

Public Property, Safety, and Works Committee
Monday, September 14, 2020 4:00 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

1. **Statement of compliance with Open Meetings Act and roll call.**

84-1407. Act, how cited.

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

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

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

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

84-1409. Terms, defined.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date – September 1, 2019

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2. **Proposed updates to Articles One through Six and Ten of the Land Development Ordinance.**



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

Memorandum

DATE: July 8, 2020

TO: Planning Commission

FROM: Tara Vasicek, City Administrator 

RE: Unified Land Development Ordinance draft update to Articles 1, 2 & 3.

RECOMMENDATION:

No action is necessary. Discussion Only.

DISCUSSION:

City staff have reviewed and updated Articles 1, 2 and 3 of the current Land Development Ordinance. All suggested staff changes are based on research of best and common practices. Staff thought it best to show the exact changes to the current LDO, therefore you have received the changes tracked.

Article 1: General Provisions

The only suggested change is to add the Long Range Transportation Plan in addition to the Comprehensive Plan.

Article 2: Definitions

Suggested changes are tracked. All Definition suggested changes are to clarify the intent of the remaining Unified Land Development Ordinance.

Article 3: Use Types

The majority of suggested changes are to provide more clarity to use types based on experience of staff over many years working developments in Columbus.

Two-Family Residential, Mixed-Use Residential and Non-traditional residential use types were added to provide more opportunity for housing variety.

GENERAL PROVISIONS

1 ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

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

1-2 Jurisdiction

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

1-3 Purpose

The purposes of the Zoning 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.

GENERAL PROVISIONS

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

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

1-5 Conflicting Provisions

The Zoning 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 Zoning Ordinance conflicts with any other provision of the Zoning 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 Zoning 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.

DEFINITIONS

2 ARTICLE TWO

DEFINITIONS

2-1 Purpose

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

2-2 General Construction of Language

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

a. Headings

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

b. Illustration

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

c. Shall and May

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

d. Tenses and Numbers

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

e. Conjunctions

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.

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f. Referenced Agencies

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

2-3 Definitions of Terms

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

2-4 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. **Alley:** A public right of way which is used as a secondary means of access to abutting property.
7. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. ~~Generally, apartments are generally located within multi-family residential buildings.~~
9. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

2-5 B

1. **Base District:** A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. **Basement:** A level of a building below street level that has at least one-half of its height ~~above~~ 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:** ~~The initial incorporation of labor and materials within the foundation of a building or structure~~ At the time the site is disturbed or altered for the project.
4. **Block ~~f~~-Face:** The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street ~~and~~ or a major physical

DEFINITIONS

barrier, including, but not limited to, railroads, streams, lakes, ~~or~~ 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 designee of the City Council, responsible for supervision and operation of the building and land use regulations of the City of Columbus[VT1].
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. Cellar[VT2]: A level of a building below street level that has at least one-half of its height below the surface adjacent ground. A cellar shall not be considered a story for the purposes of height measurement.~~

2.1 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.

3.2 Change of Use: The replacement of an existing use by a new use.

4.3 Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space area, or the preservation of historically or environmentally sensitive features.

5.4 City: The City of Columbus, Nebraska.

6.5 City Council: The City Council of Columbus, Nebraska.

7.6 Collector Street: A street connecting neighborhoods within the same communities Columbus and its Extra-territorial jurisdiction, designed to carry traffic from local to arterial streets.

8.7 Common Area: An area held, designed, and designated for common or cooperative use within a development.

9.8 Common Development: A development proposed and planned as one unified project not separated by a public street or alley.

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~~10.9.~~ 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.

~~11.10.~~ Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Columbus.

~~12.11.~~ 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.

~~13.12.~~ County: Platte County, Nebraska.

~~14.13.~~ Court~~Private access~~: An approved private ~~right-of-way~~~~access~~ ~~easement~~ which provides access to residential properties and meets ~~at least three of~~ the following conditions:

- (a) ~~Serves twelve or fewer housing units or platted lots.~~
- (b) ~~Does not function as a local-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)~~(e) Follow naming requirements (lane/court)~~(VT3)~~
- (d) ~~Does not exceed 600 feet in length.~~

~~15.14.~~ Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

~~16.15.~~ Creative Subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided ~~1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space~~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 ~~jointed-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.

~~4.5.~~ Downtown Business District: Area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

2-8 E

DEFINITIONS

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

2-9 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, ~~no more than four of whom may be unrelated. The following persons shall be considered related for the purpose of this title:~~
 - ~~(a) Persons related by blood, marriage, or adoption;~~
 - ~~(b) Persons residing with a family for the purpose of adoption;~~
 - ~~(c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska;~~
 - ~~(d) Not more than eight 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. [VT4].~~
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 premise lot abutting and parallel to a public street ~~or private access, private way, or court.~~

2-10 G

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

2-11 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

2-12 I

DEFINITIONS

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

2-13 J

2-14 K

1. ~~Key Aerial~~ Map: An ~~ortho image map~~ 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, and city limits or Extra territorial jurisdiction~~ lines. The area shown shall be sufficient to show how the —proposed project or subdivision will fit into existing developments.

2-15 L

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

(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.

43. 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.

(a) Corner Lot: A lot located at the intersection of two streets, ~~private ways or courts~~ private access or on ————— two segments of a curved street, ~~private way or court~~ private access forming an angle of no more than 135 ————— degrees.

(b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, ~~private ways, or courts, or private access easements.~~

(c) Interior Lot: A lot other than a corner lot.

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

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

DEFINITIONS

76. 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, ~~private way or court or private access~~. For a residential corner lot, the building official may determine which the shorter lot line abutting a street or private access shall be the front lot line ~~abutting a street, private way or court~~, 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, ~~private way or court 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. ~~For a double frontage lot, the lines separating the lot from both streets, private ways, or courts.~~

(b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.

(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, ~~private way, or court 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.

87. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

2-16 M

1. Manufactured Home Dwelling: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:
 - (a) The home shall have at least 900 square feet of floor area;
 - (b) The home shall have an exterior width of at least 18 feet;
 - (c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;
 - (d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;
 - (e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - (f) Permanent utility connections shall be installed in accordance with local regulations;
 - (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
 - (h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.
2. Mixed Use Building: A building or structure that incorporates two or more use types within it.
3. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries.

DEFINITIONS

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.

5. Mobile Home and/or Tiny Home Park: A unified development following the Non-Traditional Residential Park regulations 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.~~

6. Mobile Home Subdivision: A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may shall include common areas and facilities for ~~management, parking, recreation, laundry, utility services, storage, storm enclosed shelter, and other services;~~ and may include facilities for management, laundry, storage and other services. Mobile Home Subdivisions may not but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

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

2-18 O

1. Off-Street Parking: Parking which must be provided on a site, but not within public right-of-way or property.

24. 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.~~

32. 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.

43. 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.

DEFINITIONS

- ~~54.~~ 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. Planned Unit Development: A development of land which ~~is under unified control and~~ is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
5. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

- ~~6.~~ Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.

~~7.~~ Private Drive or Road: Access which is independently owned, dedicated for use by the lots which the drive or road connects to street.

- ~~87.~~ 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.

- ~~98.~~ Property Line: The line separating parcels.

2-20 R

1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers; and van conversions.
2. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.

~~3.~~ Remote Parking: A supply of off-street parking at a location not on the site of a given development.

2-21 S

DEFINITIONS

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, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley. One structure or building may not be divided into more than one site for the purpose of zoning.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries and topography of a site and the location of all buildings, structures, uses, and principal site ——— development features proposed for a specific parcel of land.
6. Special Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
7. State: The State of Nebraska.
- ~~8. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.~~
- ~~89.~~ Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
- ~~10. Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented; the intersecting street shall be a street other than a principal street.~~
- ~~9.~~ Street Level: Floor elevation at or above sidewalk elevation or adjacent ground.
- ~~104.~~ Street, Local: A street which is used primarily for access to the abutting properties.
- ~~112.~~ 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, ~~ma~~terials, or ~~expressways-highways~~ by the Comprehensive Development Plan and Long Range Transportation Plan.
- ~~123.~~ Structure: Any object constructed, installed or built above or below grade., ~~the use of which requires location on the ground or attachment to something located on the ground.~~

2-22 I

1. Tiny Home Subdivision: 4. A development subdivided, planned, and improved for the placement of tiny homes on lots for uses by the individual owners of such lots. Tiny Home

DEFINITIONS

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.

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.

32. Townhouse Structure: A building formed by at least two and no more than twelve contiguous townhouses with common or abutting walls.

2-23 U

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

2-24 V

1. Value: The estimated cost to construct or replace a structure in kind, based on current replacement costs.

2-25 W

2-26 X

2-27 Y

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

2-28 Z

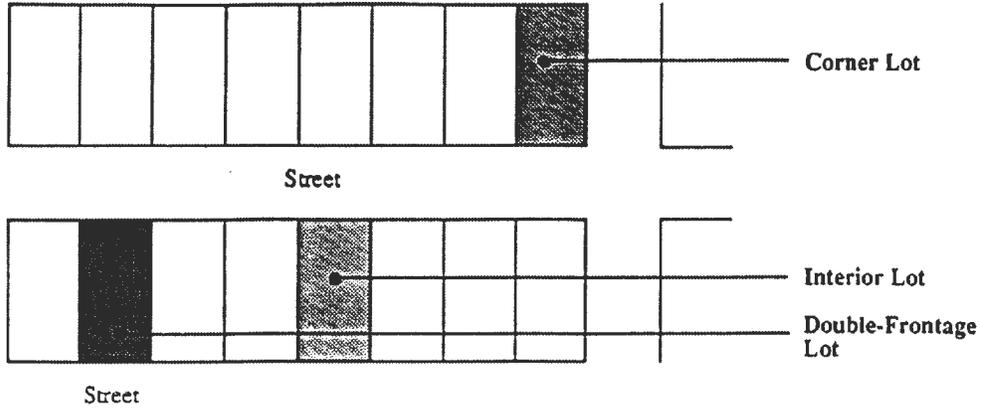
~~1. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district; and can provide such yards and other open spaces that are required by the district regulations.~~

2. 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.

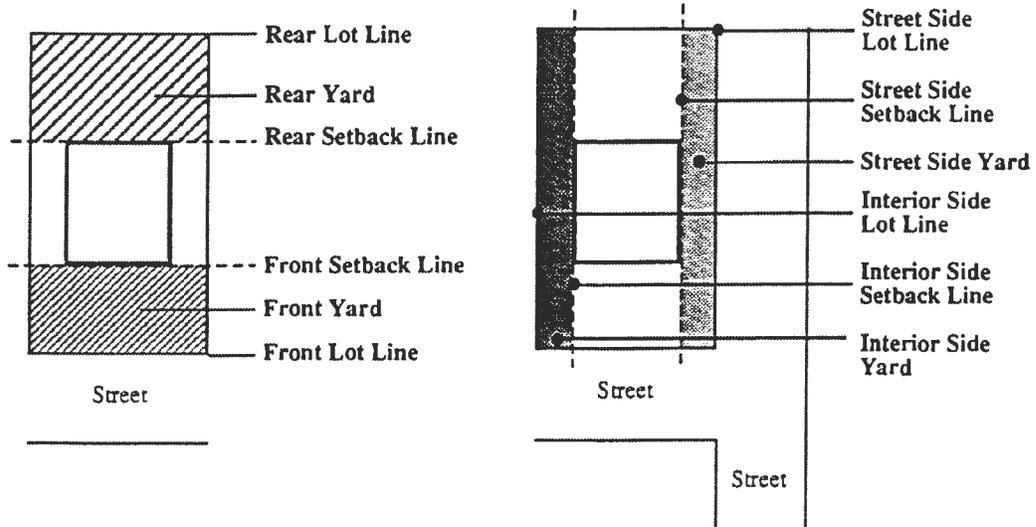
DEFINITIONS

DEFINITIONS

Lot Types



Yards



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 in conjunction with the project Uniform Commercial Code (UCC). 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.

USE TYPES

d. Commercial Feedlots

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

e. Livestock Sales

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

3-4 Residential Use Types

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

a. Single-Family Residential

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

~~1. Single-Family Residential (Detached): 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 Use of a site for one or more manufactured home dwellings, as defined in Section 2-16.~~

~~2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on one legally described lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another legally described lot.~~

~~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.~~

~~b. Duplex Residential~~

~~The use of a legally described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.~~

~~c. Two-Family Residential~~

~~The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.~~

~~d. Townhouse Residential~~

~~The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.~~

~~c. Mixed-Use Residential: Attached residential living unit(s) within a building which includes non-residential use types. Example: Downtown apartments,~~

USE TYPES

de. Multiple-Family Residential:

The use of a site for three or more dwelling units within one or more buildings.

ef. 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.

fg. Mobile Home Residential:

Use of a site for one or more mobile home units, either in mobile home parks or mobile home subdivisions.

h. Manufactured Home Residential

~~Use of a site for one or more manufactured home dwellings, as defined in Section 2-16.~~

g. Non-Traditional Residential: Attached or Detached residential living units, such as: tiny homes, container homes, etc.

hi. Retirement Residential:

A building or group of buildings which provide residential facilities for more than four residents of at least ~~sixty-two~~fifty-five years of age, or households headed by a householder of at least ~~sixty-two~~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. ~~Typical uses include assisted living developments and continuing care retirement centers.~~

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.

USE TYPES

3-6 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses ~~which are strongly vested with social importance.~~

a. Administration

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

b. Cemetery

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

c. Clubs

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

d. College and University Facilities

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

e. Convalescent Services

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

f. Cultural Services

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 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, of eight (8) or fewer 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.

h. Day Care Services (General)

A facility, or use of a building or portion thereof, for day care of more than nine-twelve (12) or more 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.

USE TYPES

i. Detention Facilities

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

j. Emergency Residential

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

k. Group Care Facility

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

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or of ~~mental-retardation~~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 ~~mental-retardation~~intellectual disability.

m. Guidance Services

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

n. Health Care

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

o. Hospital

USE TYPES

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily 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 sewer-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 only and/or overnight basis. Typical uses include urban missions and shelters for homeless people.

r. Park and Recreation Services

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

s. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service. Does not include distribution or shipping |

[VT5]

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.[VT6]

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[VT7]

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.

USE TYPES

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.

zy. Utilities

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

3-7 Commercial Use Types

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

a. Agricultural Sales and Service

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

b. Automotive and Equipment Services

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

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

USE TYPES

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

Conversion or use of a structure or group of structures for lodging use, providing no more than ten units and furnishing guests with breakfast and other incidental services.[VT8]

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 travelers in recreational vehicles or tents on a short term basis.

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, as that term is defined in this section.

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

USE TYPES

Establishments primarily engaged in the provision of broadcasting and other ~~information-relay~~ 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, ~~telegraph service offices,~~ 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 ~~or other structures other than retail sale of paint, fixtures, and hardware.~~ 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. Consumer Services~~

~~Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.~~

kl. Convenience Storage

Storage services ~~primarily for personal effects and household~~ 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.

lm. 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.[VT9]

ma. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products ~~for home consumption~~. 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, ~~but —excluding the accessory sale of fuel for motor vehicles~~. 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.

ne. Funeral Services

USE TYPES

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.

op. 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 ~~shall~~ may include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Columbus ~~or~~ and the State of Nebraska.

pe. General Retail Services

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

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

qf. 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.

rs. 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, ~~and cleaning plans, diaper services, or~~ and linen supply services.

st. 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.

tu. Lodging

Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.

~~v. 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~~

USE TYPES

~~schools, health or physical fitness studios, reducing salons, dance studios, handcraft and hobby instruction.~~

uw. 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; handcraft and hobby instruction.

vx. Pet Services

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

wy. 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.

xz. 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.

yaa. 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.

zbb. 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 ~~or~~ and public stables.

