION	2	\$0.00
Senior Center Subtotal:			\$3,439.00

Quail Run Pro Shop

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Ext. Price</u>
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	2	\$1,013.78
C9120AXI-B	C9120AX Internal 802.11 ax 4x4:4 MIMO;IOT;BT5;mGig;USB;RHL	2	\$1,808.46
CON-L1NCD-C9120BIX	CX LEVEL 1 8X7NCDCisco Catalyst 9120AX Series	2	\$1,127.30
SW9120AX-CAPWAP-K9	Capwap software for Catalyst 9120AX	2	\$0.00
AIR-AP-BRACKET-1	802.11 AP Low Profile Mounting Bracket (Default)	2	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for APs & Cellular Gateways-Recessed	2	\$0.00
CDNA-E-C9120	Wireless Cisco DNA On-Prem Essentials, 9120 Tracking	2	\$0.00
DNA-E-5Y-C9120	C9120AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	2	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	2	\$0.00
CON-L1SWT-AIRDNAE	CX LEVEL 1 SW SUB Aironet CISCO DNA Es	2	\$110.18
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	2	\$393.06
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	2	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	2	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	2	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	2	\$0.00
C9120AXI-SINGLE	SINGLE PACK OPTION	2	\$0.00
C9120-OVER	C9120AX OVERPACK OPTION	2	\$0.00
C9200-24P-A	Catalyst 9200 24-port PoE+, Network Advantage	1	\$1,834.23
CON-L1NCD-C92024PA	CX LEVEL 1 8X7NCDcatalyst 9200 24port PoE Network Adva	1	\$1,075.59
C9200-NW-A-24	C9200 Network Advantage, 24-port license	1	\$0.00
C9200-NM-4G	Catalyst 9200 4 x 1G Network Module	1	\$303.72
PWR-C6-600WAC/2	600W AC Config 6 Power Supply - Secondary Power Supply	1	\$750.19
CAB-TA-NA	North America AC Type A Power Cable	2	\$0.00
C9K-ACC-RBFT	RUBBER FEET FOR TABLE TOP SETUP 9200 and 9300	1	\$0.00
C9K-ACC-SCR-4	12-24 and 10-32 SCREWS FOR RACK INSTALLATION, QTY 4	1	\$0.00
CAB-GUIDE-1RU	1RU CABLE MANAGEMENT GUIDES 9200 and 9300	1	\$0.00
C9200-DNA-A-24	C9200 Cisco DNA Advantage, 24-port Term Licenses	1	\$0.00
CON-L1SWT-C92A24	CX LEVEL 1 SW SUB C9200 Cisco DNA Adva	1	\$340.73
C9200-DNA-A-24-3Y	C9200 Cisco DNA Advantage, 24-Port, 3 Year Term License	1	\$1,053.47
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
Quail Run Pro Shop Subtotal:			\$9,810.71

Van Berg Pro Shop

Part #	Description	Qty	Ext. Price
C9200CX-12P-2X2G-E	Catalyst 9000 Compact Switch 12-Port PoE+, 240W, Essentials	1	\$1,186.15
CON-L1NCD-C920CXPO	CX LEVEL 1 8X7NCD Catalyst 9000 Compact Switch 12-Port PoE	1	\$696.72
C9200CX-NW-E-12	C9200CX Network Essentials, 12-port license	1	\$0.00
CAB-TA-NA	North America AC Type A Power Cable	1	\$0.00
C9K-CMPCT-PWR-CLP	Power Retainer Clip for 9200CX Compact Switch	1	\$13.10
SCAT9200CXUK9-179	Cisco Catalyst 9200CX XE 17.9 UNIVERSAL	1	\$0.00
C9200CX-DNA-E-12	C9200CX Cisco DNA Essentials, 12-Port Term Licenses	1	\$0.00
CON-L1SWT-C9200CPD	CX LEVEL 1 SW SUB C9200CX Cisco DNA Essentials, 12-Port Te	1	\$33.05
C9200CX-DNAE12-3Y	C9200CX Cisco DNA Essentials, 3Y Term License, 12P	1	\$159.85
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9K-WALL-TRAY	Wall Mount Bracket for 9200CX Compact Switch	1	\$23.58
GLC-LH-SMD=	1000BASE-LX/LH SFP transceiver module, MMF/SMF, 1310nm, DOM	2	\$1,013.78
C9120AXI-B	C9120AX Internal 802.11ax 4x4:4 MIMO;IOT;BT5;mGig;USB;RHL	1	\$904.23
CON-L1NCD-C9120BIX	CX LEVEL 1 8X7NCDCisco Catalyst 9120AX Series	1	\$563.65
SW9120AX-CAPWAP-K9	Capwap software for Catalyst 9120AX	1	\$0.00
AIR-AP-BRACKET-1	802.11 AP Low Profile Mounting Bracket (Default)	1	\$0.00
AIR-AP-T-RAIL-R	Ceiling Grid Clip for APs & Cellular Gateways-Recessed	1	\$0.00
CDNA-E-C9120	Wireless Cisco DNA On-Prem Essentials, 9120 Tracking	1	\$0.00
DNA-E-5Y-C9120	C9120AX Cisco DNA On-Prem Essential,5Y Term,Trk Lic	1	\$0.00
AIR-DNA-E	Wireless Cisco DNA On-Prem Essential, Term Lic	1	\$0.00
CON-L1SWT-AIRDNAE	CX LEVEL 1 SW SUB Aironet CISCO DNA Es	1	\$55.09
AIR-DNA-E-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term Lic	1	\$196.53
AIR-DNA-E-T	Wireless Cisco DNA On-Prem Essential, Term, Tracker Lic	1	\$0.00
AIR-DNA-E-T-5Y	Wireless Cisco DNA On-Prem Essential, 5Y Term, Tracker Lic	1	\$0.00
AIR-DNA-NWSTACK-E	Wireless DNA Perpetual Network Stack - Essentials	1	\$0.00
NETWORK-PNP-LIC	Network Plug-n-Play Connect for zero-touch device deployment	1	\$0.00
C9120AXI-SINGLE	SINGLE PACK OPTION	1	\$0.00
C9120-OVER	C9120AX OVERPACK OPTION	1	\$0.00

Van Berg Pro Shop Subtotal: \$4,845.73

Extended Subtotal: \$73,534.90

Total Client Price: \$73,534.90

Proposal Comments:

Terms and Conditions:

Unless otherwise noted, price does not include shipping, handling or applicable tax which may be added at the time of invoice. All quoted shipping and handling charges or tax amounts are estimates only, and are subject to change upon invoicing. In the event CITY OF COLUMBUS ("Customer") requests expedited shipping, whether such request is made before or after acceptance of this Solution Proposal ("Proposal") by Customer, the price stated above for shipping and handling is subject to change.

This Proposal is subject to the Terms and Conditions below and/or any referenced agreements. Acceptance of this Proposal by an authorized representative of Customer will be deemed the equivalent of a Customer Purchase Order, which will authorize Sirius Computer Solutions, LLC. ("Sirius") to order the products listed in this Proposal. Until Sirius receives and accepts a Purchase Order or a signed copy of this Proposal for the solution proposed, pricing provided in this Proposal is subject to change based on manufacturer's pricing schedule. The products contained on this Proposal may be delivered to the Customer through multiple shipments based upon supplier availability, and Customer agrees to pay one or more partial payments of the total purchase price stated above for any such partial shipment of products. For purposes of clarity, services being sold under this Proposal, whether Sirius' or a manufacturer's/vendor's, shall not be subject to shipping and handling and the terms related thereof.

Notwithstanding anything to the contrary in the Terms and Conditions below and/or any referenced agreements, Customer hereby agrees that the products listed on this Proposal are noncancelable, nonreturnable, and nonrefundable except with the express written permission of Sirius.

Your contract number(s), currently on file, is as follows:

Agreement Type: Customer Agreement signed 34239

All of the information provided in this Proposal is considered confidential and proprietary between Sirius and Customer. Information enclosed in this Proposal may not be disclosed, disseminated, or otherwise revealed to any party outside of Customer or any party within Customer's organization who is not privileged to receive such information, unless required by law.

The provision of the maintenance services contained on this Proposal (the "Maintenance Services") will be controlled by the terms and conditions of the applicable manufacturer and/or maintenance provider (hereinafter the "Provider"). If Customer removes a covered device from productive use and requests cancellation of the Maintenance Services on

that device, in accordance with the Provider's terms and conditions, Customer must notify Sirius by email at the following address: OPU@siriuscom.com. Should Customer fail to send the request to the address above, processing of the cancellation shall be delayed and any associated credit with the cancellation may be reduced.

Accepted by:

CITY OF COLUMBUS

Approved by:

Sirius Computer Solutions, LLC

Signature of Authorized Representative

Signature of Authorized Representative

Printed Name

Printed Name

Title of Authorized Representative

Title of Authorized Representative

Date Signed

Date Signed

Ship to Contact (Name, Phone, & Email)

Bill to Contact (Name, Phone, & Email)

Ship to Address

Bill to Address

CITY OF COLUMBUS

Parks Wifi Phase 2 Hardware and Services

This Statement of Work ('SOW') is made by and between Sirius Computer Solutions, LLC, ('Sirius') and CITY OF COLUMBUS ('Customer') for the provision of certain professional services as more fully described herein, ('Services'). Customer and Sirius expressly acknowledge and agree that this SOW is incorporated by reference into, and made a part of, Sirius Customer Agreement 34239-CA (the 'Agreement'). In the event of conflict, the terms of the Agreement shall control unless otherwise expressly provided herein.

SCOPE OF SERVICES

The scope of services for this project is attached hereto as Exhibit A.

ACCEPTANCE CRITERIA

This SOW will be deemed complete when the Deliverables within Exhibit A have been completed and accepted by Customer.

RESPONSIBILITIES

Sirius Responsibilities

1. Staff this effort with appropriately skilled individuals to perform the Services.
2. Provide necessary support to ensure accurate and timely billing of Services per the contract.
3. Promptly notify Customer of any unsafe condition about which Sirius has knowledge.

Customer Responsibilities

1. Back-up all data, software, operating systems, software configurations and networking configurations in preparation for and during the performance of the Services. Sirius shall not be liable for any lost, damaged, or corrupted data.
2. Have the appropriate software and hardware available at the beginning of the project and ensure that the necessary hardware environment (operating system, network, ports) is configured appropriately and is stable.
3. Customer will be responsible for data migration unless specified in the scope of services.
4. Prior to Sirius Consultant coming on-site for Services, provide resource contact information; names, phone numbers, email addresses and location.
5. Provide Sirius with known scheduled outages, resource unavailability and project specific information for the development of a cohesive project schedule.
6. Provide Sirius with access to Customer's facilities and appropriate resources as reasonably necessary for Sirius to fulfill its obligations hereunder, including but not limited to an adequate work area, network access (including Internet access), telephones, terminal, access to PC-based printer, remote access to systems (if applicable).
7. Promptly notify Sirius of any unsafe condition about which Customer has knowledge and to which Sirius resources could be exposed.
8. Promptly notify Sirius of any accidents or injuries involving Sirius employees or subcontractors assigned to Customer.
9. Promptly inspect and accept Services and/or Deliverables upon completion by Sirius.

DELIVERABLES

This SOW will produce the deliverables ('Deliverables') outlined in Exhibit A. All estimates and/or costs associated with this SOW are based solely upon the Deliverables outlined in Exhibit A. In the event any additional requirements are requested by Customer, the parties will mutually execute a change request to this SOW to address these additional requirements.

Tasks, Deliverables, and responsibilities not explicitly addressed within this SOW are beyond its scope and can only be provided pursuant to the change process described herein or pursuant to a separate SOW as mutually agreed to

Statement of Work

by both parties. Unless defined in Exhibit A, this SOW does not obligate Sirius to modify or remediate Deliverables or provide maintenance or support Services for Deliverables in any manner following Customer's acceptance without an appropriate, corresponding SOW. If applicable, a separate maintenance or support Services SOW may be established to provide maintenance or support Services to Customer.

ASSUMPTIONS

Sirius has created this SOW under the following assumptions. If one or more of these assumptions proves to be invalid, costs and other project factors may be impacted.

1. Where appropriate, knowledgeable resources will be made available for functional questions and making business decisions. It is also expected that Customer staff will participate throughout the implementation.
2. Unless otherwise agreed, Sirius reserves the right to subcontract any or all portions of the Services contemplated pre-approved by Customer.
3. The parties expressly agree that Sirius may use offshore resources, resources located outside of the United States, to provide the Services herein and expressly waive any terms to the contrary herein or in any referenced agreement.
4. Performance of the Services defined by this SOW are not subject to any provisions of the laws, acts, or regulations listed below and shall not require Sirius to create, receive, use, disclose, or in any way take control or possession of any information identified in such laws, acts or regulations:
 - a. Personal Information as defined by 201 Code of Massachusetts Regulation 17.00 (or any similarly defined information under an applicable state law).
 - b. Nonpublic Personal Information as defined by the Gramm-Leach-Bliley Act.
 - c. Personally Identifiable Information as defined by the Family Educational Rights and Privacy Act.
 - d. Cardholder Data as defined by Payment Card Industry (PCI) Data Security Standards; or
 - e. Protected Health Information, Electronic Protected Health Information, or Individually Identifiable Health Information as defined by the Health Insurance Portability and Accountability Act and the Health Information Technology for Economic and Clinical Health Act.
5. Sirius may deliver Services at Customer location or a remote location.
6. If knowledge transfer is listed as a deliverable, it should be noted that such knowledge transfer is not a replacement for classroom training but is intended to help the Customer gain a working knowledge of implementation details specific to their environment. Customer should consider attending training provided by the manufacturer.
7. This SOW will be scheduled around local resource availability. If, due to Customer's schedule, a local resource cannot be used, Customer will be charged for reasonable out-of-pocket travel and living expenses, and a Change Request for this SOW will be submitted to Customer for their acknowledgment.

SCHEDULE

Sirius and Customer will determine a schedule for work to be performed once execution of this SOW occurs. This schedule will include expected response times for both Sirius and the Customer to review and complete tasks. Sirius will use commercially reasonable efforts to timely complete the Services in accordance with the agreed upon schedule. Sirius will not be liable for any delays in performance related to Customer's failure to perform its obligations under this SOW or Customer's failure to make any facilities or equipment necessary for performance available to Sirius. In the event any delays in performance result in additional charges under this SOW, said charges will be agreed upon in a Change Request using the process detailed below.

FEE SCHEDULE

Service Cost

The Services will be provided for a fixed price of \$7,195.00. Upon completion of each milestone, Sirius will invoice pursuant to the payment schedule set forth below. SOW will expire one (1) year from signature date.

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Statement of Work

Task / Milestone Name	Invoice Amount
Brandshaw Park	\$1,798.75
Brandshaw Park Concessions	\$1,798.75
Wilderness Park	\$1,798.75
Centennial Park	\$1,798.75
Total	\$7,195.00

Travel Costs

Customer will be charged for reasonable and actual out-of-pocket travel and living expenses. Upon request, Sirius will provide receipts for individual line-item expenses valued at \$35.00 or greater.

SERVICES COORDINATION

Customer designates the following authorized representative assigned to serve as the primary point of contact for communication, issue escalation, contract administration, project scope change administration, and acceptance of Deliverables and/or Services as set forth herein.

Customer's Authorized Representative	Email Address
Matt Soukup	msoukup@columbusne.us

SITE OF PERFORMANCE

Performance of the Services may be at the following Customer location(s) or may be performed from a remote location on the system located at the address listed below:

Bill To:
CITY OF COLUMBUS 2500 14TH ST COLUMBUS, NE, 68601-4958

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Statement of Work

Service Locations:

CITY OF COLUMBUS
1600 48TH AVE
COLUMBUS, NE 68601

CITY OF COLUMBUS
1600 48TH AVE
COLUMBUS, NE 68601

CITY OF COLUMBUS
4100 18TH AVE
COLUMBUS, NE 68601

CITY OF COLUMBUS
327 S 5TH ST
COLUMBUS, NE 68601-7195

ACCEPTANCE

Upon completion of the Services, Sirius will submit a Completion Document. Customer will return the Completion Document in accordance with its instructions within three (3) business days from the date of receipt thereof. If Customer reasonably believes that Sirius failed to substantially complete the Services in accordance with this SOW, Customer will notify Sirius in writing of its reasons for rejection of the Services or any portion thereof within three (3) business days from Customer's receipt of the Completion Document. If Sirius does not receive the signed Completion Document or written notification of the reasons for rejection within three (3) business days of Customer's receipt thereof, the absence of Customer's response will constitute Customer's acceptance of the Services and a waiver of any right of rejection.

CHANGE REQUESTS

From time-to-time Customer may request, or Sirius may propose, that Sirius implement a change to the Services reflected in this SOW including, without limitation, (a) a change to the scope of Services, or (b) a change in the prioritization or manner in which Sirius is performing the Services (each, a "Change"). In the event of the occurrence of a mutually agreed Change, Sirius shall prepare and provide to Customer a proposed change order. Sirius shall include in the proposed change order the effect, if any, the Change will have on Sirius' schedule of delivery of the Services, and if there will be any effect on the estimated cost or other Customer payments. Sirius shall not be responsible or liable for any delays, costs or damages resulting from Customer's rejection of, or delay in approving, a proposed change order relating to a Change. In the event the authorized representative of Customer requests that Sirius perform work without a mutually agreed upon change order, Customer shall compensate Sirius for the additional fees and expenses incurred by Sirius related thereto. In the event the Customer desires to retain Sirius for additional Services outside the scope of the Services to be provided hereunder, Customer and Sirius agrees to execute and deliver such additional statements of work to evidence the additional Services to be provided by Sirius.

NO SOLICITATION

Upon Customer's signature of this SOW and for a period of one (1) year following completion, expiration or termination of this SOW, neither party will, directly or indirectly, solicit to employ or employ any of the current employees or independent contractors of the other party (or subcontractors or independent contractors) who are involved in the performance of Services under this SOW, without obtaining the prior written consent of such party. Notwithstanding the foregoing, solicitation of a party's current employees, subcontractors or independent contractors who are not involved in the performance of Services under this SOW by means of a general media solicitation or trade publication or advertisement shall not constitute a breach of this provision. This provision will survive the completion, expiration, or termination of this SOW and/or the Agreement.

Statement of Work

INTELLECTUAL PROPERTY

Upon full payment of all amounts due Sirius under this SOW and the Agreement, Customer shall own all rights, title, and interest in and to the Deliverables and all changes, modification or improvements related thereto, developed by Sirius under this SOW. Sirius hereby grants, sells, assigns, and conveys to Customer all rights of Sirius in and to the Deliverables and the tangible and intangible property rights relating to or arising out of the Deliverables, including, without limitation, patent, copyright, trade secret, trademark, and other proprietary rights. Deliverables shall not include, and the transfer of any rights hereunder shall not apply to, Background Technology (as hereinafter defined) or any software, materials or other technology which is owned or controlled by a third-party (“Third-Party Technology”).

“Background Technology” means all processes, tools, works of authorship, programs, data, utilities, or other intellectual property, in whatever form, that Sirius prepared or had prepared outside the scope of the Services provided hereunder and are included in, or necessary to, the Deliverable. Sirius Background Technology, working papers, scripts, proprietary methodology and confidential information belong exclusively to Sirius, including to the extent included in the Deliverable. Customer is granted a nonexclusive license to use Sirius Background Technology or Third-Party Technology for the limited purpose of implementing the Deliverable for Customer’s internal purposes.

PROPRIETARY AND CONFIDENTIAL

This SOW contains confidential and proprietary information of Sirius and its vendors. Information contained in this SOW may not be disclosed, disseminated, or otherwise revealed to any party outside of Customer or any party within Customer who is not privileged to receive such information without the express written permission of Sirius. There is no obligation to maintain the confidentiality of any information which was known to Customer prior to receipt of such information from Sirius, or becomes publicly known through no fault of Customer, or is received without obligation of confidentiality from a third party owing no obligation of confidentiality to Sirius.

ACCEPTANCE & AUTHORIZATION

This SOW expires if not signed by Customer and returned to Sirius (as set forth below) within thirty (30) days of March 26, 2024. However, this SOW shall not be binding or effective until countersigned by Sirius. If performance of the Services does not commence within ninety (90) days of the date hereof, this SOW will automatically terminate in the absence of a written amendment rescheduling the Services. Please indicate your acceptance of this SOW by signing below and returning to:

Services Operations Team by email to nic.rolan@cdw.com. Please note, all pages of SOW are required.

BY: CITY OF COLUMBUS	BY: SIRIUS COMPUTER SOLUTIONS, LLC
Signature:	Signature:
Name:	Name:
Title:	Title:
PO # (if applicable)	SOW Number: SOW-025576 v3
Date:	Date:

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SCOPE OF SERVICES**PRELIMINARY SOLUTION DESCRIPTION**

The following scope of work is based on Sirius current understanding of this project's requirements.

1. Configuration of Cisco 9200 series switches (5)
2. Validation testing of the switches.
3. Standard business hours cutover of new switches
4. Configuration of Cisco 9100 series access points (21)
5. Validation of access point connectivity and coverage
6. First day of service support
7. Project Management

PLACE OF PERFORMANCE

Work will be performed at the City of Columbus Parks at the following locations:

1. Bradshaw Park
2. Bradshaw Park Concessions
3. Centennial Park
4. Wilderness Park

ADDITIONAL ASSUMPTIONS

This budgetary estimate is based on the following project-specific assumptions:

1. Where appropriate, knowledgeable resources will be made available for functional questions and making business decisions. It is also expected that Customer staff will participate throughout the implementation.
2. Provide Sirius with access to Customer's facilities and appropriate resources as reasonably necessary for Sirius to fulfill its obligations hereunder, including but not limited to an adequate work area, network access (including Internet access)
3. If knowledge transfer is listed as a deliverable, it should be noted that such knowledge transfer is not a replacement for classroom training but is intended to help the Customer gain a working knowledge of implementation details specific to their environment.
4. Promptly inspect and accept Services and/or Deliverables upon completion by Sirius.

ITEMS TO BE PROVIDED

Items to be provided include:

1. As installed drawings and documentation
2. Knowledge Transfer

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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.



City of Columbus
Human Resources / Risk Management
2500 14th St. Suite 3
Columbus, NE 68601
402-562-4243
www.columbusne.us

DATE: April 4, 2024
TO: Tara Vasicek, City Administrator
FROM: Tammy Orender, Human Resource Director
RE: Employee Benefits

RECOMMENDATION:

Changing our current carrier for Life/AD&D, LTD and Voluntary Life/AD&D to Mutual of Omaha.

Effective January 1, 2025 implement Worksite benefits (Accident Indemnity, Critical Illness and Hospital Indemnity for employees to purchase.

DISCUSSION:

Ryan Swinton from Unico sent out proposals for all employee benefits to several carriers. By switching to Mutual of Omaha that is rated Best A+, there will be a premium savings of \$9,738 over a 2-year time period for the city. It will improve the LTD contract language to be more favorable for an employee to potentially receive a disability payment. Employees that previously declined voluntary life insurance will have a one-time opportunity on 1/1/2025 to enroll up to the guarantee issue limits without having to provide evidence of insurability.

Would also like to offer additional Worksite benefits to employees if they choose to take the coverage at 100% employee cost.



Benefits RFP Summary

EXECUTIVE SUMMARY

Following an extensive RFP search for Medical TPA Services, Ancillary Benefits, and Worksite Benefits, UNICO met with the Health Insurance Committee on April 3, 2024 and the following four motions were carried.

Medical TPA Services

UNICO recommended continuing the current relationship with Auxiant for Medical TPA services, of six RFP invitees and four respondents. Below reflects estimated pharmacy rebate credit, estimated potential runout costs, and 3 year averages for admin fees and implementation credits.

Current Fixed Cost	Proposed Fixed Cost	Annual Fixed Cost Savings
\$53,949	\$22,919	-57% or \$31,030

Ancillary & Worksite Benefits

UNICO recommended continuing the current relationship with **Principal Dental and VSP Vision**. Current carriers have superior network breadth, benefit structure, and value. Dental premium is shared between the City and Employees. Vision premiums are paid 100% by Employees, so there is no financial impact to the City. Premiums from 7/1/24-12/31/24 will remain unchanged.

Current Principal Annual Dental Premium	Current VSP Annual Vision Premium
\$108,419	\$34,730

Our recommendation on **Life/AD&D, LTD, Vol Life/AD&D** is to **move coverage to Mutual of Omaha**. Mutual is an AM Best A+ rated carrier that we work with regularly and provide excellent client service. Premium savings and carrier alignment both play a part in this recommendation. Premiums guaranteed for 30 months beginning 7/1/2024-12/31/2026.

Current Annual Premium (among 3 current carriers)	Mutual of Omaha Annual Premium	Mutual of Omaha Annual Savings
\$90,514	\$85,645	-5.4% or \$-4,869

UNICO recommended **implementing Worksite** benefits (Accident Indemnity, Critical Illness, and Hospital Indemnity) with **Mutual of Omaha** to align carriers and supplement the group benefit offerings. Coverage is 100% employee paid so there is no financial impact to the City.

Current Annual Premium	Mutual of Omaha Annual Premium	Mutual of Omaha Annual Savings
Coverage is not currently offered	100% Employee Paid	No savings available as coverage is not currently offered

Implementation and Next Steps

UNICO's proposed implementation plan for these coverages:

- ▶ Roll over Life/AD&D, LTD, Vol Life/AD&D eff 7/1/2024 with Mutual of Omaha. All elections and benefits would stay as-is with no option for members to make election changes on Vol Life/AD&D.
- ▶ Offer True Open Enrollment on Vol Life/AD&D and Initial offering of Worksite Benefits at our Fall Open Enrollment with coverage effective 1/1/2025.

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.)

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

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

The City of **Columbus**

MEMORANDUM

DATE: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Super Saver Subdivision – Preliminary Plat

RECOMMENDATION:

I recommend the approval of the preliminary plat of Super Saver Subdivision as it is amenable with the adjacent land use, and is in accordance with the Columbus Land Development Ordinance.

DISCUSSION:

The addition consists of 2 commercial lots including a grocery store, concrete parking, water main to loop to the city system, sanitary sewer services, and storm water system. The storm water runoff on the site is designed to not increase the peak flow from the pre-demolition peak flow. The property is already in the corporate limits.

The Subdivider will obtain the required Nebraska Department of Environment and Energy and Nebraska Department of Transportation permits.

The Subdivider proposes to phase construction to allow the new building to be complete and open prior to closing the demolishing the existing store building.

The Subdivider proposes a future convenience store in the southeast area of the property.

FISCAL IMPACT:

Minor costs for utility maintenance.

ALTERNATIVE:

Do not approve.

