

Public Property, Safety, and Works Committee  
Monday, November 9, 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 instate location to members, the public, or the press, if requested twenty-four hours in advance;

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

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

(f) Reasonable arrangements are made to provide viewing at other instate 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 instate 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**

**Distributed by the League of Nebraska Municipalities**



2. **July through September 2020 quarterly report of the Traffic Control Device Committee.**

# TRAFFIC CONTROL DEVICE COMMITTEE

## Quarterly Report

July – September 2020

### July

- A. **Glur Park Splash Pad resident concern with traffic:** Discussion on the south side of 30<sup>th</sup> Street that the radius west of 26<sup>th</sup> Avenue, causes line of sight issue with vehicles parking on the south side of the street and traffic going westbound. Discussion on placement of No Parking signs on the south side of 30<sup>th</sup> Street from the radius to the corner of 26<sup>th</sup> Avenue. Bogus to review cost and bring a request to the next City Council meeting to add a small parking lot off of 26<sup>th</sup> Avenue to be located southeast of the splash pad and restroom. All voted “Aye”. Motion carried.
- B. **Resident request to add Yield sign to intersection 30<sup>th</sup> Street & Kummer Drive:** Discussion on estimated traffic volume and no accident history at the intersection does not warrant a yield sign. IT was noted the other intersection cross roads on 30<sup>th</sup> Street from 26<sup>th</sup> and 33<sup>rd</sup> Avenues had either stop or yield signs. Police Department will set up the speed trailer on 30<sup>th</sup> Street to collect data and report back to the committee. All voted “Aye”. Motion carried.
- C. **Review of Traffic Device needs within the City:** Chief Sherer stated their department would set speed trailer along Howard Boulevard, 27<sup>th</sup> Street, Keene Drive, etc. to monitor speed on the streets.
- D. **Unfinished Business:** Columbus Downtown Parking Review – Trevor has a good inventory and Tara asked him to show per the code how many stalls and location which will be eliminated. Upon completion, it will be presented to Traffic Control Device Committee for approval with the minutes being presented to Public Property, Safety & Works Committee and City Council.

### August

No Meeting was held.

### September

- A. **Columbus Downtown Parking Review:** Harlow presented an inventory of downtown parking stalls and a detailed report on the types of parking, number of parking stalls, and the number of violations include in the private and public parking lots within the downtown area. It was noted that gravel parking lots are not marked and a new total will be figured after the Engineering department provides an estimate of the number of stalls. Discussion was held regarding updating the map with any changes to downtown parking. Vasicek questioned whether the creation of a downtown parking district should be pursued and Harlow indicated he could send out a survey to the downtown property owners.
- B. **Christopher’s Cove resident request for speed limit signs:** Bogus noted that speed limit signs are not usually posted in residential areas. Following further discussion, a request for the Police Department to set up the speed trailer at Christopher’s Cove was approved with a motion by Vasicek and a second by Sliva. Bogus, Vasicek, and Sliva voted “Aye” and none voted “Nay”. Sherer and Borchers were absent.

- C. **Temporary Parking signs request by business owner in vicinity of Oasis Bar**

**And**

- D. **Handicap Parking stall request by hair salon in vicinity of Oasis Bar:** Discussion was held regarding the best location for a handicap parking stall, the fact that the middle of the block is not feasible, and that next to the alley would eliminate tow regular stalls. It was noted that permanent and temporary parking signs for private use are not allowed in public right-of-way. The request to install temporary parking signs in the vicinity of Oasis Bar was denied with a motion by Vasicek and a second by Sliva due to the fact public parking cannot be designated for one private business. Bogus, Vasicek, and Sliva voted "Aye" and none voted "Nay". Sherer and Borchers were absent. A handicap parking stall to be installed on the northwest corner of 12 Street and 27 Avenue was approved with a motion by Sliva and a second by Vasicek. Bogus, Vasicek, and Sliva voted "Aye" and none voted "Nay". Sherer and Borchers were absent.
- E. **Speed limit signs & children playing signs in Westbrook Addition (51 Avenue from 23 Street to 34 Street; 33 Street from 53 Avenue to 48 Avenue; and 34 Street from 53 Avenue to 51 Avenue):** It was noted that posting 25 mph speed limit signs and children at play signs in neighborhoods have been previously requested and the policy has been to not put them up as it gives a false sense of security. Following further discussion, it was moved by Sliva and seconded by Bogus to request the Police Department set up the speed trailer on 51 Avenue in the Westbrook Addition. Bogus, Vasicek, and Sliva voted "Aye" and none voted "Nay". Sherer and Borchers were absent.
- F. **Review of Traffic Device needs within the city:** No review was held.
- G. **Unfinished Business:** Bogus noted that there are still people parking in the No Parking area on the north side of Glur Park which have flags. Painting the curb, and having the Police Department issue warnings were some options discussed.

- 3. Proposed updates to Chapter One, Articles Six through Nine, Eleven, Twelve and Chapter Two, Articles One through Seven of the Land Development Ordinance.**

## 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.~~<sup>[VT17]</sup>

#### b. Single-Family Attached

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

#### 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 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.

# SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

## 7 ARTICLE SEVEN

### SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

#### 7-1 Purpose

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

#### 7-2 Setback Adjustments

##### a. Lots Adjoining Alleys

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

##### b. Exceptions to Openness of Required Yards

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

1. Window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental feature may project two feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line. [VT24]
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.

5.8. In commercial and business districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.

- ~~6.~~ Accessory buildings in residential districts, including private and community garages, may be located a minimum of two feet from the side lot line and ten feet from the rear lot line. The rear yard setback may be reduced to two feet if bounded by an alley if set back is sixty feet or more from the front lot line. An accessory building must have an additional rear and side setback of one foot for every two feet or portion thereof ~~of.~~

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

Of height over 15 feet. Any such accessory building must be located at least six feet from the main structure. No accessory building in an R-1, R-2 or, R-3 or RMH district shall exceed 20 feet in height. No residential accessory buildings permitted on NTR Park or Subdivision lots.

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

### c. Setback Adjustments

#### 1. Setbacks on Built-Up Blockfaces

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

(a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides within the same blockface, the minimum front yard shall be the mean equal to the setbacks of the adjacent \_\_\_\_\_ buildings with the least setback.

(b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

(c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.

#### 2. Corner Lots

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

### d. Double Frontage Lots

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

### e. ~~Parabolic~~ Antennas

1. Parabolic antennas which are accessory to a primary use and are designed to receive \_\_\_\_\_ radio or television signals from satellites shall not be located within any street yard of \_\_\_\_\_ the primary use. No antennas are permitted in the front yard.

2. Such antennas shall be located no less than fifteen feet from the property line of an \_\_\_\_\_ adjacent property within a residential zoning district.

### f. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines twenty feet from their point of

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. [VT25]

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

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

### 7-3 Height Exceptions

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

#### a. Vertical Projection

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

#### b. Radio Towers

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

#### c. Dwellings

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

#### d. Wind Energy Conservation Systems (WECS)

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

#### e. Federal Aviation Administration Rules

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

# SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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

### a. Purpose

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

### b. Site Area Per Unit

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

### c. Perimeter Yards

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

### d. Area and Yards for Individual Lots

1. ~~Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this Ordinance, unless provided for by the regulations for a specific zoning district. Minimum lot areas may be reduced by a maximum of 50%. Street Side yards may be reduced by a maximum of 25%. Interior and Back yards may be reduced by a maximum of 50%, provided a minimum separation of ten feet shall be established for all residential structures not attached to one another.~~ A creative subdivision must be planned and developed as a common development. ~~A minimum separation of ten feet shall be established for all residential structures not attached to one another.~~

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

- ~~2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.~~

### e. Coverage and Landscaping Requirements

Individual lots in a creative subdivision ~~are exempt from~~ may increase maximum building and impervious coverage limitations by 20%, ~~and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.~~

## 7-5 Fence Regulations

### a. Location Restriction

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

### b. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Columbus Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection. [VT26]

### c. Residential Fences

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

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard ~~shall~~ may be up to six feet.
- ~~2. Exception for Street Side Yards: On corner lots, a fence built along the street side yard in conformance with the required street yard setback may have a maximum height of six feet.~~
3. Exception for Front-Back Yards of Double Frontage Lots: A fence built within the required front-back yard of a double frontage lot, provided no residential access is provided to the back yard street, may be a maximum of six feet in height.