USE TYPES

aaee. 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, ~~and~~ factory outlets ~~or and~~ discount businesses with outdoor display.

bbdd. 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.

ccee. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, ~~dog and cat hospitals~~, pet cemeteries ~~and crematory~~, and veterinary hospitals for ~~all animals livestock and large 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.

USE TYPES

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

c. Light Industry

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

d. General Industry

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

e. Heavy Industry

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

f. Recycling Collection

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

g. Recycling Processing

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

h. Resource Extraction^[VT10]

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.

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 servicing 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

USE TYPES

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

d. Wind Energy Conservation System (WECS)

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

e. Landfill (Non-Putrescible Solid Waste Disposal)

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

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

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

ZONING DISTRICT REGULATIONS

4 ARTICLE FOUR

ZONING DISTRICT REGULATIONS

4-1 Purpose

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

4-2 Establishment of Districts

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

BASE DISTRICTS

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Urban Two-Family Residential District
R-3	Multiple-Family Residential District
RM <u>HNTR</u>	Non-Traditional Mobile Home 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	Limited Industrial District
MH	General Industrial District

OVERLAY DISTRICTS

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

4-3 Application of Districts

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

The Flood Plain/Floodway, Planned Unit Development, Historic, and Environmental Resources Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base

ZONING DISTRICT REGULATIONS

district designation. The Agricultural Overlay District may be utilized only in combination with the RR or R-1 zoning districts.

4-4 Hierarchy

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

4-5 Development Regulations

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

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

4-6 Zoning Map

a. Adoption of Zoning Map

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

b. Changes to the Zoning Map

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

4-7 Interpretation of District Boundaries

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

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

4-8 Vacation of Streets and Alleys

ZONING DISTRICT REGULATIONS

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

Table 4-1: Purposes of Zoning Districts

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

ZONING DISTRICT REGULATIONS

Table 4-1: Purposes of Zoning Districts

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

ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	RMH NTR	O	LC	UC	B-1	B-2	ML/ C-1	MH	Supple- mentary Regulation
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S	S	P	S	S			6-3(a)
<u>Duplex</u>				<u>P</u>	<u>P</u>		<u>P</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>			
<u>Single-Family Attached</u>			<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>			6-3(b) [VTH]
<u>Duplex</u>				<u>P</u>	<u>P</u>		<u>P</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>			
Two Family			<u>S</u>	P	P		P	S	P	S	S			6-3(ad)
Townhouse				<u>P*</u>	P		P	S	P	S	S			6-3(be)
<u>Mixed-Use Residential</u>							<u>P</u>	<u>S</u>	<u>P</u>	<u>P*</u>	<u>P*</u>			
Multiple-Family					P		P	S	P	P	P			6-3(e)
Group Residential					S		P	P	P	P				6-3(e)
<u>Non-Traditional Residential</u>						<u>P</u>								
<u>Manufactured Home Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>					
Retirement Residential				S	P		P	S	P	P	S			
* For two-unit townhouse structures only.														
* Only above street level														

ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	RMH NTR	O	LC	UC	B-1	B-2	ML/ C-1	MH	Supple- mentary 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)	<u>P</u>	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	<u>PS</u>			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	
Non-commercial Shelters										S	S		S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					S		P	P	P	P	P	P	P	
Primary Education		P	P	P	P	P	S	P	P	P	S			
Public Assembly							<u>SP</u>	S	S	P	P			
Religious Assembly	P	P	P	P	P	P	P	P	P	<u>PS</u>	P	<u>SP</u>	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			
<u>Stormwater Treatment Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Utilities	P	P	P	P	P	P	<u>PS</u>	P	P	P	P	P	P	

ZONING DISTRICT REGULATIONS

S/P* - P* is hereby defined as permitted if in compliance with Neb. Rev. Stat. § 43-2616. Neb. Rev. Stat. § 43-2616 provides that any family child care home licensed by the Department of Health and Human Services pursuant to Neb. Rev. Stat. § 71-1911 or by the City or County pursuant to Neb. Rev. Stat. § 71-1914(2) may be established and operated in any residential zone within the exercised zoning jurisdiction.

Table 4-2: Permitted Uses by Zoning District

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

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

ZONING DISTRICT REGULATIONS

Laundry Services										S	P	P	P	
Liquor Sales		S								P	P	S		
Lodging					S		S	S	P	P	P			
Personal Improvement							P	P	P	P	P	P		

Table 4-2: Permitted Uses by Zoning District

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

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

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

ZONING DISTRICT REGULATIONS

ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	RMH	O	LC	UC	B-1	B-2	ML/ C-1	MH	Supple- mentary Regulation
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										<u>PS</u>	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										<u>S</u>		P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	<u>**S</u>	<u>**S</u>										<u>P**</u> <u>S</u>	P	
WECS (Wind Energy Conservation System)	P	P	<u>S</u>	<u>S</u>	S	<u>S</u>		S	S		S	P	P	
Landfill (Non-Putrescible)	S	<u>S</u>											S	
Landfill (Putrescible)	S												S	
<u>Major Alternative Energy Production Devices</u>	P	P	S	S	S	S		S	S		S	P	P	
<u>Minor Alternative Energy Production Devices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

* 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

ZONING DISTRICT REGULATIONS

Permits shall be governed by Chapter 13 of the Zoning Code and, particularly, the procedures and criteria set forth in Section 7 thereof.

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

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

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 acres	1 acre	5,500	4,840 5,500/ 7,480 8,500 [VT12](5)	5,500
Minimum Lot Width (feet)	300	100	546 0	445 0(2)	50(2)
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	5,500	4,840 5,500 (1 Family) 3,740 4,250 (other)	1,500 2,000(3)
Minimum Yards (feet)					
Front Yard	50	50	20	20	20
Street Side Yard	25	25	20	20	20
Interior Side Yard	25	25	740 (1)	740 (1)	740 30(1,4)
Rear Yard	35	35	25	25	20
Maximum Height (feet)	100	36	36(4,6)	36(4,6)	36(4,6)
Maximum Building Coverage	NA	NA	35% [VT13]	35% [VT14] (7)	50% [VT15]
Maximum Impervious Coverage	NA	NA	50%	55% (8)	65%
Floor Area Ratio	NA	NA	NA	NA	1.00

Note 1:

~~See Section 6 for supplemental regulations governing single-family attached and townhouse residential use types. See Section 6 for supplemental regulations governing townhouse residential use types.~~

Note 2:

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

Note 3:

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

Note 4:

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

Note 5:

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

Note 6:

Accessory buildings cannot be over 17.5 feet in height.

Note 7:

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

Note 8:

ZONING DISTRICT REGULATIONS

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.

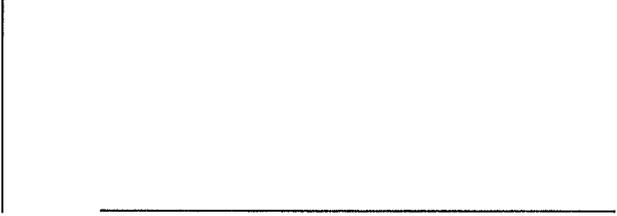
ZONING DISTRICT REGULATIONS

Table 4-3(b): Site Development Regulations

<u>Regulator</u>	<u>NTR Park</u>	<u>NTR Subdivision</u>
<u>Minimum Area to be Developed</u>	<u>2 acres</u>	<u>2 acres</u>
<u>Minimum Lot Area (square feet)</u>	<u>1,000</u>	<u>2,000</u>
<u>Minimum Lot Width (feet)</u>	<u>20</u>	<u>24</u>
<u>Minimum Yards (feet)</u>		
<u>Front Yard</u>	<u>10</u>	<u>20</u>
<u>Street Side Yard</u>	<u>10</u>	<u>10</u>
<u>Interior Side Yard</u>	<u>5</u>	<u>5</u>
<u>Rear Yard</u>	<u>10</u>	<u>15</u>
<u>Maximum Height (feet)</u>	<u>14'8"</u>	<u>36</u>
<u>Maximum Building Coverage</u>	<u>50%</u>	<u>50%</u>
<u>Maximum Impervious Coverage</u>	<u>50%</u>	<u>65%</u>
<u>Floor Area Ratio</u>	<u>NA[VT16]</u>	<u>NA</u>
<u>Shared Parking</u>	<u>1 space per lot</u>	
<u>Minimum Common Open Space (1)</u>	<u>20%</u>	<u>15%</u>

Note 1: Stormwater treatment facilities may be included in Common Open Space. [In supplemental use it requires 250 sq ft of rec space per unit – should we require this within the open space??] Engineering to help mock up a subdivision to ensure this actually works.

ZONING DISTRICT REGULATIONS



ZONING DISTRICT REGULATIONS

Table 4-3(a): Site Development Regulations

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

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

Note 3:

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

ZONING DISTRICT REGULATIONS

Table 4-3(b): Site Development Regulations

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

SPECIAL AND OVERLAY DISTRICTS

5 ARTICLE FIVE

OVERLAY DISTRICTS

5-1 General Purpose

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

The Overlay Districts are designed to achieve the following objectives:

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

PUD: PLANNED UNIT DEVELOPMENT DISTRICT

5-2 Purpose

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

5-3 Permitted Uses

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

5-4 Site Development Regulations

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

- 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 50 feet and gain access from that street.

SPECIAL AND OVERLAY DISTRICTS

5-6 Application Process

a. Development Plan

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

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

5-7 Adoption of District

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

5-8 Amendment Procedure

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

SPECIAL AND OVERLAY DISTRICTS

5-9 Building Permits

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

5-10 Termination of PUD District

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

ED: ENVIRONMENTAL RESOURCES DISTRICT

5-11 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.

5-12 Procedure for Adoption

a. Proposal

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

b. Requirements for Application

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

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

5-13 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.

SPECIAL AND OVERLAY DISTRICTS

- 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.

5-14 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

5-15 Purpose

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

5-16 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.

SPECIAL AND OVERLAY DISTRICTS

5-17 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.

5-18 Building Permits

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

5-22 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 floodprone area. Therefore the City Council of Columbus, Nebraska ordains as follows:

b. FINDINGS 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

SPECIAL AND OVERLAY DISTRICTS

uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

c. STATEMENT OF PURPOSE

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

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

d. ADHERENCE TO REGULATIONS

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

5-23 GENERAL PROVISIONS

a. LANDS TO WHICH ORDINANCE APPLIES

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

b. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

c. COMPLIANCE

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

SPECIAL AND OVERLAY DISTRICTS

d. ABROGATION AND GREATER RESTRICTIONS

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

e. INTERPRETATION

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

f. WARNING AND DISCLAIMER OF LIABILITY

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

g. SEVERABILITY

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

5-24 ESTABLISHMENT OF ZONING DISTRICTS

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

5-25 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

SPECIAL AND OVERLAY DISTRICTS

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 THE FLOODPLAIN ADMINISTRATOR

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

- i. Review, approve, or deny all applications for floodplain development permits.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
- vii. 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.
- viii. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
- ix. 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.
- x. Ensure comprehensive development plan as amended is consistent with this ordinance.
- xi. 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 streets address, or similar description that will readily identify and definitely locate the proposed building or development.
 - (c) Indicate the use or occupancy for which the proposed development is intended.
 - (d) Be accompanied by plans and specifications for proposed construction.
 - (e) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
2. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:

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- (a) All such proposals are consistent with the need to minimize flood damage;
 - (b) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - (c) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (d) Construction materials are flood resistant;
 - (e) Appropriate practices to minimize flood damage have been utilized; and
 - (f) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
3. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
 4. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
 5. For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
 6. Any other such information as reasonably may be required by the City Engineer shall be provided.
 7. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are "reasonably safe from flooding." The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (a) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
 - (b) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonably safe from flooding," according to the minimum design standards in FEMA Technical Bulletin 10-01.
 - (c) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.]

e. FLOOD DATA REQUIRED

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

f. VARIANCES AND APPEALS

1. Variance and Appeals Procedures
 - (a) The Board of Adjustment as established by City of Columbus shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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

2. Conditions for Variances

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

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g. ENFORCEMENT

1. Violations

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

2. Notices

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

- (a) Be in writing;
- (b) Include an explanation of the alleged violation;
- (c) Allow a reasonable time for the performance of any remedial act required;
- (d) Be served upon the property owner or their agent as the case may require; and
- (e) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

3. Penalties

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

5-26 STANDARDS FOR FLOODPLAIN DEVELOPMENT

a. GENERAL PROVISIONS

1. Alteration or Relocation of a Watercourse

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

2. Encroachments

- (a) When proposing to permit any of the following encroachments, the standards in Section

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- 5.1 (B) (ii) shall apply:
- i. Any development that will cause a rise in the base flood elevations within the floodway; or
 - ii. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - iii. Alteration or relocation of a stream; then
- (b) The applicant shall:
- i. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - ii. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.
3. Floodway Overlay District
- (a) Standards for the Floodway Overlay District
 - i. New structures for human habitation are prohibited.
 - ii. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.
 - iii. In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5.3 (H) "Subdivisions", in meeting the standards of this section.
 - (b) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:
 - i. Agricultural uses such as general farming, pasture, nurseries, and forestry
 - ii. Residential uses such as lawns, gardens, parking, and play areas
 - iii. Nonresidential uses such as loading areas, parking, and airport landing strips
 - iv. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

b. ELEVATION AND FLOODPROOFING REQUIREMENTS

1. Residential Structures
 - (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
 - (b) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
 - (c) In the floodway, new structures for human habitation are prohibited.
2. Nonresidential Structures
 - (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - i. The structure is watertight with walls substantially impermeable to the passage of water and
 - ii. The structure has structural components with the capability of resisting

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hydrostatic and hydrodynamic loads and effects of buoyancy.

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

- (b) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - i. The structure is watertight with walls substantially impermeable to the passage of water and
 - ii. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

3. Space Below Lowest Floor

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

4. Appurtenant Structures

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

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be elevated or floodproofed to one (1) foot above base flood elevation.

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

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

5. Manufactured Homes

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

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,

Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

(b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 5.2 (D) (b) be elevated so that either;

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

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).

(c) New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (H) "Subdivisions".

(d) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

ii. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

iii. Any additions to the manufactured home be similarly anchored.

6. Existing Structures

(a) The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iv) shall apply.

(b) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the

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provisions of this ordinance.

- (c) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 5.1 (C).
- (d) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

c. DESIGN AND CONSTRUCTION STANDARDS

1. Anchoring

All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Building Materials and Utilities

- (a) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
- (b) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Drainage

- (a) Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

4. Water Supply and Sanitary Sewer Systems

- (a) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
- (b) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
- (c) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

5. Other Utilities

All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

6. Storage of Materials

- (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- (b) The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

7. Recreational Vehicles

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

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

- (a) Be on site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use, which shall mean it is on

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- its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
- (c) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

8. Subdivisions

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

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

5-27 NONCONFORMING USE

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

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

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

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

5-28 AMENDMENTS

a. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed 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.

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

5-29 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:

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

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

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

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

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

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

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

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

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

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

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

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

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

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

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

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

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

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

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

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams

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designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

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

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

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

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

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

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

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

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

Structure means a walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

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

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

SPECIAL AND OVERLAY DISTRICTS

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

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

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

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

5-30 to 5-33 RESERVED FOR FUTURE USE

SPECIAL AND OVERLAY DISTRICTS

5-36 A: AGRICULTURAL OVERLAY DISTRICT

5-37 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.

5-38 Application of District

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

5-39 Permitted Uses

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

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

5-40 Pre-Existing Zoning

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

5-41 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.

SPECIAL AND OVERLAY DISTRICTS

- 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.