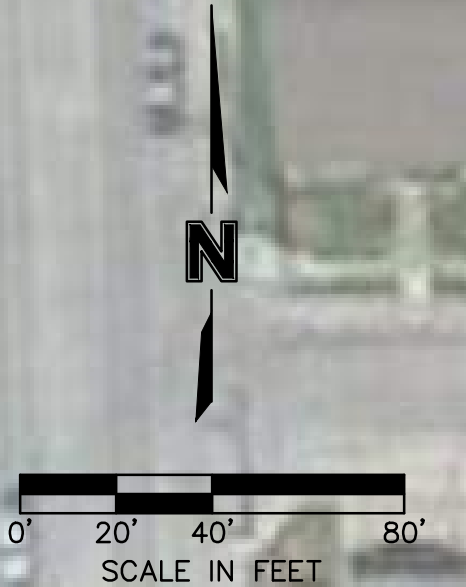
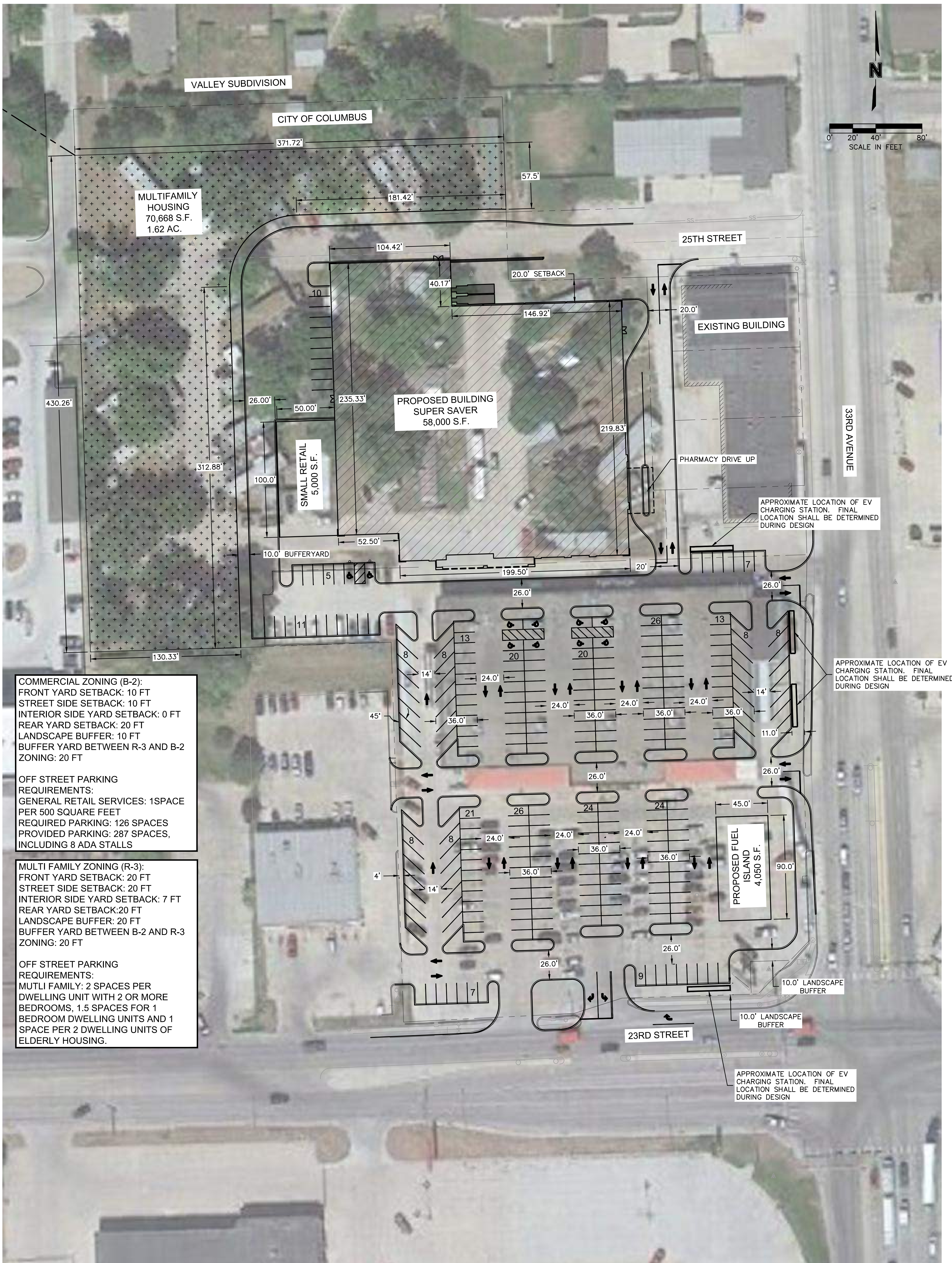
CONCURRENCE:

By: Andrew J. Wiese

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



COMMERCIAL ZONING (B-2):
 FRONT YARD SETBACK: 10 FT
 STREET SIDE SETBACK: 10 FT
 INTERIOR SIDE YARD SETBACK: 0 FT
 REAR YARD SETBACK: 20 FT
 LANDSCAPE BUFFER: 10 FT
 BUFFER YARD BETWEEN R-3 AND B-2 ZONING: 20 FT

OFF STREET PARKING REQUIREMENTS:
 GENERAL RETAIL SERVICES: 1SPACE PER 500 SQUARE FEET
 REQUIRED PARKING: 126 SPACES
 PROVIDED PARKING: 287 SPACES, INCLUDING 8 ADA STALLS

MULTI FAMILY ZONING (R-3):
 FRONT YARD SETBACK: 20 FT
 STREET SIDE SETBACK: 20 FT
 INTERIOR SIDE YARD SETBACK: 7 FT
 REAR YARD SETBACK: 20 FT
 LANDSCAPE BUFFER: 20 FT
 BUFFER YARD BETWEEN B-2 AND R-3 ZONING: 20 FT

OFF STREET PARKING REQUIREMENTS:
 MUTLI FAMILY: 2 SPACES PER DWELLING UNIT WITH 2 OR MORE BEDROOMS, 1.5 SPACES FOR 1 BEDROOM DWELLING UNITS AND 1 SPACE PER 2 DWELLING UNITS OF ELDERLY HOUSING.

APPROXIMATE LOCATION OF EV CHARGING STATION. FINAL LOCATION SHALL BE DETERMINED DURING DESIGN

APPROXIMATE LOCATION OF EV CHARGING STATION. FINAL LOCATION SHALL BE DETERMINED DURING DESIGN

1
of
1
SHEET

SITE LAYOUT		REV. NO.	DATE	REVISIONS DESCRIPTION
COLUMBUS SUPER SAVER				
COLUMBUS, NE		2022		REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION
 January 10, 2022
 DATE PRINTED
 OLSSON

olsson

201 East 2nd Street
 Grand Island, NE 68801 TEL 308.384.8750 www.olsson.com

PRELIMINARY PLAT SUPER SAVER SUBDIVISION

A SUBDIVISION OF LOT 3, D & L ADDITION, EXCEPT THE WEST 80.00' OF THE NORTH 40.00' THEREOF; LOT 5, BLOCK A, TIFFANY'S SUBDIVISION AND THE PRIVATE WAY ADJACENT THERETO; AND LOT 14 WAGNERS ADDITION AND VACATED 34TH AVENUE BETWEEN 23RD STREET AND 25TH STREET ALL LOCATED IN THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA

OWNER/DEVELOPER
COLUMBUS REALTY HOLDINGS LLC
PO BOX 5824
4554 W ST
LINCOLN, NE 68505
CONTACT: JEAN RAYBOULD
(402) 464-6297

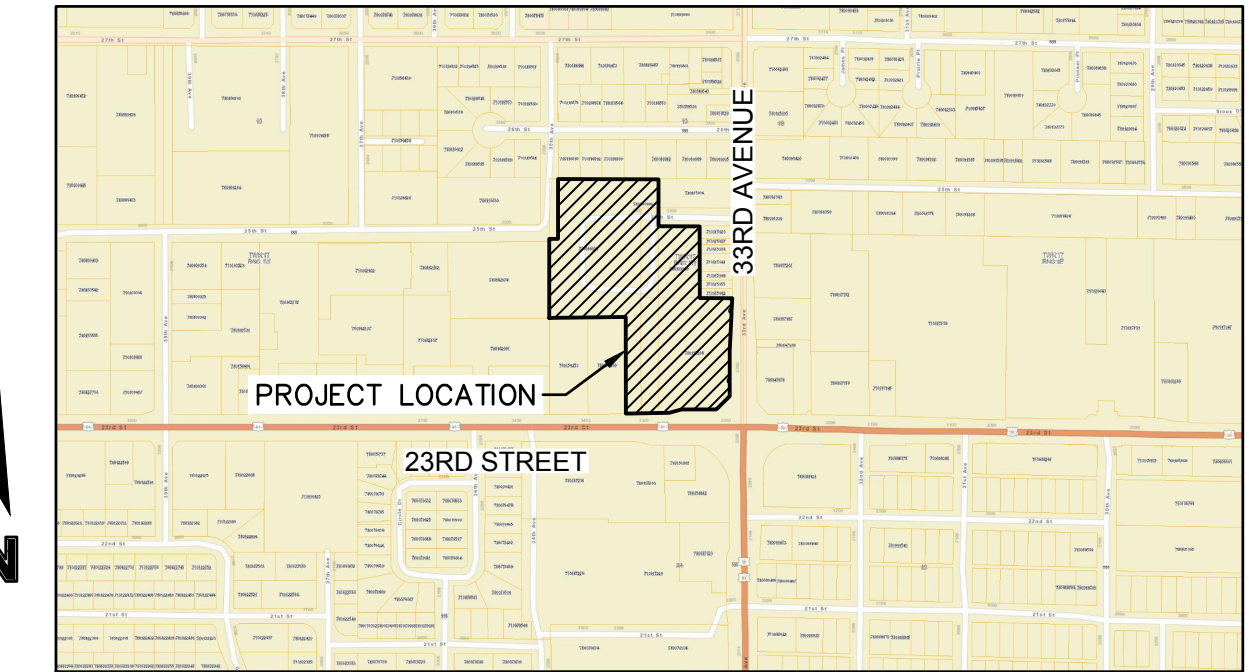
ENGINEER
OLSSON
201 E. 2ND ST.
GRAND ISLAND, NE 68801
CONTACT: BRIAN DEGEN
(308) 398-2950

CITY COUNCIL MEMBERS

MAYOR - JAMES BULKLEY
MEMBER - CYNTHIA ALARCON
MEMBER - CHARLIE BAHR
MEMBER - TROY HIEMER
MEMBER - KATHERINE LOPEZ
MEMBER - RICHARD JABLONSKI
MEMBER - HOPE FRESHOUR
MEMBER - J. PRENT ROUTH
MEMBER - RON SCHILLING

LOCAL GOVERNMENT OFFICIALS

MAYOR - JAMES BULKLEY
CITY ADMINISTRATOR - TARA VASICEK
CITY CLEARK - JANELLE KLINE
CITY ENGINEER - RICHARD BOGUS
FINANCE DIRECTOR - HEATHER LINDSLEY
CHIEF OF POLICE - CHARLES SHERER
FIRE CHIEF - RYAN GRAY
DIRECTOR OF PUBLIC WORKS - CHUCK SLIVA



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

A SUBDIVISION OF LOT 3, D & L ADDITION, EXCEPT THE WEST 80.00' OF THE NORTH 40.00' THEREOF; LOT 5, BLOCK A, TIFFANY'S SUBDIVISION AND THE PRIVATE WAY ADJACENT THERETO; AND LOT 14 WAGNERS ADDITION AND VACATED 34TH AVENUE BETWEEN 23RD STREET AND 25TH STREET ALL LOCATED IN THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E, ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°59'39"W, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 134.82 FEET; THENCE S01°51'51"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°57'20"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 49.96 FEET; THENCE S44°21'32"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 63.57 FEET; THENCE S87°54'32"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 118.09 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°05'47"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 147.70 FEET TO THE SOUTHEAST CORNER OF LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE N01°52'16"W, ALONG THE EAST LINE OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 329.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE S88°10'08"W, ALONG THE NORTH LINE OF SAID DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 260.74 FEET TO THE NORTHWEST CORNER OF LOT 1, DOC LANNAN MINOR SUBDIVISION ALSO BEING A POINT ON THE EAST LINE OF LOT 1, LEGACY SQUARE ADDITION; THENCE N01°46'30"W, ALONG SAID EAST LINE OF LOT 1, LEGACY SQUARE ADDITION, A DISTANCE OF 470.11 FEET TO THE SOUTHWEST CORNER OF VALLEY SUBDIVISION; THENCE N88°20'50"E, ALONG SAID SOUTH LINE OF VALLEY SUBDIVISION, A DISTANCE OF 371.74 FEET; THENCE S01°39'10"E A DISTANCE OF 40.00 FEET; THENCE S01°55'17"E A DISTANCE OF 119.84 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 334717.290 SQUARE FEET OR 7.68 ACRES MORE OR LESS.

ZONING TABLE	
EXISTING ZONING	R-1 & B-2
PROPOSED ZONING	B-2
USE	FOOD SALES
MINIMUM LOT AREA	5,500
MINIMUM LOT WIDTH	50
BUILDING MAXIMUM HEIGHT	NA
MAXIMUM BUILDING COVERAGE	70
MAXIMUM IMPERVIOUS COVERAGE	90
FLOOR AREA RATIO	3
SETBACK TABLE	
FRONT YARD	10
STREET SIDE YARD	10
INTERIOR SIDE YARD	0
REAR YARD	20

PARKING REQUIREMENTS	
PARKING STALLS REQUIRED	194
PARKING STALLS AVAILABLE	206
ADA PARKING STALLS AVAILABLE	8
TOTAL STALLS AVAILABLE	214

PARKING REQUIREMENTS NOTES:

PARKING REQUIREMENTS ASSUMED 1 STALL PER 300 SQUARE FEET BASED ON THE COLUMBUS LAND DEVELOPMENT ORDINANCE FOR THE CITY OF COLUMBUS ORDINANCE NO. 23-09, CHAPTER 1, ARTICLE 9 (OFF STREET PARKING) COMMERCIAL USE TYPE FOOD SALES.

COLUMBUS NEBRASKA PLANNING COMMISSION:

THIS PRELIMINARY PLAT OF SUPER SAVER SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA WAS APPROVED BY THE CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2024.

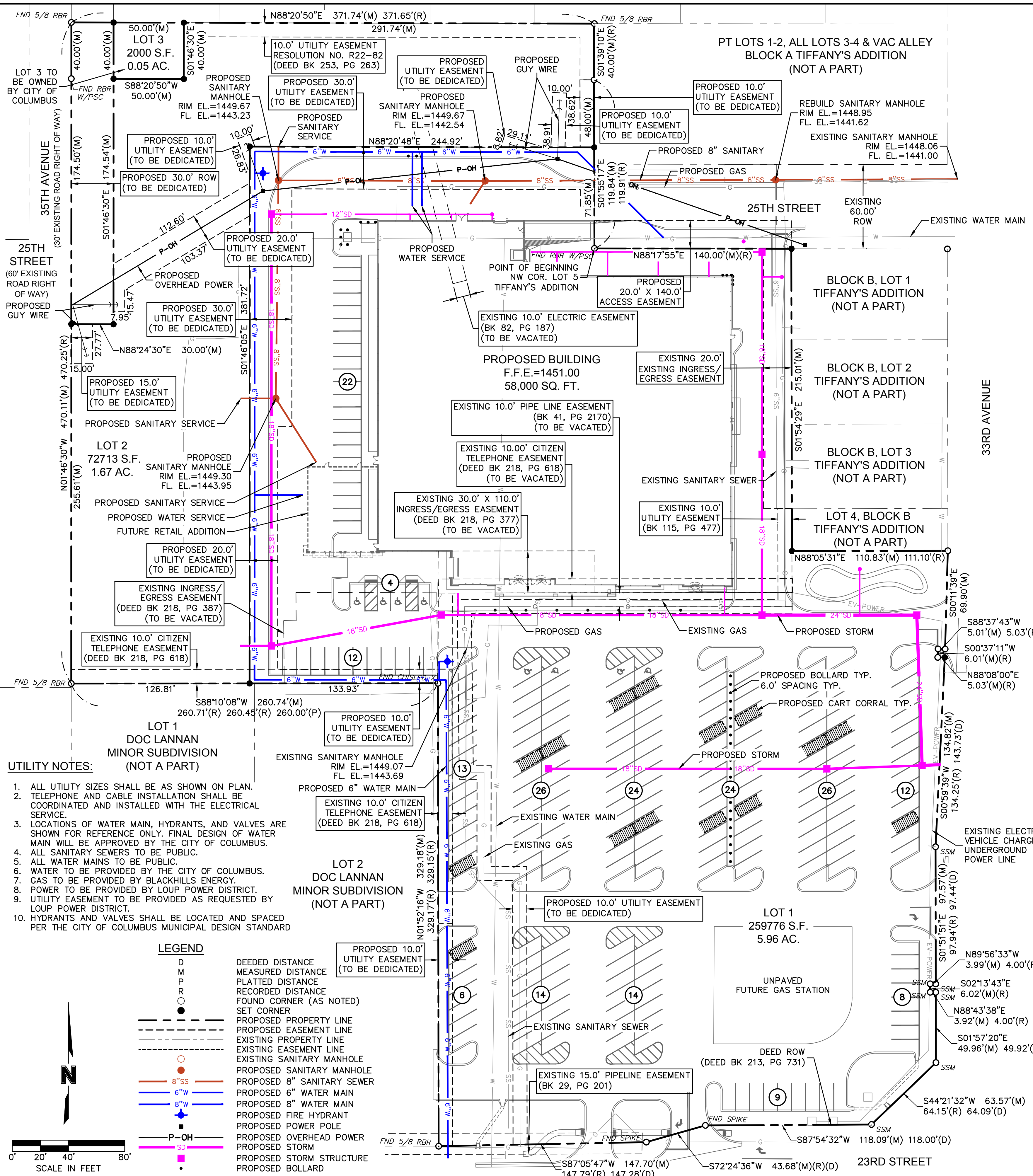
BY: _____
CHAIRPERSON

COLUMBUS NEBRASKA CITY COUNCIL:

THIS PRELIMINARY PLAT OF SUPER SAVER SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA WAS APPROVED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2024.

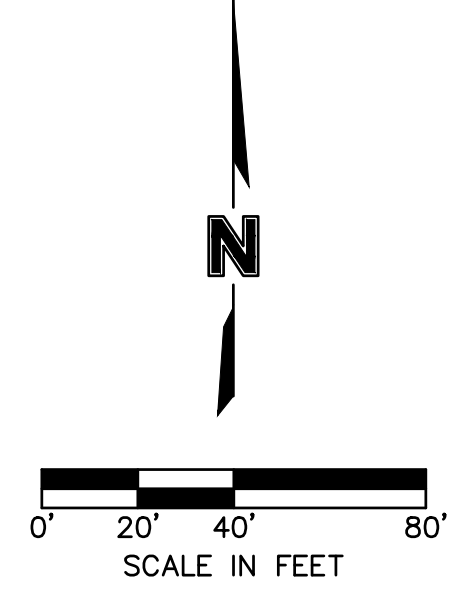
BY: _____ MAYOR
_____ CITY CLERK

WAIVERS TABLE	
WAIVERS TO MUNICIPAL CODE	
CITY ORDINANCE REQUIRES AN 8' CURBED LANDSCAPE ISLAND FOR EVERY THREE DRIVE AISLES. THIS REQUEST WOULD ALLOW FOR PARKING LOT CONSTRUCTION WITHOUT SAID 8' LANDSCAPE ISLAND.	
WAIVERS TO ZONING ORDINANCE	
NONE	



- UTILITY NOTES:**
- ALL UTILITY SIZES SHALL BE AS SHOWN ON PLAN.
 - TELEPHONE AND CABLE INSTALLATION SHALL BE COORDINATED AND INSTALLED WITH THE ELECTRICAL SERVICE.
 - LOCATIONS OF WATER MAIN, HYDRANTS, AND VALVES ARE SHOWN FOR REFERENCE ONLY. FINAL DESIGN OF WATER MAIN WILL BE APPROVED BY THE CITY OF COLUMBUS.
 - ALL SANITARY SEWERS TO BE PUBLIC.
 - ALL WATER MAINS TO BE PUBLIC.
 - WATER TO BE PROVIDED BY THE CITY OF COLUMBUS.
 - GAS TO BE PROVIDED BY BLACKHILLS ENERGY.
 - POWER TO BE PROVIDED BY LOUP POWER DISTRICT.
 - UTILITY EASEMENT TO BE PROVIDED AS REQUESTED BY LOUP POWER DISTRICT.
 - HYDRANTS AND VALVES SHALL BE LOCATED AND SPACED PER THE CITY OF COLUMBUS MUNICIPAL DESIGN STANDARD

- LEGEND**
- D: DEEDED DISTANCE
 - M: MEASURED DISTANCE
 - T: PLATTED DISTANCE
 - R: RECORDED DISTANCE
 - O: FOUND CORNER (AS NOTED)
 - : SET CORNER
 - : PROPOSED PROPERTY LINE
 - - -: PROPOSED EASEMENT LINE
 -
 -
 -
 - : EXISTING PROPERTY LINE
 - : EXISTING EASEMENT LINE
 - : EXISTING SANITARY MANHOLE
 - : PROPOSED SANITARY MANHOLE
 - : PROPOSED 8" SANITARY SEWER
 - : PROPOSED 6" WATER MAIN
 - : PROPOSED 8" WATER MAIN
 - : PROPOSED FIRE HYDRANT
 - : PROPOSED POWER POLE
 - : PROPOSED OVERHEAD POWER
 - : PROPOSED STORM
 - : PROPOSED STORM STRUCTURE
 - : PROPOSED BOLLARD



olsson
201 East 2nd Street
Grand Island, NE 68801
TEL: 308.394.8750
www.olsson.com

PROFESSIONAL CIVIL ENGINEER
BRIAN J. DEGEN
E-14501
STATE OF NEBRASKA

LOT AND EASEMENT LAYOUT
SUPER SAVER SUBDIVISION
PRELIMINARY PLAT
COLUMBUS, NE

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

2024

drawn by: TBE
checked by: BJD
approved by: _____
QA/QC by: _____
project no.: 021-08889
drawing no.: _____
date: 4/3/2024

SHEET
1 of 3

DWG: C:\Temp\AcPublish_28652\C_SIT01_02108889.dwg
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 C:\PTBLK_02108889
 ORELLY--dta
 V_REVISD_ALT_60587
 V_XRWAY_MOD_02108889
 BRIAN_DEGEN_PE_NE
 V_FPLAT_02108889

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.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, April 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Harriman Acres Subdivision, Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska, a tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning. Except, a tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the north line of said Lot 6, a distance of 184.40 ft., to a point on the west line of Lot 2, Block E, of said addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said west line, a distance of 14.51 ft., to a point on the north line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the north line of said Lot 6, a distance of 182.65 ft., to the point of beginning, containing 0.05 acres, more or less, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the deed records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the south line of said strip being 184 ft. in length, said south line beginning at a point 933.5 ft. north from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22..." (48th Ave N of Howard Blvd) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 03:28:24
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: April 3, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Harriman Acres Subdivision – Preliminary Plat

RECOMMENDATION:

I recommend the approval of the preliminary plat of Harriman Acres Subdivision as it is amenable with the adjacent land use, and is in accordance with the Columbus Land Development Ordinance.

DISCUSSION:

The plat consists of 4 residential lots and 1 lot for storm water treatment and detention. Access will be one drive from 48th Avenue with a private frontage road. The property is scheduled to be rezoned as part of the final plat process.

The property already is located in the city limits.

FISCAL IMPACT:

Minor costs for utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woskwa

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: February 15, 2024.

NAME OF SUBDIVISION: Harriman Acres Subdivision

NAME OF PROPERTY OWNER: Keyes Real Estate, LLC. (Brian Keyes)

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Clark J. Grant

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 1464 27th Ave., Columbus, NE 68601

PHONE NUMBER: 402-564-3274

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: clark@grantattorney.com

NUMBER OF LOTS IN SUBDIVISION: 5

ADDRESS OF SUBDIVISION: 2567 48th Ave., Columbus, NE 68601

48th Ave N of Howard Blvd

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and final Plats will be \$15 per lot.

Clark J. Grant

Owner or Owner's Representative

Clark J. Grant

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

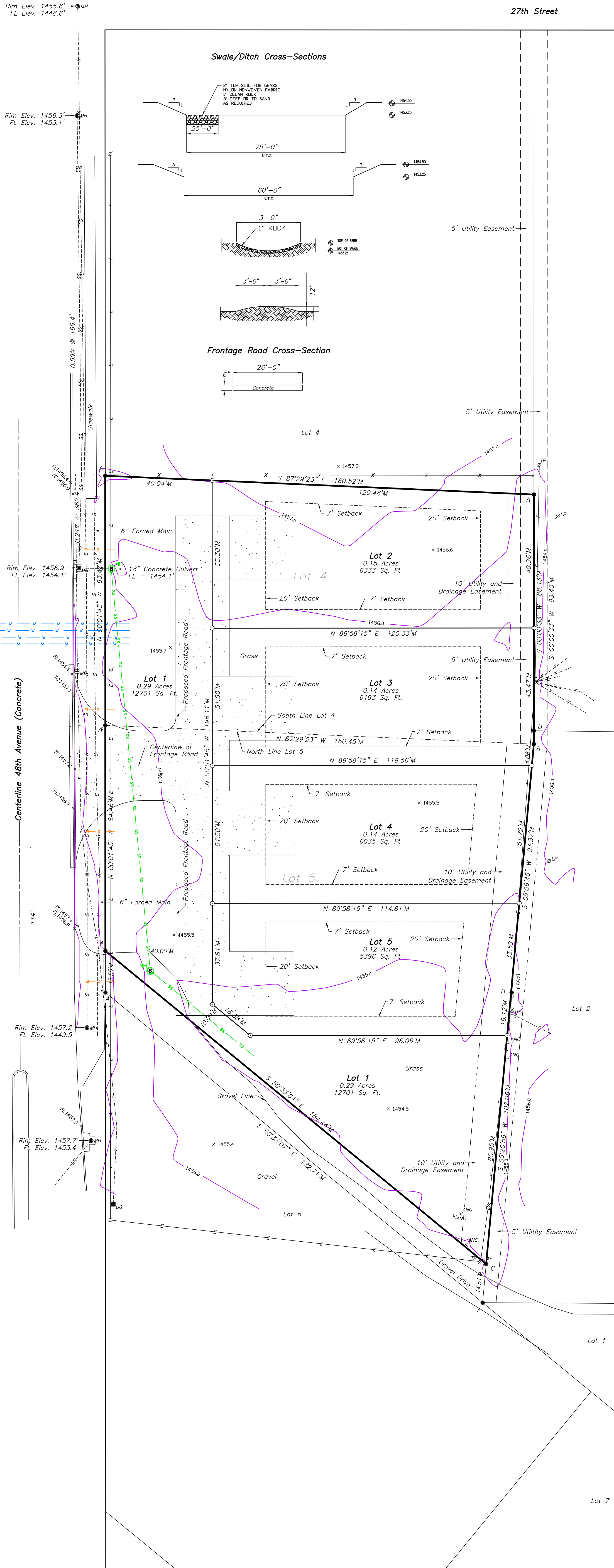
City Attorney

Neal Valorz – nvalorz@1492law.com

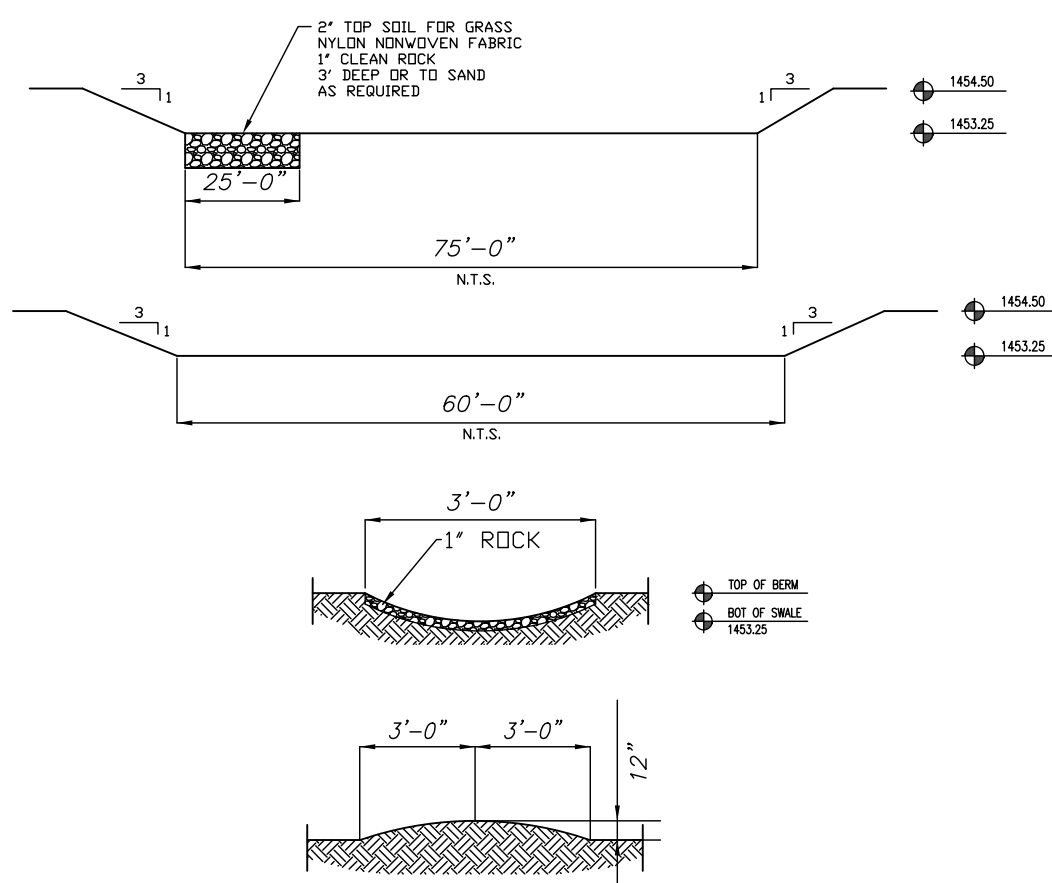
Gene G. Schumacher – gschum@1492law.com

Harriman Acres Subdivision, a Major Subdivision

Of Part of Lot 4 and all of Lot 5, Block E,
Wilken Acres, Columbus, Platte County, Nebraska



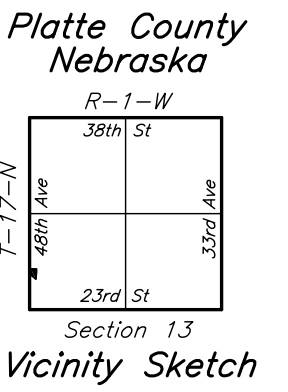
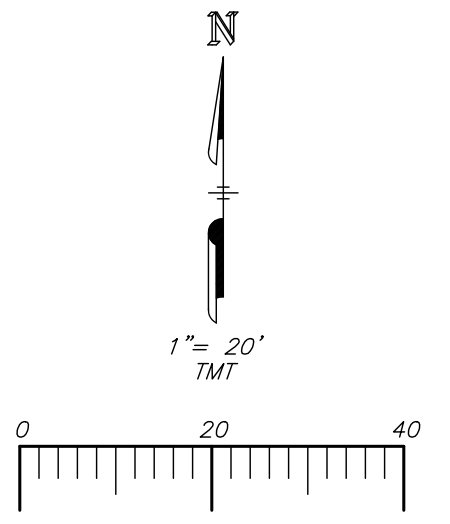
Swale/Ditch Cross-Sections



Frontage Road Cross-Section

-LEGEND-

- Found Monument
- M Measured This Survey
- P Plat Distance
- ⊙ Fire Hydrant
- ⊙ Water Valve
- ⊙ Power Pole
- ⊙ Transformer Pole
- ⊙ Light Pole
- ⊙ Anchor
- ⊙ Manhole
- ⊙ Mail Box
- ⊙ Telephone Pedestal
- ⊙ Top of Curb
- FL Flow Line
- ⊙ Undergroud Electrical Box
- Overhead Electric
- Vinyl Fence
- Undergroud Telephone
- Undergroud Gas
- Existing 12"/30" Storm Sewer
- Existing 6" Sanitary Sewer
- Existing 6" Water Line
- Proposed Storm Sewer
- Proposed Sanitary Sewer
- Proposed Water Line



Note: All Bearings are referenced to the Platte County Projection.

