

City Council Regular Meeting
Monday, May 20, 2024 6:00 PM
Columbus Community Building/Community Room
2500 14 Street
Columbus, NE 68601

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

{{Name: Agenda Item Name}}

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

NEBRASKA OPEN MEETINGS ACT

84-1407. Act, how cited.

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

Source: Laws 2004, LB 821, § 34.

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

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

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

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

Annotations

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

84-1409. Terms, defined.

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

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

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

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

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

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

Operative Date: July 21, 2022

Annotations

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

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

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

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

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

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

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

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

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

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

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

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

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

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

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

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

Annotations

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

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

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

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

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

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

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

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

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

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

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

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

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or

(ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

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

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

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

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

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

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

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

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

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

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

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

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

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

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

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

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

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

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

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

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

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

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

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

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

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

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12; Laws 2022, LB742, § 1; Laws 2022, LB908, § 1; Laws 2022, LB922, § 13.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB742, section 1, with LB908, section 1, and LB922, section 13, to reflect all amendments.

Note: Changes made by LB742 and LB908 became effective July 21, 2022. Changes made by LB922 became operative July 21, 2022.

Cross References

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

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

Annotations

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

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

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

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

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

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

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

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

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

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

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

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

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

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

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

(8) Public bodies shall make available at the meeting or the instate location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

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

Annotations

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

84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; when.

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

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

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

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

(5) Minutes shall be written or kept as an electronic record and shall be available for inspection within ten working days or prior to the next convened meeting, whichever occurs

earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing or keeping the minutes is absent due to a serious illness or emergency.

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

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

Effective Date: July 21, 2022

Annotations

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

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

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

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

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

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

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

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

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

Annotations

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

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

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

Date: July 2022

2. PRAYER

3. NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

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

4.A. Minutes of May 6, 2024, City Council meeting.

PROCEEDINGS OF CITY COUNCIL
May 6, 2024

A regular meeting of the mayor and council of the City of Columbus, Nebraska, was convened in open and public session on May 6, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on May 1, 2024, with a copy of the proof of publication being on file in the office of the city clerk. Notice of this meeting was given simultaneously to the mayor and members of the city council, with a copy of the acknowledgment of receipt of notice being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT:** Mayor Bulkley announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor James Bulkley and Council Members Cynthia Alarcòn, Charlie Bahr, Troy Hiemer, Rich Jablonski, Kat Lopez, and Ron Schilling. Council Members Hope Freshour and Prent Roth were absent and excused. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, Police Chief Charles Sherer, Public Works Director Chuck Sliva, Finance Director Heather Lindsley, Assistant City Clerk Shuraya Frauendorfer, and Communications Manager Matt Lindberg.
2. **PRAYER:** Jablonski led in prayer.
3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** The National Anthem was played and the Pledge of Allegiance was recited.
4. **APPOINTMENT OF CITY OFFICERS**
- 4.A. **Appointment of Shuraya Frauendorfer as city clerk to fill unexpired term of Janelle Kline.** The mayor's appointment of Shuraya Frauendorfer as city clerk was ratified with a motion by Hiemer and a second by Schilling. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.
5. **CONSENT AGENDA:** The following items are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a city council member or citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda. The items on the consent agenda were approved as presented with a motion by Jablonski and a second by Lopez. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.
- 5.A. **Minutes of April 15, 2024, City Council meeting.**
- 5.B. **Bid from Johnson Trucking Sand & Gravel for one-year supply of gravel in the amount of \$27.75 per cubic yard delivered or \$21.75 per cubic yard if picked up.**

PROCEEDINGS OF CITY COUNCIL

May 6, 2024

Page 2

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

5.D. Payroll and bills on file. B=Bnd Pymnts; CP=Capt'l Proj; E=Expns; F=Funds; G=Grnts; I=Insrnc; L=Lic; M=Mbrshp; P=Pymt; R=Rfnd; S=Srv & Supp; T=Trng; 5/10/24 payroll \$843,299.82; Ace Hrdwr 1,252.07 S; Adv Auto 210.01 S; Alan Pederson 4,600.00 S; Albireo Energy 4,156.06 S; Altec Ind 2,825.95; Amer Fence 387.26 S; Amer Red Cross 533.00 T; Applied Conn Tech 13,480.79 S; Arnld Mtr 527.91 S; Baird Holm 94.50 S; B Benakabu 108.23 R; Best Vrsn Media 152.00 S; BGNE 682.13 S; Blk Hills 133.53 S; Blue to Gold 225.00 T; B McDonald Garage Door 55.00 S; R Bogus 118.72 CP; BOKF 1,496,612.50 B; Bomgaars 1,098.60 S; Bnd Tree Med 5,354.47 S; BS&A 33,213.00 S; BSN Sports 2,413.00 S; Cap'l Bus Sys 43.21 S; Cap'l One-Walmart 511.42 S; CDW Gov 7,624.75 S; Cntr Pnt LP 142.62 S; CCC 425.00 T; Cntrl Snd & Grvl 878.61 S; Cntrl Valley Ag 415.12 S; Chad's Collision Cntr 986.70 S; Chrome N' Steel 272.94 S; City of Col 4,188.56 S; Col Area Chmbr 1,020.00 S; CCH 278.88 S; Col Cstm Embrd 39.00 S; Col Plmb 137.80 S; Col Tire & Srvc 25.00 S; Conner Psych Srvc 520.00 S; Cnsltd Mngt 75.15 T; Core & Main 4,318.61 S; Crouch Rec 133,412.50 CP; D&K 10,207.56 S; Danko 2,243.16 S; DAS St Acc 1,663.99 S; T Dewine 23.40 R; Eakes 1,788.83 S; ESBCO 2,625.86 S; Ecolab 1,202.85 S; Elctrc Pump 1,353.00 S; Elctrc Eng 2.86 S; Fastenal 97.35 S; Frntr 188.84 S; Gale 102.77 S; Galls 914.99 S; Garcia-Chicoine Enterpr 34,011.19 S; Gehring Constr 4,044.60 S; Gene Steffy 577.51 S; Grainger 466.80 S; Grt Plns Bldg Sup 15.82 S; Grt Plns Comm 209.95 S; Gnslngrs 126.00 S; Hadley-Braitwait 442.55 S; Hawkins 10,536.52 S; Hmtwn Lsng 175.00 S; IAPMO 250.00 M; IMS Alliance 123.72 S; Ingram Lib 3,010.36 S; Jcksn Srv 2,707.27 S; Kelly Sup 728.54 S; Kings III Of Amer 280.50 S; Koch Excavat 5,076.53 S,CP; La Quinta Inn 689.70 T; Lawson 169.64 S; Lincoln Jrnl Star 1,619.75 S; Lincoln Winwtr Wrks 15,755.75 S; Lingo 51.70 S; M&L 3,438.60 S; Mallory Sfty Sup 270.00 S; McMaster-Carr 58.57 S; MD Sol 255.00 S; Medline 166.01 S; M Mellas 300.00 R; Menards 4,774.87 S; Mid-St Eng & Tstng 343.00 CP; Mdwst Alm 735.60 S; Mdwst Tape 30.74 S; Mdwst Turf & Irr 651.80 S; Moms & Mops 600.00 S; Motion Ind 6,901.00 S; Mueller Sprnkls 388.92 S; Muni Pipe 7,127.38 S; NAPA 248.80 S; NDEE 50.00 T; NE Glf & Trf 160.15 S; NE Law Enfor 919.50 T; NE Pub Health 673.00 S; NE Rural Wtr Assoc 550.00 M; NE St Fire Marshal 240.00 S; Nghbrwrks NE 390,000.00 F; NE NE Econ 27,335.53 M,P; Obrist 129.33 S; Occ Hlth Srv 2,653.00 S; Omaha Wrld Hrd 559.00 S; O'Reilly 196.60 S; Pete Lien 14,336.60 S; Petty Cash 2,767.56 S; Pomp's Tire 2,227.96 S; Pwr Tech 3,664.29 S; Prestox 122.04 S; Proj Lfsvr Internat'l 80.92 S; Quadiant Fin 1,000.00 S; Quadiant 173.85 S; Reardon Lwn 1,190.86 S; Rembolt Ludtke 72.00 S; Rensenhous 90.30 S; RFCC 750.00 S; Rvrsd Prtbls 105.00 S; Rd Bldrs Mach 1,589.84 S; Rutjens 379,175.70 CP; RVW 6,765.00 CP; Snd Crk Constr 134,532.90 CP; Schieffer Signs 1,196.00 S; Z Schoenhofer 13.93 R; School District #1 14,075.00 P; G Sealock 125.00 S; Security Eq 23,134.46 CP; Serc 22.27 R; Srvmstr by Shevlin 13,315.00 S; Shevlin Sup 1,265.60 S; Sirius Computer Sol