SUPPLEMENTAL USE REGULATIONS

6 ARTICLE SIX

SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

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

6-2 Supplemental Use Regulations: Agricultural Uses

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

a. Horticulture and Crop Production: Retail Sales

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

1. Garden Centers

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

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

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

2. Roadside Stands

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

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

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

b. Commercial Feedlots

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

SUPPLEMENTAL USE REGULATIONS

6-3 Supplemental Use Regulations: Residential Uses

a. Zero-Lot-Line Single-Family Detached Residential

~~Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:~~

- ~~1. The side yard opposite to the zero yard must equal at least twice the normal required side yard;~~
- ~~2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use;~~
- ~~3. An easement for maintenance of the zero lot line facade is filed with the Platte County Register of Deeds and the City Clerk at the time of application for a building permit.~~^[VT17]

b. Single-Family Attached

~~When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.~~^[VT18]

ac. Townhouse Residential

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

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

bd. Two Single-Family Residential

- ~~1. The two single family units shall be separated by a minimum of 14 feet. second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.~~
2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.

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

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

f. Mobile Home Parks in the RMH District Non Traditional Residential Parks in NTR District

SUPPLEMENTAL USE REGULATIONS

In the ~~RMH Mobile Home~~NTR Residential District, which permits mobile home, tiny home and other non traditional residential use, such use may be configured in a Mobile Home Non Traditional Park or Park or Mobile Home Non Traditional Residential Subdivision. A Mobile Home Non Traditional Residential Park or Subdivision may be approved administratively once all the following regulations are met: ~~is subject to approval of a Special Use permit and compliance with the following regulations:~~

1. Property is properly zoned, Non Traditional Residential.

2. Certification Completed Development Agreement

~~A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required of all Mobile Home Parks.~~

~~2. Minimum and Maximum Area~~

~~The contiguous area of a Mobile Home Park shall be not less than two acres.~~

3. Density Requirements as defined in Table 4-3(b)

~~(a) The minimum gross site area per dwelling unit shall be 5,500 square feet.~~

~~(b) The minimum size of an individual mobile home space shall be 3,000 square feet.~~

~~(c) Each mobile home space shall be at least 40 feet wide and 75 feet in length.~~

[VT19]

4. Site Development Minimum Standards.

(a) Setbacks: Each Mobile Home Park Non Traditional Residential Park and Subdivision shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 8 of this Ordinance. Screening shall be provided in conformance with Section 8-5 for any common property line with another non-residential use.

~~(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50 percent of the total site area.~~

~~(e)~~ ~~(d)~~ Open Space Requirements, table 4-3(b): Each Non-Traditional Residential Park shall provide a minimum of 250 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians.

(f) Parking Minimum Requirements, table 9-1.

~~(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.~~

~~(g)~~ ~~(f)~~ Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space maintain a minimum rear and side yard setback of five feet. A

SUPPLEMENTAL USE REGULATIONS

~~—minimum distance of ten feet shall be provided between any mobile home and an _____ unattached accessory building. Parking: Park requires common parking. Subdivision requires on-site parking.~~

5. Street Access and Circulation Requirements

(a) Access to Public Street: Each ~~Mobile Home Park~~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)~~ (b) Vehicular Circulation: The ~~Mobile Home~~NTR Parks and Subdivisions must provide interior vehicular circulation on a private internal street system.

i. One side on Street Parking Minimum interior street width shall be a minimum of 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length without a variance.

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

~~(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.~~

(d) Sidewalks or Path: Each ~~Mobile Home~~NTR Park and Subdivision shall provide a sidewalk or path system to connect each ~~mobile home space~~lot to common buildings or ~~community facilities~~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.

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

~~(f) Parking Requirements: Each Mobile Home Park must provide at least one off-street parking stall for each mobile home space.~~

6. Utilities: All ~~Mobile Home Parks~~living units shall ~~be provide individual units and common facilities~~ _____ with an adequate, 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 ~~mobile home space~~living unit.

7. Financial Responsibility: Each application for a ~~Mobile Home~~NTR Park and Subdivision shall include a _____ demonstration by the developer of financial capability to complete the project; and a _____ construction schedule.

SUPPLEMENTAL USE REGULATIONS

8. Completion Schedule: Construction must ~~be~~ begin on any approved ~~Mobile Home~~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 ~~Commission~~Administrator.

~~9. All other uses and provisions of the Columbus Mobile Home Park regulations are incorporated herein by reference.~~

g. Mobile Home Subdivisions in the RMH District

~~Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Columbus. Site development regulations shall be the same as those required in the R-2 Zoning District.~~

6-4 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than ~~fifteen~~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

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

6-5 Supplemental Use Regulations: Commercial Uses

a. Auto Repair, Equipment Repair, and Body Repair

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

b. Auto Washing Facilities

SUPPLEMENTAL USE REGULATIONS

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

c. Bed and Breakfasts

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

d. Campgrounds

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

e. Convenience Storage

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

1. The minimum size of a convenience storage facility shall be 8,712 square feet of lot area;
3. 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 meeting 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.

SUPPLEMENTAL USE REGULATIONS

3. The following setback shall be complied with: a 20 foot setback unless a greater setback is otherwise required under this Code. Landscaping and buffer yards as required under this Code.
4. All services and activities associated with said crematory must take place within a completely enclosed building, including the unloading of human remains from the transporting vehicle and must maintain the integrity of the surrounding area.
5. All driveway approaches at least 20 feet outward from the crematory toward the City street must be paved with either concrete or asphalt.

g. Sexually Oriented Business

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

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

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

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

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

SUPPLEMENTAL USE REGULATIONS

(b) Installation of perimeter safety ~~screening~~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.

(c) Installation of visual screening adjacent to any property within a residential or public use district. If fencing required in above (b) is solid, it may be used to fulfill this requirement.

~~5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternatively, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the City Council and the Lower Loup Natural Resources District.~~

6. Topographic & Site Plan: Submittal must include a proposed topographic plan and, if applicable, a subdivision layout of the completed project.

b. Salvage Services

1. Screening:

(a) The perimeter of each new facility shall be fully enclosed by opaque, free-standing fencing, or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.

(b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.

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

3. No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.

c. Development within County Designated Industrial Areas

1. All applications for Industrial Areas proposed for designation by Platte County under Sections 19-2501 through 19-2511 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 ~~Development~~ 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 4 of each year is due

SUPPLEMENTAL USE REGULATIONS

annual and on or before ~~February-March~~ 1 of that year. Failure to submit an acceptable 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;[VT20]

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

6-7 Home-Based Businesses[VT21]

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

a. Violations

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

b. Building Use

The home-based business shall be incidental to the residential use of the property where it is operated. No more than ~~20~~30% of the total first floor area of the primary residential structure all buildings 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.

SUPPLEMENTAL USE REGULATIONS

1. Outdoor storage of any equipment, machinery, parts, goods, materials, or other appurtenances of the business shall not be permitted, ~~other than motor vehicles used by the owner to conduct business.~~
2. The home-based business shall not involve the parking or storage of tractor-trailers, semi-trucks, or heavy equipment, such as construction equipment, used in a business.
3. Welding, vehicle body repair, vehicle painting, mechanical repair, rebuilding or dismantling of vehicles, or other like businesses are not allowed as home-based businesses.
4. Businesses which involve the production, storage, distribution, or collection of hazardous chemicals, toxic materials, fireworks, or similar materials, or other like businesses, are not allowed as home-based businesses.
5. The home-based business shall not cause glare, noise, odors, or electronic interference to the residents of surrounding properties.
6. The home-based business shall not require additional on- or off-street parking; ~~nor shall it generate, on a consistent basis, more vehicular traffic than the area was designed to accommodate.~~

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 ~~a total of six (6) individuals, including family members and owner(s) and no more than two (2) full-time, part-time, temporary, or contract labor employees;~~ 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, ~~phone number~~ 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.

~~4.2~~ The presence or design of the sign shall not detract from the property or the surrounding residential area; neither shall its size constitute a visual hazard. Signage must be contained entirely on the property and must maintain appropriate distances from the boundaries of neighboring properties.

6-8 Supplemental Use Regulations: Accessory Uses

a. Permitted Accessory Uses: Residential Uses

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

SUPPLEMENTAL USE REGULATIONS

1. Private garages ~~and accessory buildings and parking~~ 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. ~~4. Residential convenience services [VT22] for multi-family uses~~ and/or Non Traditional Residential mobile home parks.
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. 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.[VT23]

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

b. Permitted Accessory Uses: Civic Use Types

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

c. Permitted Accessory Uses: Other Use Types

~~Other use types may include the following accessory uses, activities, and structures on the same lot:~~

- ~~1. Parking for the principal use.~~
- ~~2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided that such manufacturing is totally contained within the structure housing the principal use.~~
- ~~3. Services operated for the sole benefit of employees of the principal use.~~

d. Permitted Accessory Uses: Agricultural Use Types

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

6-9 Supplemental Use Regulations: Outdoor Storage

SUPPLEMENTAL USE REGULATIONS

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

a. Agricultural Use Types

Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
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, ~~General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards~~. 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.



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

Memorandum

DATE: June 4, 2020

TO: Planning Commission

FROM: Trevor Harlow, City Planner

RE: Article 10, Sign Regulations, of the draft proposal of the Unified Land Development Ordinance.

RECOMMENDATION:

The purpose is to provide review and recommended approval of Article 10 Sign Regulations of the draft proposal of the Unified Land Development Ordinance.

DISCUSSION:

City staff have reviewed and updated the Land Development Ordinance, Article 10, Sign Regulations. In an effort to make this review a more efficient process, this memorandum will highlight the key revisions.

- Adding, based on a Supreme Court ruling, that sign type approvals may not be based upon content of the sign.
- Clarification of abandoned signs, including provisions that outline the process when violations occur.
- Clarifications and updating the permitting process, including maintenance, inspections, location, clearance and projections in regard to sign construction.
- The addition of measurements which outlines a permitted sign budget, sign area, measurement of sign height, and setback for determining sign size and placement.
- Updating of awning, canopy, marquee, projecting, wall, access point, commercial center identification, electronic information, and numeric display signs.
- The addition of a master sign plan option that encourages development and allows administrative approval on sign projects that occur in larger-scale, mixed-use, and/or unique developments.
- Updating provisions allowing temporary signs, including portable message centers (roller/cart changeable signs).on a limited basis.



- Clarification and updating of outdoor advertising signs also referred to as a billboard.

Additional minor and clerical revisions were made within the article. City staff continues to work towards finalizing the format and providing final details of this article.

CONCURRENCE:

Tara Vasicek, City Administrator

Rick Bogus, City Engineer

Dan Curtis, Community Development Director

Article 10: Sign Regulations

10-1: PURPOSE AND INTENT

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety.

In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- A. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- B. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- C. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- D. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- E. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- F. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;
- G. Facilitate traffic flow and safety of pedestrians, bicyclists, and motorists through enforcement of sight lines and other appropriate sign placement regulations; and

- H. Preserve and promote retention of local businesses and further the economic development goals of the City.

10-2: APPLICABILITY, INTERPRETATION, SEVERABILITY, AND NON-COMMERCIAL SPEECH SUBSTITUTION

- A. *Applicability.* Each sign or part of a sign erected within the zoning jurisdiction of the City of Columbus must comply with the provisions of this chapter, other relevant provisions of the City of Columbus' Municipal Code, and applicable building codes. The regulations in this article are applicable to all signs in the City's jurisdiction, except as noted in Article 10-5. B, unless otherwise stated.
- B. *Interpretation.* The City shall interpret and apply the sign regulations of Article 10 of the Unified Land Development Ordinances (ULDO).
- C. *Severability and Non-Commercial Speech Substitution.* Any provision of the sign standards that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of the sign standards that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from the sign standards in a manner that preserves the standards and protects freedom of speech.

10-3: DEFINITION OF TERMS

The following definitions shall be used for terms contained in this Article. Terms not defined in this section may be defined in other areas of City Code.

- A. *SIGN:* Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers, vending machines, express mail and donation drop-off boxes, drive-thru menu boards, seasonal decorations visible, a building's architectural features visible, or a manufacturer's or seller's markings on machinery or equipment visible.
- B. *SIGN RELATED TERMS:*
 - 1. *ARCHITECTURAL DETAIL/FEATURE/ELEMENT:* Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.
 - 2. *AUXILIARY DESIGN ELEMENTS:* Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.

3. *AWNING*: An architectural projection that provides weather protection, identity, or decoration and is partially or wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight frame structure over which a covering is attached.
4. *BACKGROUND PANEL*: An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc. from the structure it's attached.
5. *BALLOON*: Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.
6. *CABINET*: A sign structure comprised of a frame and a sign face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet refers only to the frame housing the sign face.
7. *CANOPY*: A permanent structure of rigid construction which a covering is attached that provides weather protection, identity, or decoration. A canopy is structurally independent.
8. *CLEARANCE*: The distance between grade and the bottom edge of a sign.
10. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
11. *COMMERCIAL CENTER*: A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.
12. *FRONTAGE*: The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
13. *ILLUMINATION*: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 - a. *DIRECT ILLUMINATION*: An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
 - b. *INDIRECT ILLUMINATION*: A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
 - c. *INTERNAL ILLUMINATION*: A light source entirely within a sign where the source of the illumination is not directly visible.
 - d. *NEON ILLUMINATION*: Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.
14. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
15. *LOGO*: A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.
16. *MASTER SIGN PLAN*: A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, or large-scale mixed-use developments.

17. *MARQUEE*: A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
18. *PAN-CHANNEL LETTER*: An individual three-dimensional letter constructed by means of a three-sided metal channel.
19. *PERMITTED SIGN BUDGET*: The permitted square feet of sign area allowed for signage on a premise.
20. *PREMISES*: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
21. *RACEWAY*: A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.
22. *SIGN COPY*: Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
23. *SIGN FACE*: The area of a sign on which words and images are placed.
24. *SIGN STRUCTURE*: The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
25. *VISION CLEARANCE TRIANGLE*: The vision clearance triangle is defined in 10-5. B (3) for all intersections and intersections of arterial streets.

C. *SIGN TYPES*:

1. *ABANDONED SIGN*: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.
3. *ATTACHED SIGN*: A sign which is structurally connected to a building or depends upon that building for support
4. *AWNING SIGN*: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
5. *BANNER SIGN*: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that is attached to a structure, building, or fence with cord, rope, cable, or similar method. Detached banner signs are defined as Freestanding Yard Signs.
6. *BALLOON SIGN*: A sign supported by a balloon.
8. *BILLBOARD*: See Outdoor Advertising Signs.
9. *BLADE SIGN*: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.
10. *BLINKING SIGN*: See Flashing Sign.
11. *BUILDING MARKER*: See Integral Sign.
12. *BUSINESS IDENTIFICATION SIGN*: A sign which pertain to the business, service, and/or retail uses and may also include multi-tenant residential uses and other information relative to the conduct of the use located on the premises.

13. *COMMERCIAL CENTER IDENTIFICATION SIGN:* A sign which identifies the name of a commercial center or commercial building with multiple tenants in single ownership or control, sharing parking and access.
14. *CANOPY SIGN:* A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
15. *CHANGING MESSAGE SIGN:* A sign designed to permit change of copy manually.
16. *DETACHED SIGN:* A sign which is self-supporting and structurally independent from any building.
17. *DIRECTORY SIGN:* A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.
18. *DOUBLE-FACED SIGN:* A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
19. *DRIVE-THROUGH LANE SIGN:* A sign oriented to occupants of vehicles utilizing a drive-through lane at an establishment that offers transactions through a window, with or without ordering capability.
20. *ELECTRONIC INFORMATION SIGNS:* On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
21. *ELECTRONIC CHANGEABLE MESSAGE SIGN (ECMS):* An Outdoor Advertising Sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used.
22. *FLAG SIGN:* Signs which are emblazoned on a flag, with non-commercial emblems or insignias and are intended to be displayed in a free-flowing manner.
23. *FLASHING SIGN:* Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
24. *FREESTANDING YARD SIGN:* Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, or parking lots.
25. *GROUND SIGN:* A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.
26. *HANDHELD SIGN:* A sign carried by persons, which may include persons dressed in costume, for the purpose of advertising a business, service, product, event, or activity.
27. *HISTORIC MARKER:* A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
28. *INFLATABLE SIGN:* A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. May also be referred to as Air-Activated Sign.