Field Notes:
 A. 5/8" rebar with Plastic Survey Cap (L.S. #455)
 B. 1" Iron Pipe
 C. 5/8" Iron Rod

Zoning:
 Current Zoning: R-2/R-3
 Proposed Zoning: R-3

Flood Plane:
 Flood Zone: Zone X
 Map Number: 31141C0310E
 Effective Date: 04/19/2010
 Community: City of Columbus 315272

Owner/Developer:
 Keyes Real Estate LLC
 Brian Keyes
 2567 48th Avenue,
 Columbus, NE 68601
 (402)276-0489

Surveyor:
 Thomas A. Tremel
 Tremel Surveying, Inc.
 1 Driftwood Drive,
 Columbus, NE 68601
 (402)276-3690

Engineer:
 Merlin Lindahl
 9271 18th Avenue
 Columbus, NE 68601
 (402)910-6609

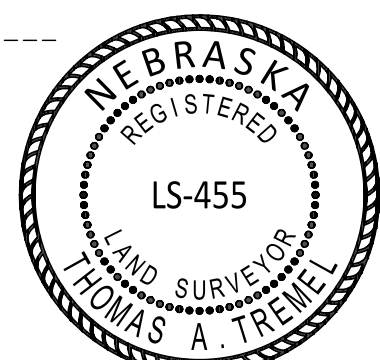
Description:
 Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska.

And
 A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning.

Except
 A tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the North line of said Lot 6, a distance of 184.40 ft., to a point on the West line of Lot 2, Block E, of said Addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said West line, a distance of 14.51 ft., to a point on the North line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the North line of said Lot 6, a distance of 182.65 ft., to the point of beginning, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the Deed Records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the South line of said strip being 184 ft. in length, said South line beginning at a point 933.5 ft. North from the SW corner of Sec. 13-17-1W, and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22...").

Surveyor's Statement:
 I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this survey was conducted as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel, L.S. #455
 April 1, 2024



PLANNING COMMISSION:
 This Preliminary Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the Planning Commission on

Day of _____
 Chairman

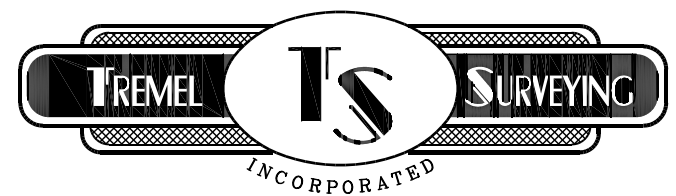
CITY COUNCIL:
 This Preliminary Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the City Council on

Day of _____
 Mayor City Clerk

Utilities:
 Call 800.642.8434 for the actual location of the utilities before digging.
 No Private Utilities were located unless otherwise shown.
 Water/Sewer - City of Columbus (As shown)
 Gas - Black Hills Energy (Clear/No Conflict)
 Cable TV - Charter Communications (Clear/No Conflict)
 Telephone - Frontier Communications (Clear/No Conflict)
 Telephone - Midstates Data Transport (As shown)
 Telephone - Allo Communications LLC (As shown)
 Electric - Loup River Public Power District (As Shown)

Major Subidivision - Preliminary Plat

HARRIMAN ACRES SUBD., A MAJOR SUBD.
 LOTS 4 & 5, BLOCK E, WILKEN ACRES
 COLUMBUS, PLATTE COUNTY, NEBRASKA



TMT	TMT	02/06/2024
DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4569 - Fax (402) 563-3922

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 City of **Columbus**

MEMORANDUM

DATE: April 10, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Lost Creek Parkway Traffic Signals 2024

RECOMMENDATION:

I recommend approval of the plans, specifications and Engineer's Estimate of Cost in the amount of \$810,000 for Lost Creek Parkway Traffic Signals 2024 and to authorize staff to advertise for bids.

DISCUSSION:

The project consists a complete traffic signal system at Lost Creek Parkway and 48th Avenue, including a new signal controller cabinet with a battery backup system, both local and advanced radar vehicular detection, traffic signal and lighting poles, advanced flashing beacons along Lost Creek Parkway, and backlit street name signs. Intersection improvements includes pavement widening along 48th Avenue to accommodate the addition of a northbound left-turn lane, new sidewalk to complete the gap along 48th Avenue to Lost Creek Parkway, new curb ramps and pedestrian accommodations for a future trail on the north side of Lost Creek Parkway. The traffic signal will be similar to that at the intersection of Lost Creek Parkway and 33rd Avenue. A small segment of property acquisition will be required in the southeast corner of Lost Creek Parkway and 48th Avenue. The acquisition will be by the Engineering Department.

Signal improvements at Lost Creek Parkway and 33rd Avenue include additional signal heads, wiring, and restriping for a northbound left hand turn lane.

Signal improvements at Lost Creek Parkway and Wilderness Road include the relocation and upgrade of the existing traffic signal controller/cabinet, battery backup system, both local and advanced radar vehicular detection, updating the pedestrian pushbuttons to meet current ADA requirements, the addition of flashing yellow arrow signal heads, and related work to upgrade the traffic signal to meet current standards.

FISCAL IMPACT:

Part of 2023-2024 budget CIP 23-022 in the amount of \$300,000. Due to the long lead times of some materials, it was anticipated that the project will go into the next fiscal year, in which the 2024-2025 budget will be funded.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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*

The City of **Columbus**

MEMORANDUM

DATE: April 10, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Subdivision and 14th Street and 25th Avenue Parking Lot Improvements

RECOMMENDATION:

I recommend approval of the plans, specifications and the combined engineer's estimate of cost in the amount of \$3,300,000 for Vitality Village Subdivision and 14th Street and 25th Avenue Parking Lot Improvements, and to authorize staff to advertise for bids.

DISCUSSION:

The Vitality Village Subdivision project consists of trees and structure removals, clearing and grubbing, concrete street paving, 8-foot concrete trail along 8th Street connecting to the 3rd Avenue trail system, 6-inch water, 8-inch sanitary sewer, storm sewer mains and inlets, storm water treatment and detention facilities, and related work. Construction is anticipated to begin this summer and proceed into fall/winter subject to contractor and material availability.

The 14th Street and 25th Avenue Parking Lot Improvements consist of paving removals, concrete parking lot paving, storm sewer with internal storm water treatment and collection system, landscape areas, lighting, ADA parking, and related work. The work includes construction of a pedestrian crossing/speed table crossing 14th Street in line with the main doors to the Community Building. Construction would not begin at earliest until after Columbus Days. Landscaping will be by others upon completion of this project.

Design and Construction Observation of both projects by the Engineering Department.

FISCAL IMPACT:

2023-2024 CIP No. 24-029 in the amount of \$2,000,000; CIP No. 23-046 in the amount of \$500,000; CIP No. 24-032 in the amount of \$200,000; and part of CIP No.20-071 in the amount of \$2,000,000. It is anticipated that a portion of the Vitality Village Subdivision work will extend in the next fiscal year. In addition, the request is to not start the 14th Street and 25th Avenue parking lot improvements until after Columbus Days, and that a majority of that project will be next fiscal year. The 2024-2025 budget will be funded for next fiscal year.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

13.L. Comments from mayor and city 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*

Draft

RESOLUTION NO. R24-44

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT BETWEEN OWNER AND ARCHITECT FOR PROFESSIONAL SERVICES 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.

WHEREAS, the City standard request for qualifications process was followed and BVH Architects were selected for this project; and

WHEREAS, the City intends to obtain information and cost estimates and public and stakeholder input for renovation and addition to the Memorial Stadium home bleachers and press box; and

WHEREAS, to accomplish this, an evaluation and concept design is required; and

WHEREAS, architectural and engineering services for this project can be provided by BVH Architects as set out in the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that an agreement between owner and architect for professional services with BVH Architects in an amount not to exceed \$350,000 for Memorial Stadium Concept and Schematic Design Phase 2024, 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 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: April 10, 2024
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Memorial Stadium Evaluation and Design 2024 Project Professional Services Agreement between Owner and Architect for Professional Services with BVH Architecture

RECOMMENDATION:

I recommend approval of the Professional Services Agreement with BVH Architecture, for concept and schematic design phase services for the Columbus Memorial Stadium Evaluation and Design 2024 project.

DISCUSSION:

The City standard selection process was followed and the selection committee chose BVH Architecture.

The project is a continuation from the Pawnee Park Master Plan and includes a complete facility analysis, program space development, building floor and site analysis and diagrams, massing study and evaluation, community and stakeholder engagement and outreach, 2 and 3 dimensional drawings, fund raising booklet, cost estimates and presentations to a joint Park Board and City Council Committee of the Whole. Stakeholders will include representative of both Columbus and Scotus High Schools and a local television provider.

Services on this agreement do not include final design, bidding and construction phase services.

FISCAL IMPACT:

Lump sum fee in the amount of \$350,000. Part of 2023-2024 Budget CIP 23-012 in the amount of \$500,000.

ALTERNATIVE:

Do not approve

CONCURRENCE:

By: Betsy Eckhardt

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

BVH ARCHITECTURE

April 8, 2024

City Of Columbus
ATTN: Rick Bogus
2500 14th Street, Suite 3
PO Box 1677
Columbus, NE 68602

Proposal - Programming and Schematic Design Phase Services

City of Columbus Memorial Stadium Upgrades

Dear Rick,

We are pleased to work with you on the City of Columbus Memorial Stadium Renovation and Addition Project. This proposal is made and entered into between City of Columbus, hereinafter called the "Owner" or "City" and BVH Architecture, hereinafter called "BVH" or "Architect."

I. DESCRIPTION OF PROJECT

This engagement entails the Community Engagement Approach, Concept Phase, and Schematic Design phase for the renovation and addition project at the existing Memorial Stadium in Pawnee Park. The traditional design development, construction documentation, bidding, and construction administration phases of work will be negotiated between BVH and the city after the initial programming and schematic design phases have been completed.

II. PROPOSED DESIGN TEAM

The following team will perform Basic Design Services as customarily required for a project of this scope:

BVH Architecture:	Architect
Morrissey Engineering:	Mechanical, Electrical and Plumbing Engineering, AV/IT
Lange Structural Group:	Structural Engineering
Olsson Engineering:	Civil Engineering
Landscape Architecture:	Confluence
Cost Estimator:	John Flores

We propose that any required Security be performed on a design-build basis with a sub-contractor approved by the City of Columbus and the BVH team. The design team will document and coordinate the pathways only for any of this scope of work. The city will also provide a topographic/utility site survey for the project.

III. SCOPE OF WORK

The A/E team shall furnish and perform the following Basic Professional Services required during the project:

Concept Phase and Schematic Design:

Includes meetings with the City and User Groups to understand the programming, space, equipment, and site needs related to the anticipated program(s) for the project. The process will entail the following;

1. Concept Phase to Include;

- a. Full Existing Facilities analysis including:
 - i. Code Analysis
 - ii. ADA Accessibility Review
 - iii. Structural Analysis of the Existing Building
 - iv. MEP Analysis of the Existing Building
 - v. Civil Analysis of the existing site and utilities
- b. Development of a Program of Spaces to determine area/sf requirements, adjacency requirements, equipment, and other pertinent programmatic requirements.
- c. Bi-Weekly Meetings with each user group as determined by the City of Columbus including:
 - i. Columbus Public Schools (x1 Meeting with this Group in this phase)
 - ii. Columbus Scotus Catholic Schools (x1 Meeting with this Group in this phase)
 - iii. City Parks Department
 - iv. City Planning Department
- d. Initial Conceptual Space/Floor Plan Diagrams
- e. Initial Conceptual Site Plan Analysis and Diagrams
- f. Massing Studies and Analysis
- g. Initial 3D Imagery of the Renovation/Additions to the Facility
- h. Initial Narrative of Civil, MEP and Structural systems to be used
- i. Initial \$/SF Overall Project Budget Estimate Created
- j. Community Engagement and Outreach to Include (as determined by the City of Columbus):
 - i. City-Wide Distributed Online Public Survey
 - ii. Town-Hall Engagement Session(s)
 - iii. Specific User Small Group Worksessions
 1. Columbus High
 2. Columbus Scotus
 3. Public TV
 - iv. Formal presentation of Concept Phase to the City Council

BVH ARCHITECTURE

2. Schematic Design Phase Including

- a. Continued Development of the concept design as detailed above.
 - b. Bi-Weekly Meetings with each user group as determined by the City of Columbus in the programming phase above.
 - i. Columbus Public Schools (x1 Meeting with this Group in this phase)
 - ii. Columbus Scotus Catholic Schools (x1 Meeting with this Group in this phase)
 - iii. City Parks Department
 - iv. City Planning Department
 - v. Formal presentation of Schematic Design Phase to the City Council.
 - c. Initial Schematic design package of the project which includes:
 - i. Floor Plans
 - ii. Reflected Ceiling Plans
 - iii. Building Elevations and Sections
 - iv. Site Layout Plan
 - v. Grading Plan
 - vi. Initial Landscape Plan
 - vii. Conceptual Structural Framing Plan
 - viii. Initial MEP Diagrammatic Plans
 - ix. Initial Civil, Structural and MEP Narratives
 - x. 4 conceptual renderings are included in the basic services.
 - d. Development of a Fundraising Book
3. Assumed Construction Costs
- a. Construction Costs are anticipated to be approximately \$10,000,000 for the full scope of work described above.
 - b. An initial Cost Estimate of the Schematic Design submittal will be provided as part of the design team's basic services.

IV. EXCLUSIONS

1. Design Development, Contract Documentation, Bidding Services, and Construction Administration
2. LEED Documentation / Administration
3. Geotechnical Investigation: The BVH team will assist the Owner in securing this per the needs of the project as part of our basic services. Geotechnical Engineering are Owner expenses.
4. Hazardous materials discovery &/or remediation design.
5. Topographic Survey.
6. Security Design.

BVH ARCHITECTURE

V. COMPENSATION FOR PROFESSIONAL SERVICES

1. The basic professional design services for the programming and schematic design phases as described above in "Scope of Work" will be completed for the fees as follows:

Lump Sum Fee of \$350,000.00 (Three Hundred Fifty Thousand Dollars).

2. Once the City has determined to continue with the design development phase, a revision to the AIA Owner/Architect Agreement will be developed based on the current scope of work.

Phase Breakout:		Fees to 100% SD
Programming		\$140,000
Schematic Design		\$210,000
Design Development		TBD
Construction Documents		TBD
Bidding & Construction Administration		TBD
Total Thru 100% SD		\$350,000

3. Reimbursable Expenses, which may include but not be limited to printing, staff travel, long-distance telephone calls, photography, reproduction of drawings, postage, delivery/messenger service, lodging, meals, filing fees, miscellaneous supplies, etc. are in addition to the basic professional design services listed above and will be billed at our invoice cost times 1.15.
4. Additional consulting Engineers, should they be required, are in addition to the basic professional design services and fees listed above and will be billed at our invoice cost times 1.15.
5. Any additional work not described in this Letter-Agreement will be performed at our standard hourly rates per the attached schedule in **Exhibit A**.

VI. BILLING

1. Billing is done on a four-week schedule. Payment is due upon receipt of the invoice and will be made via electronic funds transfer (EFT). Bank account information is provided below in **Exhibit B**. A late fee of 1.25% (15% annualized) will be made on unpaid balances twenty-eight (28) days past due.

BVH ARCHITECTURE

VII. SCHEDULE

1. The effort outlined in this agreement is tentatively scheduled as indicated in **Exhibit C** attached. This proposal of services would take the project through the Schematic Design phase only.

VIII. MISCELLANEOUS PROVISIONS

1. Services required for governmental agency reviews, securing approvals, etc., other than normal review by the City Building Department and the State Fire Marshal will be considered as an Additional Service.
2. Limitation of Liability: The Owner agrees to limit the Architect's Liability to the Owner, due to the Architect's negligent acts, errors or omissions, such that the total aggregate liability of the Architect to the Owner, shall not exceed the Architect's total design fee for professional design services rendered on this project.
3. If the Owner authorizes deviations, recorded or unrecorded, from the documents prepared by the Architect without written agreement of the Architect, the Owner shall indemnify and hold harmless the Architect, Architect's consultants and agents, and employees of any of them from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of or resulting in whole or in part from such deviations, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder.
4. The Architect's services shall be provided to assist the Owner in making changes to an existing facility for which the Owner shall furnish, in a timely manner, documentation and information upon which the Architect may rely for its accuracy and completeness. Unless specifically authorized or confirmed in writing by the Owner, the Architect shall not be required to perform or to have others perform destructive testing or to investigate concealed or unknown conditions. In the event documentation or information furnished by the Owner is inaccurate or incomplete, any resulting damages, losses, and expenses, including the cost of the Architect's Additional Services, shall be borne by the Owner.
5. The Owner acknowledges that the requirements of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and other federal, state, and local accessibility laws, rules, codes, ordinances, and regulations will be subject to various and possibly contradictory interpretations. The Architect, therefore, will use its reasonable professional efforts and judgment to interpret applicable accessibility requirements in effect as of the date of completion of the design phase and as they apply to the Project. The Architect, however, cannot and does not warrant or guarantee that the Owner's Project will comply with all interpretations of the accessibility requirements and/or the requirements of other federal, state, and local laws, rules, codes, ordinances, and regulations as they apply to the Project.
6. Corporate Protection Clause: It is intended by the parties to this Agreement that the Architect's services in connection with the Project shall not subject the Architect's

BVH ARCHITECTURE

individual employees, officers, or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary contained herein, the Owner agrees that as the Owner's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against BVH Architecture, a Nebraska corporation, and not against any of the Architect's individual employees, officers or directors.

7. The Drawings, Specifications, and other documents, whether in hard copy or machine-readable form (CADD or disk), prepared by the Architect and marked with the copyright symbol for this project are instruments of the Architect's service for use solely with respect to this Project and, unless otherwise provided, the Architect shall be deemed the author of these documents and shall retain all copyright interests. This is to include all sketches and renderings, hand-drawn or computer-generated, and the use or reproduction of same for news releases or any other purposes is to be done only with the permission of and with credit given to the Architect.

After 100% Schematic Design, we understand that the City of Columbus will establish the final project budget based on the approved Schematic Design for the project. This key milestone will establish the project scope of work to be designed for construction in this phase of work. At this point in time, BVH and the City of Columbus will renegotiate the professional service fees from that point forward to align with the final scope of the project.

Thank you again for the opportunity to continue a wonderful working relationship. Upon approval, please return a signed copy of this proposal as a notice to proceed. Once received, we will draft an AIA B101 Agreement for review and execution. If you have any questions, please let me know.

Sincerely,
BVH Architecture

Accepted:
City of Columbus



Matt Smith, AIA
Principal

By: _____

Date: _____

Enclosure:
Exhibit A: BVH Billing Rates
Exhibit B: BVH Electronic Payment Information
Exhibit C: Schedule

BVH ARCHITECTURE

EXHIBIT A

BILLING RATES

Standard Hourly Rates

Senior Principal	\$305.00/hr
Principal	\$245.00/hr
Senior Project Manager	\$210.00/hr
Project Manager	\$195.00/hr
Senior Architect	\$175.00/hr
Senior Interior Designer	\$155.00/hr
Senior Administrative	\$155.00/hr
Architect	\$135.00/hr
Interior Designer	\$125.00/hr
Graphic Designer	\$115.00/hr
Designer	\$100.00/hr
Administrative	\$85.00/hr
Student Intern	\$75.00/hr

Consulting Engineers are billed at our invoice cost x 1.15.

These rates are in effect through December 31, 2024.

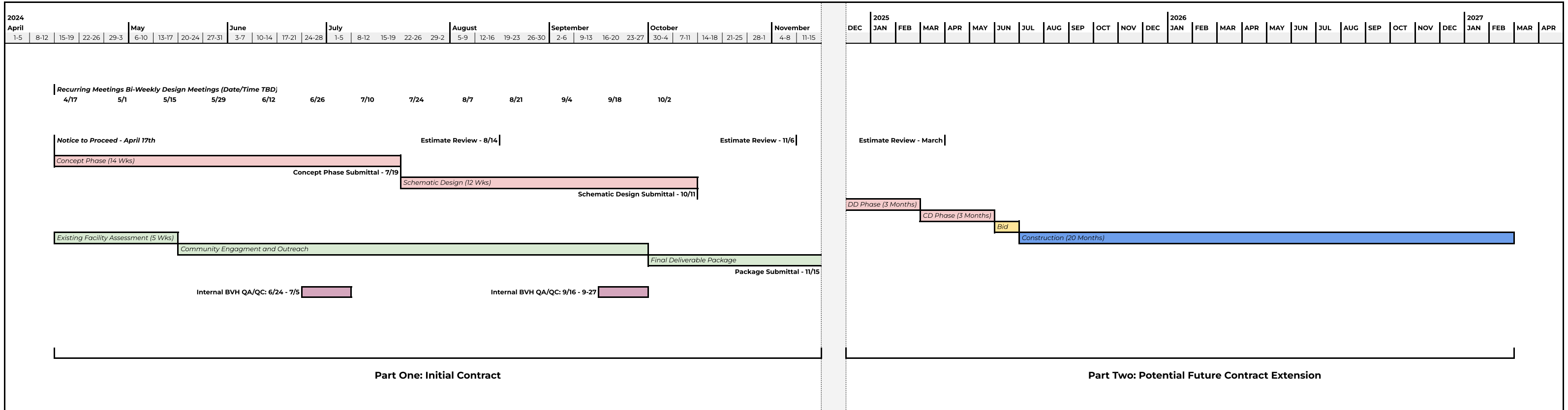
BVHARCHITECTURE

EXHIBIT B

ELECTRONIC PAYMENT INFORMATION

Address:	BVH Architecture 440 N. 8th St Ste 100 Lincoln NE 68508
Contact Person:	Meredith Daniels
Phone:	(402) 817-1880
Bank Name:	Union Bank & Trust Company
Routing Number:	104910795
Checking Account Number:	3795850
Federal ID Number:	47-0558032

Exhibit C



Project Columbus Memorial Stadium Project
 Client City of Columbus
 Date 03.08.2024



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*

Draft

RESOLUTION NO. R24-45

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.

WHEREAS, Resolution No. R23-168 approved the use of the design build delivery system for the Centennial Park Restroom and Concessions Building, and

WHEREAS, Bierman Contracting, Inc. was selected to provide design services and construction of the Centennial Park Restroom and Concession Building in accordance with the city design build policy, and

WHEREAS, the guarantee maximum price, substantial complete date, and final complete date will be provided in a future amendment.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that a 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 which is attached hereto and incorporated herein by this reference, is approved and ratified and the mayor is hereby authorized, directed and empowered to execute the same on behalf of the City of Columbus, Nebraska.

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: April 10, 2024
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Centennial Park Restroom and Concession Building Agreement between Owner and Design-Builder

RECOMMENDATION:

I recommend approval of the agreement between Owner and Design-Builder with Bierman Contracting for design phase services for the Centennial Park Restroom and Concession Building

DISCUSSION:

The City Design-Build policy selection was followed with the selection committee choosing Bierman Contracting.

The Agreement is for design phase services to begin field work, concept layout, and preliminary and final design services. Services include preparing plans for a restroom and concession building, site work, and related work. The location of the building is in accordance with the Centennial Park Master Plan.

The project is the design-build delivery method and the cost of this agreement will be included in a future guaranteed maximum price.

FISCAL IMPACT:

Lump sum \$20,000 which is Part of 2023-2024 budget CIP 24-030 in the amount of \$400,000. The project is anticipated to go into next fiscal year and funds in that included in the 2024-2025 budget.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Betsy Eckhardt

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

AIA[®] Document B143[®] – 2014

Standard Form of Agreement Between Design-Builder and Architect

AGREEMENT made as of the Ninth day of April in the year Two Thousand Twenty-Four
(In words, indicate day, month and year.)

BETWEEN the Design-Builder:
(Name, legal status, address and other information)

Bierman Contracting, Inc.
P.O. Box 1887
2560 E. 29th Avenue
Columbus, NE 68601

and the Architect:
(Name, legal status, address and other information)

TSP, Inc.
1601 Mt. Rushmore Rd.
Ste 3, PMB 286
Rapid City, SD 57701

The Design-Builder has entered into the Design-Build Contract with the Owner dated:
TBD

for the following Project:
(Name, location and detailed description)

Centennial Park Restroom and Concessions
City of Columbus

The Owner:
(Name, legal status and address)

City of Columbus
2424 14th Street
Columbus, NE 68602

The Design-Builder and Architect agree as follows:

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

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

TABLE OF ARTICLES

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7 COPYRIGHTS AND LICENSES
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ARTICLE 1 INITIAL INFORMATION

§ 1.1 This Agreement is based on the Initial Information set forth in this Article 1.

(Note the disposition for the following items by inserting the requested information or a statement such as "not applicable" or "unknown at time of execution.")

§ 1.2 Definitions

§ 1.2.1 Unless otherwise specifically defined in this Agreement, terms in this Agreement shall have the same meaning as those in AIA Document A142™-2014 Exhibit A, Terms and Conditions. If multiple prime contractors are used, the term "Contractor" as referred to throughout this Agreement will be as if plural in number when applicable and the term "Work" shall include the construction and services required to fulfill the obligations of all Contractors for the Architect's Portion of the Project.

§ 1.2.2 Project. As used in this Agreement, the term Project means the Design-Builder's Work as identified in the Design-Build Contract.

§ 1.3 Architect's Portion of the Project. The Architect's Portion of the Project consists of the following:

(Fully describe the portion of the Project for which the Architect shall provide the services set forth in this Agreement.)

Architectural, structural, mechanical, and electrical engineering services including limited construction administration and pay app reviews.

§ 1.4 Project Information

§ 1.4.1 The Owner's Criteria for the Project:

(Identify documentation or reference an exhibit that sets forth the Owner's Criteria for the Project.)

Updated building layout drawings provided in Addendum No. 1 dated 1/5/2024

§ 1.4.2 Information relevant to the Architect's Portion of the Project, if not otherwise included in the Owner's Criteria set forth in Section 1.4.1:

§ 1.4.3 The Project's physical characteristics:

(Identify or describe, if appropriate, size, location, dimensions, or other pertinent information, such as geotechnical reports; site, boundary and topographic surveys; traffic and utility studies; availability of public and private utilities and services; legal description of the site; etc.)

Building size will be approximately 32 ft x 88 ft with 17 ft canopy at the OHD concession window. Coordination for both a new and existing transformer is required. CMU walls, concrete floor, wood trusses, metal soffits, gutters and downspouts, and ceilings at 9'-4".

§ 1.4.4 The Design-Builder's budget information is as follows:

- .1 The amount of the Design-Builder's budget for the Cost of the Work for the Architect's Portion of the Project, as defined in Section 6.1, is Four Hundred Thousand Dollars (\$ 400,000).

§ 1.4.5 The anticipated design and construction milestone dates for the Architect's Portion of the Project:

.1 Design milestone dates:

Spring, 2024

.2 Submission of Design-Builder's Proposal:

Spring, 2024

.3 Commencement of construction:

Spring, 2024

.4 Phased completion dates:

TBD

.5 Substantial Completion date:

2024

.6 Other milestone dates:

TBD

§ 1.4.6 The Design-Builder's other scheduling information relevant to the Architect's Portion of the Project, if any:

None

§ 1.4.7 The Design-Builder's construction procurement method(s) for the Project is as follows:

(Identify procurement method or methods, such as competitive bid, negotiated contract, multiple prime contractors, construction management, or to be performed with the Design-Builder's own forces. If more than one procurement method will be utilized, for each method identify the portion of the Work to which the procurement method applies.)

Performed with the Design-Builder's own forces with specialties competitively bid.

§ 1.4.8 The Owner's anticipated Sustainable Objective for the Project, if any:

(Identify the Owner's Sustainable Objective for the Project such as Sustainability Certification, benefit to the environment, enhancement to the health and well-being of building occupants, or improvement of energy efficiency.)

None

§ 1.4.8.1 If the parties identify a Sustainable Objective, the terms related to the Sustainable Objective shall have the same meaning as those set forth in AIA Document A141™-2014 Exhibit C, Sustainable Projects.

§ 1.4.9 Incentive programs the Owner intends to pursue, including those related to the Sustainable Objective, and any deadlines for receiving the incentives that are dependent on or related to the Architect's services, are as follows:
(Identify incentive programs and deadlines for submitting or applying for the incentive program.)

None

§ 1.5 Project Team

§ 1.5.1 The Design-Builder identifies the following representative in accordance with Section 5.4:
(List name, address and other information.)