### d. Office, Commercial, and Industrial Fences

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

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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

### 7-6 Appeals

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

# LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

## 8 ARTICLE EIGHT

### LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

#### 8-1 Purpose

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

#### 8-2 Applicability

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

- a. ~~Reconstruction or replacement of a lawfully existing use or structure following a casualty loss;~~
- b. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater, ~~these provisions shall apply only to that portion where the new development occurs.~~

#### 8-3 Landscaping Requirements

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

## LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

**TABLE 8-1  
REQUIRED LANDSCAPING DEPTH**

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	<del>35</del> 50 feet [VT27]
R-1	20 feet
R-2	<del>20</del> 15 feet
R-3	<del>20</del> 15 feet
<u>NTR Park RMH</u>	<del>10</del> 35 feet
<u>NTR Subdivision</u>	<del>20</del> feet
O	<del>20</del> 15 feet
LC	<del>20</del> 15 feet
UC	<del>15</del> 5% of the depth of the street yard. Landscaped area between curb to sidewalk may be counted toward this requirement.
B-1	No Requirement
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

## LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

### 8-4 Bufferyard Provisions

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

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.

~~c. c.~~ Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

d. The Plan Administrator may waive bufferyard and screen requirements when adjacent to City owned property, excluding right-of-way and property used for recreational purposes.

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

More Intensive District	Less Intensive District						
		AG*	RR	R-1	R-2	R-3	RMH
O,LC,UC	10	10	10	10	10	10	10
B-2	30	30	20	20	20	20	20
ML/C-1	30	30	30	30	30	30	30
MH	50	50	50	50	50	50	50
* For residential uses only.							

### 8-5 Screening Standards

#### a. Application

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

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

## LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

### b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 87-5 (a) from less intensive uses as follows:

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

### c. Location of Screening Wall

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

### d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

## **8-6 General Provisions**

### a. Time of Application

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

### b. Maintenance of Required Landscaping

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

### c. Obstruction of View

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

### d. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

# LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

## 8-7 Performance Standards in the B-2 and ML/C-1 Zoning Districts

### a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 8-3 displays the maximum permitted sound levels that may be generated by uses in the LC, UC, B-2 or ML/C-1 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

**TABLE 8-3  
MAXIMUM PERMITTED SOUND LEVELS AT RESIDENTIAL BOUNDARIES**

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
LC,UC,B-2	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
ML/C-1	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	55

\* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

### b. Lighting Performance Standards

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

~~4. Measurements shall be made with a cosine corrected photoelectric photometer having a spectral response corrected to fit the luminous efficiency curve established by the International Commission on Illumination.~~

# OFF-STREET PARKING

## 9 ARTICLE NINE

### OFF-STREET PARKING

#### 9-1 Purpose

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

#### 9-2 General Applications

##### a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

##### b. Exemptions

Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

#### 9-3 Schedule of Off-Street Parking Requirements

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

##### a. Computation

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

## OFF-STREET PARKING

**TABLE 9-1  
OFF-STREET PARKING REQUIREMENTS**

<b>Agricultural Use Types</b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
<b>Residential Use Types</b>	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1.5 spaces for 1 bedroom dwelling units, and 1 space per 2 dwelling units for elderly housing.
<u>Downtown Living Units</u>	<u>0 spaces per dwelling unit. Within existing structures only.</u>
Group Residential	1 space for each two residents.
<u>Non Traditional Mobile Home Residential Park</u>	<u>2 spaces per dwelling unit. 1 space per dwelling provided in shared parking facility.</u>
<u>Non Traditional Residential Subdivision</u>	<u>1 space per dwelling unit.</u>
<b>Civic Use Types</b>	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4 person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.

**OFF-STREET PARKING**

Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

## OFF-STREET PARKING

**TABLE 9-1  
OFF-STREET PARKING REQUIREMENTS**

<b>Commercial Use Types</b>	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4 person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet. <sup>[VT28]</sup>
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4 person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

## OFF-STREET PARKING

**TABLE 9-1.  
OFF-STREET PARKING REQUIREMENTS**

<b>Office Use Types</b>	
General Offices	1 space per 500 square feet.
<b>Miscellaneous Use Types</b>	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
<b>Industrial Use Types</b>	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.
<b>SCHEDULE A</b>	
This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics.	
<b>Function of Element</b>	<b>Requirement</b>
Office or Administration	1 space per 400 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

## OFF-STREET PARKING

### 9-4 Parking Facility Location

#### a. Residential Parking

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

#### b. Non-Residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use or within 300 feet of that use if the parking site is zoned for such parking.

### 9-5 Off-Street Parking Design Standards

#### a. Dimensions

1. ~~Standard parking stalls shall be 9 feet wide and 20 feet long. Be provided in accordance with the design standards provided in ??????????. [VT29]~~

#### b. Pavement and Drainage

Off-street parking facilities shall be designed and built ~~to prevent the free flow of water onto public rights-of-way without approval of the Building Official to the stormwater management program requirements.~~

#### c. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line;
2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district;
3. Any parking facility which abuts property in a residential district shall provide a grade change, fence, terrace, or other site feature which blocks the sight line of headlights into a residential property, subject to the determination of the Building Official;
4. ~~Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the MH District shall be exempt from this requirement. [VT30]~~

#### d. Entrances and Exits

## OFF-STREET PARKING

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.

### e. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be approved by the Building Official.

### f. Adjustment

For uses subject to Special Use Permit approval, the City Council, with the recommendation of the Planning Commission, may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

## 9-6 Off-Street Loading

### a. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading dock areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

### b. Design Standards

1. Each loading dock space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
2. ~~Paving of~~ loading dock spaces and access to those spaces, must be entirely paved with concrete or asphalt, and access areas shall be permanent, durable, and dustless.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.
4. Loading docks which will catch water, by design, must provide a drain to storm sewer. Must include a sand and oil separator.

## 9-7 Parking for Personal and Recreational Vehicles

### a. Applicability

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include passenger cars, vans, pick-up trucks, camper trailers, recreational vehicles, trailers under forty feet in length, and boats.

## OFF-STREET PARKING

### b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking is permitted outside of an enclosed structure subject to the following conditions and in compliance with Section 10-9-24 of the City Code:
  - (a) The parking space is provided on a paved, hard-surfaced or graveled driveway or paved pad adjacent to the driveway;
  - (b) The vehicle is parked perpendicular to the front curb;
  - (c) The vehicle does not encroach on public right-of-way.

### c. Special Provisions for Recreational Vehicles

Parking and storage of recreational vehicles, campers, trailers, and boats is subject to the following additional conditions:

1. The vehicle is maintained in a clean, well-kept state;
2. The vehicle may be used only by non-paying guests for a maximum of three consecutive days or fourteen days during any calendar year;
3. The vehicle may not be permanently connected to utility lines;
4. The vehicle may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle;
5. The length of the vehicle shall not exceed twenty feet if the vehicle is parked or stored in a required front yard or street side yard. Longer vehicles may be parked or stored within rear yards or interior side yards behind the required front yard setback. |

[VT31]

## **CHAPTER 1: NONCONFORMING DEVELOPMENT**

### **11 ARTICLE ELEVEN**

#### **NONCONFORMING DEVELOPMENT**

##### **11-1 Purpose**

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts;
- b. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts;
- c. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts;
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

##### **11-2 Regulations Additive**

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

##### **11-3 Nonconforming Lots**

###### **a. Pre-Existing Lots of Record**

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the [Zoning-Unifed Land Development](#) Ordinance.

###### **b. Reductions Due to Public Acquisition**

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

## CHAPTER 1: NONCONFORMING DEVELOPMENT

### 11-4 Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

#### a. Continuation

A lawful nonconforming structure existing on the effective date of this Title Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Section Article.