29. *INTEGRAL SIGN:* A sign which includes the name of a building, date of erection, monumental citation, commemorative tablet, or other similar sign when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
30. *MARQUEE SIGN:* A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
31. *MONUMENT SIGN:* An on premise freestanding sign with the appearance of a solid base.
32. *MOVING SIGN:* A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.
33. *MURAL-ADVERTISING:* See Painted Wall Sign.
34. *NONCONFORMING SIGN:* A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
35. *NUMERIC DISPLAY SIGNS:* On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
36. *OBSOLETE SIGN:* Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
37. *OFF-PREMISE SIGN :* A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
38. *ON-PREMISE SIGN:* A sign that advertises or otherwise directs attention to a business, person, organization, activity, event, place, service, or product that occurs on the same parcel where the sign is located.
39. *OUTDOOR ADVERTISING SIGNS:* A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on premise or off-premise businesses or products, also referred to as a Billboard.
40. *PAINTED WALL SIGN:* A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
41. *PERMANENT SIGN.* A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
42. *POLE SIGN:* An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
43. *PORTABLE SIGN:* A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
44. *PORTABLE MESSAGE CENTER SIGN:* A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

45. *PROJECTING SIGN*: A sign other than a wall sign that is attached to and projects from a building face.
46. *PUBLIC SIGN*: A sign of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern. This includes all signs erected by the City for government purposes.
47. *ROOF SIGN*: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - a. *INTEGRAL ROOF SIGN*: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - b. *ABOVE-PEAK ROOF SIGN*: A roof sign positioned above the peak of a roof or above a parapet or cornice.
48. *ROTATING SIGN*: A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
49. *SIDEWALK SIGN*: A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base. May also be referred to as Sandwich Board Sign, A-Frame Sign, or T-Frame sign.
50. *SNIPE SIGN*: A sign made of any material when such sign is tacked, taped, nailed, posted, pasted, glued, or otherwise attached to or placed on public property or in the public right-of-way such as, but not limited to, a utility pole, street sign, utility box, fire hydrant, tree, street furniture, or items located on public property; except for A-frame and T-frame signs.
51. *STREET POLE BANNER SIGN*: A display containing changeable copy which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.
52. *TEMPORARY SIGNS*: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
53. *TRAFFIC CONTROL DEVICE SIGN*: Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
54. *UNLAWFUL VEHICLE SIGN*: A sign which covers more than twenty (20) square feet of the vehicle and/or equipment which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized vehicle or piece of equipment, and is parked and visible from the public right-of-way; unless said vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.

55. *WALL SIGN:* A sign permanently fastened to a wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure. For a sign that is painted on a wall, see Painted Wall Sign.
56. *WINDOW SIGN:* A sign applied or attached to a window or visible through a window from the public right-of-way. Window Signs do not include merchandise in a window display.

Illustration 10-1: Permanent Signs Example

Illustration 10-2: Temporary Signs Example

10-4: GENERAL SIGN REGULATIONS

- A. *Construction, Permits, Clearances and Projections, Inspections, Maintenance, Fees, Violations, and Enforcement.* All signs shall be erected, reinstalled, altered, repaired, relocated, permitted, and inspected in compliance with this Article.
 1. *Permanent Sign; Registration of Installers*
 - a. No person, firm, or corporation shall engage in the business of installing, altering, repairing, or removing any sign within the corporate limits of the City, unless he/she is registered as a sign installer with the City.

Each person registering under the provisions of the above paragraph shall pay a two-year registration fee as set forth in the current City Comprehensive Fee Schedule.
 - b. Any person engaged in making connections of any electric sign to any electrical power system shall be registered as an electrician with the City or shall be employed by a City registered sign installer and possess a current Special Electrician license issued by the State of Nebraska, as provided in Rule #9 of the State Electrical Board Rules, with proof of license on file in the Community Development Department.
 2. *Revocation of Registration; Sign Installers*
 - a. The City Council, by a majority vote, shall have the power to revoke the registration of any sign installer pursuant to this article, upon recommendation of the Building Official, if such registration was fraudulent, or if the sign installer is shown to be grossly incompetent or has twice, within a 12-month period, been found in violation of any provisions of this article. This penalty shall be cumulative and in addition to any and all penalties prescribed for the violation of the provisions of this article.
 - b. Before registration can be revoked, notice shall be issued in writing enumerating the charges against him/her, and he/she shall be entitled to a hearing before the City Council, by appealing in writing no later than five (5) business days from the

date of receipt of the notice. The registrant shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All such testimony before the City Council shall be given under oath. The City Council shall have the power to administer oath, issue subpoenas, and compel the attendance of witnesses in such cases.

3. *Certificate of Insurance*

Every person applying for registration as a Registered Sign Installer shall present evidence to the Building Official that he/she has an insurance policy providing:

- a. Worker's compensation insurance.
- b. Minimum public liability and property damage insurance for the general public in the amounts of: one million dollars (\$1,000,000. 00) for each person, one million dollars (\$1,000,000. 00) each accident, and one hundred thousand dollars (\$100,000. 00) property damage, executed by an insurance company authorized to do business in the State of Nebraska and acceptable to the City.
- c. The City of Kearney shall be named a Certificate Holder, on the above liability and property damage insurance.
- d. A thirty (30) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.

4. *Permit Procedures*

- a. *Applicability.* A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all applicable signs and/or sign parts within corporate limits of the City or the extra-territorial jurisdiction conforming to this title. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is exempt from requiring a permit.
- b. *Plans Submittal.* A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign, the reuse of existing elements, and its installation by a Nebraska registered professional engineer or architect with specialization in structures.
- c. *Incomplete Applications.* In the event insufficient information is received to issue a permit, the Community Development Department will request the balance of required information. If no response is received within thirty (30) calendar days of the request, said application will become null and void and information will no longer be kept on file. Any fees paid will be forfeited by applicant.
- d. *Expiration.* If the work authorized by a permit issued under the provisions of the Community Development Department has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
- e. *Appeals.* Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this Code section, may appeal such decision to the Board of Adjustment.

- f. *Application Fees.* Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
 - 1. Where work, for which a permit is required, for this article, is started prior to obtaining the prescribed permit, the fee specified in the City of Columbus Comprehensive Fee Schedule shall be doubled. The payment of such double fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed herein.
 - 2. A separate electrical permit is required for the hook-up of an electric sign. Fees are set forth in the City of Columbus Comprehensive Fee Schedule.

5. *Design Standards*

- A. *Design; General Requirements.* Signs shall be designed and constructed to comply with the provisions of the City of Columbus code for use of materials, loads, and stresses.
- B. *Design; Drawings and Specifications.* Where a permit is required, as provided in the adopted edition of the International Building Code, construction documents shall be required. These documents shall show the location, dimensions, materials, and required details of construction, including loads, stresses, and anchors
- C. *Design; Clearances and Projections.* All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.
 - 1. *Clearances.* The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
 - a. Seven (7) feet, six (6) inches over sidewalks;
 - b. Fifteen (15) feet over parking lots;
 - c. Eighteen (18) feet over driveways.
 - 2. *Projections.* The projection regulation below shall stand, unless otherwise stated in this Article.
 - a. No sign or sign structure shall project into any street right-of-way.
 - b. No sign or sign structure shall project into any public alley right-of-way.
- D. *Design; Wind Load.* Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City adopted edition of the International Building Code.
- E. *Design; Seismic Loads.* Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City adopted edition of the International Building Code.
- F. *Design; Working Stresses.* In outdoor signs, the allowable working stresses shall conform to the requirements in the City adopted edition of the International Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope of fasteners.

Exceptions:

1. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ($\frac{1}{5}$) of the ultimate strength of such chains, cables, guys, or steel.
 - 2.
- G. *Design; Footing Design and Loading.* The footing design and/or loading of signs shall be certified by an architect or engineer registered in the State of Nebraska with specialization in structures.
- H. *Design; Identification.* Every sign and awning erected in the City shall be plainly marked with the name of the person/company erecting such sign or awning, including the permit number under which it was erected. Every electric sign and awning shall have plainly marked thereon the voltage, amperage, rating, and the name of the person/company manufacturing such sign or awning. It shall be unlawful for any person to remove from any sign or awning the identification tag. However, whenever a sign or awning company assumes the maintenance of a sign or awning erected by another, he/she shall place his/her identification thereon. The identification tag shall be maintained so it is legible at all times.

6. *Construction Standards*

- A. *Construction; General.* A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with building exit signs, required by the International Building Code, or with official traffic signs, signals, or devices.

Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape or any window, door, or other opening used as a means of egress, or so as to prevent free passage from one part of a roof to other part thereof. A sign shall not be attached in any way, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

- B. *Construction; Materials.* Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the City adopted edition of the International Building Code.

1. Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.

- C. *Construction; Anchorage.* Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

No wooden blocks, plugs, or anchors used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements of parapet walls, specified for seismic zones as defined in the City adopted edition of the International Building Code.

D. *Construction; Display Surfaces.* Display surfaces in all types of signs may be made of metal, glass, approved plastics, or wood where permitted elsewhere by this article. Glass thickness and area limitations shall be as set forth in Table No. 3-A. Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

1. Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.
2. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.
 - a. Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

E. *Construction; Approved Plastics.* Notwithstanding any other provisions of this Code, plastics that burn at a rate not faster than two and a half (2 ½) inches per minute when tested in accordance with ASTM D635 shall be approved for use as the display surface material and for the letters, decorations, and facings on signs and outdoor display structures. Signs erected within five (5) feet of an exterior wall in which there are openings shall be constructed of noncombustible material.

F. *Construction; Electrical.* Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:

1. Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically
2. Over seven hundred fifty (750) volts: Ten (10) feet horizontally and vertically

The term "overhead conductors" as used in this article means any electrical conductor, bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

G. *Construction; Illumination.* A sign shall not be illuminated by means other than electrical and electrical devices and wiring shall be installed in accordance with the requirements of NFPA 70. An open spark or flame shall not be used for display purposes unless specifically approved.

Signs that require electrical service shall comply with NFPA 70. Every electric sign installed in the City shall bear the label of an approved testing agency and shall meet the applicable articles of the National Electric Code as adopted by the City.

H. *Construction; Inspection.* All ground, monument, and pole signs must have a footing inspection approved prior to the placement of the footing and foundation materials. The City requires property lines to be clearly marked at the time of footing inspection, by identified corner pins with string line or survey markers. All signs must have a footing inspection approved by the Community Development Department. It shall be the responsibility of the permit holder to call for these required inspections.

I. Maximum Size of Exposed Glass Panel

Table No. 10-1, Size, Thickness, and Type of Glass Panels in Signs			
Any Dimension (inches)	Area (square inches)	Minimum Thickness of Glass (inches)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	¼	Plain, plate, or wired
Over 144	Over 3600	¼	Wired

7. *Maintenance and Alterations*

A. *Maintenance.* Sign and sign support structures, together with their braces, guys, supports and anchor, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times. Any sign or component thereof which is found to be defective must be repaired or replaced in accordance with the current requirements of this Code.

The changing of moveable parts of an approved sign that is designed for such changes, or repainting of display matter shall not be deemed an alteration.

B. *Alterations.* No such sign may be enlarged, modified, or altered in any way; however, reasonable repairs may be permitted. Alterations also include the removal and replacement of the sign housing, cabinet, or decorative elements. Any alteration shall require a permit. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is not considered an alteration.

8. *Nonconformance*

- A. *Nonconformance of Signs.* Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title or at the effective date of this Article, such sign shall be deemed a lawful nonconforming sign as it remains, subject to the following provisions:
 - 1. No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
 - 2. Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

9. *Violations and Enforcement*

- A. *Violation a Public Nuisance.* If any person erects, alters, relocates, or maintains a sign in violation of the provisions of the sign standards, it is declared a public nuisance, and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.
- B. *Violation Declared a Civil Infraction.* It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
- C. *Discontinuance of Signs.* If a sign or sign structure is in disrepair to a point of over fifty percent (50%) of the sign's total replacement value, the City Manager or designee may order the structure removed, at the owner's expense.
- D. *Removal of Abandoned, Prohibited, and Illegal Signs by the Building Official.* The Building Official shall enforce the sign standards in accordance with one or more of the following procedures:
 - 1. *Administrative Enforcement.*
 - a. For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record owner or occupier of the property to abate the nuisance within a reasonable time.
 - b. The Building Official shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:
 - i. Removal of the sign; or
 - ii. Obtaining the required permits and bringing the sign into compliance with the sign standards.
 - 2. *Summary Abatement.* The Building Official or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The Building Official may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.
 - 3. *Civil Citation.* The Building Official or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

B. *Location.*

1. *Right-of-Way.* Signs are prohibited in any public right-of-way or public property, including streets, sidewalks, parks, and public facilities unless otherwise stated in this Article or approved by the City of Columbus.
2. *Ingress/Egress Clearance.* No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.
3. *Vision Clearance Triangle.* Signs shall not be located within the vision clearance triangle as defined: No sign shall be built to a height of more than **two (2) feet** above the established curb grade on the part of the lot within a vision clearance triangle. The vision clearance triangle shall be a triangle measured from the point of intersection of the curb lines or edge of pavement of the streets to a point **forty (40) feet** in each direction from the intersection along such curb lines or edges of pavement. At the intersection of arterial streets as defined by the official roadway map kept and maintained by the City of Columbus Engineering Department, the **forty (40) foot** distance shall be increased **to sixty (60) feet**. No sign shall be placed in such area which will materially obstruct the view of drivers approaching the street intersection. See Illustration 10-3 for a depiction of Vision Clearance measurement.

Illustration 10 - 3: Vision Clearance Measurements

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. No exempt signs shall be erected within the vision clearance triangle and must meet all other applicable building codes.

1. City of Columbus Special Event Sign. A sign advertising a public event, providing that specific approval for the event, and associated signage, is granted by the City of Columbus.
2. Historic Markers.
3. Integral Signs.

4. Public Signs.
5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
6. Signs, which are not visible from a public right-of-way, private way, court, or from a property, other than that on which the sign is installed.
7. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
8. Signs on a vehicle, other than an Unlawful Vehicle Sign.
9. Signs protected by Federal/State law.
10. Traffic Control Device Signs.
11. Works of graphic art painted or applied to building walls which contain no logos, advertising, or business identification messages.

10 - 6: METHOD OF MEASUREMENT FOR REGULATIONS

- A. *Permitted Sign Budget.* The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property follow the instructions below:
1. Identify the zoning of the premises.
 2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). See Illustration 10-4. For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
 3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 10-1.
 4. Find the permitted sign budget by using the lesser of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget shown in Table 10-2. Compare the Calculated Permitted Sign Budget in step 3 to the Maximum Permitted Sign Budget for the premise's zoning district:
 - a. If the Calculated Permitted Sign Budget, in step 3, is over the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is limited to the Maximum Permitted Sign Budget.
 - b. If the Calculated Permitted Sign Budget, in step 3, is under the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is greater of the Calculated Permitted Sign Budget or the allowable minimum.