Troy Hiemer and Mark Bierman
Bierman Contracting, Inc.
P.O. Box 1887
2560 E. 29th Avenue
Columbus, NE 68601
(402) 564-4749
troy.hiemer@bierman-inc.com
mark.bierman@bierman-inc.com

§ 1.5.2 The Design-Builder will retain the following consultants and contractors:
(List any consultants or contractors retained by the Design-Builder, such as a cost consultant, scheduling consultant, project or program manager, or construction contractor. List discipline and, if known, identify them by name and address.)

TBD

§ 1.5.3 The Architect identifies the following representative in accordance with Section 2.3:
(List name, address and other information.)

Brent Schulz, AIA
152 S. 167th St.
Omaha, NE 68118
(402) 681-8172
schulzbw@teamtsp.com

§ 1.5.4 The Architect shall retain the following consultants under Basic Services described in Article 3.
(List discipline and, if known, identify them by name, legal status, address and other information.)

.1 Structural Engineer

Lucas Lorenzen, PE
TSP, Inc.
1112 N W Ave.
Sioux Falls, SD 57104
(605) 575-1190
lorenzenll@teamtsp.com

.2 Mechanical Engineer

Init.

Chris Maks, PE
1601 Mt. Rushmore Rd.
Ste 3, PMB 286
Rapid City, SD 57701
(605) 791-6902
maksh@teamtsp.com

.3 Electrical Engineer

Kelli Osterloo, PE
1601 Mt. Rushmore Rd.
Ste 3, PMB 286
Rapid City, SD 57701
(605) 791-6923
osterlooka@teamtsp.com

.4 Other, if any:

§ 1.5.5 The Design-Builder's consultants and separate contractors are as follows:
(List name, address, discipline, specialty or trade and other information.)

§ 1.5.6 The persons or entities, if any, other than the Design-Builder's representatives, who are required to review the Architect's Instruments of Service are as follows:
(List name, address and other information.)

§ 1.5.7 Other Initial Information on which the Agreement is based:
(Provide other Initial Information.)

§ 1.6 If the Design-Builder and Architect intend to transmit Instruments of Service or any other information or documentation in digital form, they shall endeavor to establish necessary protocols governing such transmissions.

§ 1.7 The Design-Builder and Architect may rely on the Initial Information. Both parties, however, recognize that such information may materially change and, in that event, the Design-Builder and the Architect shall appropriately adjust the schedule, the Architect's services and the Architect's compensation.

ARTICLE 2 ARCHITECT'S RESPONSIBILITIES

§ 2.1 The Architect shall provide the professional services as set forth in this Agreement. Except as set forth herein, the Architect shall not have any duties or responsibilities for any other portion of the Project.

§ 2.2 The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

§ 2.3 The Architect shall identify a representative authorized to act on behalf of the Architect with respect to the Project.

§ 2.4 Services of the Architect and the Architect's consultants shall be performed in the sole interest, and for the exclusive benefit, of the Design-Builder.

Init.

§ 2.5 Except with the Design-Builder's knowledge and consent, the Architect shall not engage in any activity, or accept any employment, interest or contribution that would create a conflict of interest with respect to this Project.

§ 2.6 The Architect shall have access to the Project whenever it is in preparation or progress.

§ 2.7 **Certifications.** Upon the Design-Builder's written request, the Architect shall execute certifications and furnish certifications executed by its consultants, with respect to the documents and services provided under this Agreement (a) that, to the best of the Architect's or consultant's knowledge, information and belief, the documents or services to which the certifications relate (i) are consistent with the Design-Build Documents, except to the extent specifically identified in the certificate, and (ii) comply with applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities governing the design of the Project; and (b) that the Owner and its consultants shall be entitled to rely upon the accuracy of the representations and statements contained in the certifications. The Architect and its consultants shall not be required to execute certificates or consents that would require knowledge, services or responsibilities beyond the scope of their services.

§ 2.8 **Insurance.** The Architect shall maintain the following insurance for the duration of this Agreement. If any of the requirements set forth below exceed the types and limits the Architect normally maintains, the Design-Builder shall reimburse the Architect for any additional cost as set forth in Section 11.8.3.

§ 2.8.1 Commercial General Liability per attached certificate of insurance.

§ 2.8.2 Automobile Liability per attached certificate of insurance.

§ 2.8.3 The Architect may achieve the required limits and coverage for Commercial General Liability and Automobile Liability through a combination of primary and excess liability insurance, provided such primary and excess insurance policies result in the same or greater coverage as those required under Sections 2.8.1 and 2.8.2.

§ 2.8.4 Workers' Compensation at statutory limits and Employers' Liability per attached certificate of insurance.

§ 2.8.5 Professional Liability per attached certificate of insurance.

(Paragraphs deleted)

§ 2.8.5.1 To the fullest extent permitted by law, and notwithstanding any other provision of this agreement, the total liability, in the aggregate, of the Architect and Architect's officers, directors, partners, employees, agents, and Architect's Consultants, and any of them, to the Owner and anyone claiming by, through, or under Owner for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to the Project or Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability or breach of contract, or warranty express or implied of Architect or Architect's officers, directors, partners, employees, agents, or the Architect's Consultants, or any of them, shall not exceed the total compensation received by the Architect under this agreement.

ARTICLE 3 ARCHITECT'S BASIC SERVICES

§ 3.1 General Services

§ 3.1.1 Basic Services the Architect and its consultants shall provide are set forth in this Article 3. Services not included in this Article 3 are Additional Services.

§ 3.1.2 As soon as practicable after the date of this Agreement, the Architect shall submit for the Design-Builder's approval a schedule for the Architect's services. The schedule shall be consistent with the time periods established in the Initial Information set forth in Article 1. The schedule shall include milestone dates for decisions required of the Design-Builder with regard to the Architect's Portion of the Project and allowances for periods of time required for the Owner's and Design-Builder's review, for the performance of the Owner's and Design-Builder's consultants and, if applicable, for approval of submissions by authorities having jurisdiction over the Project. Once approved by the Design-Builder, the Architect and Design-Builder shall not exceed time limits established by this schedule without reasonable cause. With the Design-Builder's approval, the Architect shall adjust the schedule, if necessary, as the Project proceeds until the commencement of construction.

§ 3.1.3 The Architect shall review the information furnished by the Design-Builder and notify the Design-Builder of any other information or services that may be reasonably required for the Architect's Portion of the Project.

§ 3.1.4 The Architect shall coordinate its services with those services provided by the Design-Builder and the Design-Builder's consultants and contractors. The Architect shall be entitled to rely on the accuracy and completeness of services and information furnished by the Design-Builder and the Design-Builder's consultants and contractors. The Architect shall provide prompt written notice to the Design-Builder if the Architect becomes aware of any errors, omissions or inconsistencies in such services or information.

§ 3.1.5 The Architect shall review laws, codes, and regulations applicable to the Architect's services. The Architect shall respond in the design of the Architect's Portion of the Project to requirements imposed by governmental authorities having jurisdiction over the Project.

§ 3.1.6 The Architect shall assist the Design-Builder with the evaluation of alternative materials, building systems and equipment, together with other considerations based on the Owner's Criteria, the Project budget, and aesthetics, in developing the design for the Architect's Portion of the Project.

§ 3.1.7 Unless otherwise provided in this Agreement, the Architect and Architect's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials or toxic substances in any form at the Project site.

§ 3.1.8 The Architect shall not be responsible for any modifications the Design-Builder makes to Instruments of Service, or any other documents or data, prepared by the Architect or the Architect's consultants, unless the Architect provides written approval of such modifications.

§ 3.1.9 The Architect shall have authority to act on behalf of the Design-Builder only to the extent provided in this Agreement. The Architect shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work related to the Architect's Portion of the Project. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of, and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work related to the Architect's Portion of the Project.

§ 3.1.10 If the Architect is to review Shop Drawings and other submittals related to the Architect's Portion of the Project, designed or certified by a design professional other than a design professional retained by the Architect, the Design-Builder shall require that the submittals bear such other design professional's seal and signature when submitted to the Architect. The Architect shall be entitled to rely upon the adequacy, accuracy and completeness of the services, certifications or approvals provided by such other design professionals.

§ 3.1.11 The Architect shall notify the Design-Builder in a timely manner if the Architect substitutes any of the consultants identified by the Architect in the Initial Information or adds any other consultants for the Project.

§ 3.1.12 Except when direct communications have been specially authorized, the Architect shall endeavor to communicate with the Owner and its consultants and separate contractors through the Design-Builder about matters arising out of or relating to the Architect's Portion of the Project. Communications by and with the Architect's consultants shall be through the Architect. Communications by and with the Contractor and material suppliers shall be through the Design-Builder.

§ 3.2 Design Services

The Architect shall provide only those Design Services listed in this Section 3.2 that are designated by a check or "X" in the adjacent box.

(Designate the services the Architect shall provide by placing a check or "X" in the box adjacent to the listed service. Insert quantities where requested and, if necessary, provide expanded or modified descriptions of the designated services in Section 3.6.)

§ 3.2.1 Multi-Discipline Coordination. Coordinate services provided by the Owner, the Owner's consultants, the
--

	Design-Builder and the Design-Builder's consultants and contractors as they relate to the Architect's Portion of the Project.
	<p>§ 3.2.2 Project Design Presentations. Make presentations to explain the design of the Project to the Owner, Design-Builder, governmental authorities, or others.</p> <p>.1 Subject to Section 4.1.1.19, provide not more than () presentations over the duration of the Project.</p>
	<p>§ 3.2.3 Governmental Authorities Submissions. Assist the Design-Builder in connection with the Design-Builder's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.</p> <p>.1 Subject to Section 4.1.1.20, provide not more than () submissions over the duration of the Project.</p>
	<p>§ 3.2.4 Estimates of the Cost of the Work for the Architect's Portion of the Project. Prepare an estimate of the Cost of the Work, as that term is defined in Section 6.1, based on current area, volume or similar conceptual estimating techniques. As the design progresses through the preparation of the Construction Documents, periodically update the estimate of the Cost of the Work.</p>
X	<p>§ 3.2.5 The Architect shall attend meetings with the Design-Builder and Owner to discuss and review the Owner's Criteria.</p>
	<p>§ 3.2.6 The Architect shall provide to the Design-Builder a preliminary evaluation of the Owner's Criteria as it relates to the Architect's Portion of the Project. The preliminary evaluation shall discuss possible alternative approaches to design and construction and include the Architect's recommendations, if any, with regard to accelerated or fast-track scheduling, procurement, or phased construction. The preliminary evaluation shall consider cost information, constructability, and procurement and construction scheduling issues.</p>
	<p>§ 3.2.7 After the Architect reviews the preliminary evaluation with the Design-Builder, the Architect shall provide a written report to the Design-Builder, summarizing the Architect's understanding of the Owner's Criteria as it relates to the Architect's Portion of the Project. The report shall include</p> <ol style="list-style-type: none"> .1 allocations of program functions, detailing each function and their square foot areas; .2 if necessary, recommendations to adjust the Owner's Criteria to conform to the Owner's budget; .3 a preliminary schedule, conforming to the Owner's schedule, which shall include proposed design milestones; dates for receiving additional information from, or for work to be completed by, the Owner; anticipated date for the Design-Builder's Proposal; and periodic design review sessions with the Owner; and .4 other, if any;
	<p>§ 3.2.8 Preliminary Design. Upon the Design-Builder's issuance of a written notice to proceed, the Architect shall prepare and submit a Preliminary Design to the Design-Builder for the Architect's Portion of the Project. The Preliminary Design shall include a report identifying any deviations from the Owner's Criteria, or any other aspects of the Initial Information, and consist of drawings and other documents including, the following:</p> <ol style="list-style-type: none"> .1 Confirmation of the allocations of program functions; .2 A site plan; .3 Concept design, in diagrammatic form, allocating the functions and areas; .4 Preliminary building plans, sections and elevations; and may include some combination of study models, perspective sketches, or digital modeling; .5 Structural system; .6 Selections of major building systems, including but not limited to mechanical, electrical and plumbing systems; and .7 Outline specifications or sufficient drawing notes describing construction materials.
	<p>§ 3.2.9 Design-Builder's Proposal. The Architect shall assist the Design-Builder, as set forth below, in preparing or revising the Design-Builder's Proposal with respect to the Architect's Portion of the Project, including necessary revisions to the Preliminary Design:</p> <p><i>(Set forth any specific requirements of, or limits on, the services to be provided under this Section 3.2.9.)</i></p>

X	<p>§ 3.2.10 Construction Documents. Upon the Design-Builder's written notice to proceed, the Architect shall further develop the design in accordance with the Design-Build Amendment to the Design-Build Contract, as necessary, and prepare Construction Documents for the Architect's Portion of the Project. The Construction Documents shall set forth in detail the requirements for construction of the Architect's Portion of the Project. The Construction Documents shall include drawings and specifications that establish the quality levels of materials, systems and performance criteria required. Construction Documents may include Drawings, Specifications, and other documents and electronic data setting forth in detail the requirements for construction of the Work, and shall be consistent with the Design-Build Documents, including the Design-Build Amendment.</p>
	<p>§ 3.2.11 Other Design Services: <i>(List and describe any other Design Services the Architect and its consultants shall provide.)</i></p>

§ 3.3 Construction Procurement Services

The Architect shall provide only those Construction Procurement Services listed in this Section 3.3 that are designated by a check or "X" in the adjacent box.

(Designate the services the Architect shall provide by placing a check or "X" in the box adjacent to the listed service. Insert quantities where requested and, if necessary, provide expanded or modified descriptions of the designated services in Section 3.6.)

	<p>§ 3.3.1 Bidding/Proposal Information. Assist the Design-Builder in preparing bidding and procurement information which describes the time, place and conditions of bidding; bidding or proposal forms; the form of agreement between the Design-Builder and the Contractor; and the General, Supplementary and other conditions of the Contract for Construction</p>
	<p>§ 3.3.2 Selection of Bidders/Proposers. Assist the Design-Builder in identifying contractors from whom bids or proposals will be solicited.</p>
	<p>§ 3.3.3 Bidding/Proposal Document Reproduction. Arrange for procuring the reproduction of documents for distribution. The Design-Builder shall pay directly for the cost of reproduction or shall reimburse the Architect for such expenses.</p>
	<p>§ 3.3.4 Bidding/Proposal Document Distribution. Distribute the documents and request their return upon completion of the bidding/proposal process; maintain a log of distribution and retrieval, and the amounts of deposits, if any, received from and returned to prospective bidders/proposers.</p>
	<p>§ 3.3.5 Substitutions. Review requests for substitutions, if permitted by the bidding/proposal documents; prepare and distribute addenda identifying approved substitutions to all prospective bidders/proposers.</p>
	<p>§ 3.3.6 Pre-Bid/Proposal Conference. Participate in, or at the Design-Builder's direction organize and conduct, a pre-bid conference for prospective bidders or pre-proposal conference for prospective proposers.</p>
X	<p>§ 3.3.7 Addenda. Prepare responses to questions from prospective bidders/proposers and provide clarifications and interpretations in the form of addenda.</p>
	<p>§ 3.3.8 Opening of Bids/Proposals. Participate in, or at the Design-Builder's direction, organize and conduct the opening of the bids/proposals. Document and distribute the results, as directed by the Design-Builder.</p>
	<p>§ 3.3.9 Bid/Proposal Evaluation. Assist the Design-Builder in bid validation or proposal evaluation and determination of the successful bid or proposal, if any. Notify all prospective bidders or contractors of the bid or proposal results.</p>
	<p>§ 3.3.10 Bid/Proposal Negotiations. Assist the Design-Builder during negotiations with selected prospective contractors and prepare a summary report of the negotiation results, as directed by the Design-Builder.</p>

§ 3.4 Construction Contract Administration Services

The Architect shall provide only those Construction Contract Administration Services listed in this Section 3.4 that are designated by a check or "X" in the adjacent box. Duties, responsibilities and limitations of authority of the Architect under this Section 3.4 shall not be restricted, modified or extended without written agreement of the Design-Builder and Architect. The Architect shall have authority to act on behalf of the Design-Builder only to the extent provided in this Agreement unless otherwise modified in writing. The Architect's responsibility to provide the Construction Contract Administration Services under this Agreement, except those provided under Section 3.4.10, Project Anniversary Review, shall coincide with the date of the first service provided in accordance with the Contract for Construction and shall terminate, subject to Section 4.1.1.15, sixty (60) days after (1) the date of Substantial Completion of the Work related to the Architect's Portion of the Project or (2) the anticipated date of Substantial Completion identified in the Initial Information, whichever is earlier.

(Designate the services the Architect shall provide by placing a check or "X" in the box adjacent to the listed service. Insert quantities where requested and, if necessary, provide expanded or modified descriptions of the designated services in Section 3.6.)

X	<p>§ 3.4.1 Requests for Information. Review properly prepared, timely requests by the Contractor for additional information about the Contract Documents relating to the Architect's Portion of the Project. A properly prepared request for additional information about the Contract Documents shall be in a form prepared or approved by the Architect and shall include a detailed written statement that indicates the specific drawings or specifications in need of clarification and the nature of the clarification requested. If deemed appropriate by the Architect, the Architect may, on the Design-Builder's behalf, prepare, reproduce and distribute supplemental drawings and specifications in response to requests for information by the Contractor.</p>
	<p>§ 3.4.2 Evaluations of the Work Related to the Architect's Portion of the Project. Visit the site on behalf of the Design-Builder at intervals appropriate to the stage of construction, or as otherwise agreed to by the Design-Builder and the Architect, to become generally familiar with the progress and quality of Work related to the Architect's Portion of the Project completed, and to determine in general if the Work related to the Architect's Portion of the Project is being performed in a manner indicating that Work related to the Architect's Portion of the Project, when completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of Work related to the Architect's Portion of the Project. On the basis of these site visits, the Architect shall keep the Design-Builder reasonably informed about the progress and quality of the portion of the Work related to the Architect's Portion of the Project completed, and report to the Design-Builder (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor (2) defects and deficiencies observed in the Work related to the Architect's Portion of the Project (3) recommendations for further inspection and testing of the Work, and (4) recommendations to reject the Work.</p> <p style="padding-left: 40px;">.1 Subject to Section 4.1.1.17, provide not more than Six (6) visits to the Project site by the Architect over the duration of the Project during construction.</p>
X	<p>§ 3.4.3 Review of Contractor's Applications for Payment. Based on evaluations of the Work related to the Architect's Portion of the Project as described in Section 3.4.2 and on the data comprising the Contractor's Application for Payment, review the Contractor's requests for amounts due and make recommendations to the Design-Builder indicating adjustments, if any, in such amounts due. Such recommendation for payment shall constitute a representation to the Design-Builder that, to the best of the Architect's knowledge, information and belief, the Work related to the Architect's Portion of the Project has progressed to the point indicated and the quality of the Work related to the Architect's Portion of the Project is in accordance with the Contract Documents. The foregoing representations are subject to (1) an evaluation of the Work related to the Architect's Portion of the Project for conformance with the Contract Documents upon Substantial Completion, (2) results of subsequent tests and inspections, (3) correction of minor deviations from the Contract Documents prior to completion, and (4) specific qualifications expressed by the Architect. The issuance of a recommendation for payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work related to the Architect's Portion of the Project, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Design-Builder to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum. The Architect shall maintain a record of the Contractor's Applications for Payment.</p>

X	<p>§ 3.4.4 Submittals. The Architect shall review and approve or take other appropriate action upon the Contractor's submittals such as Shop Drawings, product data and samples for the Work related to the Architect's Portion of the Project, for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Such action shall be taken subsequent to the Design-Builder's review and approval. The Architect's action in reviewing submittals shall be taken in accordance with a submittal schedule approved by the Architect and Design-Builder or, in the absence of an approved submittal schedule, with reasonable promptness, allowing sufficient time for adequate review. Review of such submittals is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities, or for substantiating instructions for installation or performance of equipment or systems. Review of submittals shall not constitute approval of safety precautions or of any construction means, methods, techniques, sequences or procedures. Approval of a specific item shall not indicate approval of an assembly of which the item is a component. As part of these services the Architect shall</p> <ol style="list-style-type: none"> .1 subject to Section 4.1.1.18, provide not more than () reviews of each Shop Drawing, product data item, sample and similar submittal of the Contractor; and .2 maintain a record of submittals and copies of submittals supplied by the Contractor relating to the Architect's Portion of the Project in accordance with the requirements of the Contract Documents.
	<p>§ 3.4.5 Review and Prepare Proposed Change Orders and Construction Change Directives. Review properly prepared, timely requests for changes in the Work related to the Architect's Portion of the Project, including adjustments to the Contract Sum or Contract Time. A properly prepared request for a change in the Work related to the Architect's Portion of the Project shall be accompanied by sufficient supporting data and information to permit a reasonable determination without extensive investigation or preparation of additional drawings or specifications. Prepare Change Orders and Construction Change Directives for the Design-Builder's approval and execution in accordance with the Contract Documents. Maintain records relative to changes relating to the Architect's Portion of the Project.</p>
	<p>§ 3.4.6 Minor Changes. Prepare orders for minor changes in the Work related to the Architect's Portion of the Project for issuance by the Design-Builder.</p>
	<p>§ 3.4.7 Project Completion. Conduct inspections of the Work related to the Architect's Portion of the Project to assist the Design-Builder in determining the date or dates of Substantial Completion and the date of final completion. Such inspections shall be conducted to check the Work related to the Architect's Portion of the Project for conformance with the requirements of the Contract Documents and to verify the accuracy and completeness of the list submitted by the Contractor to be completed or corrected.</p> <ol style="list-style-type: none"> .1 Subject to Section 4.1.1.21, provide not more than One (1) inspections for any portion of the Work related to the Architect's Portion of the Project to determine whether such portion is substantially complete in accordance with the requirements of the Contract Documents.
	<p>§ 3.4.8 Final Payment. Make recommendations to the Design-Builder, based on a final inspection of the Work related to the Architect's Portion of the Project, regarding the Contractor's satisfaction of the requirements for final payment.</p>
	<p>§ 3.4.9 Project Completion Documents. Receive from the Contractor and forward to the Design-Builder (1) consent of surety or sureties, if any, to reduction in or partial release of retainage or the making of final payment, and (2) affidavits, receipts, releases and waivers of liens or bonds indemnifying the Owner and Design-Builder against liens. Receive from the Contractor and forward to the Design-Builder for Design-Builder's review and records, written warranties and related documents required by the Contract Documents and assembled by the Contractor.</p>
	<p>§ 3.4.10 Project Anniversary Review. Prior to the expiration of one year from the date of Substantial Completion, meet with the Design-Builder and the Owner to review facility operations and performance and make appropriate recommendations to the Design-Builder.</p>

§ 3.5 Sustainability Services

(Paragraphs deleted)

- Paragraphs Omitted

(Table deleted)

Int.

§ 3.6 Description of Services

(In the space below, provide expanded or modified descriptions of the services designated above, or refer to an attachment to this document.)

§ 3.7 Other Services

§ 3.7.1 The Architect shall provide the listed services only if specifically designated in the table below as the Architect’s responsibility, and the Design-Builder shall compensate the Architect as provided in Section 11.2. *(Designate the services the Architect shall provide in the second column of the table below. In the third column indicate whether the service description is located in Section 3.7.2 or in an attached exhibit. If in an exhibit, identify the exhibit.)*

Services	Responsibility (Architect, Design-Builder or Not Provided)	Location of Service Description (Section 3.7.2 below or in an exhibit attached to this document and identified below)
§ 3.7.1.1 Programming (B202™–2009)	Not Provided	
§ 3.7.1.2 Multiple preliminary designs	Not Provided	
§ 3.7.1.3 Existing facilities surveys	Not Provided	
§ 3.7.1.4 Site Evaluation and Planning (B203™–2007)	Not Provided	
§ 3.7.1.5 Civil engineering	Not Provided	
§ 3.7.1.6 Landscape design	Not Provided	
§ 3.7.1.7 Architectural Interior Design (B252™–2007)	Not Provided	
§ 3.7.1.8 Value Analysis (B204™–2007)	Not Provided	
§ 3.7.1.9 Detailed cost estimating	Not Provided	
§ 3.7.1.10 On-site project representation (B207™–2008)	Not Provided	
§ 3.7.1.11 Conformed construction documents	Not Provided	
§ 3.7.1.12 As-designed Record Drawings	Not Provided	
§ 3.7.1.13 As-constructed Record Drawings	Not Provided	
§ 3.7.1.14 Post occupancy evaluation	Not Provided	
§ 3.7.1.15 Facility Support Services (B210™–2007)	Not Provided	
§ 3.7.1.16 Tenant-related services	Not Provided	
§ 3.7.1.17 Coordination of Design-Builder’s consultants	Not Provided	
§ 3.7.1.18 Telecommunications/data design	Not Provided	
§ 3.7.1.19 Security Evaluation and Planning (B206™–2007)	Not Provided	
§ 3.7.1.20 Commissioning (B211™–2007)	Not Provided	
§ 3.7.1.21 LEED® Certification (B214™–2012)	Not Provided	
§ 3.7.1.22 Fast-track design services	Not Provided	
§ 3.7.1.23 Historic Preservation (B205™–2007)	Not Provided	
§ 3.7.1.24 Furniture, Furnishings, and Equipment Design (B253™–2007)	Not Provided	

§ 3.7.2 Insert a description of each service designated in Section 3.7.1 as the Architect’s responsibility, if not further described in an exhibit attached to this document.

N/A

Init.

ARTICLE 4 ADDITIONAL SERVICES

§ 4.1 Additional Services may be provided after execution of this Agreement, without invalidating the Agreement. Except for services required due to the fault of the Architect, any Additional Services provided in accordance with this Article 4 shall entitle the Architect to compensation pursuant to Sections 11.3 and 11.4 as well as an appropriate adjustment in the schedule for the Architect's services provided in Section 3.1.2.

§ 4.1.1 Upon recognizing the need to perform the following Additional Services, the Architect shall notify the Design-Builder with reasonable promptness and explain the facts and circumstances giving rise to the need. The Architect shall not proceed to provide the following services until the Architect receives the Design-Builder's written authorization:

- .1 Services necessitated by a change in the Initial Information, previous instructions or approvals given by the Design-Builder, or a material change in the Architect's Portion of the Project including, but not limited to, size, quality, complexity, the Design-Builder's schedule or budget for Cost of the Work, or procurement or delivery method;
- .2 Changing or editing previously prepared Instruments of Service necessitated by the enactment or revision of codes, laws or regulations, or official interpretations;
- .3 Services necessitated by decisions of the Owner, Design-Builder, or others not rendered in a timely manner or any other failure of performance on the part of the Owner, Design-Builder, or any of their consultants or contractors;
- .4 Preparation of design and documentation for alternate bid or proposal requests proposed by the Design-Builder in addition to those required in Sections 1.4.7 and 3.3, if any;
- .5 Preparation for, and attendance at, a public presentation, meeting, or hearing;
- .6 Preparation for, and attendance at a dispute resolution proceeding or legal proceeding, except where the Architect is party thereto;
- .7 Making revisions in Drawings, Specifications, or other documents as required pursuant to Section 6.8, except where such excess is due to changes initiated by the Architect in scope, capacities of basic systems, or the kinds and quality of materials, finishes or equipment;
- .8 Consultation concerning replacement of Work resulting from fire or other cause during construction;
- .9 Assistance to the Design-Builder in rendering initial decisions on a Claim with the Contractor;
- .10 Reviewing a Contractor's submittal out of sequence from any submittal schedule approved by the Architect and Design-Builder;
- .11 Responding to the Design-Builder's or the Design-Builder's consultants' or contractors' requests for information that are not prepared in accordance with the Contract Documents or where such information is available to the Design-Builder or the Design-Builder's consultants or contractors from a careful study and comparison of the Contract Documents, field conditions, other Design-Builder-provided information, coordination drawings prepared by the Design-Builder or its consultants, or prior Project correspondence or documentation;
- .12 Preparing Change Orders and Construction Change Directives that require evaluation of proposals and supporting data from the Design-Builder's consultants or contractors, or the preparation or revision of Instruments of Service;
- .13 Evaluating claims submitted by the Design-Builder's consultants, or others in connection with the Work;
- .14 Evaluating substitutions proposed by the Design-Builder or Contractor and making subsequent revisions to Instruments of Service resulting therefrom;
- .15 To the extent the Architect's Basic Services are affected, providing Construction Phase Services 60 days after (1) the date of Substantial Completion of the Work related to the Architect's Portion of the Project or (2) the anticipated date of Substantial Completion identified in the Initial Information, whichever is earlier;
- .16 Evaluations related to portions of the Work other than the Work related to the Architect's Portion of the Project;
- .17 Visits to the Project site exceeding limits set forth in Section 3.4.2.1;
- .18 Reviews of each Shop Drawing, product data item, sample and similar submittal of the Contractor exceeding limits set forth in Section 3.4.4.1;
- .19 Design presentations exceeding the limits set forth in Section 3.2.2.1;
- .20 Submissions to governmental authorities exceeding the limits set forth in Section 3.2.3.1;
- .21 Inspections of any portion of the Work related to the Architect's Portion of the Project to determine whether such portion is substantially complete exceeding limits set forth in Section 3.4.7.1; and

- .22 Inspections for any portion of the Work related to the Architect's Portion of the Project to determine final completion exceeding limits set forth in Section 3.4.7.2.

§ 4.2 If the services covered by this Agreement have not been completed within Twelve (12) months of the date of this Agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as Additional Services.