#### b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
  - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements;
  - (b) The nonconforming building and impervious surface coverage's on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district;
  - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

#### c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

#### d. Repair of Nonconforming Structures

## CHAPTER 1: NONCONFORMING DEVELOPMENT

A lawful nonconforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with floodplain development regulations.

### ~~e. Conversion of a Conforming Building~~

~~A conforming building shall not be changed in any way that will result in a nonconforming development.~~<sup>[VT31]</sup>

### f. Applicability of Landscaping and Screening Regulations

~~Provided the pre-existing use continues, a~~ pre-existing structure, building, or development shall be exempt from Article Eight, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Article Eight:

i. Expansion of a structure, building or parking lot

i. Development onto an adjacent lot

~~—However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article Eight.~~

## **11-5 Nonconforming Uses**

### a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

### b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

### c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

### d. Change of Use

## CHAPTER 1: NONCONFORMING DEVELOPMENT

~~4.~~—A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal or less intensive than that normally required for the previous use.

### e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

### f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the ~~replacement cost~~assessed value of the structure, the nonconforming use shall no longer be permitted.

### g. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Twelve.

## CHAPTER 1: NONCONFORMING DEVELOPMENT

### 12 ARTICLE TWELVE

#### ADMINISTRATION AND PROCEDURES

##### 12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning-Unified Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Zoning-Unified Land Development Ordinance; and granting variances.

##### 12-2 Site Plan Review Procedure

###### a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Columbus Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

###### b. Administration

The Building Official shall review, evaluate and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

All applications or requests for the approval of plans for alleys, off-street parking, loading, non-residential driveways, non-residential curb cuts, and access to an egress from property, shall be submitted to the ~~City Clerk at least ten days before the Planning Commission meeting at which the application will be considered~~ Building Official. Upon review, the ~~Planning Commission~~Building Official shall have the authority to either approve or deny said application or request.

###### c. Uses Requiring Site Plan Review

All uses shall follow the Site Plan review procedure prior to the issuance of a building permit.

###### d. Application Requirements

## CHAPTER 1: NONCONFORMING DEVELOPMENT

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Building Official. The application shall include the following information:

1. Name, mailing and email ~~and~~ address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
  - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan;
  - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements;
  - (c) The location, size, and use of proposed and existing structures on the site;
  - (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, required temporary and permanent stormwater treatment facilities, fencing, screening, landscaping, and lighting;
  - ~~(e) Location of any major site feature, including drainage and contours at no greater than one foot intervals; A topographic survey [VT32] of the site and adjacent public rights-of-way.~~
  - (a) Identification of all federal, state and local environmental features, including, but not limited to: floodplain, floodways, wetlands, and other environmental features.
  - (a) Identification of all adjacent zoning districts and use types.
  - (f) Any other information that may be required for review by the Building Official.

5. The Site Plan must be stamped by a Nebraska Registered Professional Engineer.

### e. Administrative Action and Appeal

The Building Official must act upon each complete application within twenty-one ~~ten~~ working days of filing. ~~Failure to act within this period shall constitute approval of the application.~~ An applicant may appeal a denial to the Board of Adjustment ~~within ten days of the action.~~ The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

### f. Review and Evaluation

## CHAPTER 1: NONCONFORMING DEVELOPMENT

1. The Building Official or the Board of Adjustment shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning-Unified Land Development Ordinance.
2. The Building Official or the Board of Adjustment shall make the following findings before approval of the site plan:
  - (a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1;
  - (b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects;
  - (c) The site plan conforms to the Zoning-Unified Land Development Ordinance.

### g. Modification of Site Plan

The Building Official or Board of Adjustment may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation, rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, or welfare.

### h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Official may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Building Official may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

### i. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval; such time as a change in use has the potential to significantly affect the traffic circulation or land uses in adjacent neighborhoods.

## CHAPTER 1: NONCONFORMING DEVELOPMENT

### 12-3 Special Use Permit Procedure

#### a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

#### b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

#### c. Application Requirements

An application for a Special Use Permit may be filed by the owner(s) of a property or by the property owner's authorized agent with the Community Development Director's Office. ~~Any such application will not be deemed submitted until all of the information set forth below is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. shall~~ Such application shall be submitted to the Community Development Director's Office at least 21 calendar days ~~(including holidays)~~ before the Planning Commission meeting at which the ~~public hearing on the~~ application will be ~~considered held~~. The application shall include the following information and be submitted on a form approved by the Community Development Director's Office:

- ~~1. 1. Name, email and mailing and address and phone number~~ of the property owner who is making application or said property owner's authorized agent.
- ~~1. Legal Representation: Name of Firm, attorney, phone number, email and mailing address~~
2. Owner, address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. ~~Any graphic information, including A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.) s, elevations, or other drawings, necessary to describe the proposed use to approving agencies.~~
5. Excavation Special Use Permits applications must include a proposed post development site plan.

**CHAPTER 1: NONCONFORMING DEVELOPMENT**

- 5. The special use requested and the current zoning.
- 6. Be signed by the property owner or the property owner’s duly authorized agent.

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

	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
<b>Land Use Compatibility</b>			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
<b>Height and Scale</b>			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
<b>Site Development</b>			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X

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Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved <u>to the extend possible</u> .	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
<b>Operating Characteristics</b>			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

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

Operating Characteristics	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
<b>Public Facilities</b>			
Sanitary Waste Disposal	Developments within 3500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.[VT33]	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities <u>if the property is located within 300 ft of said utility.</u> [VT34]	X	X
<b>Comprehensive Plan</b>	Projects <del>should</del> <b>shall</b> be consistent with the comprehensive development plan of Columbus.		X



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### d. Approval Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-3 (e), shall hold a public hearing on each proposed Special Use Permit and following such public hearing, shall recommend action to the City Council.
2. The City Council, after the ten days notice as required by Paragraph 12-3 (e) and after public hearing, shall act on the Special Use Permit. The City Council may apply any reasonable conditions to the approval of the permit.
3. The applicant shall be responsible for preparing and furnishing in proper form a ~~an~~ "draft" Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said special use permit shall be thereafter submitted by applicant for action by the City Council. for said Special Use Permit for execution by the City.

### e. Required Notice and Publication

Prior to consideration of and/or approval of a Special Use Permit by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall ~~be so~~ placed on or near such premises that it is easily visible from the street and shall be ~~so~~ posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice by Publication:** At least ten days before the date of hearing the City Clerk shall have published in a ~~daily~~ newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** At least 10 days prior to the date of the hearing the applicant shall either:

a) personally serve, or

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b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate which is the subject of the Special Use Permit;
- ii) ~~all properties whether in whole or in part which are located within the owners of all real estate located within~~ 300 feet of the real estate which is the subject of the Special Use Permit; and
- iii) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.[VT35]

5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.

### f. Criteria for Review

~~1. The Planning Commission and the City Council shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.~~

### fg. Scope of Approval

1. The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

### gh. Lapse, and Revocation or Completion of Permit

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1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.

1. 2.—The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

1. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

### hi. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

### ij. Denial of Special Use Permit; Waiting Period

In the event that a Special Use permit as provided in this Article is denied by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six months of said denial, ~~thereof~~.

## 12-3 Development Review Team (DRT)

### a. Purpose

The DRT meets weekly with project representatives to identify opportunities and resolve potential issues before project and development plans are finalized. Through the DRT process all aspects of a project can be discussed including key issues and expectations such as site issues, time lines, processing of applications, phasing, design issues and code requirements. The DRT provides the best possible customer service by maintaining allowing close contact with project representatives, by providing thorough review and feedback on every major proposed project, and by working to resolve issues at the earliest possible stage of development.

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### b. Administration

Members of the DRT are the City Administrator, Community Development Director and/or Building Official, City Engineer, Public Works Director and City Planner. These members may invite other staff and professionals as they see fit based on project scope. If applicable, DRT members will visit the project location prior to the DRT meetings and be prepared to discuss all potential issues and opportunities. The DRT shall take notes during the meeting and shall provide those notes to all participants. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council.

### c. Application Requirements

Project representatives will be provided an application for the DRT. Complete development plans are not necessary for the initial meeting however, as many details as possible are encouraged to be shared in the application in order to jointly develop the most efficient and successful project. At a minimum the project representative shall provide:

—

1. Project Representative information.

2. Description of the project.

DRT members will reserve every Wednesday from 8:00 am to 12:00 pm for DRT project review and meetings with project representatives.