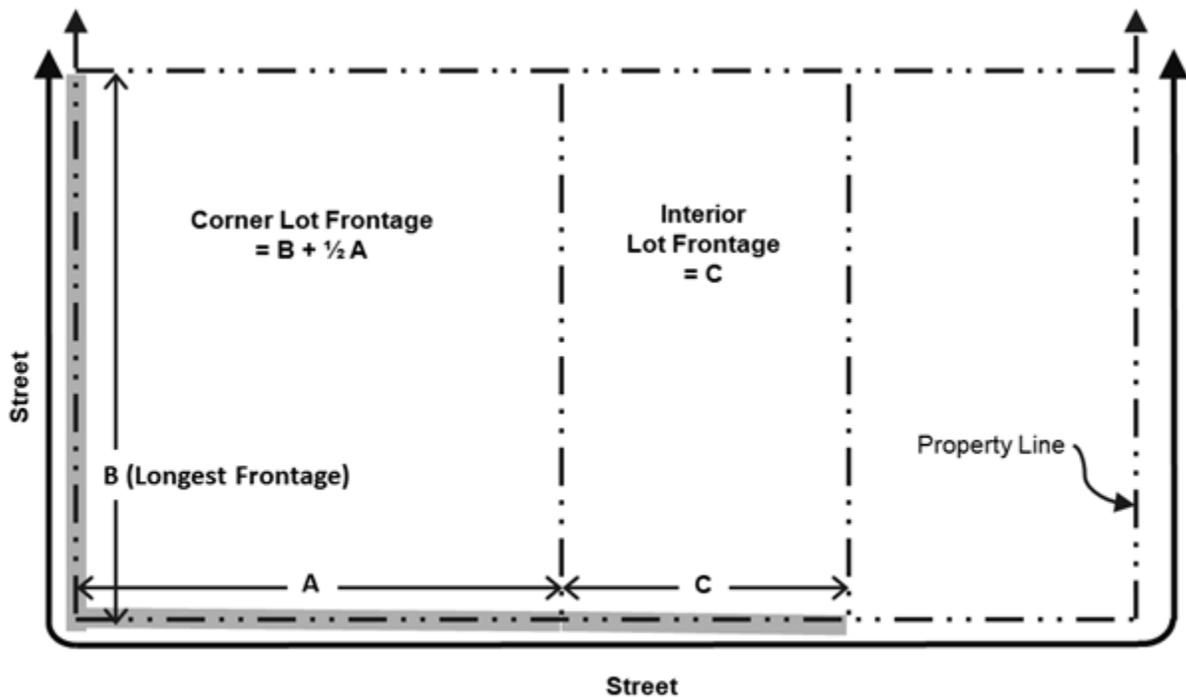
Table 10 - 2: Permitted Permanent Sign Budget by District									
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated	0.5	1	1	1	0.5	0.75	1.5	1.5	2

Permitted Sign Budget									
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.

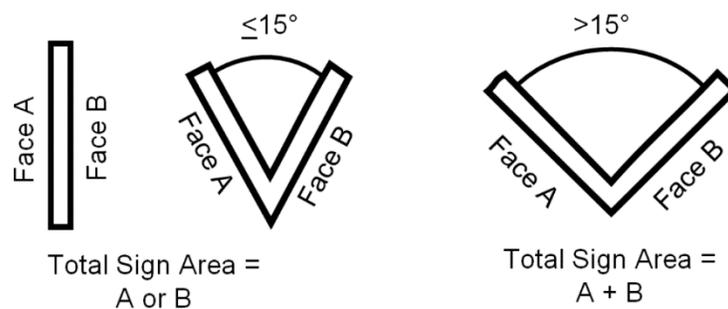
Illustration 10 - 4: Lot Frontage Determination



**Lot with Multiple Street Frontages
= Longest Street Frontage + 1/2 of the Sum of All the Additional Street Frontages**

- B. *Sign Area.* Sign area is measured or calculated as follows:
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
 2. *Wall Sign without Background Panel.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, which has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy. This area shall be measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that will enclose each letter, word, graphic, or discrete visual element in the total sign.
 3. *Sign with Illuminated Background.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface, illuminated element, or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 4. *Signs with Two (2) or More Faces.* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed four (4) feet, or when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Illustration 10-5, below, for a graphic representation.

Illustration 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



- C. *Measurement of Sign Height.* The height of a detached sign shall be measured as the vertical distance from the average finished grade of the ground below the sign, excluding any filling, berming, mounding, or excavating for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a detached sign is shown in Table 10-5. For the purposes of this section, average finished grade shall be considered the lower of: (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located. See Illustration 10-6 for Measurement of Sign Height graphic.

Illustration 10 - 6: Measurement of Sign Height

Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NR U	NR U	NR U	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information	N	N	N	NR U	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NR U	P	P	P	P	P	P	P	P

N: Not Permitted

P: Permitted

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

P (A): Permitted along expressways.

10 - 8: ILLUMINATION/LIGHTING SIGN ELEMENTS

Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway, and in accordance with the Outdoor Lighting provisions. No sign illumination shall impair vehicular or pedestrian circulation on the same premise or adjoining properties. Permitted illumination/lighting elements for signs is outlined in Table 10-4 below.

Table 10 - 4: Permitted Permanent Signs by Type and Zoning District

Illumination Type												
	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	M H
Indirect	P	N	NR U	NR U	P	P	P	P	P	P	P	P
Direct	P	N	NR U	NR U	P	P	P	P	P	P	P	P
Internal	P	NR U	N	NR U	P	P	P	P	P	P	P	P
Neon	N	N	N	NR	N	N	P	P	P	P	P	P

				U								
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Blub	N	N	N	N	N	N	N	P	P	N	N	N

N: Not Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and mobile home park development use types.

(A/L): Permitted along arterial and local collector streets.

10-9: SIGN TYPE SUPPLEMENTAL REGULATIONS: PERMANENT SIGNS

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

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

Regulation Item <i>(All Detached Signs, Except Where Noted)</i>	Zoning Districts									
	AG	RR R-1 R-2 R-3 NTR	R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH	
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300	
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200	
Maximum										

Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	15	25
Pole	N	N	N	30	45	30	45	N	45
Front Yard Setback (ft.)	25	5	2	2	2	0	2	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	2	2	2

NA - Not Applicable
N - Not Permitted

B. *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 50-5, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 50-5 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, as shown in Illustration 50-7, below, in order to determine the maximum percentage of street façade coverage.

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

Regulation Item	Zoning Districts								
	AG	RR R-1 R-2 R-3 NTR	UC LC			C-2	DBD	C-3	BP
Maximum Size of Attached Sign (sq. ft.)	100	32	50	150	200	150	300	300	300
Maximum % of Street Façade	15%	15%	15%	20%	20%	20%	25%	20%	25%

Illustration 10-7: Measurement of Street Façade and Awning Percentage Illustration

Awnings and Awning Signs. Awnings and awning signs, where permitted, are subject to the following regulations:

- a. The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels, as shown in Illustration 10-7, above, shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
- b. Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.
- c. Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
- d. Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.

2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:

- a. The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
- b. All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.

3. *Marquees and Marquee Signs.* Marquee signs, where permitted, are subject to the following regulations:

- a. The maximum projection of any marquee or marquee sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Eight (8) feet over sidewalks twelve (12) feet wide or more.
- b. All marquee and marquee signs must maintain the minimum clearances and projections and design and construction standards outlined in the of City Code.

4. *Projecting Signs.* Projecting signs are subject to the following general regulations.

- a. The maximum projection of any projecting sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Five (5) feet over sidewalks twelve (12) feet wide or more.
- b. Within the DBD District, a projecting sign shall not be within five (5) feet of the back of curb line's vertical plane. Each projecting sign must maintain at least a twelve (12) foot vertical clearance over sidewalks.
- c. Projecting signs must minimize the visible support structure.

5. *Wall Signs and Painted Wall Signs.* Wall signs are subject to the following general regulations:

- a. A wall sign must be parallel to the wall to which it is attached.

- b. A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
 - c. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - d. A wall sign may not extend beyond its building's roof line.
 - e. A wall sign in the DBD District attached to a building on its front property line may encroach upon public right-of-way by no more than eighteen (18) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches.
- C. *Other Regulated Signs.* Access Point, Commercial Center Identification, Electronic Information, and Numeric Display signs, where permitted, are subject to the following supplemental regulations.
- 1. *Access Point Signs.* Access Point Signs, where permitted, are subject to the following supplemental regulations based on the level of permission. An access point sign shall be constructed as a detached ground or monument sign type and does not count against the Permitted Sign Budget.
 - a. *NRU Access Point Signs:*
 - i. Limited to one (1) sign at each on-property driveway or access point off of a public street or access road, and one (1) additional sign at any critical decision point internal to the premise.
 - ii. Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.
 - b. *In R3 and NTR:*
 - i. Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.
 - ii. Shall not exceed thirty-two (32) sq. ft. in maximum size and four (4) ft. in maximum height.
 - 2. *Commercial Center Identification Signs.* Commercial Center Identification Signs, where permitted, are subject to the following regulations:
 - a. A Commercial Center Identification Sign shall only be a wall sign, painted wall sign, or detached sign type.
 - b. The sign shall display no more than the name and location of the commercial center.
 - c. Each sign shall be subject to all other regulations for attached and detached signs set forth in this Article.
 - 3. *Electronic Information Signs.* Electronic Information Signs, where permitted, are subject to the following regulations:
 - a. Electronic Information Signs shall be set back a minimum of two (2) feet from any property line.
 - b. No more than one (1) Electronic Information Sign is permitted per premise.
 - c. The closest point of any Electronic Information Sign shall be a minimum of one hundred (100) feet from the closest point of any residential use structure.

- d. No Electronic Information Sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.
 - e. Electronic Information Signs shall be programmed in a way that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of two (2) seconds, however, full animation video is allowable provided such video does not flash or blink.
 - f. The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.
 - g. Electronic Information Signs shall be deducted from the total sign budget allowed for the premise.
4. *Numeric Display Signs.* Numeric Display Signs, where permitted, are subject to the following regulations:
- a. Numeric Display Signs shall be set back a minimum of two (2) feet from any property line.
 - b. Numeric Display Signs shall not be located within the vision clearance triangle defined as a triangle measured from the point of intersection of the curb lines of the streets to a point which is **sixty (60)-feet** in each direction from the intersection.
 - c. Numeric Display Signs shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.
 - d. All illuminated Numeric Display Signs shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated signs shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night intensity level in accordance with the standards set herein.
 - e. Numeric Display Signs shall be deducted from the total sign budget allowed for the premise.

10-10: MASTER SIGN PLAN; PERMANENT SIGNS

- A. *Purpose.* The purpose of this section is to provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design and a well-organized visual environment. The Master Sign Plan process will be submitted, reviewed, and approved at an administrative level through the Community Development Department. The Master Sign Plan process was created for mixed-use, larger-scale, and/or unique developments. A Master Sign Plan may be submitted to the City for review and approval for the uses and/or developments listed below:
- 1. Multiple-tenant commercial, office, employment, or multi-family residential uses.
 - 2. A multiple-building complex for a single commercial or employment use in a project exceeding eight (8) net acres.
 - 3. Stand-alone office/employment buildings exceeding one hundred thousand (100,000) square feet.

4. Indoor or Outdoor Entertainment and Recreation uses.
 5. Hospitals.
 6. Schools.
 7. Hotels and Commercial Lodging having at least one hundred twenty-five (125) guest rooms and a full service restaurant or conference and meeting rooms.
 8. Regional retail shopping malls.
 9. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 10. Other similar uses may request to be approved for the Master Sign Plan submission. It is the discretion of the building official to accept or deny this request.
- B. *Conditions.* Development Services Staff may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Outdoor Advertising Signs shall not be included in a Master Sign Plan.
- C. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on all of the following criteria:
1. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 2. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
 3. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Article.
 4. *Design Features and Materials.* Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
 5. *Site Development Standards.* The City may not reduce any site development standard to less than fifty (50) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
 6. *Permitted Sign Budget.* An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.

- D. *Review of Master Sign Plan.* Applicant shall submit the completed Master Sign Plan application and submit all required documentation to the Community Development Department. All applications for a Master Sign Plan shall be considered and approved by the building official. In no event does the submittal of a Master Sign Plan guarantee an applicant's approval of all requests.
- E. *Master Sign Plan Approval.*
1. *Action.* The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by "findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.
 2. *Limitations of Administrative Approval.* This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review.
 3. *Permitting.* After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.
- F. *Modifications/Amendments to Master Sign Plan.* Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.
- G. *Noncompliance.* The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.
- H. *Termination.* If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void. If a premise with an approved Master Sign Plan becomes compliant with the current standards of this Article, the property owner may request, in writing to the Community Development Department, the termination of the Master Sign Plan.

10-11: PERMITTED TEMPORARY SIGN TYPE BY ZONING DISTRICT

- A. *General Regulations.* All temporary signs shall follow the regulations set forth in Section 10-11. Temporary signs are permitted by type and zoning district as outlined in Table 10-6, below.
1. *Location.* For any off-premise, temporary sign, the sign owner shall have written approval from the property owner of where such sign will be located.
 2. *Maintenance.* All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this Section.
 3. *Removal.* The building official or his/her designee shall order the removal of any sign not in compliance with any provisions of this Section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the building official or his/her designee shall be authorized to remove the sign. Any costs associated with the removal of a sign may be assessed to the owner of the property.

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

Sign Types	Permit Required	Sign Types										
		AG	RR-1 RR-2	R-1 R-2 R-3 R-M R-4	C-0 UC	C-1	C-2	CBD	C-3	BP	M-1	M-2
Banner	Yes*	P	P	P	P	P	P	P	P	P	P	P
Blade	No	P	N	N	P	P	P	P	P	P	P	P
Flag	No	P	P	P	P	P	P	P	P	P	P	P
Freestanding Yard	Yes*	P	P	P	P	P	P	P	P	P	P	P
Handheld	No	N	N	N	N	P	P	P	P	P	P	P
Inflatable/ Air-Activated	No	N	N	N	N	P	P	P	P	P	P	P
Portable Message Center	Yes	P	N	N	N	P	P	P	P	P	P	P
Sidewalk	Yes	N	N	N	N	N	N	P	N	N	N	N
Window	No	P	P	P	P	P	P	P	P	P	P	P

*Banner and Freestanding Yard Signs thirty-two (32) square feet or larger require a Sign Permit.
 N - Not Permitted
 P - Permitted

10-12: SIGN TYPE SUPPLEMENTAL REGULATIONS: TEMPORARY SIGNS

- A. *Banner Signs.* Banner Signs, where permitted, are subject to the following supplemental regulations.
1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
 2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.

4. **Non-Residential Uses:** Includes all non-residential uses plus multi-family and Non-Traditional Residential use types. Number permitted, total sign area of premise, and maximum area is dependent on the street frontage of the lot as shown in Table 10-7 below.

Table 10-8: Permitted Banner Sign Number and Size by Street Frontage

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

5. Banner Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
- B. *Blade Signs.* Blade Signs, where permitted, are subject to the following supplemental regulations.
1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign. Blade Signs are allowed within the public right-of-way, only within the DBD District
 2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
 3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the vision clearance triangle as defined in 10-5. B (3).
 4. No Blade Sign shall be wider than three and a half (3.5) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.
 5. Blade Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- C. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
1. All Flag Signs shall meet clearance standards found this article.
 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.

3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in 7-2(7).
- D. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.
1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.

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

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

2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in 10-5. B (3).
- E. *Handheld Signs.* Handheld Signs, where permitted, are subject to the following supplemental regulations.
1. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
 2. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
 3. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 4. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.
- F. *Inflatable Signs/Air-Activated Signs.* Inflatable or Air-Activated Signs, where permitted, are subject to the following supplemental regulations.
1. Inflatable Signs and Air-Activated Signs are restricted to on-premise and must comply with all applicable building and electrical codes.