9,243.36 S; Stanard & Assoc 161.00 S; Stanley Petr 731.00 S; St NE Dept of Rev 51,730.54 P; Stericycle 759.88 S; Sup Svr 115.82 S; Target Sol 9,562.41 S,T; The Golf Shop 521.10 S; Tire Outlet 1,708.23 S; TK Elevator 248.20 S; Toby Kid Klauenberg 625.00 S; Trctr Ctr 355.82 S; Turfwerks 9,864.82 S; Tweet's 20.00 S; UNL 1,000.00 S; USA Blue Bk 1,161.07 S; Van Wall Eq 189.34 S; Vandenberg Ele & Comm 6,168.52 S; Vrzn Wrks 3,804.31 S; Wellness Prtnrs 10.00 S; Wemhoff Refrig 1,453.12 S; World Trade Press 700.40 S; Zheng's Super Buffet 300.00 R; Zimco 5,135.00 S. TOTAL \$3,827,451.70.

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

7. **SPECIAL PRESENTATIONS:**

7.A. **Proclamation declaring week of May 5, 2024, as Professional Municipal Clerks Week and recognition of Janelle Kline.** Bulkley proclaimed the week of May 5, 2024, as Professional Municipal Clerks Week and thanked the staff in the city clerk's office for all the work they do. A second proclamation was read and presented to Janelle Kline, who is retiring in June.

8. **PUBLIC HEARINGS:** None

9. **PETITIONS AND COMMUNICATIONS:** None

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

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

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

13. **REPORTS ON LEGISLATION:** None

14. **NEW BUSINESS:**

14.A. **Appointment of Anne Kinnison to Library Board to fill unexpired term of Jailene Ramirez.** Jablonski read a brief resume and the mayor's appointment of Anne Kinnison to the Library Board was ratified with a motion by Schilling and a second by Bahr. Alarcón, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

14.B. **Appointment of Nicole Ripke to Library Board to fill unexpired term of Robert Hausmann.** Jablonski read a brief resume and the mayor's appointment of Nicole Ripke to the Library Board was ratified with a motion by Alarcón and a second by Lopez. Alarcón, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

14.C. **Proposal from Commonwealth Electric Company in the amount of \$55,601 for Wi-Fi power and data at Berne Square, Bradshaw, Frankfort Square, Gerrard, Pawnee, and Wilderness parks; 18th Avenue Pedestrian Bridge; and Aquatic Center. CIP #19-09** Vasicek clarified that Wi-Fi is needed at the 18th Avenue Pedestrian Bridge in order to install security cameras. The proposal from Commonwealth Electric Company for Wi-Fi power

and data was accepted with a motion by Lopez and a second by Bahr. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

14.D. Quote from Electronic Engineering in the total amount of \$58,687 to equip three new police vehicles. CIP #21-05, 21-06, 21-07 The quote from Electronic Engineering to equip three new police vehicles was accepted with a motion by Jablonski and a second by Schilling. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

14.E. Comments from mayor and city council members. Bahr highlighted some positive news, stating that he observed three police officers at Hanover Square playing with 5th graders from St. Bonaventure School. Bulkley noted the grand opening and ribbon cutting ceremony for Charlie Louis Fire Station this past Friday and said it is now in operation 24 hours a day.

15. RESOLUTIONS:

15.A. Resolution No. R24-51 awarding bid to Screed Tech LLC in the amount of \$1,654,884.15 for 8-Place T-Hangar project. CIP #23-30. Vasicek clarified that 90 percent of this project would be reimbursed by the Federal Aviation Administration through the Nebraska Department of Transportation and noted there is already a waitlist for the new hangers. Resolution No. R24-51 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE BID FROM SCREED TECH LLC IN THE AMOUNT OF \$1,654,884.15 FOR EIGHT-PLACE T-HANGAR AT COLUMBUS MUNICIPAL AIRPORT (AIP PROJECT NOS. 3-31-0019-017-2023/018-2024 AND 019-2024), A COPY OF THE BID TABULATION IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith was adopted with a motion by Jablonski and a second by Hiemer. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

15.B. Resolution No. R24-52 approving assessment contract with CBUS Hotels LLC for a qualifying energy project in accordance with Nebraska Property Assessed Clean Energy Act. Eric Hall, Senior Vice President of Bank of the Valley on behalf of CBUS Hotels LLC, was available to answer questions. Resolution No. R24-52 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS GOVERNING BODY OF THE COLUMBUS AREA PACE DISTRICT, APPROVING AN ASSESSMENT CONTRACT WITH CBUS HOTELS LLC FOR A QUALIFYING ENERGY PROJECT IN ACCORDANCE WITH NEBRASKA PROPERTY CLEAN ENERGY ACT was adopted with a motion by Jablonski and a second by Hiemer. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

15.C. Resolution No. R24-53 approving lease agreement with Jim and Dan Donoghue to rent farm ground known as well field property in the annual amount of \$36,027 commencing May 6, 2024, and ending December 31, 2025. Jeremy Schreiber, 5773 E 29 Avenue, explained that he has been renting the well field property for the past five years and was out-bid this year by \$94. Bulkley clarified that city policies are in place to ensure a fair bidding process for all parties and as in all cases, the city is required to accept the best bid. Vasicek encouraged Mr. Schreiber to bid again when the contract ends in December of 2025. Resolution No. R24-53 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A LEASE AGREEMENT WITH JIM AND DAN DONOGHUE TO RENT FARM GROUND KNOWN AS WELL FIELD PROPERTY, CONSISTING OF 130.6 ACRES, MORE OR LESS, SITUATED IN PLATTE COUNTY, NEBRASKA, SOUTH AND ADJACENT TO LAKE BABCOCK IN THE ANNUAL AMOUNT OF \$36,027 FOR A TERM COMMENCING MAY 6, 2024, AND ENDING DECEMBER 31, 2025, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Hiemer and a second by Schilling. Alarcón, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted “Aye” and none voted “Nay”. Freshour and Roth were absent.