Applications will be due the Friday prior to the meeting date desired by the project representative.

## **12-4 Amendment Procedure**

### a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Unified Land Development Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

### b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

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### c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Director's Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's City Clerk's [VT36]Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be considered held. The application shall include the following information and shall be submitted on a form approved by the Community Development Director's Office:

1. 1. Name, email, mailing and address and phone number of the property owner who is making application or said property owner's authorized agent.
1. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
2. Owner, address, email address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.) Any graphic information, including site plans, elevations, or other drawings, necessary to describe the proposed use to approving agencies.
5. The current zoning and the requested zoning.
6. Be signed by the property owner or the property owner's duly authorized agent.

### d. Amendment Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-4 (e), shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals [VT37]and the general welfare.
2. The City Council, after ten days notice as required by Paragraph 12-4 (e) and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals [VT38]and the general welfare. In furtherance thereof, the City Council may condition rezonings on the adoption of

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an agreement between the developer and the City ~~or on any other means assuring the City the project will be built as represented.~~

3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City Council. for said rezoning for execution by the City.

### e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** In the case of rezonings, a notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:

a) personally serve, or

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b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate to be zoned or rezoned;
- ii) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
- iii) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. "Notice of Publication" above shall be applicable.

5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.[VT39]

### f. Denial of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is denied by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said denial thereof.

### **12-5 Extension of the Extra-Territorial Jurisdiction**

There shall be an automatic extension of the extra-territorial jurisdiction due to annexation or incorporation of any addition into the City. The City Council with the recommendation of the Planning Commission, shall zone properties within the newly established Jurisdiction concurrent

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with, or within 90 days thereafter, of the adoption of the annexation ordinance or resolution incorporating said property into the City. The zoning shall consider the Comprehensive Development Plan of the City of Columbus and the present use of the land. In the event the City takes no action within the time period, said property within the newly established Jurisdiction shall be deemed as zoned RR, Rural Residential.

### **12-6 Building Permits and Certificates of Occupancy**

#### a. Administration and Enforcement

The Building Official shall administer and enforce this ordinance. ~~The City Council may direct other persons to assist him/her.~~

If the Building Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

#### b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

#### c. Application for Building Permit

All applications for building permits shall include a site plan and shall include plans ~~in duplicate~~ drawn to scale and an electronic copy, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may

be required by the Building Official, including the existing or proposed building or alterations;

existing or proposed uses of the building and land; the number of families and/or persons, ~~house-keeping units, or rental and the number of~~ units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

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One copy of the plans shall be returned to the applicant by the Building Official, after he/she shall have marked such copy either as approved or disapproved and attested ~~the~~ same by his/her signature on such copy. ~~One~~ The electronic copy of the plans, ~~similarly marked~~, shall be retained by the Building Official.

### d. Certificates of Occupancy for New, Altered, or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy ~~shall have been~~ is issued ~~therefore~~ by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance and that all plans submitted with the application for building permit have been completed. Prior to the issuance of a Certificate of Occupancy, the Building Official, or his/her designee, shall conduct a final inspection of said building or premises to determine compliance with the requirements of the Columbus City Ordinances and it shall be the duty of the property owner to cooperate with said final inspection.

### e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building Official may, at his/her discretion extend the expiration period of the building permit.

### f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction ~~at variance which varies from the approved permit with that authorized~~ shall be deemed a violation of this ordinance, and punishable as provided by Section 12-14 hereof.

## **12-7 Schedule of Fees, Charges and Expenses**

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The City Council shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for building permits, re-zoning application fees, special use permit application fees, board of adjustment filing fees, site plan review, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application for appeal.

### **12-8 Board of Adjustment**

#### **a. Establishment**

1. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this Section. The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one of the regular members is unable to attend for any reason. At least one member of the Board shall be a member of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commission member to the Board. At least one member of the Board shall reside outside of the corporate boundaries of the City, but within its extra-territorial zoning jurisdiction.
2. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Chairman of the Board shall be elected annually by the members of the Board. All members of the Board shall serve without compensation.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914 of Nebraska Revised Statutes. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the

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Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

### **b. Procedure for Appeals**

1. Appeals shall be made to the Board of Adjustment within thirty days of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. The Board shall provide a written notice to the appealing party of the date and time set for public hearing. The Board shall provide a minimum of ten days notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Columbus setting forth the time, place and subject matter of such hearing. Notice of hearing shall be posted by the appealing party in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the appealing party to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the appealing party to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed it shall be the duty of the appealing party to promptly post a new sign for the remainder of the ten-day period. The appealing party shall be responsible for filing with the Building Official on the date of the hearing an Affidavit of Posting Notice. Said Affidavit shall verify that the requirements concerning posting notice as set forth herein were complied with and said Affidavit shall be submitted on a form approved by the Building Official.
3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any Building Official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

### **12-9 Powers and Duties of the Board Of Adjustment**

The Board of Adjustment shall have only the following powers and duties:

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**a. Administrative Review** To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.

**b. Interpretation of Zoning Map** To hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

**c. Variances to Relieve Hardships Relating to Property** To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. **Requirements for Grant of a Variance.** No such variance shall be authorized by the Board unless it finds that:

(a) Strict application of the zoning ordinance will produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

2. **Findings by Board.** The Board of Adjustment shall make findings that the requirements of Section 12-9c(1) have been met by the applicant for a variance.

3. **Conditions for Grant of Variance.**

(a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of

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this Ordinance and punishable under Section 12-14 of this Ordinance.

(b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

### **d. Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official**

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

### **12-10 Appeals from the Board of Adjustment**

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

### **12-11 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal**

- a. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- b. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or permits, or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 12 of this ordinance.

### **12-12 Severability Clause**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

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### **12-13 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this ordinance. [VT40]

### **12-14 Penalties for Violation**

- a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation

## **CHAPTER 2: GENERAL PROVISIONS**

### **ARTICLE ONE**

#### **GENERAL PROVISIONS**

##### **1-1 Title**

This Ordinance shall be known as the Subdivision Chapter of the Land Development Ordinance of the City of Columbus.

##### **1-2 Authority and Purpose**

###### **a. Authority**

This Ordinance is adopted pursuant to the authority granted the City of Columbus under Section **4416**, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

###### **b. Purposes**

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Columbus and its surrounding jurisdiction;
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities;
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction;
4. Avoid excessive costs to the taxpayers of Columbus or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services;
5. Protect the unique environment of the City of Columbus by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions;
6. Provide the City of Columbus with the ability to grow incrementally through the eventual annexation of new developments.

## CHAPTER 2: GENERAL PROVISIONS

### c. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans and policies for Columbus and its jurisdiction. These include, but not limited to, the Comprehensive Development Plan, Long Range Transportation Plan, Stormwater Management Plan, and State of Nebraska Board of Classifications and Standards.

### b. Preservation of Natural Features and Drainage Patterns

1. In accordance with all Federal, State of Nebraska and local requirements and to the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.

2. The subdivider shall give maximum consideration to the preservation of the following areas as open space or stormwater treatment facility or detention system, to the extent consistent with reasonable utilization of land:

(a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps and policies prepared by the U. S. Fish and Wildlife Service, U.S. Army Corps of Engineers, State of Nebraska Department of Natural Resources, and the Lower Loup Natural Resource District.

(b) Flood plain and floodway lands as defined by the Federal Emergency Management Agency, Flood Insurance Rate Map, and the City of Columbus Special Flood Hazard Areas.

### c. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Reduction and minimization of cut and fill.

2. No increase of peak flow, area of runoff or encroachment of stormwater runoff onto other properties.

3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 350 feet.

4. Respect for the urban character and traditional layout of Columbus, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and

## **CHAPTER 2: GENERAL PROVISIONS**

preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.