2. For safety purposes, any Inflatable Sign or Air-Activated Sign must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
 3. The minimum setback for any Inflatable Sign or Air-Activated Sign is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any vision clearance triangle as defined in 10-5. B (3).
 4. Maximum Height: Twenty-five (25) feet.
 5. Only one (1) Inflatable Sign or Air-Activated Sign shall be allowed on a premise at any time.
 6. Inflatable Signs and Air-Activated Signs may only be displayed during the hours of operation for the on premise business services. . .
- G. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building and electrical codes and shall be anchored securely to the ground.
 2. Portable Message Center Signs with any electronic message shall comply with all supplemental regulations of Electronic Information Signs, Section 10-9.C (3).
 3. No Portable Message Center Sign shall exceed six (6) feet in height.
 4. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 5. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 6. Portable Message Center Signs are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of six (6) occurrences per calendar year per premise.
- H. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following supplemental regulations.
1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 2. No Sidewalk Sign shall exceed three (3) feet in height.
 3. No Sidewalk Sign shall exceed six (6) square feet, per side or three (3) feet in width.
 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 5. For safety reasons, no encroachments shall be made near corners of sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot area, beginning at the curb line at all corners or ends of blocks, see Illustration 10-8.

Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.

7. Sidewalk Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
8. No illumination is allowed for Sidewalk Signs.

Illustration 10-8: Measurement of Corner Clearance Area Illustration

10-13 - OUTDOOR ADVERTISING SIGNS

- A. *Conformance Required.* No billboard sign shall be erected, placed maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all the regulations established in this article.
- B. *Maintenance.* For the purposes of this section, maintenance shall mean the routine repairing, restoring, or replacing of the sign to its constructed condition with the same type of materials used in the original sign structure and face, or to approved upgraded materials.
- C. *Required Maintenance for Nonconforming Signs.*
1. Cleaning and painting of the structure including supports, faces trim, ladders, catwalks, railings and any other structural features and the immediate area around the sign structure.
 2. Changes in advertising messages and content including use of a vinyl overlay or wrap. If structural modifications are required to secure the vinyl overlay or wrap, a sign permit is required and said changes must be approved by the building official.
 3. Faces and trim shall be maintained, replaced or repaired as necessary. The same number of faces, or less shall be maintained and the size of any given face shall not be increased.
 4. Lighting system may be added or replaced on any billboard as long as the lighting complies with Section 8-7 of the Land Development Ordinance, requiring shielded, sharp cutoff, downcast lighting fixtures. Existing fixtures may be repaired with like equipment. Changes or additions of lighting fixtures shall require an electrical permit and said changes shall be approved by the permitting agency.
 5. Safety features including ladders, catwalks, safety cables and railings may be replaced, repaired or added. Said safety features shall be designed to conform to accepted industry standards. A sign permit shall be required if safety features are added and said changes must be approved by the building official.
- D. *Reconstruction and Modification of Existing Nonconforming Outdoor Advertising Signs.* No sign shall be reconstructed or modified except as specified in paragraph E below. The following shall constitute a substantial change to a sign and are therefore not considered maintenance or acceptable reconstruction and are herein prohibited:
1. Any change in the location of the sign.
 2. Any increase in the size or dimension or height of the sign.
 3. The addition of additional face or faces.
 4. An increase in the number of poles supporting the structure.
 5. An increase in the height of the poles.
- E. *Modifications to Existing Nonconforming Outdoor Advertising Signs.* An existing legal or nonconforming sign may be modified or reconstructed as follows:
1. The structural supports may be replaced with like materials or upgraded to steel.
 2. Any existing sign damaged by any cause, natural or manmade, may be replaced or repaired to original condition, or modified as stated in 1. Above, provided there is no increase in size, height, or number of faces. Nonconforming roof-mounted signs that are damaged by any cause in excess of fifty (50) percent of their replacement value shall be permanently removed.

3. Message area attachment systems may be changed or updated provided the area of the message surface is not increased.
 4. A sign required to be moved to a new location because of a local, state or federal project requires approval of the new location by the building official and the relocated sign need not comply with all regulations in force and effect at the time the relocation is approved, except those regulations which effect safety.
- G. *Electronic Changeable Message Signs.* Electronic Changeable Message Signs, hereinafter known as ECMS, are considered outdoor advertising signs and shall be subject to the following requirements:
1. For each ECMS face erected, a minimum of two (2) existing sign faces must be permanently removed.
 2. The proposed ECMS must be located where one of the existing structures was removed to meet the 2: 1 replacement requirement, or, if at a new location, the ECMS must meet all Code requirements pertaining to outdoor advertising signs and meet the 2: 1 replacement requirement.
 3. No two ECMS structures may have sign facings erected less than five thousand (5,000) feet apart measured from the center of the monopole along a line parallel with the expressway. ECMS structures may be located on either side of the highway; however, each sign must only be visible from one direction of travel and must comply with the five thousand (5,000)-foot spacing on each side.
 4. The ECMS sign faces shall not be more than three hundred (300) square feet in size and shall be no taller than thirty-five (35) feet.
 5. Each advertisement displayed must remain fixed for at least ten (10) seconds. If there is more than one (1) advertisement per face, then when any advertisement changes, the entire face shall remain fixed for at least ten (10) seconds.
 6. When an advertisement is changed, it must be accomplished within an interval of two (2) seconds or less.
 7. Each ECMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

10-14 - OUTDOOR ADVERTISING SIGNS; REGULATIONS FOR NEW INSTALLATIONS

Within the total amount of sign area permitted to them, some parcels in the B-2, ML/C-1 and MH districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. For installation of new Electronic Changeable Message Signs (ECMS) refer to the regulations provided in 10-13.G of this Article.

- A. *Location.* Eligible properties must be located within one hundred (100) feet of the right-of-way line of Highways 30 or 81.
- B. *Impact on Business Identification and Other Signage.* Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.

C. *Maximum Size and Height.*

1. The size of an outdoor advertising sign shall not exceed three hundred (300) square feet.
2. The maximum height of such a sign shall be thirty-five (35) feet.

D. *Separation Factors.*

2. Where permitted along other settings, outdoor advertising signs shall be separated by one thousand (1,000) feet from any other outdoor advertising sign of any size and three hundred (300) feet from any other detached sign.
3. Any such outdoor advertising sign shall be separated by two hundred (200) feet from any property in a residential zoning district, including RR through R-3, and NTR.

E. *Other Standards.*

1. New installations of stacked signs or other installations of two (2) signs facing the same direction on a single structure are prohibited. Double-faced, back-to-back signs are permitted, provided that the angle formed by the sign faces does not exceed fifteen (15) degrees.
2. Side-by-side signs are not permitted regardless of which direction they face.

Article 10: Sign Regulations

10-1: PURPOSE AND INTENT

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety.

In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- A. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- B. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- C. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- D. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- E. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- F. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;
- G. Facilitate traffic flow and safety of pedestrians, bicyclists, and motorists through enforcement of sight lines and other appropriate sign placement regulations; and

- H. Preserve and promote retention of local businesses and further the economic development goals of the City.

10-2: APPLICABILITY, INTERPRETATION, SEVERABILITY, AND NON-COMMERCIAL SPEECH SUBSTITUTION

- A. *Applicability.* Each sign or part of a sign erected within the zoning jurisdiction of the City of Columbus must comply with the provisions of this chapter, other relevant provisions of the City of Columbus' Municipal Code, and applicable building codes. The regulations in this article are applicable to all signs in the City's jurisdiction, except as noted in Article 10-5. B, unless otherwise stated.
- B. *Interpretation.* The City shall interpret and apply the sign regulations of Article 10 of the Unified Land Development Ordinances (ULDO).
- C. *Severability and Non-Commercial Speech Substitution.* Any provision of the sign standards that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of the sign standards that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from the sign standards in a manner that preserves the standards and protects freedom of speech.

10-3: DEFINITION OF TERMS

The following definitions shall be used for terms contained in this Article. Terms not defined in this section may be defined in other areas of City Code.

- A. *SIGN:* Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers, vending machines, express mail and donation drop-off boxes, drive-thru menu boards, seasonal decorations visible, a building's architectural features visible, or a manufacturer's or seller's markings on machinery or equipment visible.
- B. *SIGN RELATED TERMS:*
 - 1. *ARCHITECTURAL DETAIL/FEATURE/ELEMENT:* Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.
 - 2. *AUXILIARY DESIGN ELEMENTS:* Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.

3. *AWNING*: An architectural projection that provides weather protection, identity, or decoration and is partially or wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight frame structure over which a covering is attached.
4. *BACKGROUND PANEL*: An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc. from the structure it's attached.
5. *BALLOON*: Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.
6. *CABINET*: A sign structure comprised of a frame and a sign face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet refers only to the frame housing the sign face.
7. *CANOPY*: A permanent structure of rigid construction which a covering is attached that provides weather protection, identity, or decoration. A canopy is structurally independent.
8. *CLEARANCE*: The distance between grade and the bottom edge of a sign.
10. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
11. *COMMERCIAL CENTER*: A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.
12. *FRONTAGE*: The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
13. *ILLUMINATION*: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 - a. *DIRECT ILLUMINATION*: An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
 - b. *INDIRECT ILLUMINATION*: A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
 - c. *INTERNAL ILLUMINATION*: A light source entirely within a sign where the source of the illumination is not directly visible.
 - d. *NEON ILLUMINATION*: Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.
14. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
15. *LOGO*: A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.
16. *MASTER SIGN PLAN*: A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, or large-scale mixed-use developments.

17. *MARQUEE*: A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
18. *PAN-CHANNEL LETTER*: An individual three-dimensional letter constructed by means of a three-sided metal channel.
19. *PERMITTED SIGN BUDGET*: The permitted square feet of sign area allowed for signage on a premise.
20. *PREMISES*: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
21. *RACEWAY*: A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.
22. *SIGN COPY*: Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
23. *SIGN FACE*: The area of a sign on which words and images are placed.
24. *SIGN STRUCTURE*: The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
25. *VISION CLEARANCE TRIANGLE*: The vision clearance triangle is defined in 10-5. B (3) for all intersections and intersections of arterial streets.

C. *SIGN TYPES*:

1. *ABANDONED SIGN*: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.
3. *ATTACHED SIGN*: A sign which is structurally connected to a building or depends upon that building for support
4. *AWNING SIGN*: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
5. *BANNER SIGN*: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that is attached to a structure, building, or fence with cord, rope, cable, or similar method. Detached banner signs are defined as Freestanding Yard Signs.
6. *BALLOON SIGN*: A sign supported by a balloon.
8. *BILLBOARD*: See Outdoor Advertising Signs.
9. *BLADE SIGN*: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.
10. *BLINKING SIGN*: See Flashing Sign.
11. *BUILDING MARKER*: See Integral Sign.
12. *BUSINESS IDENTIFICATION SIGN*: A sign which pertain to the business, service, and/or retail uses and may also include multi-tenant residential uses and other information relative to the conduct of the use located on the premises.

13. *COMMERCIAL CENTER IDENTIFICATION SIGN:* A sign which identifies the name of a commercial center or commercial building with multiple tenants in single ownership or control, sharing parking and access.
14. *CANOPY SIGN:* A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
15. *CHANGING MESSAGE SIGN:* A sign designed to permit change of copy manually.
16. *DETACHED SIGN:* A sign which is self-supporting and structurally independent from any building.
17. *DIRECTORY SIGN:* A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.
18. *DOUBLE-FACED SIGN:* A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
19. *DRIVE-THROUGH LANE SIGN:* A sign oriented to occupants of vehicles utilizing a drive-through lane at an establishment that offers transactions through a window, with or without ordering capability.
20. *ELECTRONIC INFORMATION SIGNS:* On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
21. *ELECTRONIC CHANGEABLE MESSAGE SIGN (ECMS):* An Outdoor Advertising Sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used.
22. *FLAG SIGN:* Signs which are emblazoned on a flag, with non-commercial emblems or insignias and are intended to be displayed in a free-flowing manner.
23. *FLASHING SIGN:* Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
24. *FREESTANDING YARD SIGN:* Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, or parking lots.
25. *GROUND SIGN:* A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.
26. *HANDHELD SIGN:* A sign carried by persons, which may include persons dressed in costume, for the purpose of advertising a business, service, product, event, or activity.
27. *HISTORIC MARKER:* A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
28. *INFLATABLE SIGN:* A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. May also be referred to as Air-Activated Sign.

29. *INTEGRAL SIGN:* A sign which includes the name of a building, date of erection, monumental citation, commemorative tablet, or other similar sign when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
30. *MARQUEE SIGN:* A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
31. *MONUMENT SIGN:* An on premise freestanding sign with the appearance of a solid base.
32. *MOVING SIGN:* A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.
33. *MURAL-ADVERTISING:* See Painted Wall Sign.
34. *NONCONFORMING SIGN:* A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
35. *NUMERIC DISPLAY SIGNS:* On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
36. *OBSOLETE SIGN:* Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
37. *OFF-PREMISE SIGN :* A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
38. *ON-PREMISE SIGN:* A sign that advertises or otherwise directs attention to a business, person, organization, activity, event, place, service, or product that occurs on the same parcel where the sign is located.
39. *OUTDOOR ADVERTISING SIGNS:* A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on premise or off-premise businesses or products, also referred to as a Billboard.
40. *PAINTED WALL SIGN:* A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
41. *PERMANENT SIGN.* A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
42. *POLE SIGN:* An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
43. *PORTABLE SIGN:* A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
44. *PORTABLE MESSAGE CENTER SIGN:* A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

45. *PROJECTING SIGN*: A sign other than a wall sign that is attached to and projects from a building face.
46. *PUBLIC SIGN*: A sign of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern. This includes all signs erected by the City for government purposes.
47. *ROOF SIGN*: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - a. *INTEGRAL ROOF SIGN*: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - b. *ABOVE-PEAK ROOF SIGN*: A roof sign positioned above the peak of a roof or above a parapet or cornice.
48. *ROTATING SIGN*: A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
49. *SIDEWALK SIGN*: A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base. May also be referred to as Sandwich Board Sign, A-Frame Sign, or T-Frame sign.
50. *SNIPE SIGN*: A sign made of any material when such sign is tacked, taped, nailed, posted, pasted, glued, or otherwise attached to or placed on public property or in the public right-of-way such as, but not limited to, a utility pole, street sign, utility box, fire hydrant, tree, street furniture, or items located on public property; except for A-frame and T-frame signs.
51. *STREET POLE BANNER SIGN*: A display containing changeable copy which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.
52. *TEMPORARY SIGNS*: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
53. *TRAFFIC CONTROL DEVICE SIGN*: Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
54. *UNLAWFUL VEHICLE SIGN*: A sign which covers more than twenty (20) square feet of the vehicle and/or equipment which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized vehicle or piece of equipment, and is parked and visible from the public right-of-way; unless said vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.

55. *WALL SIGN:* A sign permanently fastened to a wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure. For a sign that is painted on a wall, see Painted Wall Sign.
56. *WINDOW SIGN:* A sign applied or attached to a window or visible through a window from the public right-of-way. Window Signs do not include merchandise in a window display.

Illustration 10-1: Permanent Signs Example

Illustration 10-2: Temporary Signs Example

10-4: GENERAL SIGN REGULATIONS

- A. *Construction, Permits, Clearances and Projections, Inspections, Maintenance, Fees, Violations, and Enforcement.* All signs shall be erected, reinstalled, altered, repaired, relocated, permitted, and inspected in compliance with this Article.
 1. *Permanent Sign; Registration of Installers*
 - a. No person, firm, or corporation shall engage in the business of installing, altering, repairing, or removing any sign within the corporate limits of the City, unless he/she is registered as a sign installer with the City.