16. ORDINANCES ON FIRST READING:

16.A. Ordinance No. 24-11 authorizing issuance of sales tax revenue bonds in an amount not to exceed \$5,150,000 for community building. Vasicek explained that this financing was used for the library portion of the community building. The issuance of bond anticipation notes in 2021 was approximately \$10 million; however, the long-term debt will be reduced by using excess cash from federal reimbursements of several capital projects as a down payment. Cody Wickham, Senior Vice President with D.A. Davidson & Co, and Bond Underwriter for City of Columbus, further detailed the process stating that with this down payment of approximately \$5 million, the long-term financing would be reduced to \$5.1 million. He also reiterated that the voter approved sales tax of one-half percent would be used to cover the one and a half percent debt coverage ratio. The rules were suspended and Ordinance No. 24-11 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SALES TAX REVENUE BONDS (COMMUNITY BUILDING PROJECT), SERIES 2024, NOT TO EXCEED \$5,150,000 PRINCIPAL AMOUNT FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING A COMMUNITY BUILDING OF THE CITY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND

AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AUTHORIZING A BOND INSURANCE POLICY AND RELATED PROVISIONS; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO was read by number only with a motion by Schilling and a second by Hiemer. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent. Ordinance No. 24-11 was adopted with a motion by Schilling and a second by Hiemer. Alarcòn, Bahr, Hiemer, Jablonski, Lopez, and Schilling voted "Aye" and none voted "Nay". Freshour and Roth were absent.

17. ORDINANCES ON SECOND READING:

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

PROCEEDINGS OF CITY COUNCIL

May 6, 2024

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

18. **ORDINANCES ON THIRD READING:** None
19. **CONSIDERATION OF PAYROLL AND BILLS ON FILE:** Included in Consent Agenda.
20. **UNFINISHED BUSINESS:** None
21. **ADJOURNMENT:** The meeting adjourned at 6:34 p.m.

Presented and approved this 20th day of May 2024.

OFFICE OF THE CITY CLERK
: Shuraya Frauendorfer

4.B. Bid from Barcel Landscape Products, Inc. in the amount of \$825 per hour for large wood waste grinding at transfer station.

The City of **Columbus**

M E M O R A N D U M

DATE: May 14, 2024
FROM: Chuck Sliva, Public Works Director
TO: Tara Vasicek, City Administrator
RE: Annual Large Wood Waste Grinding Program Bid 2024

RECOMMENDATION:

I recommend the annual large wood waste grinding program contract be awarded to Barcel Landscape Products, Inc. of Bellwood, NE.

DISCUSSION:

Two bids were received for the program. Attached is the bid tabulation sheet. The recommendation is to accept the low bid. Annually approximately 50-70 hours of work.

FISCAL IMPACT:

\$825/hour
The cost is in line with previous annual bids.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Nick Mousel

SIGNATURE:

Recommended By: Chuck Sliva

Approved By: 

CITY OF COLUMBUS
BID TABULATION
LARGE WOOD WASTE GRINDING PROGRAM
BID OPENING: MAY 14, 2024 AT 2:00 P.M.

	Contractor: Barcel Landscape Products, Inc. 304 41st Road Bellwood, NE 68624	Contractor: O'Neill Wood Resources PO Box 290 Alda, NE 68810	Contractor:	Contractor:
COST PER HOUR	\$825/hour	\$900/hour		

LARGE WOOD WASTE GRINDING PROGRAM

BIDDER PROPOSAL

DATE: May 10, 2024

BIDDER (NAME OF FIRM): BARCEL LANDSCAPE PRODUCTS, INC.

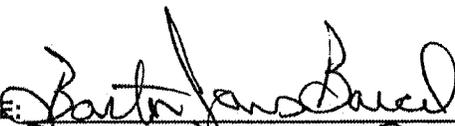
ADDRESS: 304 41ST RD

CITY, STATE, ZIP: BELLWOOD, NE 68124

TELEPHONE NUMBER: 402-538-3895

EMAIL ADDRESS: KRISTAL@BARCELENT.COM

COST PER HOUR: \$ 825.00

AUTHORIZED SIGNATURE: 

Barton Barcel President
(PRINTED NAME - TITLE)

LARGE WOOD WASTE GRINDING PROGRAM

BIDDER PROPOSAL

DATE: 5/14/2024

BIDDER (NAME OF FIRM): O'Neill Wood Resources

ADDRESS: PO Box 290

CITY, STATE, ZIP: Alda, NE 68810

TELEPHONE NUMBER: 308-384-1690

EMAIL ADDRESS: pat@oneillwr.com

COST PER HOUR: \$ 900.00

AUTHORIZED SIGNATURE: *Pat O'Neill*

Patrick O'Neill - President
(PRINTED NAME - TITLE)

4.C. Resolution No R24-54 approving Addendum No. 01 to Loup River Levee Operations and Maintenance Manual to meet Federal Emergency Management Agency floodplain map accreditation criteria.

DRAFT

RESOLUTION NO. 24-54

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING ADDENDUM NO. 1 TO THE LOUP RIVER LEVEE OPERATIONS AND MAINTENANCE MANUAL A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the Loup River Levee is a federal levee meeting the requirements of the Federal Emergency Management Agency accreditation criteria as described in 44 CFR 65.10; and

WHEREAS, the Levee is part of the US Corps of Engineers Public Law 84-99 Rehabilitation and Inspection Program; and

WHEREAS, Addendum No. 1 modifies the Loup River Levee Operations and Maintenance Manual as approved in Resolution R22-37.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA that the Loup River Levee Operations and Maintenance Manual attached hereto, and incorporated herein by reference be approved and the Mayor is hereby authorized, directed, and empowered to the execute the same on behalf of the City of Columbus, Nebraska.

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

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

The City of **Columbus**

MEMORANDUM

DATE: May 15, 2024
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Loup River Levee Operations and Maintenance Manual
Amendment No. 1

RECOMMENDATION:

I recommend approval of Amendment No. 1 to the Loup River Levee Operations and Maintenance (O&M) Manual.

DISCUSSION:

The Lost Creek Levee is a federal levee upon which is inspected annually by the US Army Corps of Engineers (USACE).

The purpose of updating the O&M Manual is to meet the Federal Emergency Management Agency (FEMA) floodplain map accreditation criteria as described in 44 CFR (Code of Federal Regulations) 65.10. The O&M Manual was approved by Resolution R22-37.

The Levee is part of the USACE PL84-99 Rehabilitation and Inspection Program. The City entered into an agreement with the Federal Government through the USACE which requires that specific actions and measures be performed by the City when operating the Levee. FEMA levee accreditation requires the O&M Manual be approved by the Local Public Agency, which is the City.

FISCAL IMPACT:

None

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

Readiness Branch

April 18, 2024

Mr. Richard Bogus
City of Columbus
P.O. Box 1677
Columbus, Nebraska 68602-1677

Dear Mr. Bogus:

This letter is the formal Notice of Completion and Transfer of the Columbus - Loup River Left Bank, Flood Risk Reduction Project that will be operated and maintained by the City of Columbus. The project was constructed under the authority of 33 U.S.C. 701n (commonly referred to as Public Law (PL) 84-99).

As stated in the Cooperation Agreement dated August 5th, 2019:

After the Contracting Officer has determined that the construction of the Rehabilitation Effort is complete and provided the Public Sponsor with written notice of such determination, the Public Sponsor shall continue to operate and maintain the Project, at no cost to the Government, in accordance with specific directions prescribed by the Government in Engineering Regulation 500-1-1 and any subsequent amendments thereto.

Enclosed is a copy of the Operation and Maintenance (O&M) Addendum for inclusion into to the City of Columbus O&M Manual based on the completed rehabilitation work. Additionally, a digital copy will be sent to you via a DOD SAFE Link.

If you have any questions or concerns, please contact the undersigned at (402) 995-2448.