ARTICLE 5 DESIGN-BUILDER'S RESPONSIBILITIES

§ 5.1 The Design-Builder shall provide available information in a timely manner regarding requirements for, and limitations on, the Architect's Portion of the Project, including a copy of the Owner's Criteria for the Project.

§ 5.2 Within seven days after receipt of the Architect's written request, the Design-Builder shall request information from the Owner as necessary and relevant for the Architect to evaluate, give notice of, or enforce lien rights. Within seven days of receipt of such information from the Owner, the Design-Builder shall furnish the information to the Architect.

§ 5.3 The Design-Builder shall periodically update the budget information set forth in Section 1.4.4. If the Owner or Design-Builder significantly increases or decreases the overall budget for the Project or the budget for the Cost of the Work for the Architect's Portion of the Project, the Design-Builder shall notify the Architect. The Design-Builder and the Architect shall thereafter agree to a corresponding change in the scope and quality of the Architect's Portion of the Project.

§ 5.4 The Design-Builder's representative, identified in Section 1.5.1 of the Initial Information, is authorized to act on the Design-Builder's behalf with respect to the Architect's Portion of the Project. The Design-Builder or its identified representative shall render decisions in a timely manner pertaining to documents submitted by the Architect in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services. The Design-Builder shall promptly notify the Architect in the event that the Design-Builder changes its representative.

§ 5.5 The Design-Builder shall furnish surveys to describe physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site.

§ 5.6 The Design-Builder shall furnish services of geotechnical engineers, which may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluation, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations.

§ 5.7 The Design-Builder shall furnish the services of consultants other than those designated in this Agreement, or authorize the Architect to furnish them as an Additional Service, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Architect's Portion of the Project. The Design-Builder shall coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Design-Builder shall furnish copies of the scope of services in the contracts between the Design-Builder and the Design-Builder's consultants.

§ 5.8 In contracts with its consultants, the Design-Builder shall require that the consultants' services, whether performed directly by a consultant or by its sub-consultants, shall be performed by qualified professionals, licensed as may be required by applicable law to perform such services in the jurisdiction where the Project is located. The Design-Builder shall require that its consultants maintain professional liability insurance as appropriate to the services provided.

§ 5.9 The Design-Builder shall notify the Architect in a timely manner if the Design-Builder substitutes any of the consultants identified in the Initial Information or adds any other consultants for the Project.

§ 5.10 The Design-Builder shall furnish to the Architect, in a timely manner, information necessary for the Architect to perform the Architect's Portion of the Project or that is necessary for inclusion in the Architect's Portion of the Project, including detailed layouts and specifications for materials and equipment furnished or designed by others, such as information regarding connections, sizes, loads and other information.

§ 5.11 The Design-Builder shall confer with the Architect before issuing interpretations or clarifications of documents prepared by the Architect. The Architect shall not be responsible for interpretations the Design-Builder issues that are not in conformance with the recommendations of the Architect.

§ 5.12 The Design-Builder shall advise the Architect of the identity of the Design-Builder's other consultants participating in the Project and the scope of their services.

§ 5.13 If the Architect reasonably requests information from investigations, surveys, tests, analyses and reports, or the services of other consultants not within the scope of the Architect's services, the Design-Builder shall furnish the information or services or request that the Owner furnish the information or services.

§ 5.14 The Design-Builder shall furnish tests, inspections and reports required by law or the Contract Documents, such as structural, mechanical, and chemical tests, tests for air and water pollution, and tests for hazardous materials.

§ 5.15 The Design-Builder shall furnish, or cause to be furnished, all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Design-Builder's needs and interests.

§ 5.16 The Design-Builder shall provide prompt written notice to the Architect if the Design-Builder becomes aware of any errors, omissions or inconsistencies in the services or information furnished by the Architect.

§ 5.17 The Design-Builder shall comply with legal and code requirements to the extent they affect the Architect's performance of this Agreement.

ARTICLE 6 COST OF THE WORK FOR THE ARCHITECT'S PORTION OF THE PROJECT

§ 6.1 For purposes of this Agreement, the Cost of the Work shall be the total cost to construct all elements of the Architect's Portion of the Project designed or specified by the Architect and shall include construction general conditions costs, overhead and profit. The Cost of the Work does not include the Design-Builder's fee, costs of tests, or evaluations and reports required for the execution of the Work, the compensation of the Architect, its consultants or any other design professionals on the Project, the costs of the land, rights-of-way, financing, contingencies for changes in the Work or other costs that are the responsibility of the Design-Builder or Owner.

§ 6.2 The Design-Builder's budget for the Cost of the Work is provided in the Initial Information, and may be adjusted throughout the Project as necessary.

§ 6.3 If the Architect is required to prepare estimates of the Cost of the Work under Section 3.2.4 or as otherwise mutually agreed in writing by the Design-Builder and Architect, such estimates represent the Architect's judgment as a design professional. It is recognized, however, that neither the Architect nor the Design-Builder has control over the cost of labor, materials or equipment; the methods of determining bid prices; or competitive bidding, market or negotiating conditions. Accordingly, the Architect cannot and does not warrant or represent that bids or negotiated prices will not vary from the Design-Builder's budget for the Project or from the Architect's estimate of the Cost of the Work.

§ 6.3.1 If the Architect is required to prepare estimates of the Cost of the Work under Section 3.2.4 or as otherwise mutually agreed in writing by the Design-Builder and Architect, the Architect shall be permitted to include contingencies for design, bidding and price escalation; to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents; to include recommended adjustments in the program and scope of the Architect's Portion of the Project; and to include in the Contract Documents alternate bids as may be necessary to adjust the estimated Cost of the Work to meet the Design-Builder's budget for the Cost of the Work. The Architect shall base its estimates on current area, volume or similar conceptual estimating techniques. If the Design-Builder requests detailed cost estimating services, the Architect shall provide such services as an Additional Service under Article 4.

§ 6.4 If the Architect is required to prepare estimates of the Cost of the Work under Section 3.2.4 of this Agreement or as otherwise mutually agreed in writing by the Design-Builder and Architect and if at any time up to receipt of bids or negotiated proposals the Architect's estimate of the Cost of the Work exceeds the Design-Builder's budget for the Cost of the Work, the Architect shall, upon the request of the Design-Builder, make appropriate recommendations to

the Design-Builder to adjust the Project's size, quality or budget for the Cost of the Work, and the Design-Builder shall cooperate with the Architect in making such adjustments.

§ 6.5 If the Design-Builder's contract with the Contractor for the Architect's Portion of the Project has not been executed within 90 days after the Architect submits the Construction Documents to the Design-Builder, through no fault of the Architect, the Design-Builder's budget for the Cost of the Work shall be adjusted to reflect changes in the general level of prices in the applicable construction market.

§ 6.6 If the Design-Builder's budget for the Cost of the Work is exceeded by the lowest bona fide bid(s) or negotiated proposal(s) for construction, the Design-Builder shall

- .1 give written approval of an increase in the budget for the Cost of the Work;
- .2 authorize rebidding or renegotiating of the Architect's Portion of the Project within a reasonable time;
- .3 terminate this Agreement in accordance with Section 9.5;
- .4 in consultation with the Architect, revise the program, scope, or quality as required to reduce the Cost of the Work; or
- .5 implement any other mutually acceptable alternative.

§ 6.7 If the Architect is obligated to provide estimating services under Section 3.2.4 of this Agreement or as otherwise mutually agreed in writing by the Design-Builder and Architect and the Design-Builder chooses to proceed under Section 6.6.4, the Architect, without additional compensation, shall modify the Construction Documents related to the Architect's Portion of the Project as necessary to comply with the Design-Builder's budget for the Cost of the Work. The Architect's modifications under this Section 6.7 shall be the limit of the Architect's responsibility under this Article 6.

§ 6.8 If the Architect is not obligated to provide estimating services, this Section 6.8 shall apply, and the Design-Builder shall provide estimates for the Cost of the Work. The Design-Builder shall include appropriate contingencies for design, bidding or negotiating, price escalation, and market conditions in estimates of the Cost of the Work. The Architect shall be entitled to rely on the accuracy and completeness of estimates of the Cost of the Work as the Architect progresses with its services. The Architect shall prepare, as an Additional Service pursuant to Section 4.1.1.7, revisions to the Drawings, Specifications or other documents as required to comply with the Design-Builder's budget for the Cost of the Work or due to inaccuracies or incompleteness in preparing cost estimates. The Architect may review the estimates solely for the Architect's guidance in completion of its services, however, the Architect shall report to the Design-Builder any material inaccuracies and inconsistencies noted during any such review.

ARTICLE 7 COPYRIGHTS AND LICENSES

§ 7.1 Drawings, specifications and other documents, including those in electronic form, prepared by the Design-Builder, its consultants and contractors, as well as the Architect and the Architect's consultants, are Instruments of Service.

§ 7.2 The Architect and Design-Builder warrant that in transmitting Instruments of Service or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project.

§ 7.3 Design-Builder's Instruments of Service

§ 7.3.1 The Design-Builder and its consultants and contractors shall be deemed the authors and owners of their respective Instruments of Service, including Drawings and Specifications, and will retain all common law, statutory and other reserved rights, including copyrights. The Architect and the Architect's consultants shall not own or claim a copyright in the Design-Builder's Instruments of Service. Submission or distribution to meet official regulatory requirements or for other purposes in connection with this Project is not to be construed as publication in derogation of the Design-Builder's or the consultants' reserved rights.

§ 7.3.2 The Architect and the Architect's consultants are authorized to use and reproduce the Design-Builder's Instruments of Service provided to them solely and exclusively for execution of the Architect's services under this Agreement. All copies made under this authorization shall bear the copyright notice, if any, shown on the Instruments of Service. The Architect may retain one record set. The Architect and the Architect's consultants may not use the Instruments of Service on other projects or for additions to this Project outside the scope of the Architect's Portion of

the Project without the specific written consent of the Design-Builder and the consultants and contractors that produced the Instruments of Service.

§ 7.4 Architect's Instruments of Service

§ 7.4.1 The Architect and the Architect's consultants shall be deemed authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

§ 7.4.2 Upon execution of this Agreement, the Architect grants to the Design-Builder a limited, irrevocable, and nonexclusive license to use the Architect's Instruments of Service solely and exclusively for purposes of constructing, using, maintaining, altering and adding to the Project, provided that the Design-Builder substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. The Architect shall obtain similar limited, irrevocable and nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this Section 7.4.2 permits the Design-Builder to authorize the Contractor, Subcontractors, Sub-subcontractors, and material or equipment suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service solely and exclusively for use in performing services or construction for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Section 9.4, the license granted in this Section 7.4.2 shall terminate, subject to the provisions of Section 7.4.5.

§ 7.4.3 In the event the Design-Builder terminates the Architect for cause pursuant to Section 9.4, the license provided in Section 7.4.2 shall terminate and be replaced by a second, limited, irrevocable and nonexclusive license permitting the Design-Builder to authorize other similarly credentialed design professionals to reproduce and, where permitted by law, to make changes, corrections or additions to the Instruments of Service for the purpose of constructing, using, maintaining, altering and adding to the Project.

§ 7.4.4 If the Design-Builder alters the Architect's or its consultant's Instruments of Service without the Architect's or its consultant's written authorization or in the event the Design-Builder uses the Instruments of Service without retaining the author of the Instruments of Service, the Design-Builder releases the Architect and Architect's consultants from all claims and causes of action arising from such uses. The Design-Builder, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Design-Builder's alteration or use of the Instruments of Service under this Section 7.4.4.

§ 7.4.5 If the agreement between the Owner and Design-Builder is terminated for any reason other than the default of the Owner, or if this Agreement is terminated for cause by the Architect pursuant to Section 9.4, the Architect shall convey and shall require its consultants to convey to the Owner a limited, irrevocable and nonexclusive license to use the Architect's Instruments of Service for the sole purpose of constructing, using, maintaining, altering and adding to the Project, conditioned upon (1) payment to the Architect of all amounts due to the Architect and the Architect's consultants, and (2) the Architect's receipt of the Owner's written notice to the Architect of the Owner's assumption of the Design-Builder's duties and obligations under this Agreement; or if the Owner fails to provide such written notice, (1) payment to the Architect of all amounts due to the Architect and the Architect's consultants, and (2) the Architect's receipt of the Owner's written agreement to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's alteration or use of the Instruments of Service. The Architect shall incorporate the requirements of this Section 7.4.5 in all agreements with its consultants.

§ 7.5 Except for the licenses granted in this Article 7, no other license or right shall be deemed granted or implied under this Agreement. Neither the Owner, nor the Design-Builder, shall assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's or Design-Builder's sole risk and without liability to the Architect and the Architect's consultants.

ARTICLE 8 CLAIMS AND DISPUTES

§ 8.1 General

§ 8.1.1 The Design-Builder and Architect shall commence all claims and causes of action, whether in contract, tort, or otherwise, against the other arising out of or related to this Agreement in accordance with the requirements of the method of binding dispute resolution selected in this Agreement within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Design-Builder and Architect waive all claims and causes of action not commenced in accordance with this Section 8.1.1.

§ 8.1.2 To the extent damages are covered by property insurance, the Design-Builder and Architect waive all rights against each other and against the contractors, consultants, agents and employees of the other for damages, except such rights as they may have to the proceeds of such insurance as set forth in AIA Document A141-2014. The Design-Builder or the Architect, as appropriate, shall require of the contractors, consultants, agents and employees of any of them similar waivers in favor of the other parties enumerated herein.

§ 8.1.3 The Architect and Design-Builder waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is also applicable, without limitation, to all consequential damages due to either party's termination of this Agreement, except as specifically provided in Section 9.7.

§ 8.2 Mediation and Binding Dispute Resolution

§ 8.2.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. If such matter relates to or is the subject of a lien arising out of the Architect's services, the Architect may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

§ 8.2.2 The Design-Builder and Architect shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of the Agreement. A request for mediation shall be made in writing, delivered to the other party to the Agreement, and filed with the person or entity administering the mediation. The request may be made concurrently with the filing of a complaint or other appropriate demand for binding dispute resolution but, in such event, mediation shall proceed in advance of binding dispute resolution proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order. If an arbitration proceeding is stayed pursuant to this Section 8.2.2, the parties may nonetheless proceed to the selection of the arbitrator(s) and agree upon a schedule for later proceedings.

§ 8.2.3 The parties shall pay the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

§ 8.2.4 If the parties do not resolve a dispute through mediation pursuant to this Section 8.2, the method of binding dispute resolution shall be the following:
(Check the appropriate box. If the Design-Builder and Architect do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, the dispute will be resolved in a court of competent jurisdiction.)

Arbitration pursuant to Section 8.3 of this Agreement

Litigation in a court of competent jurisdiction

Other: (Specify)

§ 8.3 Arbitration – Paragraphs Omitted

(Paragraphs deleted)

Init.

§ 8.3.4 Consolidation or Joinder – Paragraphs Omitted

(Paragraphs deleted)

ARTICLE 9 TERMINATION OR SUSPENSION

§ 9.1 If the Design-Builder fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Design-Builder before suspending services. In the event of a suspension of services, the Architect shall have no liability to the Design-Builder for delay or damage caused the Design-Builder because of such suspension of services. Before resuming services, the Architect shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.2 If the Project is suspended or the Design-Builder suspends the Architect's services, the Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Architect shall be compensated for expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.3 If the Project is suspended or the Architect's services are suspended for more than 90 cumulative days for reasons other than the fault of the Architect, the Architect may terminate this Agreement by giving not less than seven days' written notice.

§ 9.4 Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

§ 9.5 The Design-Builder may terminate this Agreement upon not less than seven days' written notice to the Architect for the Design-Builder's convenience and without cause.

§ 9.6 In the event of termination not the fault of the Architect, the Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due and all Termination Expenses as defined in Section 9.7.

§ 9.7 Termination Expenses are in addition to compensation for the Architect's services and include expenses directly attributable to termination for which the Architect is not otherwise compensated, plus an amount for the Architect's anticipated profit on the value of the services not performed by the Architect.

§ 9.8 The Design-Builder's rights to use the Architect's Instruments of Service in the event of a termination of this Agreement are set forth in Article 7 and Section 11.9.

ARTICLE 10 MISCELLANEOUS PROVISIONS

§ 10.1 This Agreement shall be governed by the law of the place where the Project is located, except that if the parties have selected arbitration as the method of binding dispute resolution, the Federal Arbitration Act shall govern Section 8.3.

§ 10.2 The Design-Builder and Architect, respectively, bind themselves, their agents, successors, assigns and legal representatives to this Agreement. Except as provided in Section 10.2.1, neither the Design-Builder nor the Architect shall assign this Agreement without the written consent of the other. In the event the Owner assigns the Design-Build Contract to an institutional lender providing financing for the Project, and the lender assumes the Owner's rights and obligations under the Agreement between the Owner and the Design-Builder, the Architect shall execute all reasonable consents facilitating such assignment, conditioned upon the Architect's receipt of all amounts due as provided in this Agreement.

§ 10.2.1 If the Owner terminates the Design-Build Contract, the Architect agrees to an assignment of this Agreement to the Owner upon receipt of written notification from the Owner that the Owner is accepting assignment of this Agreement and assuming the Design-Builder's rights and responsibilities. The Architect further agrees that upon such an assignment to the Owner, the Owner may further assign the agreement to a successor design-builder or other entity.

Init.

If the Owner assigns the agreement to a successor design-builder or other entity, the Owner shall nevertheless remain legally responsible for all of the successor design-builder's or other entities' obligations under this Agreement.

§ 10.3 If the Owner or Design-Builder requests the Architect to execute certificates, other than those required by Section 2.7, the proposed language of such certificates shall be submitted to the Architect for review at least 14 days prior to the requested dates of execution. If the Owner or Design-Builder requests the Architect to execute consents reasonably required to facilitate assignment to a lender, the Architect shall execute all such consents that are consistent with this Agreement, provided the proposed consent is submitted to the Architect for review at least 14 days prior to execution. The Architect shall not be required to execute certificates or consents that would require knowledge, services or responsibilities beyond the scope of this Agreement.

§ 10.4 Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Design-Builder or Architect.

§ 10.5 The Architect shall have the right to include photographic or artistic representations of the design of the Architect's Portion of the Project among the Architect's promotional and professional materials. The Architect shall be given reasonable access to the completed Project to make such representations. However, the Architect's materials shall not include the Owner's or Design-Builder's confidential or proprietary information if the Owner or Design-Builder has previously advised the Architect in writing of the specific information considered by the Owner or Design-Builder to be confidential or proprietary. The Design-Builder shall provide professional credit for the Architect in the Owner's promotional materials for the Project.

§ 10.6 If the Architect or Design-Builder receives information specifically designated as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except as set forth in Section 10.6.1.

§ 10.6.1 If the Architect or Design-Builder receives information specifically designated as "confidential" or "business proprietary," the receiving party may disclose such information as required by law or court order, including a subpoena or other form of compulsory legal process issued by a court or governmental entity. The Party receiving such information may also disclose it to its employees, consultants or contractors in order to perform services or work solely and exclusively for the Project, provided those employees, consultants and contractors are subject to the restrictions on the disclosure and use of such information as set forth in this Section 10.6.

ARTICLE 11 COMPENSATION

§ 11.1 For the Architect's Basic Services described under Sections 3.1 through Section 3.4, the Design-Builder shall compensate the Architect as follows:

(Insert amount of, or basis for, compensation for Architect's Services before and after execution of the Design-Build Amendment.)

The lump sum of Twenty Thousand Dollars (\$20,000) based on replicating the same building plans as were used on the Bradshaw Park project. Changes requested beyond what were included in the RFP will be billed as additional services and charged by the hour as per the attached hourly rate sheet.

§ 11.2 For Other Services designated in Section 3.7, the Design-Builder shall compensate the Architect as follows:
(Insert amount of, or basis for, compensation for Architect's Other Services before and after execution of the Design-Build Amendment. If necessary, list specific services to which particular methods of compensation apply.)

Lump sum or hourly negotiated if requested

§ 11.3 For Additional Services that may arise during the course of the Project, including those under Section 4.1, the Design-Builder shall compensate the Architect as follows:

(Insert amount of, or basis for, compensation for Architect's Additional Services before and after execution of the Design-Build Amendment.)

Lump sum or hourly negotiated when requested

§ 11.4 Compensation for Additional Services of the Architect's consultants when not included in Section 11.3, shall be the amount invoiced to the Architect plus percent (%), or as otherwise stated below:

N/A

§ 11.5 Where compensation for Basic Services identified in Sections 3.1 through 3.4, is based on a stipulated sum or percentage of the Cost of the Work, the compensation shall be paid in accordance with the following payment schedule:

(Rows deleted)

Professional Services:	one hundred	percent (100	%)
------------------------	-------------	-----------	-----	----

(Row deleted)

Total Basic Compensation:	one hundred	percent (100	%)
---------------------------	-------------	-----------	-----	----

§ 11.6 When compensation is based on a percentage of the Cost of the Work and any portions of the Work related to the Architect's Portion of the Project are deleted or otherwise not constructed, compensation for those portions shall be payable to the extent services are performed on those portions, in accordance with the schedule set forth in Section 11.5 based on (1) the lowest bona fide bid or negotiated proposal, or (2) if no such bid or proposal is received, the most recent estimate of the Cost of the Work. The Architect shall be entitled to compensation in accordance with this Agreement for all services performed whether or not the Work related to the Architect's Portion of the Project commenced.

§ 11.7 The hourly billing rates for services of the Architect and the Architect's consultants, if any, are set forth below. The rates shall be adjusted in accordance with the Architect's and Architect's consultants' normal review practices. *(If applicable, attach an exhibit of hourly billing rates or insert them below.)*

See attached rate sheet.

(Table deleted)

§ 11.8 Compensation for Reimbursable Expenses

§ 11.8.1 Reimbursable Expenses are

(Paragraphs deleted)

included in the lump sum fee. If reproductions of construction documents are requested they will be billed separately.

(Paragraphs deleted)

§ 11.9 Compensation for Use of Architect's Instruments of Service

If the Design-Builder terminates the Architect for its convenience under Section 9.5, or the Architect terminates this Agreement under Section 9.3, the Design-Builder shall pay a licensing fee as compensation for the Design-Builder's continued use of the Architect's Instruments of Service solely for purposes of completing, using and maintaining the Project as follows:

§ 11.10 Compensation for Sustainability Services

§ 11.10.1 For the Architect's Sustainability Services described under Section 3.5, if any, the Design-Builder shall compensate the Architect as follows:

(Insert amount of, or basis for, compensation.)

§ 11.10.2 Where compensation is based on a stipulated sum or percentage of the Cost of the Work, the Sustainability Services shall be compensated in accordance with the schedule set forth in Section 11.5 unless otherwise provided below:

(If different than Section 11.5, insert the compensation schedule for Sustainability Services based on a stipulated sum or percentage of the Cost of the Work.)

(Paragraphs deleted)

§ 11.11 Payments to the Architect

§ 11.11.1 An initial payment of Zero (\$ 0) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Design-Builder's account in the final invoice.

§ 11.11.2 Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid Forty-Five (45) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.

(Insert rate of monthly or annual interest agreed upon.)

1.5 % compounded monthly

§ 11.11.3 The Design-Builder shall not withhold amounts from the Architect's compensation to impose a penalty or liquidated damages on the Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work unless the Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.

§ 11.11.4 Records of Reimbursable Expenses, expenses pertaining to Additional Services, and services performed on the basis of hourly rates shall be available to the Design-Builder at mutually convenient times.

ARTICLE 12 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:

None

ARTICLE 13 SCOPE OF THE AGREEMENT

§ 13.1 This Agreement represents the entire and integrated agreement between the Design-Builder and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Design-Builder and Architect.

§ 13.2 This Agreement is comprised of the following documents:


- .1 AIA Document B143™-2014, Standard Form of Agreement Between the Design-Builder and Architect.
- .2 AIA Document E203™-2013, Building Information Modeling and Digital Data Exhibit, if completed, or the following:

AIA C106 Digital Data Licensing Agreement will be drafted if needed.

- .3 Other documents, as follows:
(List other documents, if any, forming part of the Agreement.)


TSP Certificate of Liability Insurance
2024 TSP Standard Billing Rates

This Agreement entered into as of the day and year first written above.



 DESIGN-BUILDER (Signature)
 John Bierman, President

 (Printed name and title)



 ARCHITECT (Signature)
 Mark Averett, AIA, Principal

 (Printed name and title)

Init.

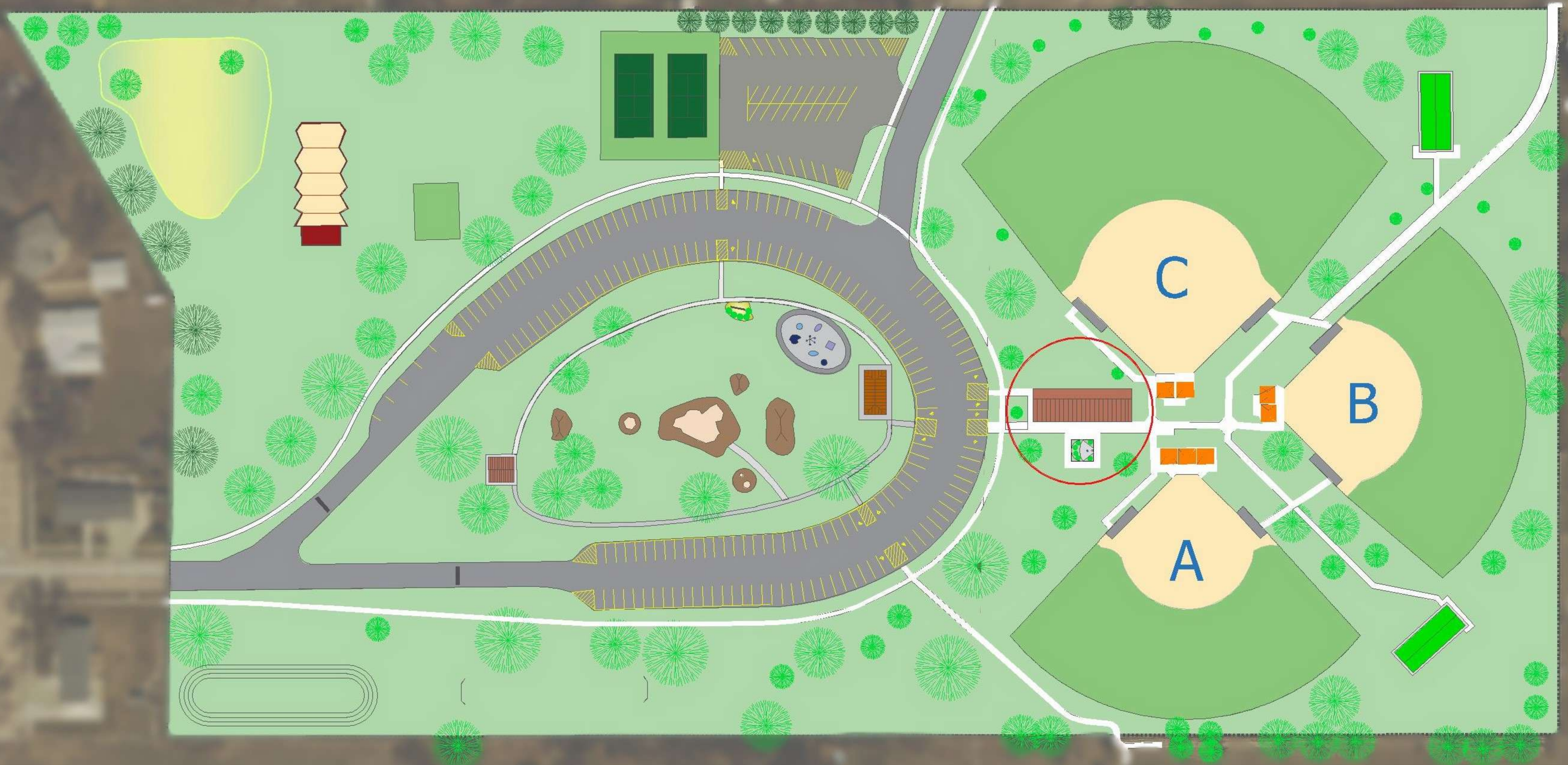


2024 TSP Standard Billing Rates

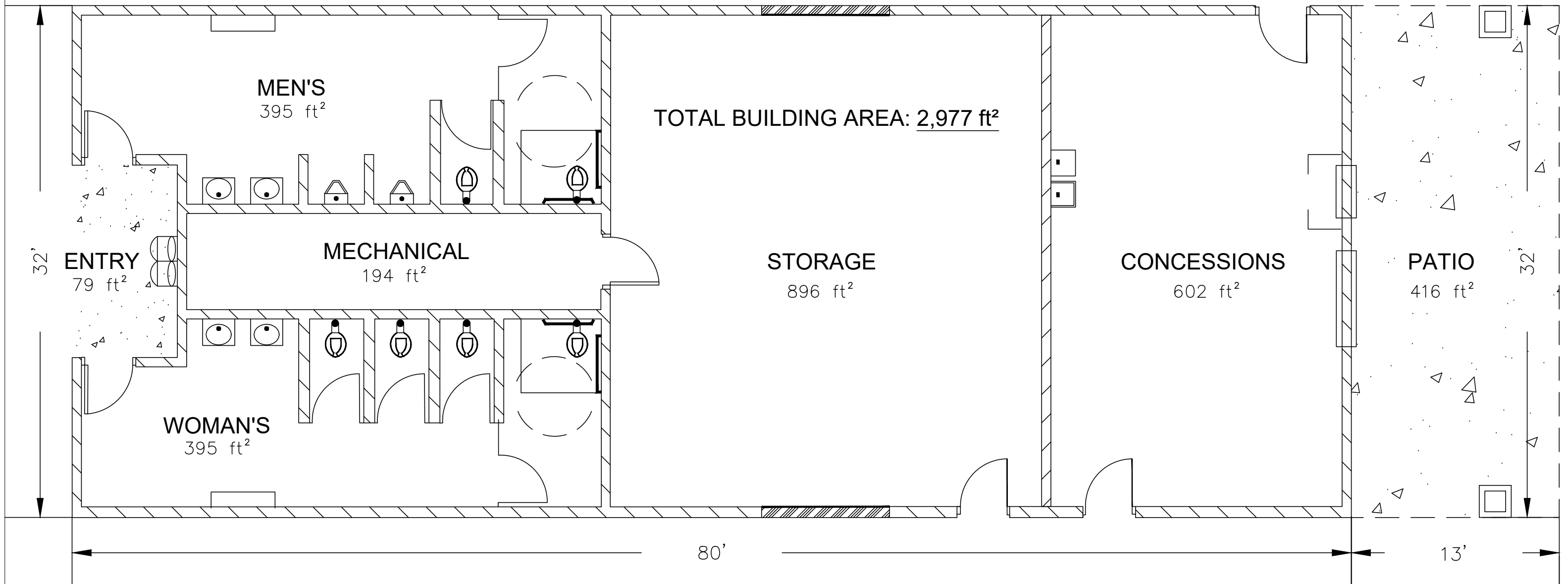
<u>Professional Labor Category</u>	<u>Rate</u>
Principal	\$240.00
Project Manager	\$190.00
Architectural Services – Experience Level IV	\$215.00
Architectural Services – Experience Level III	\$185.00
Architectural Services – Experience Level II	\$145.00
Architectural Services – Experience Level I	\$110.00
Mechanical Engineering Services – Experience Level IV	\$215.00
Mechanical Engineering Services – Experience Level III	\$185.00
Mechanical Engineering Services – Experience Level II	\$145.00
Mechanical Engineering Services – Experience Level I	\$120.00
Electrical Engineering Services – Experience Level IV	\$215.00
Electrical Engineering Services – Experience Level III	\$185.00
Electrical Engineering Services – Experience Level II	\$145.00
Electrical Engineering Services – Experience Level I	\$120.00
Structural Engineering Services – Experience Level IV	\$215.00
Structural Engineering Services – Experience Level III	\$185.00
Structural Engineering Services – Experience Level II	\$145.00
Structural Engineering Services – Experience Level I	\$120.00
Intern	\$ 55.00
Estimator	\$165.00
Project Administrative	\$130.00
Clerical	\$ 65.00

The above rates shall be adjusted in accordance with TSP's annual review practices.