Each person registering under the provisions of the above paragraph shall pay a two-year registration fee as set forth in the current City Comprehensive Fee Schedule.
 - b. Any person engaged in making connections of any electric sign to any electrical power system shall be registered as an electrician with the City or shall be employed by a City registered sign installer and possess a current Special Electrician license issued by the State of Nebraska, as provided in Rule #9 of the State Electrical Board Rules, with proof of license on file in the Community Development Department.
 2. *Revocation of Registration; Sign Installers*
 - a. The City Council, by a majority vote, shall have the power to revoke the registration of any sign installer pursuant to this article, upon recommendation of the Building Official, if such registration was fraudulent, or if the sign installer is shown to be grossly incompetent or has twice, within a 12-month period, been found in violation of any provisions of this article. This penalty shall be cumulative and in addition to any and all penalties prescribed for the violation of the provisions of this article.
 - b. Before registration can be revoked, notice shall be issued in writing enumerating the charges against him/her, and he/she shall be entitled to a hearing before the City Council, by appealing in writing no later than five (5) business days from the

date of receipt of the notice. The registrant shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All such testimony before the City Council shall be given under oath. The City Council shall have the power to administer oath, issue subpoenas, and compel the attendance of witnesses in such cases.

3. *Certificate of Insurance*

Every person applying for registration as a Registered Sign Installer shall present evidence to the Building Official that he/she has an insurance policy providing:

- a. Worker's compensation insurance.
- b. Minimum public liability and property damage insurance for the general public in the amounts of: one million dollars (\$1,000,000. 00) for each person, one million dollars (\$1,000,000. 00) each accident, and one hundred thousand dollars (\$100,000. 00) property damage, executed by an insurance company authorized to do business in the State of Nebraska and acceptable to the City.
- c. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.
- d. A thirty (30) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.

4. *Permit Procedures*

- a. *Applicability.* A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all applicable signs and/or sign parts within corporate limits of the City or the extra-territorial jurisdiction conforming to this title. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is exempt from requiring a permit.
- b. *Plans Submittal.* A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign, the reuse of existing elements, and its installation by a Nebraska registered professional engineer or architect with specialization in structures.
- c. *Incomplete Applications.* In the event insufficient information is received to issue a permit, the Community Development Department will request the balance of required information. If no response is received within thirty (30) calendar days of the request, said application will become null and void and information will no longer be kept on file. Any fees paid will be forfeited by applicant.
- d. *Expiration.* If the work authorized by a permit issued under the provisions of the Community Development Department has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
- e. *Appeals.* Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this Code section, may appeal such decision to the Board of Adjustment.

- f. *Application Fees.* Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
 - 1. Where work, for which a permit is required, for this article, is started prior to obtaining the prescribed permit, the fee specified in the City of Columbus Comprehensive Fee Schedule shall be doubled. The payment of such double fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed herein.
 - 2. A separate electrical permit is required for the hook-up of an electric sign. Fees are set forth in the City of Columbus Comprehensive Fee Schedule.

5. *Design Standards*

- A. *Design; General Requirements.* Signs shall be designed and constructed to comply with the provisions of the City of Columbus code for use of materials, loads, and stresses.
- B. *Design; Drawings and Specifications.* Where a permit is required, as provided in the adopted edition of the International Building Code, construction documents shall be required. These documents shall show the location, dimensions, materials, and required details of construction, including loads, stresses, and anchors
- C. *Design; Clearances and Projections.* All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.
 - 1. *Clearances.* The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
 - a. Seven (7) feet, six (6) inches over sidewalks;
 - b. Fifteen (15) feet over parking lots;
 - c. Eighteen (18) feet over driveways.
 - 2. *Projections.* The projection regulation below shall stand, unless otherwise stated in this Article.
 - a. No sign or sign structure shall project into any street right-of-way.
 - b. No sign or sign structure shall project into any public alley right-of-way.
- D. *Design; Wind Load.* Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City adopted edition of the International Building Code.
- E. *Design; Seismic Loads.* Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City adopted edition of the International Building Code.
- F. *Design; Working Stresses.* In outdoor signs, the allowable working stresses shall conform to the requirements in the City adopted edition of the International Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope of fasteners.

Exceptions:

1. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ($\frac{1}{5}$) of the ultimate strength of such chains, cables, guys, or steel.
 - 2.
- G. *Design; Footing Design and Loading.* The footing design and/or loading of signs shall be certified by an architect or engineer registered in the State of Nebraska with specialization in structures.
- H. *Design; Identification.* Every sign and awning erected in the City shall be plainly marked with the name of the person/company erecting such sign or awning, including the permit number under which it was erected. Every electric sign and awning shall have plainly marked thereon the voltage, amperage, rating, and the name of the person/company manufacturing such sign or awning. It shall be unlawful for any person to remove from any sign or awning the identification tag. However, whenever a sign or awning company assumes the maintenance of a sign or awning erected by another, he/she shall place his/her identification thereon. The identification tag shall be maintained so it is legible at all times.

6. *Construction Standards*

- A. *Construction; General.* A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with building exit signs, required by the International Building Code, or with official traffic signs, signals, or devices.

Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape or any window, door, or other opening used as a means of egress, or so as to prevent free passage from one part of a roof to other part thereof. A sign shall not be attached in any way, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

- B. *Construction; Materials.* Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the City adopted edition of the International Building Code.

1. *Awnings and Canopies:* Shall comply with the requirements of the City adopted International Building Code.

- C. *Construction; Anchorage.* Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

No wooden blocks, plugs, or anchors used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements of parapet walls, specified for seismic zones as defined in the City adopted edition of the International Building Code.

D. *Construction; Display Surfaces.* Display surfaces in all types of signs may be made of metal, glass, approved plastics, or wood where permitted elsewhere by this article. Glass thickness and area limitations shall be as set forth in Table No. 3-A. Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

1. Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.
2. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.
 - a. Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

E. *Construction; Approved Plastics.* Notwithstanding any other provisions of this Code, plastics that burn at a rate not faster than two and a half (2 ½) inches per minute when tested in accordance with ASTM D635 shall be approved for use as the display surface material and for the letters, decorations, and facings on signs and outdoor display structures. Signs erected within five (5) feet of an exterior wall in which there are openings shall be constructed of noncombustible material.

F. *Construction; Electrical.* Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:

1. Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically
2. Over seven hundred fifty (750) volts: Ten (10) feet horizontally and vertically

The term "overhead conductors" as used in this article means any electrical conductor, bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

G. *Construction; Illumination.* A sign shall not be illuminated by means other than electrical and electrical devices and wiring shall be installed in accordance with the requirements of NFPA 70. An open spark or flame shall not be used for display purposes unless specifically approved.

Signs that require electrical service shall comply with NFPA 70. Every electric sign installed in the City shall bear the label of an approved testing agency and shall meet the applicable articles of the National Electric Code as adopted by the City.

H. *Construction; Inspection.* All ground, monument, and pole signs must have a footing inspection approved prior to the placement of the footing and foundation materials. The City requires property lines to be clearly marked at the time of footing inspection, by identified corner pins with string line or survey markers. All signs must have a footing inspection approved by the Community Development Department. It shall be the responsibility of the permit holder to call for these required inspections.

I. Maximum Size of Exposed Glass Panel

Table No. 10-1, Size, Thickness, and Type of Glass Panels in Signs			
Any Dimension (inches)	Area (square inches)	Minimum Thickness of Glass (inches)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	¼	Plain, plate, or wired
Over 144	Over 3600	¼	Wired

7. *Maintenance and Alterations*

A. *Maintenance.* Sign and sign support structures, together with their braces, guys, supports and anchor, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times. Any sign or component thereof which is found to be defective must be repaired or replaced in accordance with the current requirements of this Code.

The changing of moveable parts of an approved sign that is designed for such changes, or repainting of display matter shall not be deemed an alteration.

B. *Alterations.* No such sign may be enlarged, modified, or altered in any way; however, reasonable repairs may be permitted. Alterations also include the removal and replacement of the sign housing, cabinet, or decorative elements. Any alteration shall require a permit. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is not considered an alteration.

8. *Nonconformance*

- A. *Nonconformance of Signs.* Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title or at the effective date of this Article, such sign shall be deemed a lawful nonconforming sign as it remains, subject to the following provisions:
 - 1. No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
 - 2. Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

9. *Violations and Enforcement*

- A. *Violation a Public Nuisance.* If any person erects, alters, relocates, or maintains a sign in violation of the provisions of the sign standards, it is declared a public nuisance, and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.
- B. *Violation Declared a Civil Infraction.* It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
- C. *Discontinuance of Signs.* If a sign or sign structure is in disrepair to a point of over fifty percent (50%) of the sign's total replacement value, the City Manager or designee may order the structure removed, at the owner's expense.
- D. *Removal of Abandoned, Prohibited, and Illegal Signs by the Building Official.* The Building Official shall enforce the sign standards in accordance with one or more of the following procedures:
 - 1. *Administrative Enforcement.*
 - a. For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record owner or occupier of the property to abate the nuisance within a reasonable time.
 - b. The Building Official shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:
 - i. Removal of the sign; or
 - ii. Obtaining the required permits and bringing the sign into compliance with the sign standards.
 - 2. *Summary Abatement.* The Building Official or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The Building Official may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.
 - 3. *Civil Citation.* The Building Official or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

B. *Location.*

1. *Right-of-Way.* Signs are prohibited in any public right-of-way or public property, including streets, sidewalks, parks, and public facilities unless otherwise stated in this Article or approved by the City of Columbus.
2. *Ingress/Egress Clearance.* No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.
3. *Vision Clearance Triangle.* Signs shall not be located within the vision clearance triangle as defined: No sign shall be built to a height of more than **two (2) feet** above the established curb grade on the part of the lot within a vision clearance triangle. The vision clearance triangle shall be a triangle measured from the point of intersection of the curb lines or edge of pavement of the streets to a point **forty (40) feet** in each direction from the intersection along such curb lines or edges of pavement. At the intersection of arterial streets as defined by the official roadway map kept and maintained by the City of Columbus Engineering Department, the **forty (40) foot** distance shall be increased **to sixty (60) feet**. No sign shall be placed in such area which will materially obstruct the view of drivers approaching the street intersection. See Illustration 10-3 for a depiction of Vision Clearance measurement.

Illustration 10 - 3: Vision Clearance Measurements

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. No exempt signs shall be erected within the vision clearance triangle and must meet all other applicable building codes.

1. City of Columbus Special Event Sign. A sign advertising a public event, providing that specific approval for the event, and associated signage, is granted by the City of Columbus.
2. Historic Markers.
3. Integral Signs.

4. Public Signs.
5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
6. Signs, which are not visible from a public right-of-way, private way, court, or from a property, other than that on which the sign is installed.
7. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
8. Signs on a vehicle, other than an Unlawful Vehicle Sign.
9. Signs protected by Federal/State law.
10. Traffic Control Device Signs.
11. Works of graphic art painted or applied to building walls which contain no logos, advertising, or business identification messages.

10 - 6: METHOD OF MEASUREMENT FOR REGULATIONS

- A. *Permitted Sign Budget.* The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property follow the instructions below:
1. Identify the zoning of the premises.
 2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). See Illustration 10-4. For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
 3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 10-1.
 4. Find the permitted sign budget by using the lesser of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget shown in Table 10-2. Compare the Calculated Permitted Sign Budget in step 3 to the Maximum Permitted Sign Budget for the premise's zoning district:
 - a. If the Calculated Permitted Sign Budget, in step 3, is over the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is limited to the Maximum Permitted Sign Budget.
 - b. If the Calculated Permitted Sign Budget, in step 3, is under the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is greater of the Calculated Permitted Sign Budget or the allowable minimum.

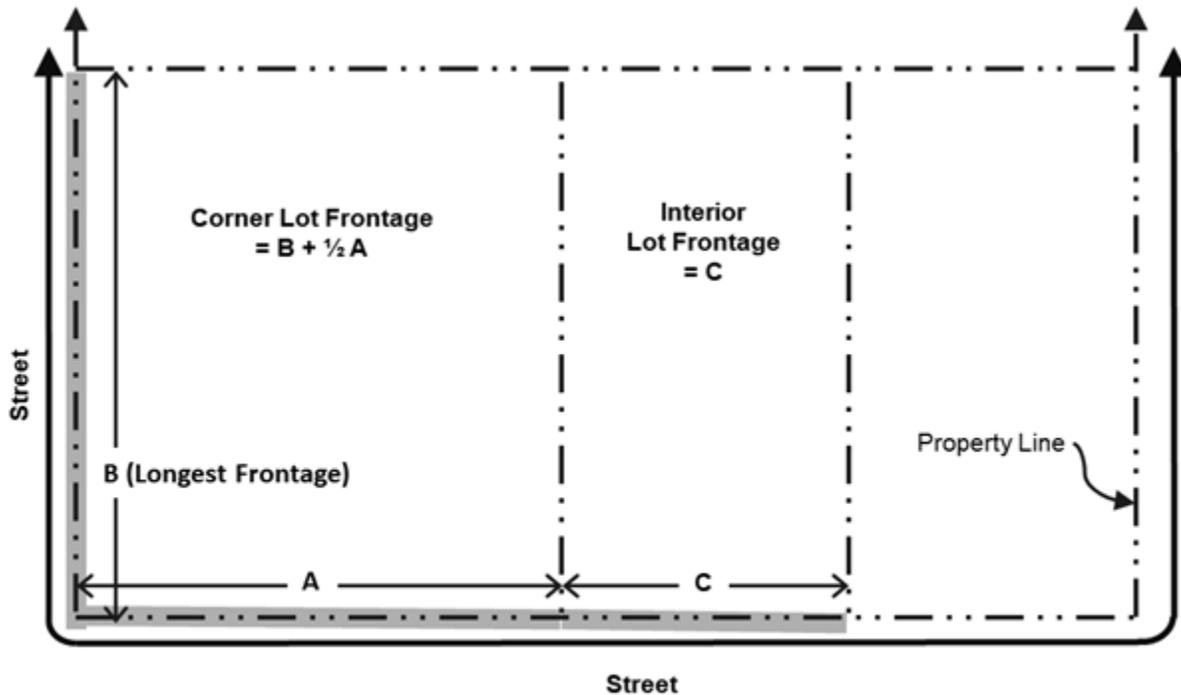
Table 10 - 2: Permitted Permanent Sign Budget by District									
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated	0.5	1	1	1	0.5	0.75	1.5	1.5	2

Permitted Sign Budget									
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.

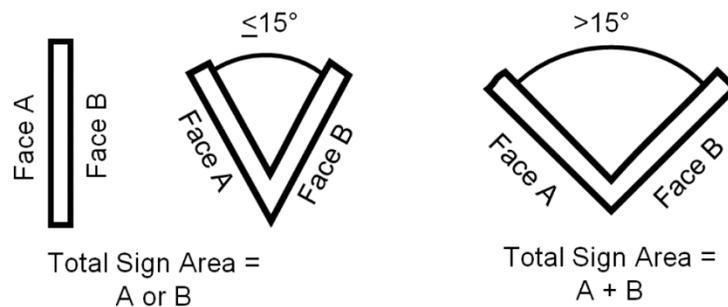
Illustration 10 - 4: Lot Frontage Determination



**Lot with Multiple Street Frontages
= Longest Street Frontage + 1/2 of the Sum of All the Additional Street Frontages**

- B. *Sign Area.* Sign area is measured or calculated as follows:
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
 2. *Wall Sign without Background Panel.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, which has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy. This area shall be measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that will enclose each letter, word, graphic, or discrete visual element in the total sign.
 3. *Sign with Illuminated Background.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface, illuminated element, or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 4. *Signs with Two (2) or More Faces.* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed four (4) feet, or when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Illustration 10-5, below, for a graphic representation.

Illustration 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



- C. *Measurement of Sign Height.* The height of a detached sign shall be measured as the vertical distance from the average finished grade of the ground below the sign, excluding any filling, berming, mounding, or excavating for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a detached sign is shown in Table 10-5. For the purposes of this section, average finished grade shall be considered the lower of: (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located. See Illustration 10-6 for Measurement of Sign Height graphic.