Sincerely,

A handwritten signature in black ink that reads "Spencer W. Giles".

Spencer W. Giles
Chief, Readiness Branch
Omaha District

ADDENDUM NO. 01

**OPERATIONS AND
MAINTENANCE MANUAL**

**Columbus, Nebraska
Flood Protection Project**

Loup River Left Bank

Nov 2020

**Project Sponsors:
City of Columbus, NE**

**LOUP RIVER LB
FLOOD PROTECTION PROJECT
COLUMBUS, NE**

**ADDENDUM NO. 01
OPERATION AND MAINTENANCE MANUAL**

TABLE OF CONTENTS

<u>Paragraph</u>	<u>Page</u>
SECTION I – INTRODUCTION	1
SECTION II – PROJECT DESCRIPTION	1
SECTION III – OPERATION AND MAINTENANCE OF NEW PROJECT FEATURES	2
APPENDIX A - AS-BUILT DOCUMENTS	
A.1 As-Built Drawings	
A.2 As-Built Levee Centerline Profiles	
APPENDIX B – PROJECT TECHNICAL SPECIFICATIONS	

SECTION I - INTRODUCTION

1.1 Purpose & Scope of the Addendum.

The purpose and scope of this addendum is to supplement the 1983 Operations and Maintenance (O&M) Manual and describe repaired features following the March 2019 flood event. Repairs were significantly complete in late 2019, with exception to Damage Area 3 which was finished in summer 2020.

The existing 1983 O&M manual is out-of-date and does not reflect levee improvements from the Major 408 Modification titled "2010 Levee Improvement Project, Columbus Nebraska". The 408 Modification shifted the stationing of levee features from the O&M Manual by about 800 feet. The 2019 repair contract utilized the 408 Modification Stationing because this document reflected the existing condition of the levee features. It is recommended that a future O&M Manual update reflect both the 2019 flood repairs and the 2010 Levee Improvement Project.

SECTION II – PROJECT DESCRIPTION

2.1 Description of Repaired Project Features.

The repair contract addressed the following damage areas:

Damage Area 1: Minor Debris and Erosion in the Levee Riverside Slope (Sta 29+00 to 44+00)

Cornstalks and other debris were concentrated on the slope, with intermittent erosion areas of up to 1 ft depth into the levee slope. Repair consisted of removing the debris, then restoring the eroded slope with cohesive fill and topsoil. Site restoration included installation of erosion control blanket and reseeding.

Damage Area 2: Overwash Erosion on Levee Crest and Landside Slope (Sta 43+00 to 50+00).

Due to ice jamming at the bridge immediately downstream, this levee reach was fully loaded during the March 2019 flood event, and overwash from the river caused shallow (less than 1 ft) erosion in the levee crest and landside slope. Repair consisted of stripping the crest, restoring full elevation with cohesive fill, and applying 6" of gravel surfacing across the full crest width. Erosion control blanket was placed on the slopes.

Damage Area 3: Riverside Bank Erosion (Sta 104+00 to 115+00)

An erosion scarp was observed throughout this reach which extended through an existing riprap section into the levee toe. Repair consisted of placing an "underwater fill" gravel into the riverbank to create a consistent slope on which to place a 2 ft thick layer of riprap with an additional 2 ft thick launchable riprap toe.

The Contractor reported completion of this work in Winter 2019, but the work was not Accepted by USACE until bathymetric surveys confirmed that the underwater launchable toe was fully placed per the project drawings. The surveys were conducted in Spring 2020, and it was found that the repair was incomplete. The Contractor remobilized to complete Area 3 in Summer 2020, and the final work was confirmed through concurrent bathymetric surveying.

Damage Area 4: Reseeding at Levee Toe (Sta 155+00 to 160+00)

A significant bare area developed along the levee toe due to deposited flood-sediments. This area was reseeded.

Damage Area 5: Bank Erosion Near Outlet Structure (Sta 184+40)

The drainage structure outlet has gabion basket wingwalls with riprap 25 ft upstream and downstream along the river bank. This riprap was restored to prevent further bank erosion from flanking the outlet structure. The furthest baskets on the left wingwall were undercut during the 2019 flood (sett Drawing G-107). These baskets were cut from the wingwall during the repair and replaced with riprap.

The current layout of this drainage structure outlet was constructed as part of the 2010 Levee Improvement Project. It is not reflected in the 1983 O&M Manual, where the drainage structure is listed at 192+00 due to the change in stationing alignment.

Damage Area 6: Landside Slope Erosion (Sta 224+50 to 322+00)

Emergency vehicle activity during the March 2019 flood cause shallow (less than 1 ft deep) but widespread rutting across the landside slope in this area. Repair consisted of restoring the eroded slope with cohesive fill. Site restoration included installation of erosion control blanket and reseeded.

Damage Area 7: Riverside Bank Erosion (Sta 56+00 to 58+50)

Significant erosion from the riverbank towards the levee resulted from the 2019 flood. An O&M riprap feature existing at the base of the levee slope. It was determined that this existing feature was not designed to withstand the potential undermining which may result from further riverbank erosion.

The repair consisted of placing further riprap to arrest future riverbank scour. Where erosion had already occurred, the repair section was a 24" thick riprap layer with additional 24" thick launchable rock toe. To avoid future flanking of this feature, an additional windrow revetment was placed upstream and downstream on the river bank.

SECTION III – OPERATION AND MAINTENANCE OF NEW PROJECT FEATURES

The repair implications for future inspections and O&M procedures are listed below.

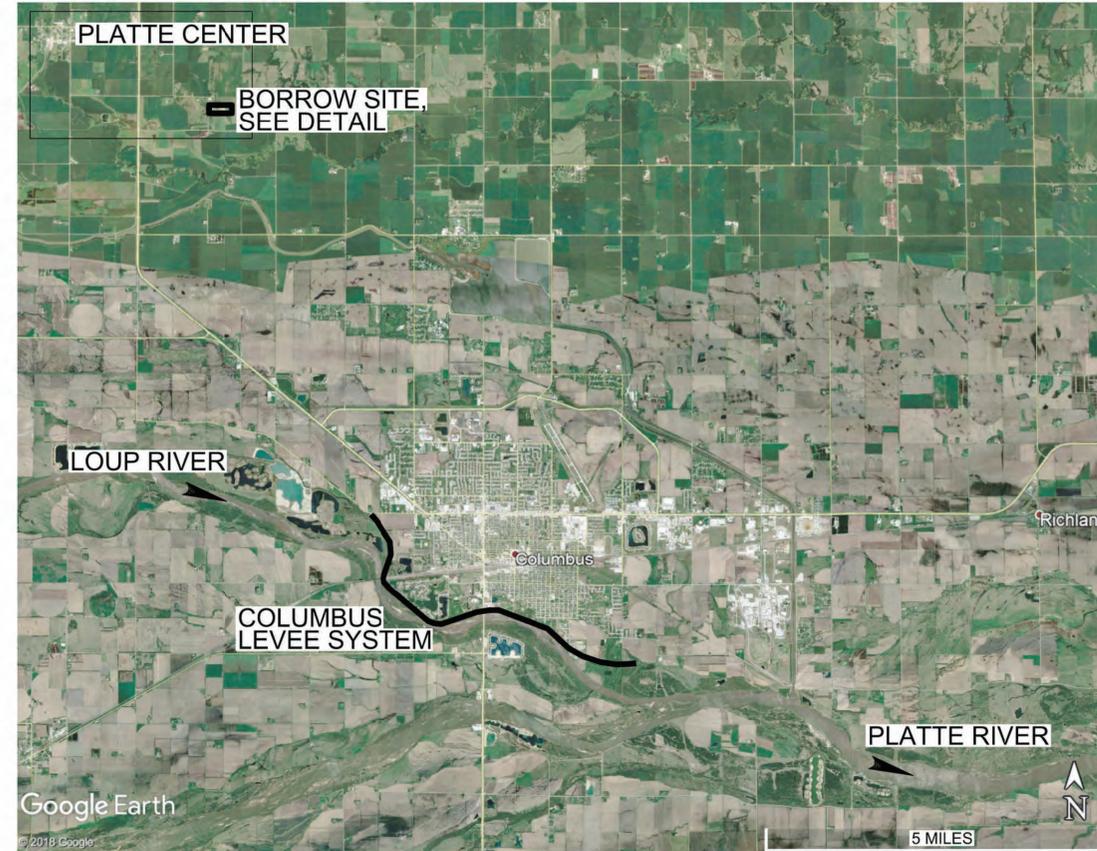
- Damage Areas 1, 2, 4, 6: Restoration to O&M Conditions. These areas consisted of repairs to shallow erosion (less than 1 foot) or reseeded of the levee slopes and toe.
- Damage Area 3: Restoration of an O&M riprap feature. The repair riprap section has an additional launchable rock toe to reduce the risk of future damage.
- Damage Area 5: Restoration of an O&M riprap feature, and slight modification to a gabion basket drainage structure outlet.
- Damage Area 7: An existing O&M riprap feature on the levee slope was extended to the channel bank to prevent further erosion towards the levee section.