EXHIBIT 2



Centennial Park Restroom, Storage, & Concession Building 2024



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*

Draft

RESOLUTION NO. R24-46

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH ALFRED BENESCH & COMPANY 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.

WHEREAS, the City selected Benesch through the standard selection process to provide sanitary sewer lift station on-call professional services; and

WHEREAS, the sanitary sewer lift station replacement project follows the public works department recommendation; and

WHEREAS, on-call engineering services for this project can be provided by Benesch as set out in the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that an agreement between owner and engineer for professional services with Benesch in an amount not to exceed \$69,109 for design and bidding phase services and geotechnical soils evaluation for Lift Station No. 15, Westbrook, 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 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: April 8, 2024
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Lift Station No. 15, Westbrook – Agreement between Owner and Engineer for Professional Services with Benesch

RECOMMENDATION:

I recommend approval of the Professional Services Agreement with Alfred Benesch & Company for design and bidding phase services and geotechnical soils evaluation for Lift Station No. 15, Westbrook.

DISCUSSION:

Benesch is the City’s selected on-call lift station design professional.

The agreement continues the model lift station design and construction phase services for sanitary sewer lift station No. 15 – Westbrook located on Howard Boulevard at approximately 51st Avenue. The system will be increased to service potential future expansion within the serviceable area. The location will be outside of the US Hwy 81 Nebraska Department of Transportation right-of-way. Property acquisition will be required and is not part of these services.

This lift station is the next on the Public Works Department list for replacements. The existing lift station is towards the end of its expected life cycle and needs replacement.

Design and bidding phases to be completed within this fiscal year. It is anticipated that construction will be part his fiscal year and into next fiscal year.

FISCAL IMPACT:

Amount not to exceed \$69,108. Part of 2023-2024 CIP 20-093 in the amount of \$450,000.

ALTERNATIVE:

Do not approve

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



Alfred Benesch & Company
825 "M" Street, Suite 100
Lincoln, NE 68508-2958
www.benesch.com
P 402-479-2200
F 402-479-2276

April 10, 2024

City of Columbus
Attn: Mr. Rick Bogus, City Engineer
2500 14th Street, Suite 3
Columbus, NE 68601

REFERENCE: Proposal for Design (Civil & Bidding) Services for Lift Station #15 Westbrook
Columbus, NE

Dear Mr. Bogus:

Alfred Benesch & Company (Benesch) is pleased to submit a proposal to the City of Columbus (Client) for Design (Civil and Bidding) services providing for this project. The project included the removal and relocation of Lift Station #15. We feel Benesch can bring an alternative design for lift station implementing newest technology that could result in construction savings. If additional services are needed (construction observation, staking and material testing) beyond this agreement, a supplemental agreement can be negotiated.

SCOPE OF SERVICES

Benesch has provided a scope of services for the design and bidding needs for this project. Benesch's scope of services and Fee Estimate can be found in Attachment A. Benesch's Schedule of Unit Rates is included in Attachment B.

FEE ESTIMATE

Benesch's team estimate of the amount of work involved in the civil design and bidding for this project would be a time and material fee with a lump sum amount of \$62,608.

TIME SCHEDULE

The time schedule can be found in Attachment A. The schedule is assuming an April 2024 Notice to Proceed followed by approximately 3-4 months or an agreed upon timeline.

EXECUTION OF CONTRACT

Terry A. Brown, P.E., will represent the Consultant as the Project Manager in the performance of this agreement. The Project Manager shall be responsible for directing and coordinating all the activities necessary to complete this project. No one else will be assigned to act in this capacity without the Client's prior written approval.

April 10, 2024
Page 2

The Consultant will provide all equipment and personnel necessary to do the tasks listed herein, except as otherwise provided. The Consultant shall be responsible for the quality, accuracy and coordination of the design, drawings, reports, surveys, and other items furnished as part of this agreement. As applicable, the Consultant will affix the seal(s) of registered Professional Engineer(s) licensed to practice in the State of Nebraska to the construction plans and technical specifications.

If this proposal and fee estimate are acceptable, please sign the enclosed contract for execution. Benesch appreciates having the opportunity to present this proposal. Please contact us at your convenience if any clarification or additional information is required.

Respectfully yours,

Terry A Brown

Terry A. Brown, PE
Senior Project Manager

Enclosure
P2411274.00
Benesch Proposal- Columbus Lift Station #15.doc



CONSULTING SERVICES AGREEMENT

CLIENT	City of Columbus	Project Name	Lift Station #15 Westbrook
Address	2500 14 th Street, Suite 3	removal and relocation	
	Columbus, NE 68601		
		Project Location	Columbus, NE
Telephone	402-562-4228		
Client Contact	Rick Bogus	Consultant PM	Terry Brown
Client Job No.		Consultant Job No.	00112011

This Agreement is made by and between City of Columbus, hereinafter called "Client," and Alfred Benesch & Company, hereinafter called "Consultant", for professional consulting services as specified herein. Consultant agrees to provide Client with requested consulting services more specifically described as follows (or shown in Attachment A):

The General Conditions and the following Attachments are hereby made a part of the Agreement:

- Attachment A: Scope of Services and Fee Estimate
 - Attachment B: Schedule of Unit Rates
 - Attachment C: _____
- or
- Exhibit A: Work Authorizations specifying Method of Payment, Scope, and Fee

By signing this Agreement, Client acknowledges that it has read and fully understands this Agreement and all attachments thereto. Client further agrees to pay Consultant for services described herein upon receipt of invoice by Client for the Consultant's estimated fee as described below:

- By Lump Sum: \$62,608.
- By Time and Materials: \$_____.
- By Other Payment Method (See Attachment _____): \$_____.
- As shown on serially numbered Work Authorizations Using Exhibit A

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement:

CLIENT

ALFRED BENESCH & COMPANY

BY: _____
AUTHORIZED REPRESENTATIVE

BY: Anthony Dirks
AUTHORIZED REPRESENTATIVE

PRINT NAME: _____

PRINT NAME: Anthony Dirks

TITLE: _____

TITLE: Senior Vice President

DATE: _____, 2024

DATE: April 11, 2024

BENESCH OFFICE: Lincoln

ADDRESS: 825 M Street, Suite 100

Lincoln, NE 68508

PLEASE SIGN AND RETURN ONE COPY TO ALFRED BENESCH & COMPANY (ADDRESS ABOVE).



STANDARD TERMS AND CONDITIONS

SECTION 1 – Services by Consultant

1.1 General

Consultant shall provide services under this Agreement only upon request of the Client, and only to the extent defined and required by the Client. These services may include the use of outside services, outside testing laboratories, and special equipment.

Attachments to this Agreement are as identified on the signature page to this Agreement or using serially numbered Work Authorizations, and with these GENERAL CONDITIONS, are all as attached hereto, and made a part of this Agreement.

1.2 Scope of Services and Fees

The services to be performed by Consultant and the associated fee are attached hereto and made a part of this Agreement or by using serially numbered Work Authorizations, all as identified on the signature page to this Agreement, and shall be performed by the Consultant in accordance with the Client's requirements. The Scope of Services and Fee Estimate (Attachment A) is valid for sixty (60) days, after which Consultant reserves the right to revise the Scope or Fee Estimate.

It is mutually understood that Consultant's fee is not a firm contractual amount, except the total fee by the Consultant shall not be exceeded unless authorized in writing by the Client. The intent of the Scope of Services is to identify the services to be provided by Consultant. However, it is specifically understood that by written notice to Consultant, Client can decrease or, with concurrence of Consultant, increase the Scope of Services.

SECTION 2 – Payments to Consultant

2.1 Method of Payment

Payment for Consultant's personnel services and direct expenses shall be based on the Method of Payment which is identified on the signature page to this Agreement or serially numbered Work Authorizations, attached hereto, and made a part of this Agreement.

2.2 Payment for Personnel Services

2.2.1 Payment

Payment for the services rendered by Consultant's personnel shall be based on the hours of chargeable time and in accordance with Consultant's Schedule of Unit Rates, which is identified on the signature page to this Agreement and attached hereto, and made a part of this Agreement.

2.2.2 Chargeable Time

Chargeable time for Consultant's personnel is that portion of their time devoted to providing services requested by Client. Chargeable time for field personnel located away from Consultant's office for more than one week is a minimum of eight hours per day and five days per calendar week, except for Consultant observed legal holidays or during an employee's sick leave or vacation time. Travel

time from Consultant's office to an assigned work site, and return to Consultant's office, is chargeable time; or if more economical for Client, Consultant shall lodge its personnel overnight near the work site in lieu of traveling back to Consultant's office at the end of each work day.

2.2.3 Overtime Rates

The basis for payment to Consultant for each hour worked in excess of forty (40) hours in any calendar week shall be the applicable hourly rate as specified in the Schedule of Unit Rates.

2.3 Payment for Direct Expenses

2.3.1 Payment

For Direct Expenses incurred by Consultant, payment to Consultant by the Client shall be in accordance with Consultant's Schedule of Unit Rates.

2.3.2 Direct Expenses

For the purposes of this Agreement, Direct Expenses to be contracted and managed by Consultant and payable by Client to Consultant shall include: Outside Services including the services and reimbursable expenses for firms other than Consultant which are necessary for the work the Consultant is directed to perform; Laboratory Tests and related reports necessary for the work the Consultant is directed to perform, either by the Consultant or by an outside service for the Consultant; Special Equipment expenses including the costs of the Consultant locating, acquiring, leasing, or renting any equipment or facilities not currently owned, leased, or rented by Consultant at the time of the request for services which are necessary to enable Consultant to provide the services requested; vehicles furnished by Consultant for Consultant's authorized travels and for Consultant's field personnel; Per Diem expense or actual costs of maintaining Consultant's field personnel on or near the Project site, for each day of field assignment away from Consultant's office; and Other Direct Expenses associated with all services provided hereunder and identified in the Schedule of Unit Rates.

2.4 Payment Conditions

2.4.1 Consultant shall submit monthly invoices for all personnel services and direct expenses under this Agreement and a final invoice upon completion of services.

2.4.2 Invoices are due and payable upon receipt by Client. Interest at a rate of 1.5% per month, or the maximum allowed by law, will be charged on all past due amounts starting thirty (30) days after date of invoice. Payments will first be credited to interest and then to principal.

2.4.3 In the event of a disputed or contested invoice, Client must provide written notice to Consultant within ten (10) days of the date of any invoice, otherwise the invoice will be considered to be correct. In the event Client timely submits in writing a dispute on a particular invoice, only that portion so contested will be withheld from payment and the Client will pay the undisputed portion. No interest will accrue on any reasonably contested portion of the invoice until mutually resolved.

2.4.4 If Client fails to make payment in full to Consultant of amounts owed pursuant to this Section 2 within forty-five (45) days of the date of the invoice, Consultant may, after giving seven (7) days' written notice to Client, suspend services under this Agreement until paid in full, including interest. Consultant shall have no liability to Client for delays or damages caused by such suspension of services. Client agrees to pay all costs of collection, including reasonable attorney's fees, incurred by Consultant as a result of Client's failure to make payments in accordance with this Agreement. No final plans, documents or reports will be released for any purpose until Consultant has been paid in full.

2.4.5 The billing rates specified in the Schedule of Unit Rates for subsequent years shall be adjusted annually in accordance with Consultant's costs of doing business, subject to Client's review and concurrence.

SECTION 3 - Term of Agreement

3.1 Term

Consultant's obligations to perform under this Agreement shall extend from the date of execution until terminated by either party.

3.2 Abandonment of Work

Client shall have the absolute right to abandon any work requested hereunder or to change the general scope of the work at any time, and such action on its part shall in no event be deemed a breach of contract.

3.3 Termination of Agreement

3.3.1 Termination with Cause

The obligation to provide further services under this Agreement may be terminated with cause by either party by written notice stating the basis for the termination and providing 7 days to cure. The termination will be effective seven (7) days after delivery of written notice thereof if the basis for the termination has not been cured. In the event of termination by Consultant caused by failure of the Client to perform in accordance with the terms of this Agreement, Client shall pay for all services performed prior to the effective date of the termination, including all project termination expenses, collection fees and legal expenses. Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination, and provide information and documents developed under the terms of this Agreement to the Client upon receipt of final payment. In the event of termination by the Client caused by failure by Consultant to perform in accordance with the terms of this Agreement, Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination and provide information and documents developed under the terms of this Agreement to the Client. Upon receipt of all other information and documents, Client shall pay Consultant for services performed prior to the effective date of the termination.

3.3.2 Termination without Cause

Either party may, at its sole discretion, terminate this

Agreement without cause at any time. In the event of such termination, the terminating party will promptly notify and confirm the termination in writing to the other party. The termination will be effective seven (7) days after delivery of written notice thereof. Upon termination, Consultant shall prepare a progress report, including information as to all the services performed by Consultant and the status of the services as of the date of the termination, and provide information and documents developed under the terms of this Agreement to the Client upon receipt of final payment.

3.4 Payment for Work Upon Abandonment or Agreement Termination

If Client abandons requested work or terminates this Agreement, Consultant shall be paid on the basis of work completed to the date of abandonment or effective date of termination. Consultant shall perform no activities other than reasonable wrap-up activities after receipt of notice of abandonment or termination. Payment for the work shall be as established under Section II.

SECTION 4 - General Considerations

4.1 Assignment and Responsibility for Personnel

4.1.1 The assignment of personnel and all phases of the undertaking of the services which Consultant shall provide hereunder shall be subject to the oversight and general guidance of Client.

4.1.2 While upon the premises of Client or property under its control, all employees, agents, and subconsultants of Consultant shall be subject to Client's rules and regulations respecting its property and the conduct of its employees thereon.

4.1.3 However, it is understood and agreed that in the performance of the work and obligations hereunder, Consultant shall be and remain an independent Consultant and that the employees, agents or subconsultants of Consultant shall not be considered employees of or subject to the direction and control of Client. Consultant shall be responsible for the supervision and performance of all subconsultants which are to perform hereunder.

4.2 Insurance

4.2.1 Consultant shall furnish Client a certificate of insurance upon request showing amounts and types of insurance carried by Consultant, which certificate shall contain a commitment by the Insurance Company that during the time any work is being performed by Consultant under this Agreement it will give Client notice of cancellation or non-renewal of the insurance coverage shown on such certificates in accordance with policy provisions.

4.2.2 Any construction contracts relative to Consultant's Services shall require that the Client and Consultant be included as additional insureds on the contractor's and contractor's subcontractors' commercial general liability and commercial automobile liability insurance policies and that the coverage afforded Client and Consultant is primary to any insurance maintained by Client or Consultant and that Client and Consultant's insurance is non-contributory with any coverage afforded by contractor and subcontractors. Client will also require contractor and all subcontractors to purchase and maintain workers' compensation and employer's liability insurance.

Consultant will name the Client as additional insured on Consultant's commercial general liability insurance.

4.3 Successors and Assigns

4.3.1 Client and Consultant each binds itself and its partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, executors, administrators, assigns, and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this Agreement.

4.3.2 Neither Consultant nor Client shall assign or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other party, except as stated in paragraph 4.3.1 and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Consultant from employing such independent consultants, associates, and subconsultants as it may deem appropriate to assist in the performance of services hereunder.

4.3.3 Nothing herein shall be construed to give any rights or benefits hereunder to any one other than Client and Consultant except as otherwise provided herein.

4.4 Compliance with Law

4.4.1 Consultant shall exercise the professional standard of care to comply with, and cause its subconsultants to comply with, applicable Federal, state, and local laws, orders, rules, and regulations in effect at the time services are rendered, and relating to the performance of the services Consultant is to perform under this Agreement. If the Scope of Services requires Consultant to prepare an application for a permit, Consultant does not represent or warrant that said permit or approval will be issued by any governmental body.

4.4.2 Neither the Consultant nor the Consultant's agents or employees shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement with respect to hiring, tenure, terms, conditions, or privileges of employment, because of race, color, religion, sex, or national origin.

4.5 Ownership and Reuse of Documents

4.5.1 All drawings, specifications, test reports, and other materials and work products which have been prepared or furnished by Client prior to this Agreement shall remain Client's property. Consultant shall be permitted to rely on Client furnished documents and Client shall make available to Consultant copies of these materials as necessary for the Consultant to perform the services requested hereunder.

4.5.2 All drawings, specifications, test reports, and other materials and work products, including computer aided drawings, designs, and other data filed on electronic media which will be prepared or furnished by Consultant (and Consultant's independent professional associates and subconsultants) under this Agreement, are instruments of

service in respect to the Project and Consultant shall retain an ownership and property interest therein whether or not the Project is completed. Client may make and retain copies for information and reference in connection with the use and the occupancy of the Project by Client and others; however, such documents are not intended or represented to be suitable for reuse by Client or others acting on behalf of Client on extensions of the Project or on any other project. Further, Consultant makes no warranty as to the compatibility of computer data files with computer software and software releases other than that used by Consultant in performing services herein, and to the condition or availability of the computer data after an acceptance period of thirty (30) days from delivery to Client. Any reuse without written verification or adaptation by Consultant for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to Consultant or to Consultant's independent professional associates or subconsultants, and Client shall indemnify and hold harmless Consultant and Consultant's independent professional associates and subconsultants from all claims, damages, losses, and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Consultant to further compensation at rates to be agreed upon by Client and Consultant.

4.6 Consultant's Personnel at Project Site

4.6.1 The presence or duties of the Consultant personnel at a Project site, whether as onsite representatives or otherwise, do not make the Consultant or its personnel in any way responsible for those duties that belong to the Client and/or the construction contractors or other entities, and do not relieve the construction contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the project documents and any health or safety precautions required by such construction work. The Consultant and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor or other entity or any other persons at the site except Consultant's own personnel.

4.6.2 To the extent Consultant's Scope of Work includes construction observation, the Consultant shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and report to the Owner (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor, and (2) defects and deficiencies observed in the Work. Consultant neither guarantees the performance of the contractor(s) nor assumes responsibility for contractor(s)' failure to perform their work in accordance with the project documents.

4.7 Opinions of Cost, Financial Considerations, and Schedules

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the Project, the Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions. Consultant's opinions of probable Total Project Costs and Construction Costs provided for herein as appropriate are made on the basis of Consultant's experience and qualifications and represent Consultant's judgments as an experienced and qualified professional consultant familiar with the construction industry. Consultant makes no warranty that the Client's actual Total Project or Construction Costs, financial aspects, economic feasibility, or schedules will not vary from the Consultant's opinions, analyses, projections, or estimates. If Client wishes greater assurance as to any element of the Total Project or Construction cost, feasibility, or schedule, Client will employ an independent cost estimator, contractor, or other appropriate advisor.

4.8 Discovery of Unanticipated Pollutant and Hazardous Substance Risks

4.8.1 If Consultant, while performing the services, discovers pollutants and/or hazardous substances that pose unanticipated risks, it is hereby agreed that the scope of services, schedule, and the estimated cost of Consultant's services will be reconsidered and that this Agreement shall immediately become subject to renegotiation or termination.

4.8.2 In the event that the Agreement is terminated because of the discovery of pollutants and/or hazardous substances posing unanticipated risks, it is agreed that Consultant shall be paid for its total charges for labor performed and reimbursable charges incurred to the date of termination of this Agreement, including, if necessary, any additional labor or reimbursable charges incurred in demobilizing.

4.8.3 Client also agrees that the discovery of unanticipated pollutants and/or hazardous substances may make it necessary for Consultant to take immediate measures to protect health and safety. Consultant agrees to notify Client as soon as practically possible should unanticipated pollutants and/or hazardous substances be suspected or encountered. Client authorizes Consultant to take measures that in Consultant's sole judgment are justified to preserve and protect the health and safety of Consultant's personnel and the public. Client agrees to compensate Consultant for the additional cost of taking such additional precautionary measures to protect employees' and the public's health and safety. This section is not intended to impose upon Consultant any duties or obligations other than those imposed by law.

SECTION 5 - Professional Responsibility

5.1 Performance of Services

Consultant shall perform its services consistent with the professional skill and care ordinarily provided by firms practicing in the same or similar locality under the same or similar circumstances (hereinafter the "Standard of Care").

Consultant expressly disclaims all express or implied warranties and guarantees with respect to the performance of professional services, and it is agreed that the quality of such services shall be judged solely as to whether the services were performed consistent with the Standard of Care. Consultant owes Client only that level of performance defined in this Section 5.1, and nothing herein shall be construed as creating a fiduciary relationship.

If at any time prior to construction Client believes Consultant's services are deficient due to not meeting the Standard of Care, Client must immediately inform Consultant in writing and shall afford Consultant the opportunity to correct such deficiency. If, upon review by Consultant it is determined there is a deficiency that fails to meet the standard of care and it is attributable to Consultant, the deficiency shall be corrected at no additional cost to Client.

5.2 Limitation of Liability

Client and Consultant agree to allocate certain of the risks so that, to the fullest extent permitted by law, Consultant's total liability to Client is limited to the amount paid under the contract or \$50,000 whichever is greater, this being the Client's sole and exclusive remedy for any and all injuries, damages, claims, losses, expenses, or claim expenses (including attorney's fees) arising out of this Agreement from any cause or causes. Such causes include, but are not limited to, Consultant's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty.

5.3 No Special or Consequential Damages

Client and Consultant agree that to the fullest extent permitted by law neither party shall be liable to the other for any special, indirect, or consequential damages whatsoever, whether caused by either party's negligence, errors, omissions, strict liability, breach of contract, breach of warranty, or other cause or causes.

5.4 Indemnification

To the fullest extent permitted by law, Client and Consultant mutually agree to indemnify and hold each other harmless from and against any and all claims, damages, losses and expenses, defense costs including reasonable attorneys' fees, and court or arbitration costs and other liabilities arising from their own negligent acts, errors or omissions in performance of their services under this Agreement, but only to the extent caused that each party is responsible for such damages, liabilities and costs on a comparative basis of fault.

5.5 No Third Party Beneficiaries

Client and Consultant expressly agree that this Agreement does not confer upon any third party any rights as beneficiary to this Agreement. Consultant accepts no responsibility for damages, if any, suffered by any third party as the result of a third party's use of the work product, including reliance, decisions, or any other action taken based upon it.

Client agrees that Consultant's services and work products are for the exclusive present use of Client. Client agrees

that Consultant's compliance with any request by Client to address or otherwise release any portion of the work product to a third party shall not modify, rescind, waive, or otherwise alter provisions of this Agreement nor does it create or confer any third party beneficiary rights on any third party.

SECTION 6 - Miscellaneous Provisions

6.1 Notices

Any notice to either party herein shall be in writing and shall be served either personally or by registered or certified mail addressed to the signing party shown on the signature page.

6.2 Joint Preparation

For purposes of contract interpretation and for the purpose of resolving any ambiguity in this Agreement, the parties agree that this Agreement was prepared jointly by them and/or their respective attorneys.

6.3 Headings

Headings used in this Agreement are for the convenience of reference only and shall not affect the construction of this Agreement

6.4 Severability

If any of the provisions contained in this Agreement are held for any reason to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

6.5 Dispute Resolution

If negotiation in good faith fails to resolve a dispute within thirty (30) days of written notice of the dispute by either party, then the parties agree that, with the exception of claims that are subject to the applicable venue's small claims court jurisdiction, each dispute, claim or controversy arising from or related to this Agreement or the relationships which result from this Agreement shall be subject to mediation as a condition precedent to initiating legal or equitable actions by either party. Unless the parties agree otherwise, the mediation shall be in accordance with the Commercial Mediation Procedures of the American Arbitration Association then currently in effect. A request for mediation shall be filed in writing with the American Arbitration Association and the other party. No legal or equitable action may be instituted for a period of ninety (90) days from the filing of the request for mediation unless a longer period of time is provided by agreement of the parties. Cost of mediation shall be shared equally between the parties and shall be held in a location mutually agreed upon by the parties. The parties shall memorialize any agreement resulting from the mediation in a mediated settlement agreement, which agreement shall be enforceable as a settlement in any court having jurisdiction thereof.

During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations

hereunder. Any dispute not resolved through mediation shall be subject to litigation in a court of competent jurisdiction in the state in which the project is located.

6.6 Equal Opportunity

Consultant will, in the performance of this Agreement, comply with federal, state, and local laws, and all regulations and orders issued under any applicable law related to equal employment opportunity, non-discrimination, or employment generally.

Consultant certifies that it will not knowingly employ or contract with a non-legal resident of the United States to perform work under this Agreement, and verifies or attempts to verify employee eligibility of its employees through participation in the U.S. Department of Homeland Security and Social Security Administration's E-Verify system.

6.7 Governing Law

This Agreement is to be governed by the laws of the jurisdiction in which the project is located. For locations outside of the United States, this Agreement shall be governed by the laws of the State of Illinois.

6.8 Entire Agreement

This Agreement, along with those documents specified, attached, or hereby cited together, and serially numbered Work Authorizations if used, constitute the entire Agreement between the parties hereto and no changes, modifications, extensions, terminations, or waivers of this Agreement, or other documents, or any of the provisions herein, or therein contained, shall be valid unless made in writing and signed by duly authorized representatives of both parties.

SUPPLEMENTAL CONDITIONS FOR SURVEY, ENVIRONMENTAL OR GEOTECHNICAL SERVICES

Supplemental Condition is incorporated herein when the applicable box is checked.

S.1 Location of Underground Utilities

It shall be the Client's responsibility to locate and physically mark all underground utilities and structures which lie within the work area prior to the start of subsurface investigations. If the Client elects not to assume this responsibility, Client shall notify Consultant and shall compensate Consultant for all costs associated with locating and physically marking said underground utilities and structures over and above the estimated project fee. Client shall indemnify and hold Consultant harmless from any damages and delays resulting from unmarked or improperly marked underground utilities and structures. For reasons of safety, Consultant will not begin work until this has been accomplished.

S.2 Subsurface Investigations

In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics might vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect Project cost and/or execution. These conditions and cost/execution effects are not the responsibility of the Consultant.

S.3 Disposition of Samples and Equipment

S.3.1 Disposition of Samples

No samples and/or materials will be kept by Consultant

longer than thirty (30) days after submission of the final report unless agreed otherwise.