### **d. Site Design Objectives and Approval**

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

### **1-3 Relationship to the Comprehensive ~~Development~~ Plan**

1. The City of Columbus intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive ~~Development~~ Plan. Should this Ordinance become inconsistent with the adopted Comprehensive ~~Development~~ Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
2. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive ~~Development~~ Plan, the Zoning-Unified Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

### **1-4 Jurisdiction and Applicability**

- a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by §16-902, Revised Statutes of Nebraska, 1943. In conjunction therewith, it is hereby designated that the City of Columbus will exercise the powers and duties granted by Sections 16-902 to 16-904, or Section 19-2402, Revised Statutes of Nebraska, 1943, [VT41] over that portion of the territory located within two miles of the corporate limits of the City of Columbus as shown on the Extra-Territorial Jurisdiction Map. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision CodeChapter of the Unified Land Development Ordinance. Such changes shall be reflected on the Extra-Territorial Jurisdiction Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.
- b. No owner of real property within the City of Columbus and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may

## **CHAPTER 2: GENERAL PROVISIONS**

sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this Ordinance.

### **1-5 Amendment**

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

### **1-6 Fees**

The City Council of the City of Columbus may establish reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

### **1-7 Enforcement**

1. The Administrative Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning Commission, City Council, or other appropriate agency.

### **1-8 Penalties**

1. Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. An owner, developer, or subdivider of property; any architect or engineer; builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Administrative Official shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

### **1-9 Interpretation, Conflict, and Severability**

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

## CHAPTER 2: GENERAL PROVISIONS

- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
  
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Columbus's Unified Land Development Ordinance.

## **CHAPTER 2: DEFINITIONS**

### **2 ARTICLE TWO**

#### **DEFINITIONS**

##### **2-1 Purpose**

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

##### **2-2 Definitions of Terms**

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

##### **2-3 A.**

1. Administrative Official: The designee of the City Council responsible for the supervision and administration of the Subdivision Ordinance of the City of Columbus.<sup>[VT42]</sup>
2. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
3. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
5. Approving Authority: The ~~Planning Commission and~~ City Council of the City of Columbus.
- ~~6. ASCE: The American Society of Civil Engineers.~~
7. Administrative Subdivision: An adjustment of lot lines of no more than four lots without creating additional lots and requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.

##### **2-4 B.**

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1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized pedestrian recreation.
2. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

### 2-5 C.

1. Cartway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from curblineline to curblineline. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. Channel: The bed or banks of a natural stream or drainage way which convey the constant or intermittent flow of water, including storm run-off.
4. ~~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, or the preservation of historically or environmentally sensitive features<sup>[VT43]</sup>.~~
5. ~~Cluster 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.~~
6. Common Open Space Area: An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development. Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
7. Comprehensive Plan: The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.

## CHAPTER 2: DEFINITIONS

8. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.

9. Conventional Subdivision: A subdivision which literally meets all nominal standards of the Unified Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

~~10[VT44]. Creative Subdivision: A subdivision which, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and Traditional Neighborhood Districts.~~

11. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.

12. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

### **2-6 D.**

1. Dedication: A grant of land to the City or another public agency for a public purpose.

2. Design Standards: Standards that set forth specific improvement requirements.

3. Detention Basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.

4. Developer: The legal or beneficial owner(s) of any land included in a proposed development.

5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.

6. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.

7. Drainage: The removal of surface or ground-stormwater water from land by drains, grading, or other means.

8. Drainage System: The system through which water flows from the land.

### **2-7 E.**

## **CHAPTER 2: DEFINITIONS**

1. Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

### **2-8 F.**

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Platte County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, ~~negotiation of subdivision development~~ agreements, posting of required guarantees, and other requirements of this Ordinance.

### **2-9 G.**

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

### **2-10 H.**

### **2-11 I.**

### **2-12 J.**

### **2-13 K.**

1. Key Map: An aerial map ~~with a common engineering~~ scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing streets and city limits lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

### **2-14 L.**

1. Lot: A parcel of real property with a separate and distinct number ~~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. A lot is ordinarily established for the purpose of transfer of title and/or development.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.

## CHAPTER 2: DEFINITIONS

3. Lot Frontage: The portion of a lot extending along a public street or private drive line.

### **2-15 M.**

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major Subdivision: Any subdivision not defined and approved as an administrative subdivision or as a minor subdivision.
3. Minor Subdivision: An adjustment of lot lines of two or more lots without creating additional lots or a subdivision of land which creates no more than four lots from any single parcel block or lot of an addition or subdivision, tract, or parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.
4. Moving Lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

### **2-16 N.**

### **2-17 O.**

1. Off-Site: Located outside the boundaries of the parcel that is the subject of an application.
2. Open Space: Any parcel or area of land or water that is ~~essentially~~ retained in an open state and set aside for public or private use.

### **2-18 P.**

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.
3. Plat<sup>[VT45]</sup>: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.

(a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Platte County Register of Deeds.

## CHAPTER 2: DEFINITIONS

(b) Final Plat: The final map-plat of the subdivision which is presented for Final Approval. The Final Plat contains detailed information, legal survey and documentation and is designed to be filed with the Register of Deeds.

### 1. Private Drive:

#### **2-19 R.**

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission linesinfrastructure, communication infrastructure, gas pipelines, water mains, or sewer mains.

#### **2-20 S.**

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
  - (a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
  - (b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
  - (c) Lateral or Local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic System: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. Sidewalk: A concrete or brick paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a treatment facility, drainage way or stream.
5. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.

## CHAPTER 2: DEFINITIONS

6. Street Hierarchy: The conceptual arrangement of streets based on function. ~~The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic.~~ Street types contained within the hierarchy include:

- (a) ~~Court or lane~~ Private Drive
- (b) Local
- (c) Collector
- (d) ~~Community Street~~ Minor Arterial
- (e) Major Arterial
- (f) Expressway

7. Subdivision: The division of a lot, tract or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to 10 acres or less. The term subdivision includes any time the creation of a public street or roadway is involved, but excludes the acquisition of land by the state, county, or city, by eminent domain or otherwise, for the creation, extension or widening of a public street or roadway. The term also includes re-subdivision platting and, when appropriate to the context, re-plattingsubdivision shall be subject to the rules and regulations contained herein respecting the process of subdividing in this chapter and shall apply to land previously subdivided, but shall not include the division of a lot or tract of land one-half acre in size or less into two or more lots or tracts [VT46]-.

## **CHAPTER 2: PROCEDURES AND ADMINISTRATION**

### **3 ARTICLE THREE**

#### **PROCEDURES AND ADMINISTRATION**

##### **3-1 Purpose**

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

##### **3-2 Administrative Subdivisions**

###### a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
  - 3.1. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
  - 4.1. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

###### b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

## **CHAPTER 2: PROCEDURES AND ADMINISTRATION**

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
  - (a) Compliance with the conditions contained in Section 3-2(a) above.
  - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
  - (c) Potential adverse environmental effects or effects on neighboring properties.
3. Following such review, the Administrative Official may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
4. The Administrative Official retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.
6. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
7. Following approval of the Administrative Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Administrative Subdivision, including the Platte County Register of Deeds signed and stamped recording information

### **3-3 Minor Subdivisions**

#### **a. Scope**

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The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, block or lot. Minor subdivisions outside of City Limits, but adjacent to will be required to voluntarily annex.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities, or public improvements and no new dedication of public right of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract, block or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), block(s) or lot(s) are eligible for future administrative or minor subdivision.

### b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
  - (a) Compliance with the conditions for contained in Section 3-3(a) above.
  - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.

~~(e)~~(a) Potential adverse environmental effects or effects on neighboring properties.

## CHAPTER 2: PROCEDURES AND ADMINISTRATION

~~(d)~~(a) Completed Development Agreement.

3. Following such review, the Administrative Official may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
4. The Administrative Official retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
6. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
7. Following approval of the Administrative Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Administrative Subdivision, including the Platte County Register of Deeds signed and stamped recording information

### **3-4 Major Subdivisions**

#### a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures.

#### b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The preliminary plat stage and final plat stage may occur concurrently.

#### c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Administrative Official and representatives of the Planning Commission regarding general requirements and issues relating to the proposed subdivision.