**APPENDIX A –
AS-BUILT DOCUMENTS**

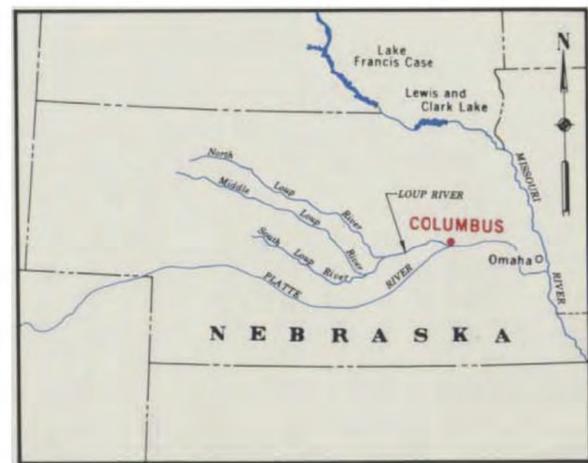
A.1 – As-Built Drawings

PROJECT LOCATION AND INDEX

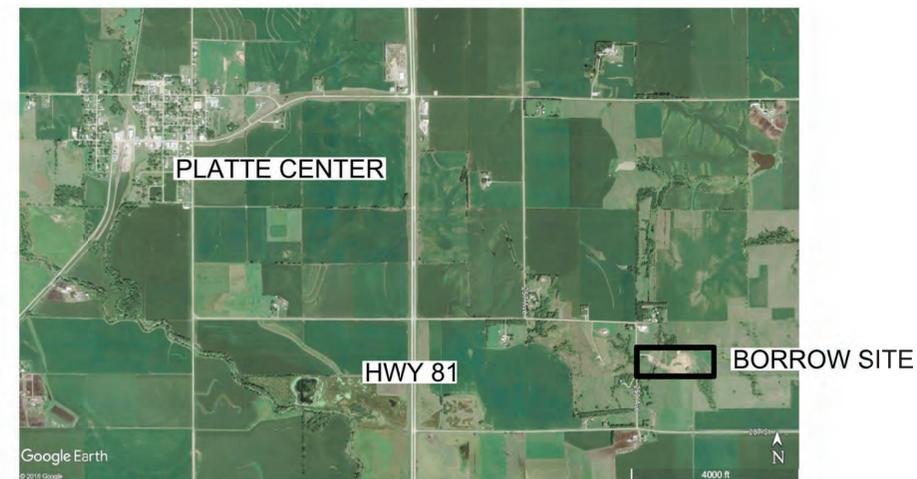
SHEET NO.	DESCRIPTION
NA	COVER
G-101	PROJECT LOCATION AND INDEX
G-102	PROJECT PLAN
G-103	DAMAGE AREA #1 DETAIL
G-104	DAMAGE AREA #2 DETAIL
G-105	DAMAGE AREA #3 DETAIL (1 OF 3)
G-105A	DAMAGE AREA #3 DETAIL (2 OF 3)
G-105B	DAMAGE AREA #3 DETAIL (3 OF 3)
G-106	DAMAGE AREA #4 DETAIL
G-107	DAMAGE AREA #5 DETAIL (1 OF 2)
G-107A	DAMAGE AREA #5 DETAIL (2 OF 2)
G-108	DAMAGE AREA #6 DETAIL
G-109	DAMAGE AREA #7 DETAIL (1 OF 2)
G-109A	DAMAGE AREA #7 DETAIL (2 OF 2)



PROJECT MAP



PROJECT LOCATION



BORROW SITE DETAIL

BORROW NOTES

- 1) COHESIVE FILL AND TOPSOIL TO BE OBTAINED FROM DESIGNATED BORROW SOURCE LOCATED ON 250 AVE, EAST OF PLATTE CENTER NE. SITE IS LOCATED APPROXIMATELY 10 MILES FROM THE LEVEE SYSTEM.
- 2) THE CONTRACTOR WILL FOLLOW ALL LOCAL, STATE, AND FEDERAL REGULATIONS WHEN UTILIZING LOCAL ROADS AND HIGHWAYS FOR HAUL ROUTES AND ACCESS.
- 3) CONFIRM HAUL ROUTES WITH THE COR AND LEVEE SPONSOR (CITY OF COLUMBUS).



US ARMY CORPS
OF ENGINEERS
OMAHA DISTRICT

DATE	DESCRIPTION	MARK
7/16/2019		

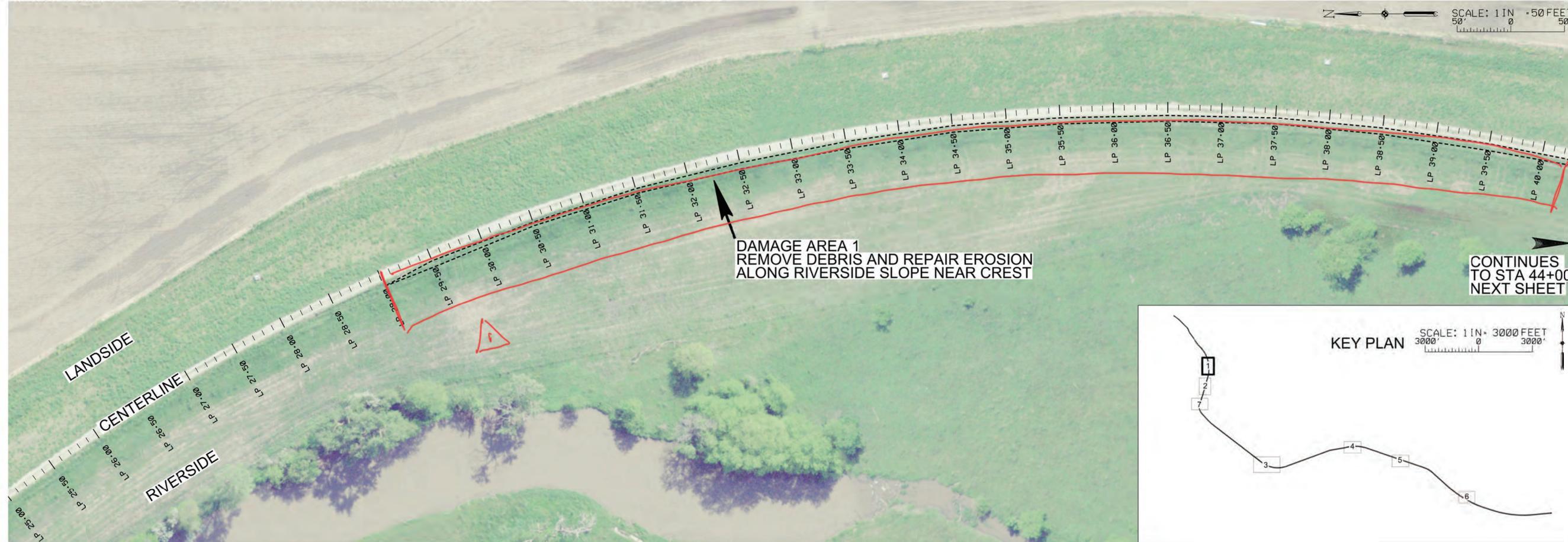
DESIGNED BY: R. LEIGHT	ISSUE DATE: 08/26/2019
CHECKED BY: A. BARRY	CONTRACT NO.: W9128F-19-C-0034
SUBMITTED BY: B. FLERE	CONTRACT NO.: W9128F-19-C-0042
SIZE:	G-101_Location & Index.dgn