S.3.2 Hazardous or Potentially Hazardous Samples and Materials

In the event that samples and/or materials contain or are suspected to contain substances or constituents hazardous or detrimental to health, safety, or the environment as defined by federal, state, or local statutes, regulations, or ordinances, Consultant will, after completion of testing, return such samples and materials to Client, or have the samples and materials disposed of in accordance with Client's directions and all applicable laws. Client agrees to pay all costs associated with the storage, transportation, and disposal of samples and materials. Client recognizes and agrees that Consultant at no time assumes title to said samples and materials, and shall have no responsibility as a handler, generator, operator, transporter, or disposer of said samples and materials.

S.3.3 Contaminated Equipment

All laboratory and field equipment contaminated in Consultant's performance of services will be cleaned at Client's expense. Contaminated consumables will be disposed of and replaced at Client's expense. Equipment (including tools) which cannot be reasonably decontaminated shall become the property and responsibility of Client. At Client's expense, such equipment shall be delivered to Client, or disposed of in the same manner specified in S.3.2 above. Client agrees to pay Consultant the fair market value of any such equipment which cannot reasonably be decontaminated and is delivered to Client pursuant to this Agreement.



EXHIBIT A

WORK AUTHORIZATION NO. _____

PROJECT NO. _____ DATE _____, 20_____

PROJECT NAME _____

CLIENT _____

CLIENT PM _____ CONSULTANT PM _____

PHONE NO. _____ PHONE NO. _____

SCOPE OF SERVICES

This WORK AUTHORIZATION Number _____, with the Agreement dated _____, 20_____, between _____, herein called Client and Alfred Benesch & Company herein called Consultant, constitutes the express authority given Consultant by Client to do work as follows (or as shown in Attachment A):

The following are attached to and hereby made a part of this Work Authorization:

- Attachment A: Scope of Services and Fee Estimate
- Attachment B: Schedule of Unit Rates
- _____
- _____

FEE ESTIMATE

CONSULTANT will perform the Scope of Services described above or in Attachment A, and invoice monthly as noted below in accordance with the selected payment method:

- Client will pay a Fee based on a **Time and Materials** not to exceed \$_____ and invoice using Attachment B: Schedule of Unit Billing Rates.
- Client will pay a **Lump Sum** Fee of \$_____ and invoice using a percentage completed basis.
- Client will pay by another method as described: _____

CLIENT

ALFRED BENESCH & COMPANY

BY: _____
AUTHORIZED REPRESENTATIVE

BY: _____
AUTHORIZED REPRESENTATIVE

PRINT NAME: _____

PRINT NAME: _____

TITLE: _____

TITLE: _____

DATE: _____, 20_____

DATE: _____, 20_____

BENESCH OFFICE: _____

ADDRESS: _____

PLEASE SIGN AND RETURN ONE COPY TO ALFRED BENESCH & COMPANY (ADDRESS ABOVE).

ATTACHMENT A

Scope of Services

Columbus Lift Station #15 Design Project

TASK 1. Project Management

Benesch Project Manager will serve as point of contact, maintain project schedule and budget, and be responsible for coordinating work. Provide regular progress reports with invoices. PM will schedule review meetings to receive comments from the City of Columbus.

TASK 2. Study Phase Services

A. *Review Existing Facilities and Data*

The next step in the planning and study process will be to collect, review, and evaluate records pertaining to the sewer system, wastewater flows, and lift station operating records. Record drawings of existing facilities, existing maps, previous studies and reports, and other pertinent data will be analyzed. We will also review our own archived files for any information.

B. *Sewer Flow Projections*

Projected sewer flows will account for population growth and any expected residential, commercial, and industrial growth. Average and peak hourly flow will be reviewed, utilized, and projected to determine design flow conditions for proposed rehabilitation or replacement of the lift stations.

C. *Geotechnical Investigation*

Benesch will conduct a subsurface soil investigation of site to determine design foundation bearing capacity, dewatering requirements for new construction, and any soil-related constructability issues.

D. *Preliminary Report*

A preliminary report will be delivered to the city which will contain schematic layouts, design criteria, alternate solutions (including build in place or package lift stations), cost estimates, cost effectiveness analysis, benefit to cost analysis, and preliminary recommendations. The report also will include permit investigation with USAC, NDOT, UPRR, Floodplain Development, and SWPPP. The report and a summary of findings will be presented to the city staff or public works committee.

E. *Final Report*

After submission of the preliminary report and appropriate review by city officials and staff, a final report will be drafted and forwarded to you. The final report shall amend the preliminary report to provide any changes or additional information required or requested by the city in its review and evaluation of the report.

TASK 3. Design Phase Services

A. Design Initiation Meeting

The project manager will direct an initial design meeting with representatives of the city. At this meeting materials of construction, pump and control requirements, standby power requirements, land acquisition requirements, site, and security issues will be discussed and decided upon on a preliminary basis.

B. Easement and Legal Description

After selection by the city of the final location of the lift station sites, our firm can prepare legal descriptions for all permanent and temporary construction easements required as well as for the acquisition of any land needed to be purchased by the city for the project with all survey provided by the City. Land acquisition services were not called for in the request for proposal, however, if this additional service is required, our firm would utilize the services of Midwest Right-of-way services or other firms that is mutually agreed on with the city.

C. Prepare 30% Design Drawings

Prepare preliminary 60% design completion drawings from the Benesch team. These plans will incorporate any findings and recommendations from the soil's investigation of the project.

D. 30% Progress Review Meeting

The project manager will direct a 60% design meeting with representatives of the city. Subconsultants, if needed, will attend the meeting to ensure all questions are addressed. The meeting will identify any issues of concern and discuss alternatives to consider.

E. Prepare 90% Design Drawings and Technical Specifications

Prepare 90% design completion drawings incorporating any revisions and additions from the progress review meeting. Provide an updated cost estimate, phasing options, and materials review.

F. Quality Control Review

Benesch will conduct an internal quality control and quality assurance review under the direction of the QA/QC to minimize potential field modifications and change orders.

G. 90% Progress Review Meeting

The project principal/project manager will direct a 90% design meeting with representatives of the city.

H. 100% Plan, Specification & Estimate (PS&E)

Prepare 100% final drawings, specifications, and cost estimate for use in the city's approval process, bidding, and regulatory review. This submittal will include any city requested revisions or additions based on previous meetings. Final drawings will be delivered in both PDF and AutoCAD format. Design calculations will also be submitted to the city as part of the deliverables on completion of the design phase.

TASK 4. Permitting Phase Services

A. NDOT Permits

Benesch will assist the city in obtaining any required permits to occupy or construct within the State right-of-way that may be needed for the project. Any guaranteed performance or application fee charged by the NDOT will be the city's responsibility.

B. NPDES Dewatering, Flood Plain, UPRR, USAC, and NDEE Permits

The contractor shall be responsible for obtaining, completing, and following all guidelines of the NPDES General Permit for Dewatering Discharges from Construction Excavation Sites and/or wells. In that extensive dewatering will likely be required for any new lift station construction, Benesch will address dewatering issues and meet with the city, NDOT, and other regulatory agencies as part of the design process. Benesch will lead all other permits necessary for the lift station including flood plain, UPRR, USAC, and NDEE.

C. Regulatory Review Submittal

Submit the required information to the Nebraska Department of Environmental Quality for review and approval.

TASK 5. Bid Letting Phase Services

A. Invitation for Bids

Forward the Invitation to Bid to the city for inclusion in the Columbus Telegram and for our use in forwarding to local and regional contractors and contractor services.

B. Answer Questions and Prepare Addendums

The project manager will answer questions raised by contractors and suppliers. If required, addendums will be prepared, reviewed with the city, and provided to all parties.

C. Receive and Evaluate Bids

The project principal/project manager will attend the bid opening at the city offices. All bids will be reviewed, evaluated, and any inconsistencies or concerns noted. A bid tabulation will be prepared and forwarded to the city and bidding contractors.

D. Contract Award

The project manager will attend the city council meeting scheduled to award the bid. Prepare contract documents, notice of award, notice to proceed, agreements, bonds, and insurance.

CONSTRUCTION PHASE SERVICES

Construction services to be amended to the project but would include items such as: Pre-Construction Conference, Review Contractor Submittals, Review Contractor Pay Requests and Change Orders, Conduct Progress Meetings, Project Observation and Testing, Start-up and Operation and Maintenance Manuals, Project Close Out, Record Drawings and 11th Month Warranty Review.

Schedule:

Kickoff Meeting: April 2024

Study Phase: 1 Month after NTP

Design Phase: 2 Months after study phase.

Bid Letting/Construction: July- September (Depending on the City's desired bid schedule, timing of survey and ROW/Easement acquisition.

**Fee Estimate
 Design Services
 Columbus Lift Station #15 Project**

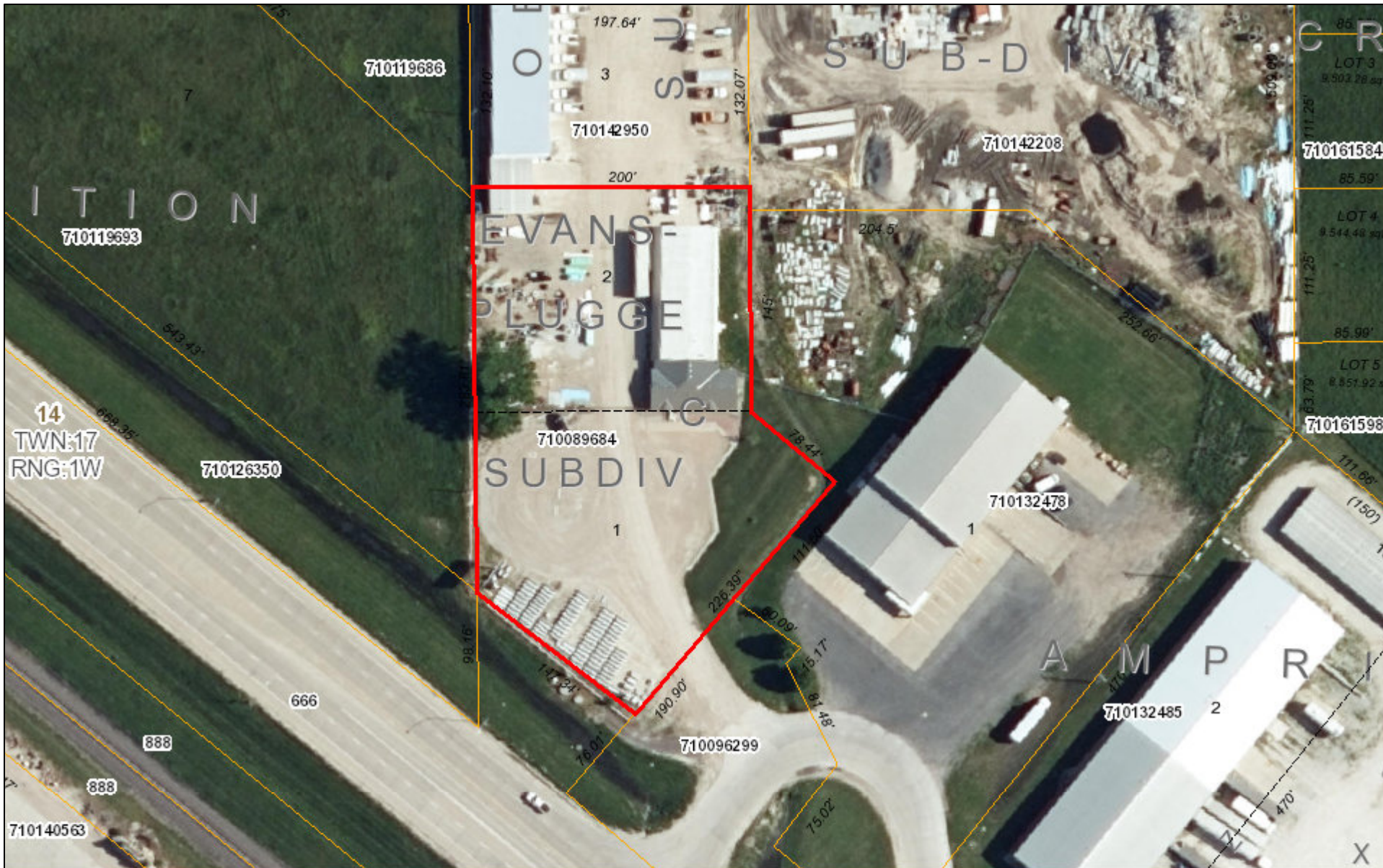
Description	Estimated Quantity	Unit Price	Amount
Design			
Project Management			
Senior Project Manager	20.0 hr.	\$ 224.00 /hr.	\$ 4,480.00
Progress Meetings	8.0 hr.	\$ 224.00 hr	\$ 1,792.00
Study Phase			
Senior Project Manager	4.0 hr.	\$ 224.00 hr	\$ 896.00
Project Manger II	16.0 hr.	\$ 196.00 hr	\$ 3,136.00
Senior Technical Specialist	4 hr	\$ 153.00 hr	\$ 612.00
Senior Technician	4 hr	\$ 112.00 hr	\$ 448.00
Geotechnical/Pavement Evaluation			
See Geotech scope and fee			\$ 6,500.00
Design (30%, 90%, 100%)			
Senior Project Manager	8.0 hr.	\$ 224.00 /hr.	\$ 1,792.00
Project Manger II	40.0 hr.	\$ 196.00 /hr.	\$ 7,840.00
Senior Technical Specialist	80.0 hr.	\$ 153.00 /hr.	\$ 12,240.00
Senior Technician	80.0 hr.	\$ 112.00 hr	\$ 8,960.00
Electrical Engineering (ETI Sub)			\$ 5,400.00
Permitting (NDOT, NDEE, NPDES Dewatering and Cost Estimates)			
Senior Project Manager	4.0 hr.	\$ 224.00 /hr.	\$ 896.00
Project Manger II	16.0 hr.	\$ 196.00 /hr.	\$ 3,136.00
Senior Technician	8.0 hr.	\$ 112.00 hr	\$ 896.00
Bidding			
Senior Project Manager	12.0 hr.	\$ 224.00 /hr.	\$ 2,688.00
Senior Technician	8.0 hr.	\$ 112.00 /hr.	\$ 896.00
Design Services Lump Sum :	312		\$ 62,608



2024 EMPLOYMENT CLASSIFICATION AND RATE SCHEDULE

<u>CLASSIFICATION</u>	<u>BILLABLE RATE</u>	<u>CLASSIFICATION</u>	<u>BILLABLE RATE</u>
Project Principal	\$252.00	Senior Construction Project Manager	\$224.00
Senior Project Manager	\$224.00	Construction Project Manager II	\$196.00
Project Manager II	\$196.00	Construction Project Manager I	\$171.00
Project Manager I	\$171.00		
		Senior Construction Manager	\$224.00
Senior Technical Manager	\$224.00	Construction Manager II	\$196.00
Technical Manager II	\$196.00	Construction Manager I	\$171.00
Technical Manager I	\$171.00		
		Construction Representative IV	\$138.00
Senior Project Engineer	\$153.00	Construction Representative III	\$125.00
Project Engineer II	\$138.00	Construction Representative II	\$112.00
Project Engineer I	\$125.00	Construction Representative I	\$101.00
Designer II	\$101.00		
Designer I	\$90.00	Senior Inspector	\$112.00
		Inspector IV	\$101.00
Senior Technical Specialist	\$153.00	Inspector III	\$90.00
Technical Specialist IV	\$138.00	Inspector II	\$81.00
Technical Specialist III	\$125.00	Inspector I	\$72.00
Technical Specialist II	\$112.00		
Technical Specialist I	\$101.00	Construction Technical Rep Manager	\$153.00
		Construction Technical Specialist	\$138.00
Senior Technologist	\$112.00	Construction Technical Rep IV	\$125.00
Technologist IV	\$101.00	Construction Technical Rep III	\$112.00
Technologist III	\$90.00	Construction Technical Rep II	\$101.00
Technologist II	\$81.00	Construction Technical Rep I	\$90.00
Technologist I	\$72.00		
		Field/Lab Technician Manager	\$112.00
Senior Scientist II	\$125.00	Senior Field/Lab Technician	\$101.00
Senior Scientist I	\$112.00	Field/Lab Technician III	\$90.00
Scientist II	\$101.00	Field/Lab Technician II	\$81.00
Scientist I	\$90.00	Field/Lab Technician I	\$72.00
Senior Public Involvement Specialist	\$153.00	Senior Geologist	\$112.00
Public Involvement Specialist II	\$125.00	Geologist II	\$101.00
Public Involvement Specialist I	\$101.00	Geologist I	\$90.00
Project Analyst	\$101.00	Survey Manager	
Project Assistant III	\$90.00	Senior Surveyor	\$125.00
Project Assistant II	\$81.00	Surveyor	\$112.00
Project Assistant I	\$72.00	Survey Specialist II	\$101.00
Office Assistant	\$72.00	Survey Specialist I	\$90.00
		Survey Assistant II	\$81.00
Marketing Manager	\$153.00	Survey Assistant I	\$72.00
Marketing Coordinator	\$101.00		
Marketing Assistant	\$90.00	Intern	\$72.00

Lift Station #15 Property

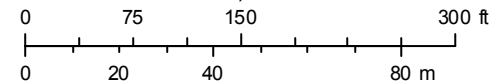


April 4, 2024

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Lot Lines
- Sections
- Parcels
- Townships

1:1,605



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*

Draft

RESOLUTION NO. R24-47

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.

WHEREAS, Kirkham Michael & Associates, Inc. and City of Columbus entered into a Professional Services Agreement to provide design and bidding phase services for Eight-Place T-Hangar, Columbus Municipal Airport, Airport Improvement Project No. 3-21-0019-017, Resolution No. R23-24 dated February 6, 2023; and

WHEREAS, Amendment No. 1 to the Professional Services Agreement was reviewed and approved by the third-party Airport IFE Services, Inc., negotiated between the City of Columbus and Kirkham Michael & Associates, Inc., and recommended for approval by the Nebraska Department of Transportation, Aviation Division.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that 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 phase services for the Eight-Place T-Hangar, Columbus Municipal Airport Project, 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 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: April 7, 2024
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Airport Improvement Program (AIP) Project No. 3-21-0019-017
Eight Place T Hangar, Columbus Municipal Airport
Amendment No. 1 Phase Engineering Services Agreement

RECOMMENDATION:

I recommend approval and signing of Amendment No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for the Eight Place T Hangar project at the Columbus Municipal Airport.

DISCUSSION:

Kirkham, Michael & Associates (KMA) design and bidding phase services for this project were approved in Resolution R23-24, dated February 6, 2023. Project costs are 90 percent FAA funded and 10 percent City funded.

Engineering services include construction and close-out phase services for an 8 place T hangar, pre-engineered steel building, site improvements and related work.

The project is administrated through the Nebraska Department of Transportation (NDOT), Aeronautics Division. The NDOT consultant, Airport IFE, Inc. has reviewed the Amendment No. 1 proposed consultant hours and fees for these services. The Record of Negotiations was reviewed by the NDOT and they recommend City approval.

FISCAL IMPACT:

The cost for these services not to exceed \$131,822.36. Part of 2022-2023 Budget CIP 23-030 in the amount of \$90,000. Additional funding will be in the 2024-2025 Budget for these and construction expenses. Project costs are 90 percent FAA funded and 10 percent City funded.

ALTERNATIVE:

Do not approve upon which the project cannot move forward.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

AMENDMENT NO. 1

TO THE CONSULTANT'S AGREEMENT DATED FEBRUARY 6, 2023, BETWEEN THE CITY OF COLUMBUS, NEBRASKA, HEREINAFTER CALLED THE "SPONSOR," AND KIRKHAM, MICHAEL & ASSOCIATES, INC., HEREINAFTER CALLED THE "CONSULTANT," FOR PROJECT NUMBERS 3-31-0019-017-2023, -018-2024, AND -019-2024.

Date: _____

This amendment includes the following modifications:

Modification 1: Add the project services shown in the revised Section 5: Construction Phase.

SECTION 5: CONSTRUCTION PHASE (INCLUDES OBSERVATION) Based on estimated 100 Working Days

Under this phase the Consultant agrees to perform the following services.

- a. Project Administration. Provide general consultation and technical assistance to the Sponsor during all construction phases. Coordinate with the Sponsor, NDOT, and FAA to ensure all parties have timely information on developments and decisions that are made concerning the project. Provide up to 5 sets of plans and specifications to the Construction Contractor for their use.
- b. Prepare and submit Quarterly Performance Reports.
- c. Assign a Project Engineer to the project who will periodically perform construction observation of the work in progress. It is estimated that the Project Engineer will make 3 site visits: 1 visit prior to the start of installation, 1 visit during installation, and 1 towards the end.
- d. Review shop drawings and all materials data submitted by Construction Contractors for general compliance with design concepts and Buy American provisions. Kirkham Michael's review of such information is not a guarantee of suitability, does not relieve the Contractor of any of its responsibilities, and the Contractor shall remain solely responsible and liable for the quality and completion of the Project in compliance with contract documents.
- e. Conduct a preconstruction conference per AIP Sponsor Guide No. 1040 *Preconstruction Conference*. Submit a formal report of the conference discussions.
- f. Provide required materials and soils testing. Estimated construction quantities as follows; 3,702 CY of Embankment, 2,765 SY of 12-Inch compacted subgrade, 2,765 SY of 4-Inch subbase course, 2,428 SY of 6-Inch PCC, and 138 LF of 30-Inch RCP.
- g. Upon receipt of NDOT, FAA, and Sponsor authorization, issue the Notice to Proceed to the Construction Contractor. NDOT and FAA authorization will not be issued until all conditions are met in accordance with AIP Sponsor Guide No. 1050 *Notice to Proceed*.
- h. Provide horizontal and vertical survey control to Contractor. Contractor responsible for construction staking. Complete spot checks during construction.

- i. Provide part-time on-site Construction Observation in accordance with AIP Sponsor Guide No. 1030 *Construction Observation*, except a Construction Observation Program will not be prepared, and Guide No. 1070 *Inspections: Development Projects*. Observer will be on-site for grading, storm sewer installation, and all concrete placements including taxilane paving, building foundation, and building floor. Full-time observation is anticipated to be 6 weeks of on-site observation. Observer will be part-time for the hangar erection, site grading outside pavement limits, and all other miscellaneous construction items. Part-time observation will consist of an average of one day per week for the time outside of the full-time observation.
- j. Submit weekly FAA Form 5370-1 "Construction Progress and Inspection Reports" and testing reports to the Sponsor, NDOT, and FAA.
- k. Provide a weekly photo log with the Construction Reports for each week that the contractor is on-site from the start of construction until substantial completion.
- l. Monitor compliance with Davis-Bacon requirements, DBE requirements, and E.E.O requirements per AIP Sponsor Guide No. *Labor Provisions: Development Projects* and Guide No. 1073 *Monitoring Labor and Civil Rights Requirements Development Projects*. Provide Davis-Bacon compliance documentation to Sponsor during the project closeout.
- m. Prepare and negotiate construction contract modifications, change orders, and supplemental agreements per AIP Sponsor Guide No. 1080 *Contract Modifications*.
- n. Review amounts owed to construction contractors and prepare progress estimate forms certified by Construction Contractor(s).
- o. Arrange and conduct a substantial completion walk-through with Sponsor and Construction Contractor. Prepare punch list.
- p. Monitor completion of punch list items.
- q. Arrange and conduct final inspection, complete FAA Form 5100-17.
- r. Complete As-Built survey for preparation of As-Built plans and final pay quantities.

Modification 2: Add the project services shown in Section 5A: Closeout Phase.

SECTION 5A: CLOSEOUT PHASE

Under this phase the Consultant agrees to perform the following services for final closeout documents which shall be provided to the NDOT and FAA within 90 days of the final acceptance date (per FAA AIP Sponsor Guide No. 1610 *Development Project Closeout*) and prior to the consultant's final pay request.

- a. Sponsor Certification for Final Acceptance
- b. Final Inspection Report Form 5100-17 – prepared by KM
- c. Final Outlay Report (SF-271) – prepared by NDOT
- d. Final Federal Financial Report (SF-425) – prepared by NDOT
- e. Final Project Cost Summary – prepared by NDOT
- f. Summary of DBE Utilization – to be included in the Final Construction Report

- g. Final Construction Report – one copy each to Sponsor, NDOT, and FAA (provide PDF (1-each) copies to FAA, NDOT, and Sponsor)
- h. As-built Drawings – include half-sized set in Final Report and provide in pdf format
- i. As-built Airport Layout Plan – **will** be completed

Modification 3: Replace Federal Contract Provisions dated November 12, 2019, with Provisions dated May 24, 2023.

Modification 4: Section 7: Fees and Charges is modified to include the following fees based on the above listed services:

- A. Add Section 5: Payment for the items included in Section 5: Construction Phase shall be made based on direct salary, overhead costs, and reimbursable expenses incurred plus a fixed payment of \$11,700.51 and subcontract costs. The schedule of charges and reimbursable expenses is Exhibit C attached and made a part hereto. Labor and general administration overhead percentage shall be supported by a statement of overhead expenses certified by the consultant's auditor or a governmental auditor.

The total charges for Section 5 will not be greater than the "Not-to-Exceed" (NTE) amount of \$120,072.81 if 1) the construction work is completed within the construction contract aggregate time allowance; and 2) the scope of work as set forth in Section 5 is not exceeded. If construction contract time is exceeded or the scope of services is increased, then the "Not-to-Exceed" amount may be increased by a supplemental agreement to this contract. No payment above the Not-to-Exceed limit shall be made without prior approval of an amendment supported by proper justification.

Payment shall be due monthly for incurred charges and expenses based on detailed invoices. Invoices shall include a pro rata portion of the fixed fee with the final invoice adjusted to include the remaining unpaid balance of the fixed fee.

- B. Add Section 5A: Payment for the items included in Section 5A: Closeout Phase shall be the lump sum of \$11,749.55 shown on Exhibit D, attached and made a part hereto. Payment shall be due according to the following payment schedule:

“Payment shall be due when the final closeout documents are accepted and approved by FAA and NDOT.”

- C. Summary of this amendment is \$131,822.36


IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AMENDMENT NO. 1, the date first above written.

CITY OF COLUMBUS (SPONSOR)
P.O. Box 1677
Columbus, Nebraska 68602

ATTEST

James Bulkley, Mayor

KIRKHAM, MICHAEL & ASSOCIATES, INC. (CONSULTANT)
5621 NW 1st Street, Suite 400
Lincoln, Nebraska 68521



ATTEST



Eric Johnson, Vice President

FEDERAL CONTRACT PROVISIONS FOR A/E AGREEMENTS

ALL REFERENCES MADE HEREIN TO “CONTRACTOR”, “PRIME CONTRACTOR”, “BIDDER”, “OFFEROR”, AND “APPLICANT” SHALL PERTAIN TO THE ARCHITECT/ENGINEER (A/E).

ALL REFERENCES MADE HEREIN TO “SUBCONTRACTOR”, “SUB-TIER CONTRACTOR” OR “LOWER TIER CONTRACTOR” SHALL PERTAIN TO ANY SUBCONSULTANT UNDER CONTRACT WITH THE A/E.

ALL REFERENCES MADE HEREIN TO “SPONSOR” AND “OWNER” SHALL PERTAIN TO THE STATE, CITY, AIRPORT AUTHORITY OR OTHER PUBLIC ENTITY EXECUTING CONTRACTS WITH THE A/E.

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ACCESS TO RECORDS AND REPORTS

Reference: 2 CFR § 200.334
2 CFR § 200.337
FAA Order 5100.38

The Contractor must maintain an acceptable cost accounting system. The Contractor agrees to provide the Owner, the Federal Aviation Administration and the Comptroller General of the United States or any of their duly authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts and transcriptions. The Contractor agrees to maintain all books, records and reports required under this contract for a period of not less than three years after final payment is made and all pending matters are closed.

CIVIL RIGHTS – GENERAL

Reference: 49 USC § 47123

In all its activities within the scope of its airport program, the Contractor agrees to comply with pertinent statutes, Executive Orders, and such rules as identified in Title VI List of Pertinent Nondiscrimination Acts and Authorities to ensure that no person shall, on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance.

This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

CIVIL RIGHTS – TITLE VI ASSURANCES

Reference: 49 USC § 47123
FAA Order 1400.11

Title VI Solicitation Notice

The Sponsor, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.

Title VI List of Pertinent Nondiscrimination Acts and Authorities

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);

- 49 CFR part 21 (Non-discrimination in Federally-Assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability); and 49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance);
- The Age Discrimination Act of 1975, as amended (42 USC § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-259) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq*) (prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs [70 Fed. Reg. 74087 (2005)];
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC § 1681, *et seq*).

Nondiscrimination Requirements / Title VI Clauses for Compliance

Compliance with Nondiscrimination Requirements:

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”) agrees as follows:

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be

amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a Contractor's noncompliance with the non-discrimination provisions of this contract, the Sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Sponsor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Sponsor to enter into any litigation to protect the interests of the Sponsor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

Reference: 2 CFR § 200, Appendix II(K)
2 CFR § 200.216

Contractor and Subcontractor agree to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [Public Law 115-232 § 889(f)(1)].