5.1. Pre-application meetings will be held on the second Thursday following the first Monday of each month. Applicants must make a request for a pre-

## **CHAPTER 2: PROCEDURES AND ADMINISTRATION**

application meeting prior to the first Thursday following the first Monday of each month.

2. Three days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:

(a) An aerial location map showing the relationship of the proposed subdivision to existing and proposed streets, public facilities, special flood hazard areas, waters of the US, wetlands, airport runway protection zones (if applicable) and any other features or areas which may affect the development.

(b) A schematic plan illustrating the proposed layout of streets, lots, blocks, public utilities, stormwater treatment facilities and other features and their relationship to existing and proposed site topography for the total proposed development area.

3. Within ten working days of the pre-application meeting, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long Range Transportation Plan and Unified Land Development Ordinance.

4. The pre-application meeting does not require a formal application or payment of a fee.

### **d. Preliminary Plat Application**

1. Application Requirements

After the pre-application meeting, the applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a subdivision agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstrator verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission Agenda.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a development agreement provided by the Administrative Official following a format established by the Engineering Department. The development agreement establishes the mutual

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responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law.

### 3. Preliminary Plat Review Procedure

(a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and local utilities.

(b) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.

(c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

### 4. Planning Commission and City Council Action

(a) The Planning Commission, following at least ten days published notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council.

(b) Following action by the Planning Commission, the Commission shall submit minutes summarizing the Commission's action to the City Council.

(c) The City Council, upon receipt of the recommendation of the Planning Commission, shall take action on the application.

(d) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:

(1) The general terms and conditions under which the plat was approved will not change.

(2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.

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(3) The preliminary plat approval shall stay in force for a period of two years from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.

(4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

### **e. Final Plat Application Process**

#### **1. Application Requirements**

The applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted to the City Engineer's Office at least nineteen (19) calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission Agenda. The applicant shall notify the Board of Education of each school district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

#### **2. Final Development Agreement**

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developers attorney shall work with the City's attorney to obtain approval.

#### **3-2. Final Plat Review Procedures**

(a) After submission of a complete application for a final plat, the Administrative Official and staff shall review the application. This includes the mutual approval of the final development agreement between the developers attorney and city attorney, including the developers signature and notary, resolution and deed of dedication.

## **CHAPTER 2: PROCEDURES AND ADMINISTRATION**

(b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.

(c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

#### 4. Performance Bond

The development agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

#### #. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City.

#### 6. Final Plat Approval

(a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for consistency with the approved preliminary plat and for compliance with the Unified Land Development Ordinance and other applicable local, state or federal statutes and regulations. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Subdivision Agreement. If the final plat meets all requirements of the Unified Land Development Ordinance, has satisfied all requirements of the Engineering Department, has met the conditions, if any, upon which preliminary plat approval was based and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to recommend approval of the final plat. If the Planning Commission finds in its review that the submitted final plat is not substantially consistent with the preliminary plat, it shall take action to recommend approval or denial to the City Council.

(b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval or denial thereof to the City Council.

## **CHAPTER 2: PROCEDURES AND ADMINISTRATION**

(c) The City Council, following at least ten days published notice, shall hold a public hearing on each final plat and on the development agreement. Following such public hearing shall take final action by way of resolution on the application. Any contingencies, deficiencies or changes attached to the preliminary plat approval and/or requirements of the Engineering Department must be completed prior to the final plat approval. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing for which at least ten days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.

(d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

### **f. Filing the Final Plat**

- a. Following City Council approval of a Final Plat that received a prior recommendation from the Planning Commission, the Chair of the Planning Commission and the Mayor of the City of Columbus shall sign the final plat which shall be a reproducible mylar of the subdivision plat.
  - ~~b.~~a. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar day of the City Council approval.
  - ~~c.~~a. Applicant shall provide the City a complete signed original, reproducible final plat within fourteen (14) calendar days of City Council approval.
4. The subdivider must file the plat with the Platte County Register of Deeds along with all applicable covenants and other documents within 90 calendar days of the execution of the plat by the Chair of the Planning Commission and the Mayor in accordance with state statute.

### **TABLE 3-1:: APPLICATION REQUIREMENTS**

Submittal Requirements: Paper size, scale, electric copy,

**CHAPTER 2: PROCEDURES AND ADMINISTRATION**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
Plat Information				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.		X	X	
Present and proposed zoning.		X	X	
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.		X	X	
Signature blocks for Planning Commission Chair and Mayor.			X	X
Signature block for Administrative Official, and Clerk.	X	X		
Appropriate certification block.	X	X	X	X
Monumentation.	X	X		X
Acreage of tract.	X	X	X	X
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet.	X	X	X	X

**CHAPTER 2: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
Plat Information				
Existing and proposed easements or land reserved for of dedicated to public use.	X	X	X	X
<b>ENVIRONMENTAL INFORMATION</b>				
All existing waters of the US, floodways and floodplain within 200 feet.	X	X	X	
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography at one-foot contours in city approved vertical datum		X	X	
Floodplain Development Permit	X	X	X	
<b>IMPROVEMENTS AND CONSTRUCTION INFORMATION</b>				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	

**CHAPTER 2: PROCEDURES AND ADMINISTRATION**

Special construction details as required.			X	
Roadway and paving cross-sections.			X	
Proposed street names.			X	X
Block and Lot numbers.	X	X	X	X
Easements as requested or required for all public and private utilities.				X
<b>GRADING AND DRAINAGE PLAN (separate plan sheet)</b>				
Site plan topographic survey		X	X	
Proposed finish elevations of streets			X	
Proposed finish elevations of ditches/swales		X	X	
Proposed finish grade elevations at each lot building setback		X	X	
Existing site drainage system		X	X	
Proposed site drainage system with elevation at end points		X	X	
Drainage calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details		X	X	
Floodplain or floodway from Flood Insurance Rate Maps (FIRM)		X	X	

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative	Minor	Major Subdivision	
	Subdivision	Subdivision	Preliminary	Final

**CHAPTER 2: PROCEDURES AND ADMINISTRATION**

Plat Information				
Identify planned or existing trail locations			X	
Certifications and seals from licensed Professional Engineer, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Reproducible Plat	X	X		X
Bonded Copy of Plat			X	

REMOVED majority and moved Creative Cluster to Article 5 as an optional 'Overlay'

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

### 4 ARTICLE FOUR

#### CIRCULATION SYSTEM DESIGN

##### 4-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

##### 4-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

###### a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Development Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Development Plan and Long Range Transportation Plan, the arrangement of streets shall provide for the logical extension of existing streets, proposed streets with area developments, and access to adjacent area properties.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent, later developments.

###### b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or the use of trails to create visual interest.
3. In ~~creative subdivision~~ overlay districts and Non-traditional Residential Parks and Subdivisions, the pedestrian system may be an independent network —diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive ~~Development Plan~~, Long Range Transportation Plan, or Trail Master Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

### 5-3 Street Hierarchy and Design

#### a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
2. Each residential street shall be classified and designed to meet appropriate standards.
3. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.

#### b. Cartway Width

1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 5-2.

#### c. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

2. Requirements for curbs vary according to street function and the nature of adjacent development and expected future use of the area in accordance with the Future Land Use Map of the Comprehensive Plan. Adjacent development is defined as urban or rural as follows:

(a) Rural: ~~Rural Residential~~ Residential or predominately agricultural land. ~~use where average lot frontage exceeds 100 feet.~~

(b) Urban: Residential land use ~~where average lot frontage is less than or equal to 100 feet~~; or adjacent land uses which include commercial, office, industrial, or civic use types.

3. Where curbing is not required, edge definition and stabilization shall be provided.

~~4. Where curbing is required, shoulders and drainage swales may be used only if soils or topography make the provision of shoulders preferable to curbs; or where the character of an area is preserved by the use of shoulders and drainage swales.~~

5. Shoulders, when developed, shall be at least six feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall be stabilized with turf or other acceptable material.

6. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.

1. Curb construction shall follow standards established by the City of Columbus.

### d. Sidewalks

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.

2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.