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2019 LEVEE REHABILITATION
COLUMBUS, NE
PROJECT LOCATION AND INDEX

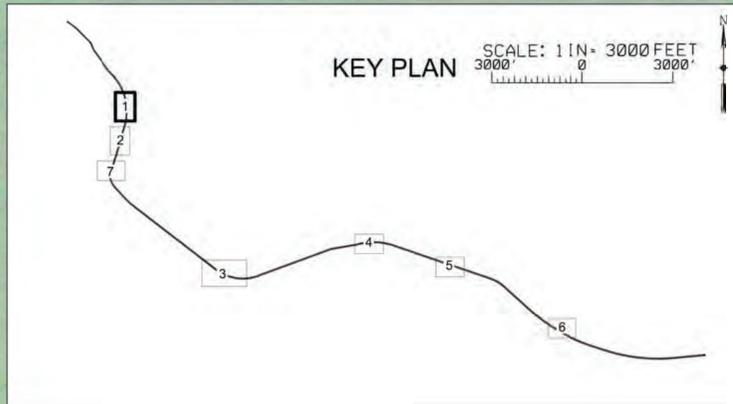
SHEET ID
G-101

DAMAGE AREA 1 RIVERSIDE SLOPE DEBRIS AND EROSION STA 29+00 TO 44+00



**DAMAGE AREA 1
REMOVE DEBRIS AND REPAIR EROSION
ALONG RIVERSIDE SLOPE NEAR CREST**

**CONTINUES
TO STA 44+00
NEXT SHEET**



DAMAGE AREA 1 PHOTOGRAPHS

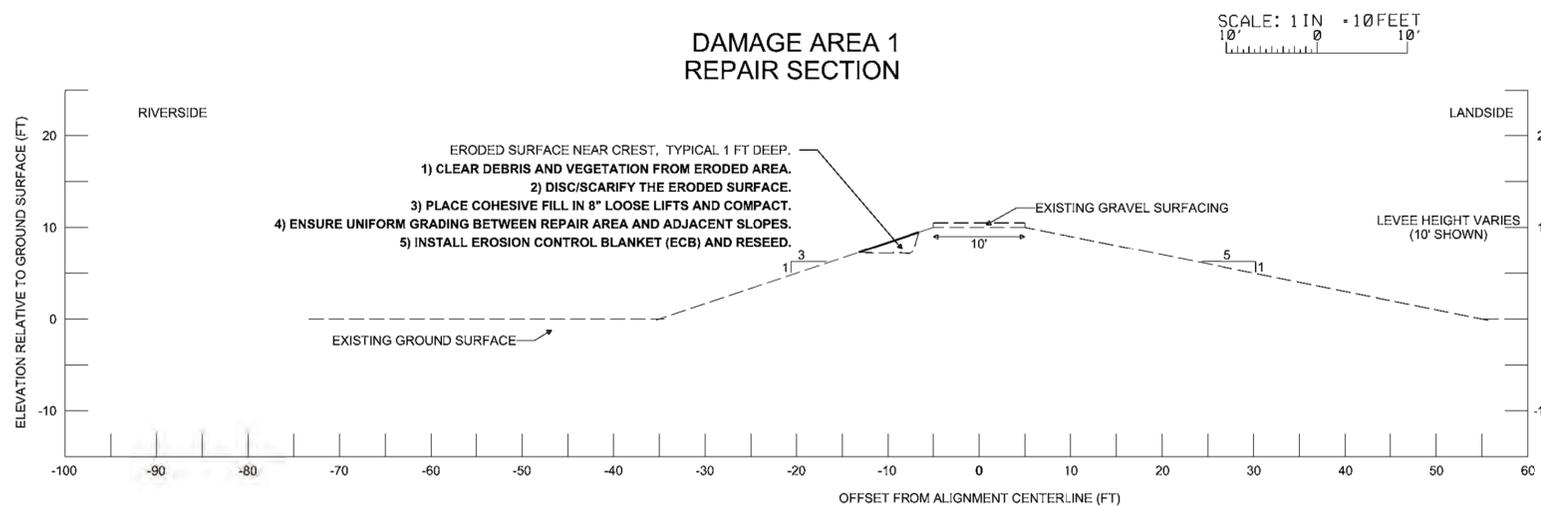


1 - Station 29+50 Longitudinal Erosion

**MARCH 2019
POST-FLOOD PHOTO**



JUNE 2019 PHOTO



1 Cleared debris and vegetation from eroded area from top crest past limits down to existing ground. Area has been seeded and erosion control blanket