Illustration 10 - 6: Measurement of Sign Height

Neon	N	N	N	NR U	N	N	P	P	P	P	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Blub	N	N	N	N	N	N	N	P	P	N	N	N

N: Not Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and mobile home park development use types.

(A/L): Permitted along arterial and local collector streets.

10-9: SIGN TYPE SUPPLEMENTAL REGULATIONS: PERMANENT SIGNS

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

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

Regulation Item <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	15	25
Pole	N	N	N	30	45	30	45	N	45
Front Yard Setback (ft.)	25	5	2	2	2	0	2	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	2	2	2

NA - Not Applicable

N - Not Permitted

- B. *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 50-5, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 50-5 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, as shown in Illustration 50-7, below, in order to determine the maximum percentage of street façade coverage.

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

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

Illustration 10-7: Measurement of Street Façade and Awning Percentage Illustration

Awnings and Awning Signs. Awnings and awning signs, where permitted, are subject to the following regulations:

- a. The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels, as shown in Illustration 10-7, above, shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
- b. Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.
- c. Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
- d. Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.

2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:

- a. The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
- b. All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.

3. *Marquees and Marquee Signs.* Marquee signs, where permitted, are subject to the following regulations:

- a. The maximum projection of any marquee or marquee sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Eight (8) feet over sidewalks twelve (12) feet wide or more.
- b. All marquee and marquee signs must maintain the minimum clearances and projections and design and construction standards outlined in the of City Code.

4. *Projecting Signs.* Projecting signs are subject to the following general regulations.

- a. The maximum projection of any projecting sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Five (5) feet over sidewalks twelve (12) feet wide or more.
- b. Within the DBD District, a projecting sign shall not be within five (5) feet of the back of curb line's vertical plane. Each projecting sign must maintain at least a twelve (12) foot vertical clearance over sidewalks.
- c. Projecting signs must minimize the visible support structure.

5. *Wall Signs and Painted Wall Signs.* Wall signs are subject to the following general regulations:

- a. A wall sign must be parallel to the wall to which it is attached.

- b. A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
 - c. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - d. A wall sign may not extend beyond its building's roof line.
 - e. A wall sign in the DBD District attached to a building on its front property line may encroach upon public right-of-way by no more than eighteen (18) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches.
- C. *Other Regulated Signs.* Access Point, Commercial Center Identification, Electronic Information, and Numeric Display signs, where permitted, are subject to the following supplemental regulations.
- 1. *Access Point Signs.* Access Point Signs, where permitted, are subject to the following supplemental regulations based on the level of permission. An access point sign shall be constructed as a detached ground or monument sign type and does not count against the Permitted Sign Budget.
 - a. *NRU Access Point Signs:*
 - i. Limited to one (1) sign at each on-property driveway or access point off of a public street or access road, and one (1) additional sign at any critical decision point internal to the premise.
 - ii. Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.
 - b. *In R3 and NTR:*
 - i. Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.
 - ii. Shall not exceed thirty-two (32) sq. ft. in maximum size and four (4) ft. in maximum height.
 - 2. *Commercial Center Identification Signs.* Commercial Center Identification Signs, where permitted, are subject to the following regulations:
 - a. A Commercial Center Identification Sign shall only be a wall sign, painted wall sign, or detached sign type.
 - b. The sign shall display no more than the name and location of the commercial center.
 - c. Each sign shall be subject to all other regulations for attached and detached signs set forth in this Article.
 - 3. *Electronic Information Signs.* Electronic Information Signs, where permitted, are subject to the following regulations:
 - a. Electronic Information Signs shall be set back a minimum of two (2) feet from any property line.
 - b. No more than one (1) Electronic Information Sign is permitted per premise.
 - c. The closest point of any Electronic Information Sign shall be a minimum of one hundred (100) feet from the closest point of any residential use structure.

- d. No Electronic Information Sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.
 - e. Electronic Information Signs shall be programmed in a way that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of two (2) seconds, however, full animation video is allowable provided such video does not flash or blink.
 - f. The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.
 - g. Electronic Information Signs shall be deducted from the total sign budget allowed for the premise.
4. *Numeric Display Signs.* Numeric Display Signs, where permitted, are subject to the following regulations:
- a. Numeric Display Signs shall be set back a minimum of two (2) feet from any property line.
 - b. Numeric Display Signs shall not be located within the vision clearance triangle defined as a triangle measured from the point of intersection of the curb lines of the streets to a point which is **sixty (60)-feet** in each direction from the intersection.
 - c. Numeric Display Signs shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.
 - d. All illuminated Numeric Display Signs shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated signs shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night intensity level in accordance with the standards set herein.
 - e. Numeric Display Signs shall be deducted from the total sign budget allowed for the premise.

10-10: MASTER SIGN PLAN; PERMANENT SIGNS

- A. *Purpose.* The purpose of this section is to provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design and a well-organized visual environment. The Master Sign Plan process will be submitted, reviewed, and approved at an administrative level through the Community Development Department. The Master Sign Plan process was created for mixed-use, larger-scale, and/or unique developments. A Master Sign Plan may be submitted to the City for review and approval for the uses and/or developments listed below:
- 1. Multiple-tenant commercial, office, employment, or multi-family residential uses.
 - 2. A multiple-building complex for a single commercial or employment use in a project exceeding eight (8) net acres.
 - 3. Stand-alone office/employment buildings exceeding one hundred thousand (100,000) square feet.
 - 4. Indoor or Outdoor Entertainment and Recreation uses.

5. Hospitals.
 6. Schools.
 7. Hotels and Commercial Lodging having at least one hundred twenty-five (125) guest rooms and a full service restaurant or conference and meeting rooms.
 8. Regional retail shopping malls.
 9. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 10. Other similar uses may request to be approved for the Master Sign Plan submission. It is the discretion of the building official to accept or deny this request.
- B. *Conditions.* Development Services Staff may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Outdoor Advertising Signs shall not be included in a Master Sign Plan.
- C. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on all of the following criteria:
1. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 2. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
 3. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Article.
 4. *Design Features and Materials.* Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
 5. *Site Development Standards.* The City may not reduce any site development standard to less than fifty (50) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
 6. *Permitted Sign Budget.* An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.
- D. *Review of Master Sign Plan.* Applicant shall submit the completed Master Sign Plan application and submit all required documentation to the Community Development Department. All applications for

a Master Sign Plan shall be considered and approved by the building official. In no event does the submittal of a Master Sign Plan guarantee an applicant's approval of all requests.

E. *Master Sign Plan Approval.*

1. *Action.* The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by "findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.
2. *Limitations of Administrative Approval.* This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review.
3. *Permitting.* After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.

F. *Modifications/Amendments to Master Sign Plan.* Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.

G. *Noncompliance.* The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.

H. *Termination.* If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void. If a premise with an approved Master Sign Plan becomes compliant with the current standards of this Article, the property owner may request, in writing to the Community Development Department, the termination of the Master Sign Plan.

10-11: PERMITTED TEMPORARY SIGN TYPE BY ZONING DISTRICT

A. *General Regulations.* All temporary signs shall follow the regulations set forth in Section 10-11. Temporary signs are permitted by type and zoning district as outlined in Table 10-6, below.

1. *Location.* For any off-premise, temporary sign, the sign owner shall have written approval from the property owner of where such sign will be located.
2. *Maintenance.* All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this Section.
3. *Removal.* The building official or his/her designee shall order the removal of any sign not in compliance with any provisions of this Section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the building official or his/her designee shall be authorized to remove the sign. Any costs associated with the removal of a sign may be assessed to the owner of the property.

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

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

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

N - Not Permitted

P - Permitted

10-12: SIGN TYPE SUPPLEMENTAL REGULATIONS: TEMPORARY SIGNS

A. *Banner Signs.* Banner Signs, where permitted, are subject to the following supplemental regulations.

1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.
4. Non-Residential Uses: Includes all non-residential uses plus multi-family and Non-Traditional Residential use types. Number permitted, total sign area of premise, and maximum area is dependent on the street frontage of the lot as shown in Table 10-7 below.

Table 10-8: Permitted Banner Sign Number and Size by Street Frontage

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

5. Banner Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
- B. *Blade Signs.* Blade Signs, where permitted, are subject to the following supplemental regulations.
1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign. Blade Signs are allowed within the public right-of-way, only within the DBD District
 2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
 3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the vision clearance triangle as defined in 10-5. B (3).
 4. No Blade Sign shall be wider than three and a half (3.5) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.
 5. Blade Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- C. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
1. All Flag Signs shall meet clearance standards found this article.
 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.
 3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in 7-2(7).
- D. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.

1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.

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

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

2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in 10-5. B (3).
- E. *Handheld Signs.* Handheld Signs, where permitted, are subject to the following supplemental regulations.
1. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
 2. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
 3. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 4. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.
- F. *Inflatable Signs/Air-Activated Signs.* Inflatable or Air-Activated Signs, where permitted, are subject to the following supplemental regulations.
1. Inflatable Signs and Air-Activated Signs are restricted to on-premise and must comply with all applicable building and electrical codes.
 2. For safety purposes, any Inflatable Sign or Air-Activated Sign must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
 3. The minimum setback for any Inflatable Sign or Air-Activated Sign is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any vision clearance triangle as defined in 10-5. B (3).
 4. Maximum Height: Twenty-five (25) feet.

5. Only one (1) Inflatable Sign or Air-Activated Sign shall be allowed on a premise at any time.
 6. Inflatable Signs and Air-Activated Signs may only be displayed during the hours of operation for the on premise business services. . .
- G. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building and electrical codes and shall be anchored securely to the ground.
 2. Portable Message Center Signs with any electronic message shall comply with all supplemental regulations of Electronic Information Signs, Section 10-9.C (3).
 3. No Portable Message Center Sign shall exceed six (6) feet in height.
 4. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 5. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 6. Portable Message Center Signs are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of six (6) occurrences per calendar year per premise.
- H. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following supplemental regulations.
1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 2. No Sidewalk Sign shall exceed three (3) feet in height.
 3. No Sidewalk Sign shall exceed six (6) square feet, per side or three (3) feet in width.
 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 5. For safety reasons, no encroachments shall be made near corners of sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot area, beginning at the curb line at all corners or ends of blocks, see Illustration 10-8.

Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.

7. Sidewalk Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
8. No illumination is allowed for Sidewalk Signs.

Illustration 10-8: Measurement of Corner Clearance Area Illustration

10-13 - OUTDOOR ADVERTISING SIGNS

- A. *Conformance Required.* No billboard sign shall be erected, placed maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all the regulations established in this article.
- B. *Maintenance.* For the purposes of this section, maintenance shall mean the routine repairing, restoring, or replacing of the sign to its constructed condition with the same type of materials used in the original sign structure and face, or to approved upgraded materials.
- C. *Required Maintenance for Nonconforming Signs.*
1. Cleaning and painting of the structure including supports, faces trim, ladders, catwalks, railings and any other structural features and the immediate area around the sign structure.
 2. Changes in advertising messages and content including use of a vinyl overlay or wrap. If structural modifications are required to secure the vinyl overlay or wrap, a sign permit is required and said changes must be approved by the building official.
 3. Faces and trim shall be maintained, replaced or repaired as necessary. The same number of faces, or less shall be maintained and the size of any given face shall not be increased.
 4. Lighting system may be added or replaced on any billboard as long as the lighting complies with Section 8-7 of the Land Development Ordinance, requiring shielded, sharp cutoff, downcast lighting fixtures. Existing fixtures may be repaired with like equipment. Changes or additions of lighting fixtures shall require an electrical permit and said changes shall be approved by the permitting agency.
 5. Safety features including ladders, catwalks, safety cables and railings may be replaced, repaired or added. Said safety features shall be designed to conform to accepted industry standards. A sign permit shall be required if safety features are added and said changes must be approved by the building official.
- D. *Reconstruction and Modification of Existing Nonconforming Outdoor Advertising Signs.* No sign shall be reconstructed or modified except as specified in paragraph E below. The following shall constitute a substantial change to a sign and are therefore not considered maintenance or acceptable reconstruction and are herein prohibited:
1. Any change in the location of the sign.
 2. Any increase in the size or dimension or height of the sign.
 3. The addition of additional face or faces.
 4. An increase in the number of poles supporting the structure.
 5. An increase in the height of the poles.
- E. *Modifications to Existing Nonconforming Outdoor Advertising Signs.* An existing legal or nonconforming sign may be modified or reconstructed as follows:
1. The structural supports may be replaced with like materials or upgraded to steel.
 2. Any existing sign damaged by any cause, natural or manmade, may be replaced or repaired to original condition, or modified as stated in 1. Above, provided there is no increase in size, height, or number of faces. Nonconforming roof-mounted signs that are damaged by any cause in excess of fifty (50) percent of their replacement value shall be permanently removed.

3. Message area attachment systems may be changed or updated provided the area of the message surface is not increased.
 4. A sign required to be moved to a new location because of a local, state or federal project requires approval of the new location by the building official and the relocated sign need not comply with all regulations in force and effect at the time the relocation is approved, except those regulations which effect safety.
- G. *Electronic Changeable Message Signs.* Electronic Changeable Message Signs, hereinafter known as ECMS, are considered outdoor advertising signs and shall be subject to the following requirements:
1. For each ECMS face erected, a minimum of two (2) existing sign faces must be permanently removed.
 2. The proposed ECMS must be located where one of the existing structures was removed to meet the 2: 1 replacement requirement, or, if at a new location, the ECMS must meet all Code requirements pertaining to outdoor advertising signs and meet the 2: 1 replacement requirement.
 3. No two ECMS structures may have sign facings erected less than five thousand (5,000) feet apart measured from the center of the monopole along a line parallel with the expressway. ECMS structures may be located on either side of the highway; however, each sign must only be visible from one direction of travel and must comply with the five thousand (5,000)-foot spacing on each side.
 4. The ECMS sign faces shall not be more than three hundred (300) square feet in size and shall be no taller than thirty-five (35) feet.
 5. Each advertisement displayed must remain fixed for at least ten (10) seconds. If there is more than one (1) advertisement per face, then when any advertisement changes, the entire face shall remain fixed for at least ten (10) seconds.
 6. When an advertisement is changed, it must be accomplished within an interval of two (2) seconds or less.
 7. Each ECMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

10-14 - OUTDOOR ADVERTISING SIGNS; REGULATIONS FOR NEW INSTALLATIONS

Within the total amount of sign area permitted to them, some parcels in the B-2, ML/C-1 and MH districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. For installation of new Electronic Changeable Message Signs (ECMS) refer to the regulations provided in 10-13.G of this Article.

- A. *Location.* Eligible properties must be located within one hundred (100) feet of the right-of-way line of Highways 30 or 81.
- B. *Impact on Business Identification and Other Signage.* Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.

C. *Maximum Size and Height.*

1. The size of an outdoor advertising sign shall not exceed three hundred (300) square feet.
2. The maximum height of such a sign shall be thirty-five (35) feet.

D. *Separation Factors.*

2. Where permitted along other settings, outdoor advertising signs shall be separated by one thousand (1,000) feet from any other outdoor advertising sign of any size and three hundred (300) feet from any other detached sign.
3. Any such outdoor advertising sign shall be separated by two hundred (200) feet from any property in a residential zoning district, including RR through R-3, and NTR.

E. *Other Standards.*

1. New installations of stacked signs or other installations of two (2) signs facing the same direction on a single structure are prohibited. Double-faced, back-to-back signs are permitted, provided that the angle formed by the sign faces does not exceed fifteen (15) degrees.
2. Side-by-side signs are not permitted regardless of which direction they face.

3. Adjournment.