3. In conventional development, shall be placed generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.

## **CHAPTER 2: CIRCULATION SYSTEM DESIGN**

4. In commercial areas, sidewalks may abut curb.
5. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.
6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions.
7. All sidewalks shall be constructed according to current standards in use by the City of Columbus. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick.
8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

### **e. Bikeways and Recreational Trail**

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.
2. All off-street recreational trails shall be a minimum of eight feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Columbus. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

### **f. Right-of-Way**

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
2. Any right-of-way that continues an existing street shall be no less than that of existing street.
3. The requirements for right-of-ways for functional categories of roads is set forth in Table 5-3.

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

4. Dedications: Dedications of right-of-way for collector, subcollector, community, or arterial streets shall be made consistent with the comprehensive development plan.

### g. Street Design Standards

#### 1. Pavement

(a) All streets shall be paved to current standards utilized in the City of Columbus except:

(1) Local streets in rural intensity residential subdivisions. In these settings, streets may utilize a travel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface.

(2) Courts, which may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

(b) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

#### 2. Continuity of Arterial or Collector Streets

No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

#### 3. Arterial Street Construction Alternate

Where the condition of the existing arterial roadway is in satisfactory condition, concrete, and constructed in accordance with the State of Nebraska Board of Classification and Standards the developer may elect to pay a Public Infrastructure Improvement Impact Fee in lieu of improving the roadway, earthwork, storm sewer and other potential impacts of such improvements section at the time of development.

#### 4. Cul-de-sacs and Street Bulb-Outs

Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length as measure from the radii points and shall be designed so that vision from entrance to end is not restricted. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.

Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

### 4. Street Intersections

(a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints. No street shall intersect any other street at less than 60 degrees.

(b) In most cases, no more than two streets should intersect at a single intersection.

(c) Local street intersections with major arterials should be avoided.

(d) New intersections along one side of an existing or proposed street shall, ~~if possible,~~ align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines of any streets. The use of T-intersections is encouraged on local streets within the interior of a subdivision.

(e) Street intersections shall be rounded with a minimum radius of 20 feet on Local and Collector roads and a minimum radius of 30 feet on Minor and Other Arterial and Major Arterial roads. ~~The Planning Commission may require a larger radius or permit comparable cutoffs or chords in place of rounded corners~~ may be required on all types of Arterial roads.

(f) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways or signalized intersections.

### 5. Block Size

(a) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

#### h. Street Names

No street names shall be used which will duplicate or be confused with the name of existing streets as approved by the City Engineer. ~~Street names shall be subject to the approval of the Planning Commission.~~ Streets shall be named according to the following system subject to City Engineer, Planning Commission and City Council approval:

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

<u>Street Direction and Type</u>	<u>Name</u>
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets at Angles	Lanes <u>or Drives</u>
<u>Long Angle Arterial Streets</u>	<u>Parkway or Boulevard</u>
Cul-de-sacs	Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
<u>Private Streets</u>	<u>Court (East-West) and Plaza (North-South)</u>

### i. Adjacency to Arterials and Railroads

1. Where the subdivision is adjacent to or contains a street designated as a major arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. ~~The Planning Commission may require treatments or d~~Design features may be necessary to provide adequate protection of residential property and separation of through and local traffic as determined by the City Engineer.
2. Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway, the ~~Planning Commission~~City Engineer may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grade separations.

### j. Prohibited Practices

The following design practices shall be prohibited:

1. Privately-owned reserve strips controlling access to streets.
2. Half-streets.
3. Public alleys, except in a B1 zoning district.

## **5-4 Alleys**

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

### a. Applicability

Private Alleys may be provided to supplement public roadways. Such private alleys may only connect to Local roads. in commercial and industrial subdivisions, unless the Planning Commission determines that adequate alternative provision is made in the subdivision for service access and parking.

### b. Alley Design

1. Minimum width of alleys shall be 20 feet.
2. Alley intersections and sharp changes in alignment shall be avoided.
3. Valley gutters may be used at alley and T-intersections.
4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission.
5. Alley design in Commercial zones shall follow the National Fire Protection Agency requirements as administered by the Nebraska State Fire Marshall's Office.
6. Alley design in Residential zones or for residential uses shall follow the International Fire Code.

## **5-5 Lighting and Wiring**

### a. Street Lighting

1. Street lighting shall be provided along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the local public power utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America.
2. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Columbus.

### b. Underground Wiring

1. All electric, telephone, television, cable TV, data, fiber optics, and other communication lines shall be provided by underground wiring within public easements or public right-of-way, except where in the opinion of the approving authorities, such location is not

## **CHAPTER 2: CIRCULATION SYSTEM DESIGN**

practical and feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.

2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

**TABLE 5-1: STREET HIERARCHY**

Residential Street Type	Function	Guideline Maximum ADT
<del>Court-Private Drive</del> (Private)	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. <del>East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.</del>	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. <u>Driveway access shall be minimized.</u> Collectors may be <del>included eligible to use in</del> the city's <u>Surface Transportation Program system for federal aid.</u> <del>Federal Funds Purchase Program funding.</del>	1,000-5,000
<del>Minor and</del> Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited <del>on other arterials.</del> Other arterials should be excluded from residential areas. <u>Driveway access is not allowed. Nubir abd itger Arteruaks nat be eligible to use the city's Federal Fund Purchase Program funding. These streets are part of the Surface Transportation Program system for federal aid.</u>	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. <u>Driveway access is not allowed. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.</u> <del>These streets are part of the Surface Transportation Program system for federal aid.</del>	15,000+

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

TABLE 5-2: CARTWAY WIDTH

<u>Residential</u> Street Type	Moving Lanes	Parking Restrictions	Total Width <u>Measured back of curb to back of curb</u>	Maximum Grade
<del>Lane or</del> <u>Court Private</u> <u>Street</u> (Private)	Two 12-foot	<del>NFPA</del> <u>Requirements No</u> <u>parking to</u> <u>meeting NFPA</u> <u>standards</u>	<u>242</u> feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	<u>Two 12-foot</u> <u>through lanes</u>	<u>None, but must</u> <u>meeting NFPA</u> <u>standards</u>	<u>33 feet</u>	<u>10%</u>
<del>No parking</del> <u>Minor</u> <u>and Other</u> <u>Arterials</u>	<u>Three Each</u> <u>through land 12-</u> <u>foot and/or Two</u> <u>12-foot with one</u> <u>14-foot center</u> <u>lane</u>	No parking	41 feet	7%
<u>Major Arterials</u>	<u>Three or more</u> <u>12-foot</u>	<u>No parking</u>	<u>Minimum 41 feet</u>	<u>Meet design</u> <u>guidelines</u>

### Arterials

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

TABLE 5-3: CURB, SIDEWALK, AND RIGHT-OF-WAY REQUIREMENTS

<del>Residential</del> Street Type	<u>Cartway</u> <u>Width</u>	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
<del>Court Private</del> <u>Street</u> (Private)	<u>22 feet</u>	<u>Not</u> <u>Required</u> <u>Curb</u> <u>with 2-foot turf</u> <u>shoulder</u>	Required	<u>NA</u> <u>No</u> <u>Setback.</u> <u>Sidewalk to</u> <u>be located on</u> <u>the private</u> <u>street lot.</u>	<u>40</u> <u>feet</u> <u>Minimum</u> <u>of 32 feet</u>
<del>Local</del>					

## CHAPTER 2: CIRCULATION SYSTEM DESIGN

<u>Local - Rural</u>	<del>24 feet</del>	<del>Not Required</del> <u>Minimum 6-foot turf</u>	<del>May Not be Required</del>	NA	60 <u>or 66</u> feet*
<u>Local - Urban</u>	<del>33 feet</del>	Curb	Both sides <del>unless excepted by City Council.</del>	<del>6 feet</del> <u>4 feet or 2 feet in cul-de-sacs</u>	60 <u>or 80</u> feet*
Collector	<del>41 feet</del>	<u>Curb</u>	Required <u>both sides</u>	4 feet	<del>60 or 80</del> <u>6</u> feet
<del>Rural</del> <u>Minor or Other Arterial</u>	<del>24 feet</del>	<del>Not Required</del> <u>Curb</u>	<del>Not Required</del> <u>Both Sides</u>	<del>NA</del> <u>4 feet or greater as approved by City Engineer</u>	<del>80-100</del> <u>feet</u> *
Urban No Parking	<del>41 feet</del>	Curb	Both Sides	8 feet	80 feet*

### Arterials

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

### Right-of-way

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

~~\* Right of way widths for these classes of street may be modified within Creative Subdivisions.~~

## CHAPTER 2: IMPROVEMENTS AND INFRASTRUCTURE

### 6 ARTICLE SIX

#### PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

##### 6-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

##### 6-2 Water

###### a. Connection

1. All installations shall be properly connected ~~edion~~ to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within ~~1,320-300~~ feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within ~~1,320-300~~ feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City Engineer.
3. If a public water supply system is to provided to an area within a six-year period, as indicated in an officially adopted document of the City, the Rural Water District, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. All proposals for new water supplies, extensions, or main installation shall be approved by the appropriate public agency, including the State of Nebraska Departmnet of Environment and Energy and the City of Columbus.
5. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
6. City of Columbus final approval of the system, and if applicable, the State Fire Marshall approval of the fire protection system, shall be obtained prior to issuance of building permit or final occupancy permit.