NOTE: MOW / PREPARE WORK AREA PER SPECIFICATIONS SECTION 01 12.00 PARAGRAPH 1.5



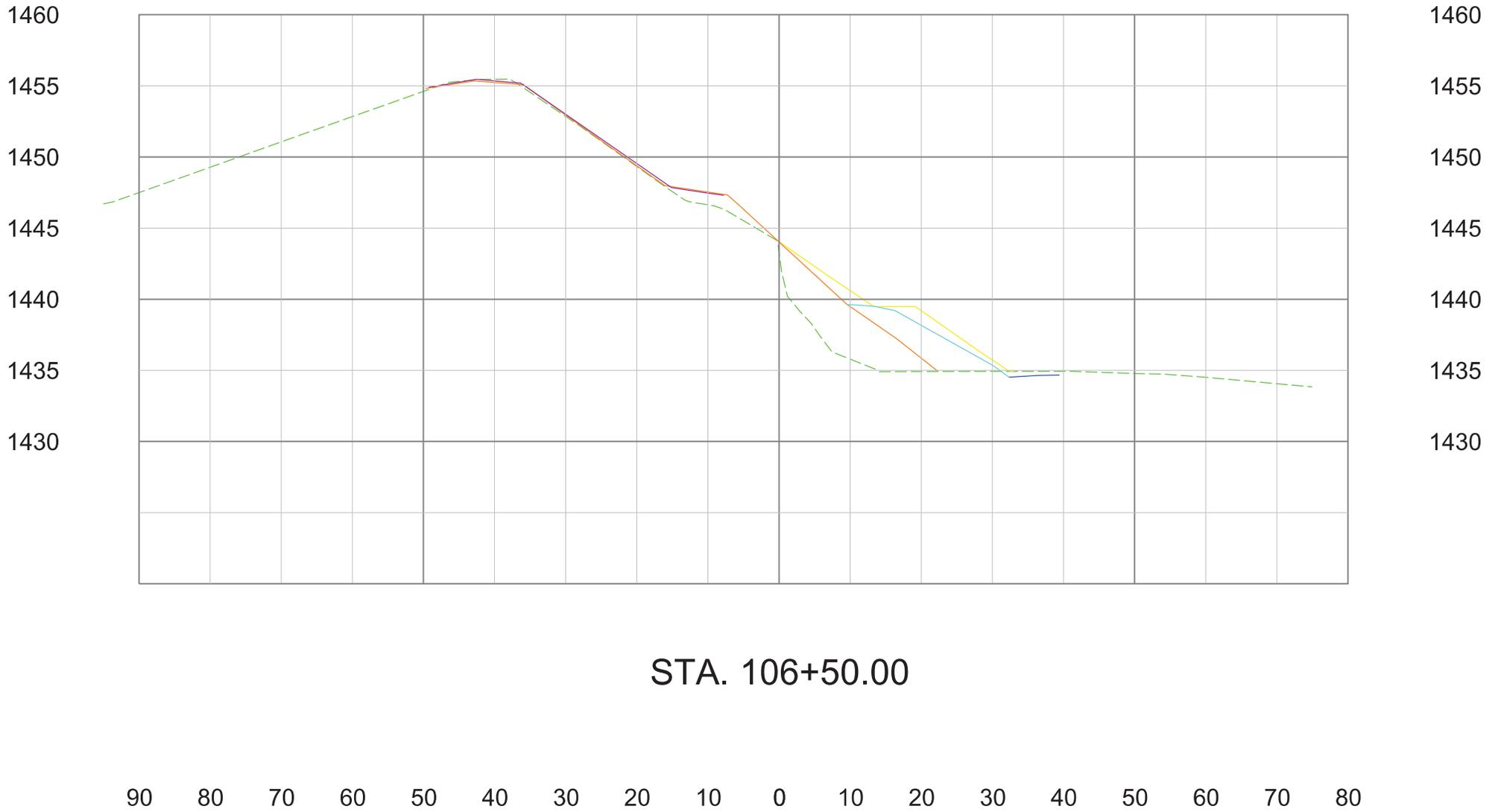
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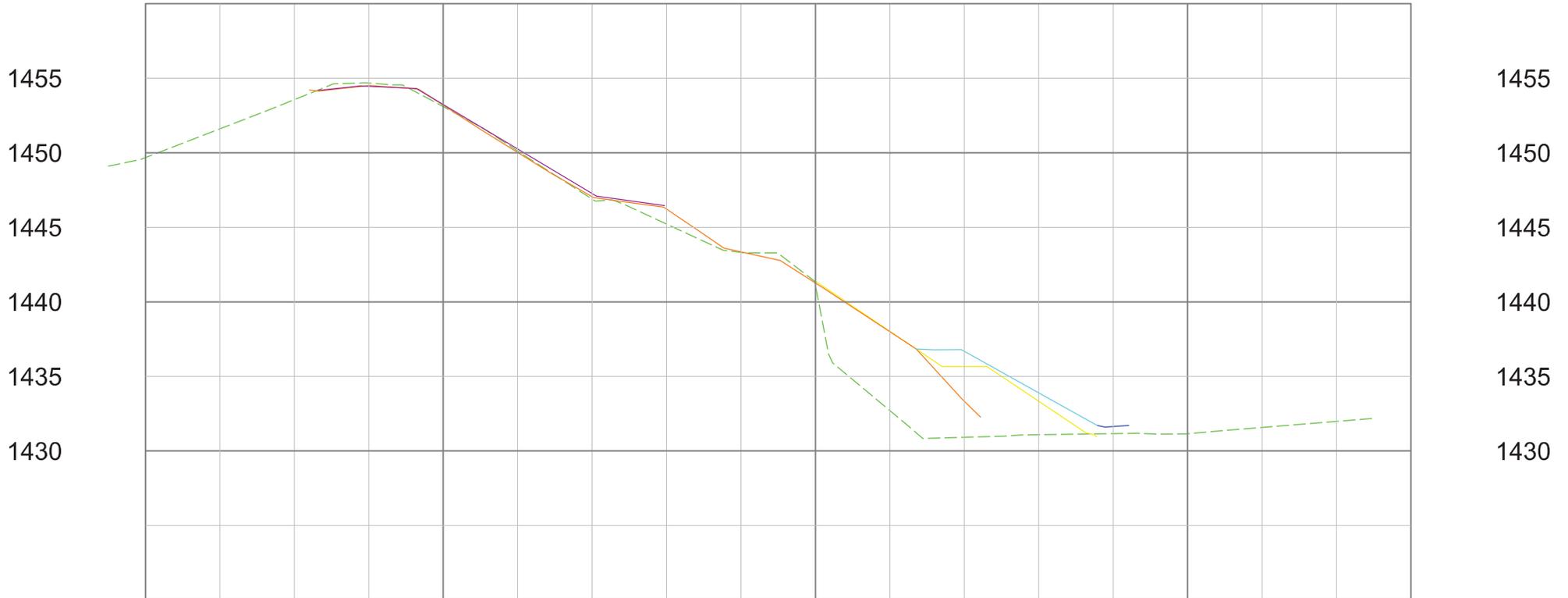
2019 LEVEE REHABILITATION
COLUMBUS, NE
AREA 1 DETAIL