FEDERAL FAIR LABOR STANDARDS ACT (FEDERAL MINIMUM WAGE)

Reference: 29 USC § 201, et seq
2 CFR § 200.430

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, et seq, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

The Contractor has full responsibility to monitor compliance to the referenced statute or regulation. The Contractor must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Reference: 20 CFR Part 1910

All contracts and subcontracts that result from this solicitation incorporate by reference the requirements of 29 CFR Part 1910 with the same force and effect as if given in full text. The employer must provide a work environment that is free from recognized hazards that may cause death or serious physical harm to the employee. The employer retains full responsibility to monitor its compliance and their subcontractor's compliance with the applicable requirements of the Occupational Safety and Health Act of 1970 (29 CFR Part 1910). The employer must address any claims or disputes that pertain to a referenced requirement directly with the U.S. Department of Labor – Occupational Safety and Health Administration.

RIGHT TO INVENTIONS

Reference: 2 CFR Part 200, Appendix II(F)
37 CFR Part 401

Contracts or agreements that include the performance of experimental, developmental, or research work must provide for the rights of the Federal Government and the Owner in any resulting invention as established by 37 CFR part 401, Rights to Inventions Made by Non-profit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements. This contract incorporates by reference the patent and inventions rights as specified within 37 CFR § 401.14. Contractor must include this requirement in all sub-tier contracts involving experimental, developmental, or research work.

SEISMIC SAFETY

Reference: 49 CFR Part 41

In the performance of design services, the Consultant agrees to furnish a building design and associated construction specification that conform to a building code standard that provides a level of seismic safety substantially equivalent to standards as established by the National Earthquake Hazards Reduction Program (NEHRP). Local building codes that model their building code after the current version of the International Building Code (IBC) meet the NEHRP equivalency level for seismic safety. At the conclusion of the design services, the Consultant agrees to furnish the Owner a “certification of compliance” that attests conformance of the building design and the construction specifications with the seismic standards of NEHRP or an equivalent building code.

TAX DELINQUENCY AND FELONY CONVICTIONS

Reference: Section 8113 of the Consolidated Appropriations Act, 2022 (Public Law 117-103) and similar provisions in subsequent appropriations acts
DOT Order 4200.6 – Appropriations Act Requirements for Procurement and Non-Procurement Regarding Tax Delinquency and Felony Convictions

The Contractor certifies:

- 1) It is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. A tax delinquency is any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- 2) It is not a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months. A felony conviction is a conviction within the preceding twenty four (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 USC § 3559.

The Contractor agrees to incorporate the above certification in all lower tier subcontracts.

TRADE RESTRICTION CERTIFICATION

Reference: 49 USC § 50104
49 CFR Part 30

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror:

- 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 as 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 included on the list of countries that discriminate against U.S. firms as published by the USTR; and

- 3) has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC § 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR § 30.17, no contract shall be awarded to an Offeror or subcontractor:

- 1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR; or
- 2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or
- 3) who incorporates in the public works project any product of a foreign country on such USTR list.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

VETERAN'S PREFERENCE

Reference: 49 USC § 47112(c)

In the employment of labor (excluding executive, administrative, and supervisory positions), the Contractor and all sub-tier contractors must give preference to covered veterans as defined within Title 49 United States Code Section 47112. Covered veterans include Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined by 15 USC § 632) owned and controlled by disabled veterans. This preference only applies when there are covered veterans readily available and qualified to perform the work to which the employment relates.

PROVISIONS APPLICABLE TO CONTRACTS EXCEEDING \$10,000

DISTRACTED DRIVING

Reference: Executive Order 13513
DOT Order 3902.10

In accordance with Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving", (10/1/2009) and DOT Order 3902.10, "Text Messaging While Driving", (12/30/2009), the Federal Aviation Administration encourages recipients of Federal grant funds to adopt and enforce safety policies that decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing work related to a grant or subgrant.

In support of this initiative, the Owner encourages the Contractor to promote policies and initiatives for its employees and other work personnel that decrease crashes by distracted drivers, including policies that ban text messaging while driving motor vehicles while performing work activities associated with the project. The Contractor must include the substance of this clause in all sub-tier contracts exceeding \$10,000 that involve driving a motor vehicle in performance of work activities associated with the project.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Reference: 2 CFR Part 200, Appendix II(C)
41 CFR § 60-1.4
41 CFR § 60-4.3
Executive Order 11246

Equal Opportunity Clause

During the performance of this contract, the Contractor agrees as follows:

- (1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identify, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- (3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in

response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

- (4) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under this section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (5) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (6) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (7) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (8) The Contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided*, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

PROHIBITION OF SEGREGATED FACILITIES

Reference: 2 CFR Part 200, Appendix II(C)
41 CFR Part 60-1

- (a) The Contractor agrees that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Contractor agrees that a breach of this clause is a violation of the Equal Employment Opportunity clause in this contract.
- (b) "Segregated facilities," as used in this clause, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees that are segregated by explicit directive or are in fact

segregated on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin because of written or oral policies or employee custom. The term does not include separate or single-user rest rooms or necessary dressing or sleeping areas provided to assure privacy between the sexes.

- (c) The Contractor shall include this clause in every subcontract and purchase order that is subject to the Equal Employment Opportunity clause of this contract.

TERMINATION OF CONTRACT

Reference: 2 CFR Part 200, Appendix II(B)
FAA Advisory Circular 150/5370-10, Section 80-09

Termination for Convenience (Professional Services)

The Owner may, by written notice to the Consultant, terminate this Agreement for its convenience and without cause or default on the part of Consultant. Upon receipt of the notice of termination, except as explicitly directed by the Owner, the Contractor must immediately discontinue all services affected.

Upon termination of the Agreement, the Consultant must deliver to the Owner all data, surveys, models, drawings, specifications, reports, maps, photographs, estimates, summaries, and other documents and materials prepared by the Engineer under this contract, whether complete or partially complete.

Owner agrees to make just and equitable compensation to the Consultant for satisfactory work completed up through the date the Consultant receives the termination notice. Compensation will not include anticipated profit on non-performed services.

Owner further agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

Termination for Cause (Professional Services)

Either party may terminate this Agreement for cause if the other party fails to fulfill its obligations that are essential to the completion of the work per the terms and conditions of the Agreement. The party initiating the termination action must allow the breaching party an opportunity to dispute or cure the breach.

The terminating party must provide the breaching party seven (7) days advance written notice of its intent to terminate the Agreement. The notice must specify the nature and extent of the breach, the conditions necessary to cure the breach, and the effective date of the termination action. The rights and remedies in this clause are in addition to any other rights and remedies provided by law or under this agreement.

- a) **Termination by Owner:** The Owner may terminate this Agreement for cause in whole or in part, for the failure of the Consultant to:
1. Perform the services within the time specified in this contract or by Owner approved extension;
 2. Make adequate progress so as to endanger satisfactory performance of the Project; or
 3. Fulfill the obligations of the Agreement that are essential to the completion of the Project.

Upon receipt of the notice of termination, the Consultant must immediately discontinue all services affected unless the notice directs otherwise. Upon termination of the Agreement, the Consultant

must deliver to the Owner all data, surveys, models, drawings, specifications, reports, maps, photographs, estimates, summaries, and other documents and materials prepared by the Engineer under this contract, whether complete or partially complete.

Owner agrees to make just and equitable compensation to the Consultant for satisfactory work completed up through the date the Consultant receives the termination notice. Compensation will not include anticipated profit on non-performed services.

Owner further agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

If, after finalization of the termination action, the Owner determines the Consultant was not in default of the Agreement, the rights and obligations of the parties shall be the same as if the Owner issued the termination for the convenience of the Owner.

b) **Termination by Consultant:** The Consultant may terminate this Agreement for cause in whole or in part, if the Owner:

1. Defaults on its obligations under this Agreement;
2. Fails to make payment to the Consultant in accordance with the terms of this Agreement;
3. Suspends the project for more than one hundred eighty (180) days due to reasons beyond the control of the Consultant.

Upon receipt of a notice of termination from the Consultant, Owner agrees to cooperate with Consultant for the purpose of terminating the agreement or portion thereof, by mutual consent. If Owner and Consultant cannot reach mutual agreement on the termination settlement, the Consultant may, without prejudice to any rights and remedies it may have, proceed with terminating all or parts of this Agreement based upon the Owner's breach of the contract.

In the event of termination due to Owner breach, the Consultant is entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all justified reimbursable expenses incurred by the Consultant through the effective date of termination action. Owner agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

PROVISIONS APPLICABLE TO CONTRACTS EXCEEDING \$25,000

DEBARMENT AND SUSPENSION

Reference: 2 CFR Part 180 (Subpart B)
2 CFR Part 200, Appendix II(H)
2 CFR Part 1200
DOT Order 4200.5
Executive Orders 12549 and 12689

Certification of Offeror/Bidder Regarding Debarment

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

Certification of Lower Tier Contractors Regarding Debarment

The successful bidder, by administering each lower tier subcontract that exceeds \$25,000 as a “covered transaction”, must confirm each lower tier participant of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in this federally-assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: <http://www.sam.gov>.
2. Collecting a certification statement similar to the Certification of Offeror /Bidder Regarding Debarment, above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract.

If the Federal Aviation Administration later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

PROVISIONS APPLICABLE TO CONTRACTS EXCEEDING \$100,000

CONTRACT WORKHOURS AND SAFETY STANDARDS ACT REQUIREMENTS

Reference: 2 CFR Part 200, Appendix II(E)
2 CFR § 5.5(b)
40 USC § 3702
40 USC § 3704

1. Overtime Requirements.

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic, including watchmen and guards, in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; Liability for Unpaid Wages; Liquidated Damages.

In the event of any violation of the clause set forth in paragraph (1) of this clause, the Contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this clause, in the sum of \$29 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this clause.

3. Withholding for Unpaid Wages and Liquidated Damages.

The Federal Aviation Administration (FAA) or the Owner shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any

such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this clause.

4. Subcontractors.

The Contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this clause.

LOBBYING AND INFLUENCING FEDERAL EMPLOYEES

Reference: 31 USC § 1352 – Byrd Anti-Lobbying Amendment
2 CFR Part 200, Appendix II(I)
49 CFR Part 20, Appendix A

Certification Regarding Lobbying

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

- (1) 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.
- (2) 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.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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.

PROVISIONS APPLICABLE TO CONTRACTS EXCEEDING \$150,000

CLEAN AIR AND WATER POLLUTION CONTROL

References: 2 CFR Part 200, Appendix II(G)
42 USC § 7401, et seq
33 USC § 1251, et seq

Contractor agrees to comply with all applicable standards, orders, and regulations issued pursuant to the Clean Air Act (42 USC §§ 7401-7671q) and the Federal Water Pollution Control Act as amended (33 USC §§ 1251-1387). The Contractor agrees to report any violation to the Owner immediately upon discovery. The Owner assumes responsibility for notifying the Environmental Protection Agency (EPA) and the Federal Aviation Administration.

The Contractor must include this requirement in all subcontracts that exceed \$150,000.

PROVISIONS APPLICABLE TO CONTRACTS EXCEEDING \$250,000

BREACH OF CONTRACT TERMS

Reference: 2 CFR § 200 Appendix II(A)

Any violation or breach of terms of this contract on the part of the Contractor or its subcontractors may result in the suspension or termination of this contract or such other action that may be necessary to enforce the rights of the parties of this agreement.

Owner will provide Contractor written notice that describes the nature of the breach and corrective actions the Contractor must undertake in order to avoid termination of the contract. Owner reserves the right to withhold payments to Contractor until such time the Contractor corrects the breach or the Owner elects to terminate the contract. The Owner's notice will identify a specific date by which the Contractor must correct the breach. Owner may proceed with termination of the contract if the Contractor fails to correct the breach by the deadline indicated in the Owner's notice.

The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder are in addition to, and not a limitation of, any duties, obligations, rights and remedies otherwise imposed or available by law.

DISADVANTAGED BUSINESS ENTERPRISE

Reference: 49 CFR Part 26

Solicitation Language (Solicitations that include a Contract Goal)

Bid Information Submitted as a matter of *responsiveness*:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR § 26.53.

As a condition of responsiveness, the Bidder or Offeror must submit the following information with its proposal on the forms provided herein:

- 1) The names and addresses of Disadvantaged Business Enterprise (DBE) firms that will participate in the contract;

- 2) A description of the work that each DBE firm will perform;
- 3) The dollar amount of the participation of each DBE firm listed under (1);
- 4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner's project goal;
- 5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
- 6) If Bidder or Offeror cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR part 26. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

Bid Information submitted as a matter of bidder responsibility:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR § 26.53.

As a condition of responsibility, every Bidder or Offeror must submit the following information on the forms provided herein within five days after bid opening.

- 1) The names and addresses of Disadvantaged Business Enterprise (DBE) firms that will participate in the contract;
- 2) A description of the work that each DBE firm will perform;
- 3) The dollar amount of the participation of each DBE firm listed under (1);
- 4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner's project goal;
- 5) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
- 6) If Bidder or Offeror cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR part 26. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

Solicitation Language (Race/Gender Neutral Means)

The requirements of 49 CFR part 26 apply to this contract. It is the policy of the Owner to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. The Owner encourages participation by all firms qualifying under this solicitation regardless of business size or ownership.

Prime Contracts (Contracts Covered by a DBE Program)

Contract Assurance (49 CFR § 26.13)

The Contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may

result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the Contractor from future bidding as non-responsible.

Prompt Payment (49 CFR § 26.29)

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) calendar days from the receipt of each payment the prime contractor receives from Owner. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) calendar days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Owner. This clause applies to both DBE and non-DBE subcontractors.

Termination of DBE Subcontracts (49 CFR § 26.53(f))

The prime contractor must not terminate a DBE subcontractor listed in response to the above *Solicitation Language (Solicitations that include a Contract Goal)* section (or an approved substitute DBE firm) without prior written consent of Owner. This includes, but is not limited to, instances in which the prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

The prime contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains written consent from the Owner. Unless the Owner's consent is provided, the prime contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The Owner may provide such written consent only if the Owner agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the circumstances listed in 49 CFR §26.53.

Before transmitting to the Owner its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Owner, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise the Owner and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Owner should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the Owner may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to preaward deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

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Exhibit D
Columbus Municipal Airport (KOLU) Columbus NE
AIP Project No. 3-31-0019-018-2024, -019-2024
New T-Hangar and Taxilanes
Close out
Cost Breakdown

	Project Engineer		Project Manager		Sr. Eng.		Asst. Eng.		Party Chief		Const. Observer		CADD		Clerical		Principal		Total	Total
	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	Cost
a. Sponsor Certifications for final acceptance	2	\$ 105.76	2	\$ 129.80		\$ -	4	\$ 182.68		\$ -		\$ -		\$ -		\$ -		\$ -	8	\$ 418.24
b. Final Inspection Report Form 5100-17 prepared by KM	2	\$ 105.76	1	\$ 64.90		\$ -	4	\$ 182.68		\$ -		\$ -		\$ -		\$ -		\$ -	7	\$ 353.34
c. Final Outlay Report (SF-271) prepared by NDOT		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -
d. Final Federal Financial Report (SF 425) prepared by NDOT		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -
e. Final project cost summary prepared by NDOT		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -
f. Summary of DBE utilization	2	\$ 105.76		\$ -		\$ -	4	\$ 182.68		\$ -		\$ -	8	\$ 228.00		\$ -		\$ -	14	\$ 516.44
g. Final Construction Report	4	\$ 211.52	1	\$ 64.90		\$ -		\$ -		\$ -		\$ -	8	\$ 228.00		\$ -		\$ -	13	\$ 504.42
h. As-built drawings	2	\$ 105.76		\$ -		\$ -		\$ -		\$ -		\$ -	24	\$ 936.00		\$ -		\$ -	26	\$ 1,041.76
i. As-built ALP	2	\$ 105.76		\$ -		\$ -		\$ -		\$ -		\$ -	24	\$ 936.00		\$ -		\$ -	26	\$ 1,041.76
		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -
Subtotal	14	\$ 740.32	4	\$ 259.60	0	\$ -	12	\$ 548.04	0	\$ -	0	\$ -	48	\$ 1,872.00	16	\$ 456.00	0	\$ -	94	\$ 3,875.96
Overhead (170.66%)		\$ 1,263.43		\$ 443.03		\$ -		\$ 935.29		\$ -		\$ -		\$ 3,194.76		\$ 778.21		\$ -		\$ 6,614.71
Subtotal		\$ 2,003.75		\$ 702.63		\$ -		\$ 1,483.33		\$ -		\$ -		\$ 5,066.76		\$ 1,234.21		\$ -		\$ 10,490.67

Subtotal	\$	10,490.67
Fixed fee: 12%	\$	1,258.88
<u>Expenses</u>		
Copies	\$	-
Subconsultants	\$	-
GRAND TOTAL	\$	11,749.55

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*

Draft

RESOLUTION NO. R24-48

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDED A CONTRACT TO BAUER UNDERGROUND, INC. IN THE AMOUNT OF \$243,313.56 FOR THE FIBER NETWORK PROJECT 2024.

WHEREAS, the City of Columbus received bids for the Fiber Network Project 2024 on April 10, 2024, with Bauer Underground, Inc. submitting the lowest bid of \$243,313.56 as detailed in the attached bid tabulation.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the lowest bid from Bauer Underground, Inc. in the amount of \$243,313.56 for the Fiber Network Project 2024 is hereby accepted and the mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

MEMORANDUM

DATE: April 10, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Fiber Network Project 2024

RECOMMENDATION:

I recommend award of the bid for the above-reference project to the lowest bidder, Bauer Underground, in the amount of \$243,313.56 for the Base Bid and Alternate No.1.

DISCUSSION:

Attached is a bid tab showing the four bids received along with the recommendation letter from RVW, Inc. The estimated cost was \$340,000.

Project consists of construction of approximately 6.6 miles of new fiber optics and using approximately 0.3 miles of existing fiber connecting Bradshaw Park, Wilderness Park, Sunset Park, Frontier Park, and the Platte County Emergency Management Tower on Shady Lake Road to the City's fiber optic network. The network will also be used by Joint Communications Center, Police Department, and Fire Department at the Platte County Emergency Management Tower for radio repeaters.

The network along 23rd Street from Howard Boulevard west to the Platte County Emergency Management Tower on Shady Lake Road was coordinated with Platte County. Platte County will reimburse the City for their portion of work and services.

Work would begin immediately upon receipt of Notice Proceed and be complete by the end of August 2024.

Additional work and services purchasing of network equipment and electrical power by the City. The Joint Communications Center will have other costs associated with the radio repeater not in this CIP.

FISCAL IMPACT:

Base bid and project awarded, \$243,313.56. Part of 2023-2024 CIP 19-09 in the amount of \$550,000.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



RVW, INC.
4118 HOWARD BOULEVARD
P.O. BOX 495
COLUMBUS, NEBRASKA 68602-0495
402 564-2876 • FAX 402 563-3655

ARCHITECTURE • ENGINEERING • BILLING SERVICES

April 10th, 2024

Subject: OSP Bid Results (NE COL)
City 2024 Fiber Optic Network Infrastructure

Enclosed for review please find the bid tabulation sheets for the NE COL letting held April 10th, 2024 at 2:00 PM CDT for the above listed OSP construction project.

After checking all pricing and bid packages, we feel all is in order. The bid submitted by Bauer Underground was a competitive bid. The other bidders were substantially higher. Comparing Bauer Underground pricing to other current projects, and due to the fact Bauer Underground is currently working in the Columbus area, the difference to the other bidders is not a concern.

We, therefore, recommend this base bid along with the alternate bid totaling \$243,313.56 by Bauer Underground, Inc. of Norfolk, Nebraska be accepted.

Please complete the following to execute the contract.

- **Sign and Date page 3**
- **Sign and Date page 12**
- **Sign and Date page 18A**
- **Sign and Date page 19**
- **Date page 115**
- **Sign and attest the Construction Agreement on page 145**

When completed, please return to me and I will forward to Bauer Underground, Inc. for signatures and insertion of Contractors Bond.

Please don't hesitate in contacting me if you have questions or comments on this contract or any portion of this contract.

Very Truly Yours,

Toby Goc
RVW, Inc.

Copy:
Brian LeCuyer—RVW, Inc.

**CITY OF COLUMBUS
 BID TABULATION
 FIBER NETWORK PROJECT 2024
 BID OPENING: APRIL 10, 2024 AT 2:00 P.M.**

	Contractor: Bauer Underground 3700 W Norfolk Avenue Norfolk, NE 68701	Contractor: Kramer Service Group PO Box 71 Weyerhoeuser, WI 54895	Contractor: TelCom Construction, Inc. 2218 200th Street East Clearwater, MN 55320	Contractor: MP Nexlevel, LLC 500 County Road 37 Maple Lake, MN 55358
Description	Bid Bond: X	Bid Bond: X	Bid Bond: X	Bid Bond: X
ADDENDUM(S) ACKNOWLEDGED				
FIBER TO THE PARK	\$ 146,483.62	\$ 251,998.60	\$ 347,017.42	\$ 344,271.62
FIBER TO THE PARK ALTERNATE	\$ 96,829.94	\$ 159,152.90	\$ 157,184.96	\$ 254,092.30
FIBER TO THE PARK	\$ 146,483.62	\$ 251,998.60	\$ 347,017.42	\$ 344,271.62
FIBER TO THE PARK ALTERNATE	\$ 96,829.94	\$ 159,152.90	\$ 157,184.96	\$ 254,092.30
TOTAL	\$ 243,313.56	\$ 411,151.50	\$ 504,202.38	\$ 598,363.92

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.

Draft

RESOLUTION NO. R24-49

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.

WHEREAS, the City of Columbus, Nebraska, received Community Development Block Grant No. 19-DTR-101 for downtown revitalization in the amount of \$206,490; of which \$175,841 was to be used for commercial rehabilitation, \$20,649 was to be used for general administration; and \$10,000 was to be used for construction management of the grant. The total project cost was estimated to be \$250,451, with participating businesses contributing \$175,841; and

WHEREAS, this underlying grant agreement was approved by the City via Resolution No. R19-182 on December 16, 2019; and

WHEREAS, the City of Columbus, Nebraska, had a contract completion date extended to August 20, 2024; however, an additional four months are needed to complete the grant and therefore an extension of the completion date is being requested.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that city staff is hereby instructed to apply for and request from the Nebraska Department of Economic Development, an extension of the completion date to December 20, 2024, for Community Development Block Grant No. 19-DTR-101 for downtown revitalization.

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 Hall
2500 14th St.
Columbus, NE 68601
402-562-4232
columbusne.us

April 15, 2024

Nebraska Department of Economic Development
Attn: Gina Doose
245 Fallbrook Blvd., Suite 002
PO Box 94666
Lincoln, NE 68521

Dear Ms. Doose:

On April 15, 2024, the Columbus City Council approved a motion to request a 4-month extension for Community Development Block Grant (CDBG) 19-DTR-101. The current contract end date is August 20, 2024, and the City is requesting a completion date of December 20, 2024.

Commercial Rehabilitation: Funds have been awarded to 19 businesses in downtown Columbus. To date 16 businesses have completed their projects, and three (3) businesses have begun but are waiting for the availability of their respective contractors to complete their projects. The commercial rehabilitation portion of the grant was awarded \$175,841 by the Nebraska Department of Economic Development (DED), and there is \$37,262.83 remaining.

A contract extension is necessary to complete the current commercial rehabilitation projects, open a Round 3 of applications to expend all funding, conduct public hearings, and for the final drawdowns and paperwork to be submitted to the DED. The extension became necessary due to delays of available contractors and increased material and labor costs in relation to the Covid-19 pandemic. In addition, Midwest Glass went out of business which has caused an inability for businesses to receive bids or complete any window work.

The Covid-19 pandemic has negatively affected the ability of contractors to obtain all necessary materials to complete projects in a timely manner due to supply chain issues. Additionally, the availability of qualified contractors to complete the projects has been limited and delayed. The contractors involved in the ongoing projects have indicated they will be able to have all work completed prior to the extended contract end date. All business owner awardees will provide the required 50% match to complete their respective projects.

Please contact me or Andrea Larson with Northeast Nebraska Economic Development District at 402.379.1150 or at andrea@nenedd.org if you have any questions.

Sincerely,

Jim Bulkley, Mayor
City of Columbus



City Hall
2500 14th St.
Columbus, NE 68601
402-562-4232
columbusne.us

memorandum

DATE: April 10, 2024
TO: Tara Vasicek, City Administrator
FROM: Jean Van Iperen, Planning & Economic Development Coordinator
RE: 19-DTR-101 Extension Request

RECOMMENDATION:

Approval of the Resolution Requesting an Extension to 19-DTR-101 and Authorize the Mayor to Sign.

DISCUSSION:

In December 2019, the City of Columbus received Community Development Block Grant No. 19-DTR-101 for revitalization in the downtown area. The grant amount was \$206,490 to be used for commercial rehabilitation, general administration and construction management of the grant. The total cost of the project was estimated at \$250,451 with participating businesses contributing \$175,841.

Due to impacts from COVID-19, the City requested and was granted a one-year extension in October 2021. Due to shortages in contractors as well as delays in some materials and the need to seek other applicants to fully utilize all grant dollars, the City requested Northeast Nebraska Department of Economic Development to apply for another one-year extension. The City was granted a six-month extension and later was granted another six-month extension with a new completion date for the grant of November 23, 2023. A fourth extension was grant in October 2023.

There are currently three awardees who have not yet been able to get their projects completed. Two of them are replacing windows and were waiting on the company to do the work. This company has since gone out of business and the awardees are having to rebid the work. One awardee will be beginning his work shortly and should have it completed within two weeks. This new extension will allow all three of the awardees to get their projects completed.

FISCAL IMPACT:

None

ALTERNATIVE:

Do not approve.

Signature:

By: *Jean Van Iperen*

Approved By: _____
[Signature]

CDBG CONTRACT AMENDMENT REQUEST FORM

This form must be completed and submitted to the Nebraska Department of Economic Development when making a contract amendment request. Complete the sections for each type of amendment requested. Along with this form, you are required to submit all attachments identified under the applicable amendment type.

CDBG Grant # 19-DTR-101 Grantee City of Columbus

DED Program Representative Gina Doose

By completing this form, I confirm that this project is current on all reporting requirements.	
Name, Organization	<u>NENEDD</u>
Email	<u>andrea@nenedd.org</u>
Requesting Amendment #	<u>5</u> Date of Last Project Status Report (PSR): <u>3/14/2024</u>

Extension of Contract End Date

Original Contract End Date Saturday, November 20, 2021
Current Contract End Date including any previously approved extensions Tuesday, August 20, 2024
Proposed Contract End Date Friday, December 20, 2024

Required Attachments

Attachment 1: Letter from the Chief Elected Official including:

1. Certification that the local governing body has approved the extension.
2. Identification and reasons for the proposed amendment, including:
 - a. Changes to the nature of the project requiring the amendment;
 - b. Steps implemented to avoid any future amendment requests for the same reasons.
3. Where additional local matching funds are required due to this extension, certification that such funds are available.

Attachment 2: Revised implementation schedule showing completion of major milestones for all activities.

Decrease in proposed accomplishments

Original Proposed Accomplishments _____ Amended Proposed Accomplishments _____

Required Attachments

Attachment 1: A letter from the Chief Elected Official including:

1. Certification that the local governing body has approved the decrease in proposed accomplishments;
2. Identification and reasons for the proposed amendment; including
 - a. Changes to the nature of the project requiring the amendment;
 - b. Steps implemented to avoid any future amendment requests for the same reasons.
3. If additional local matching funds are required due to this decrease, certification that such funds are available.

Attachment 2: Revised implementation schedule showing completion of major milestones for all activities.

Amendment to Housing Program Guidelines

Required Attachments

Attachment 1: Letter from the Chief Elected Official including:

1. Certification that the local governing body has approved the amendment to the housing program guidelines;
2. Identification and reasons for the proposed amendment;
3. If additional local matching funds are required due to this amendment, certification that such funds are available.

Attachment 2: If the housing program guidelines amendment will affect major milestones, a revised implementation schedule showing completion of major milestones for all activities.

Attachment 3: A complete copy of the proposed revised housing program guidelines.

Budget/Sources and Uses Amendment

Original Contract Budget Approved

Activity Name	Activity Number	CDBG Funds	Other Funds	Total Funds
Total				

Proposed Budget After Amendment

Activity Name	Activity Number	CDBG Funds	Other Funds	Total Funds
Total				

Required Attachments

Attachment 1: Letter from the Chief Elected Official including:

1. Certification that the local governing body has approved the budget amendment;
2. Identification and reasons for the proposed budget amendment; including
 - a. Changes to the nature of the project requiring the amendment;
 - b. Steps implemented to avoid any future amendment requests for the same reasons.
3. If additional local matching funds are required due to this amendment, certification that such funds are available.
4. If the amendment includes a new activity, certification that the activity meets the national objective.

Attachment 2: Minutes from the public hearing held on the proposed amendment (required if reallocating more than 10% of the total original grant amount).

Attachment 3: If the budget amendment will affect major milestones, a revised implementation schedule showing completion of major milestones for all activities.

Attachment 4: Certification of re-evaluation of the environmental assessment (this form is included in the CDBG Administration Manual Chapter 6 – Environmental Review).

FOR DED USE ONLY			
<i>Program Representative Recommendation:</i> <input type="checkbox"/> <i>approve</i> <input type="checkbox"/> <i>deny</i> <input type="checkbox"/> <i>consultation</i>	<i>Initials</i>	<i>Date</i>	
	Signature		
Date amendment request received	Printed Name/Title		
<input type="checkbox"/> <i>approved</i> <input type="checkbox"/> <i>denied</i>	Date		

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**