## CHAPTER 2: IMPROVEMENTS AND INFRASTRUCTURE

### b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Water mains shall be a minimum of six inches in residential and commercial zones and a minimum of eight inches in industrial zones, subject to a Developer provided study, which may be required by the City Engineer, Comprehensive Plan and/or Citywide Water Study which may increase the sizes required.
4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. All property shall be within 300 feet of a fire hydrant. Fire hydrants shall be placed at all intersections and ends of mains.
5. Water mains shall be looped to eliminate permanent or long standing dead end lines, including through cul-de-sacs.
65. Installation of water systems shall conform to Nebraska Department of Environment and Energy and community design standards in use within —the City of Columbus.
76. All final plats shall include a certification from a registered State of Nebraska Professional Engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

### **6-3 Sanitary Sewers**

#### a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system and in accordance with any and all design and construction manuals. prior to issuance of a certificate of occupancy.
2. Where City sanitary sewer is accessible within 1,320300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City sanitary sewer is not accessible within 1,320300 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City Engineer.
3. If the City creates a sanitary sewer extension district each benefiting property in accordance with State Statutes will have a special assessment. benefit fund for the purpose of financing public extensions of —sanitary interceptor sewers to newly

## CHAPTER 2: IMPROVEMENTS AND INFRASTRUCTURE

~~developing areas, each subdivision to be benefited — by such extensions shall contribute to such a fund. Subdivisions within the city limits of Columbus at the time of platting; or subdivisions currently served by existing sanitary — sewer service shall be exempt from this requirement. Contributions to the fund Special assessments shall be computed on the basis of proportionate costs and benefits of necessary extensions including sanitary sewer lift stations. Assessments shall be made on an area basis of benefiting property, per lot basis for single-family development; a pre-unit — basis for multi-family residential development; and a site area basis for non-residential — development.~~

4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions and obtains approval from the Nebraska Department of Environment and Energy. Subsurface or septic systems are not permissible on any lot created if the overall density of the subdivision is greater than one unit per 1.5 acres, if individual lots are smaller than one acres, if restricted by the Nebraska Department of Environment or Energy or any lot which has a property line which is within 300 feet of the public sanitary sewer system. Subsurface or septic systems are not — permissible on any lot created after the effective date of this Ordinance if the overall — density of the subdivision is higher than one unit per 1.5 acres; or if individual lots are — smaller than one acre.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.
6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by the appropriate public agencies including the State of Nebraska Department of Environment and Energy and the City of Columbus.
7. City of Columbus final approval of the system, and if applicable the State Electrical Inspector for the lift station system, shall be obtained prior to issuance of building permit or final occupancy permits.
87. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.

### b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.

## **CHAPTER 2: IMPROVEMENTS AND INFRASTRUCTURE**

2. Installation of sanitary sewer systems shall conform to community design standards of the Nebraska Department of Environment and Energy and those in use within the City of Columbus.
3. Sanitary sewer mains shall be a minimum diameter of eight inches or as required in a developer provided study as may be required by the City Engineer, the City Comprehensive Plan and/or the Citywide Sewer Study.
4. Sanitary sewer manholes shall be a minimum of 54-inches in diameter and separation shall not be more than 350 feet and shall be placed at bends, main connections, end of mains and all service connections in diameter greater than 6 inches.
53. All final plats shall include a certification from a registered Professional Engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

### **6-4 Storm Sewers and Storm Water Management**

#### a. Design

1. All subdivisions shall have a storm water management and treatment system in accordance with the Storm Water Management Plan. This system shall be discussed at the pre-~~preliminary application~~ meeting and shall address routing of storm waters after they leave the subdivision, as well as the available drainage courses or storm sewers in the immediate vicinity of the subdivision.
2. The design of the storm water management and treatment system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques.
3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
4. Adjacent properties which may be burdened with surface water ~~from the subdivision~~ should have the effects ameliorated as much as possible, ~~and consideration should be given to the capacity of the streets to contain water between the sidewalks in the event of a heavy rainfall event.~~ Peak flow rates out of the subdivision or development shall not exceed pre-development rates.
5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
6. No surface or point source water may be channeled into a sanitary sewer system.

## **CHAPTER 2: IMPROVEMENTS AND INFRASTRUCTURE**

7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
  
8. The pre-~~preliminary application~~ information should include drainage impacts and shall be discussed with the Building Official and members of the Planning Commission.

## **CHAPTER 2: IMPROVEMENTS AND INFRASTRUCTURE**

### **6-5 Easements**

#### **a. Utility Easements**

Public Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities as required by the utility companies.

#### **b. Drainage or Environmental Easements**

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or a permanent drainage or environmental easement right-of-way shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct and treat storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways.

#### **c. Other Easements**

The subdivision shall provide easements for other public and private utilities that cross through it, in a form acceptable to the City or appropriate public agency.

### **6-6 Dedications**

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, easements, or other parks and public lands shall be completed as required by this Ordinance.

### **6-7 Public Infrastructure Improvement Impact Fee**

#### **a. Purpose**

In the event infrastructure present is in a condition adequate to serve a proposed development, as determined by the City Engineer, the developer may elect to pay a public infrastructure improvement impact fee in lieu of making required public improvements.

1. Such fee shall be determined by the City Engineer based on most recent, similar construction type.

2. If an agreement is reached, details shall be included in the Development Agreement.

## **CHAPTER 2: IMPROVEMENT GUARANTEES PROCEDURES**

### **7 ARTICLE SEVEN**

#### **IMPROVEMENT GUARANTEES PROCEDURES**

##### **7-1 Purpose**

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The guarantee agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

##### **7-2 Application**

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
  1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
  2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
  3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision-Development Agreement negotiated between the City and the Developer and approved with the Final Plat.
  4. An Ordinance stating the requirements of the City can be used in lieu of Items 1, 2, and 3 above.

##### **7-3 Pre-Construction Conference**

- a. Prior to beginning construction the developer shall hold a pre-construction conference.
- b. In addition to the developer, attendance at the pre-construction conference shall include a representative from the design professional, city, general contractor, public and private utilities and others which have a direct or indirect interest in the projects successful completion.
- c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city.

## CHAPTER 2: IMPROVEMENT GUARANTEES PROCEDURES

### **7-43 Notification of Completion and Acceptance by City**

#### a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Administrative Official in writing, as well as submitting a certification from ~~the~~ a registered project design professional Engineer, registered in the State of Nebraska, attesting to the adequacy of the installation.

#### b. Inspection and Acceptance

1. The Administrative Official or his/her designee shall ~~inspect~~ reasonably observe all installations, and shall approve, partially approve, or disapprove of the installation.
2. If the installation is approved, the Administrative Official shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
4. ~~3.~~ 3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
5. ~~4.~~ 4. Prior to acceptance by the City, the developer shall provide to the City an "As-Built Plan" of the infrastructure of the subdivision including, but not limited to, all water, sewer and storm sewer utilities. An as-built plan shall include elevations of the post-construction stormwater treatment facility. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

#### 4. **Adjournment.**