SHEET ID
G-103

COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



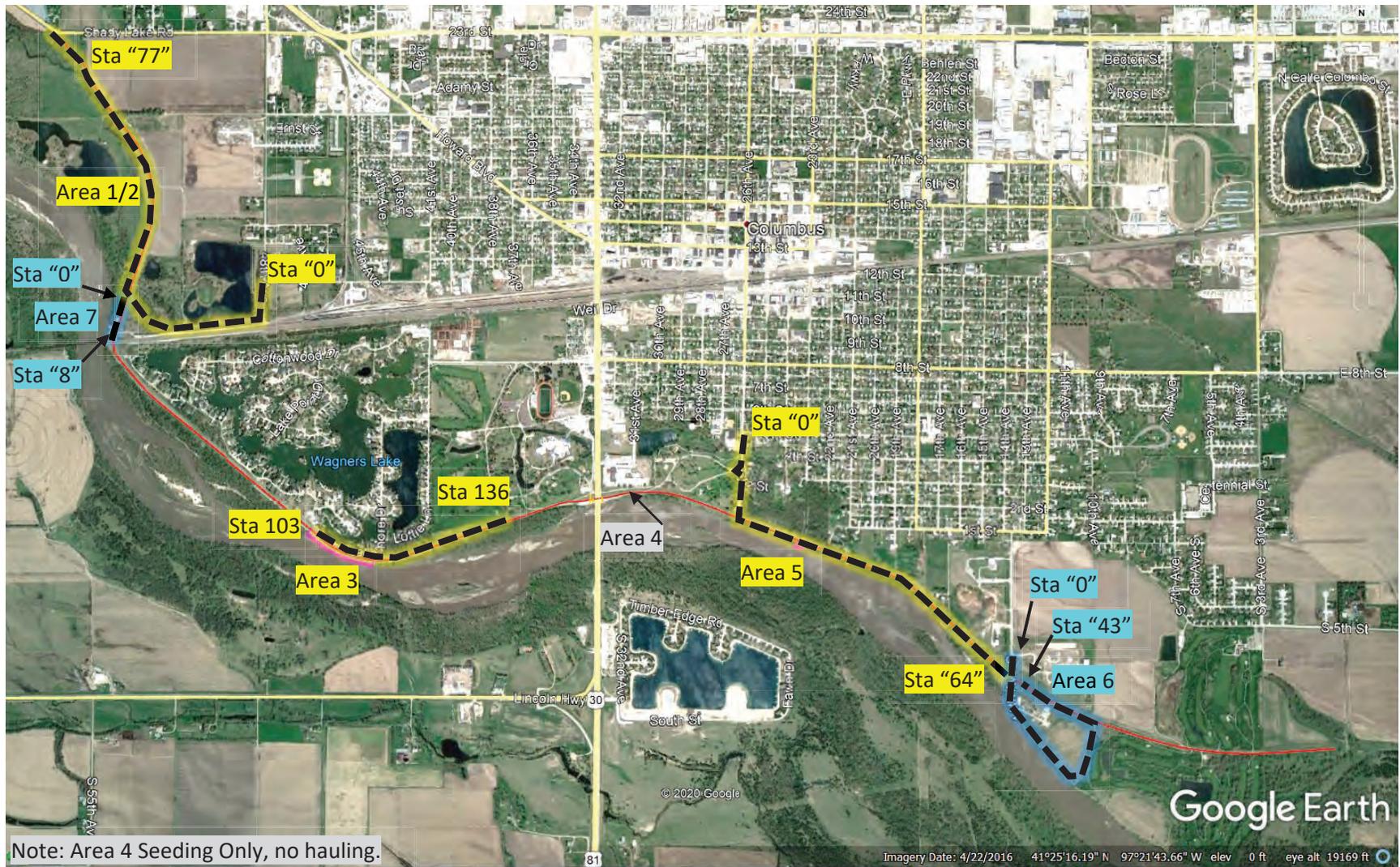
COLOR LEGEND
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Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 112+00.00

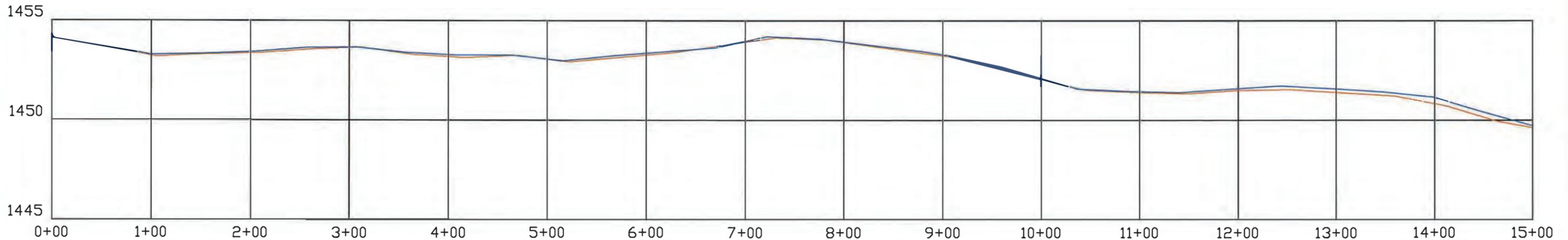
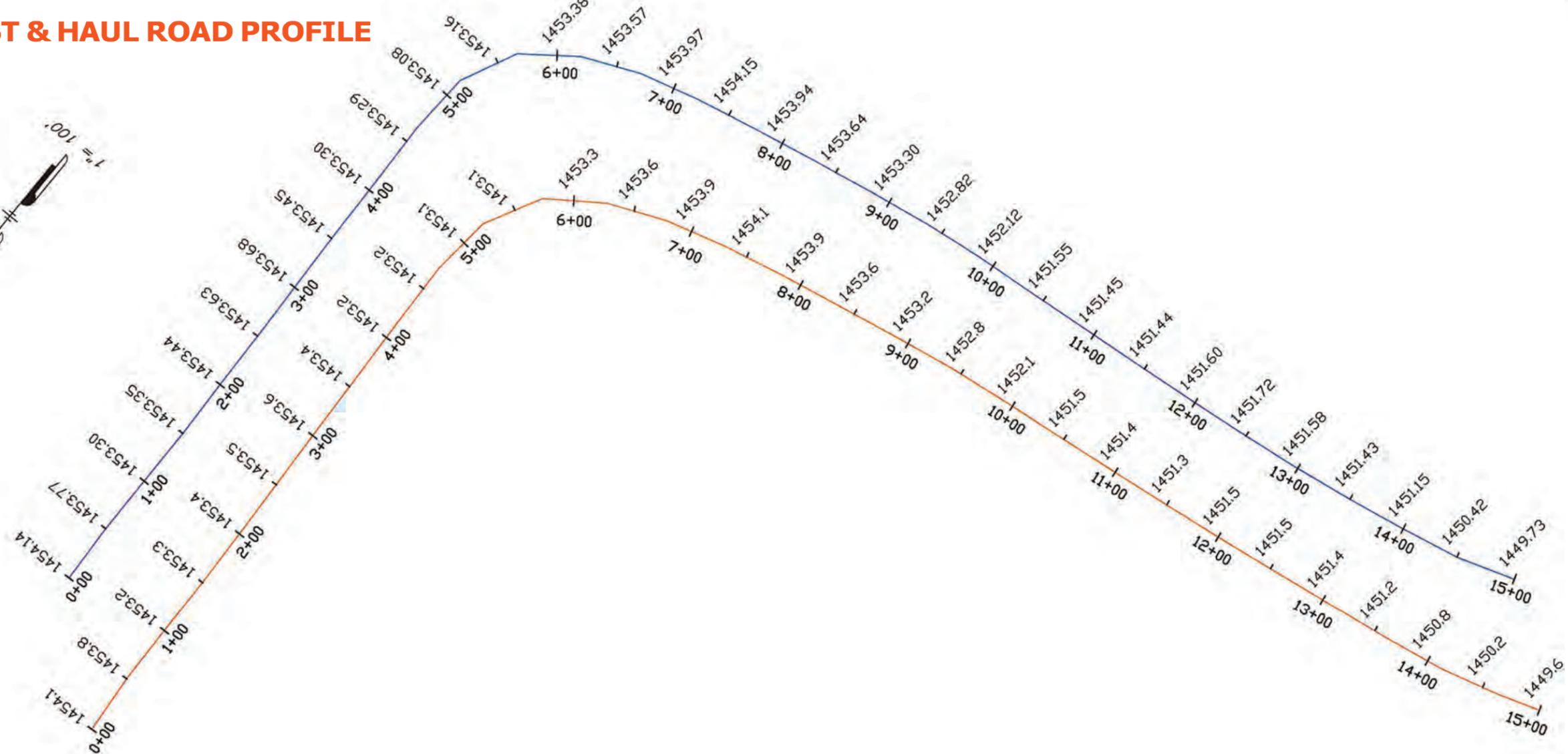
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**A-2 – As-Built Levee Centerline Profiles
& Cross-Sections**



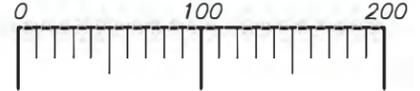
Columbus Haul Routes and Centerline Surveys Map

AREA 1&2 CREST & HAUL ROAD PROFILE



Note: Station 0+00 starts at the end of the concrete paving on 48th Avenue

-Legend-
 — Profile Before Construction
 — Profile After Construction

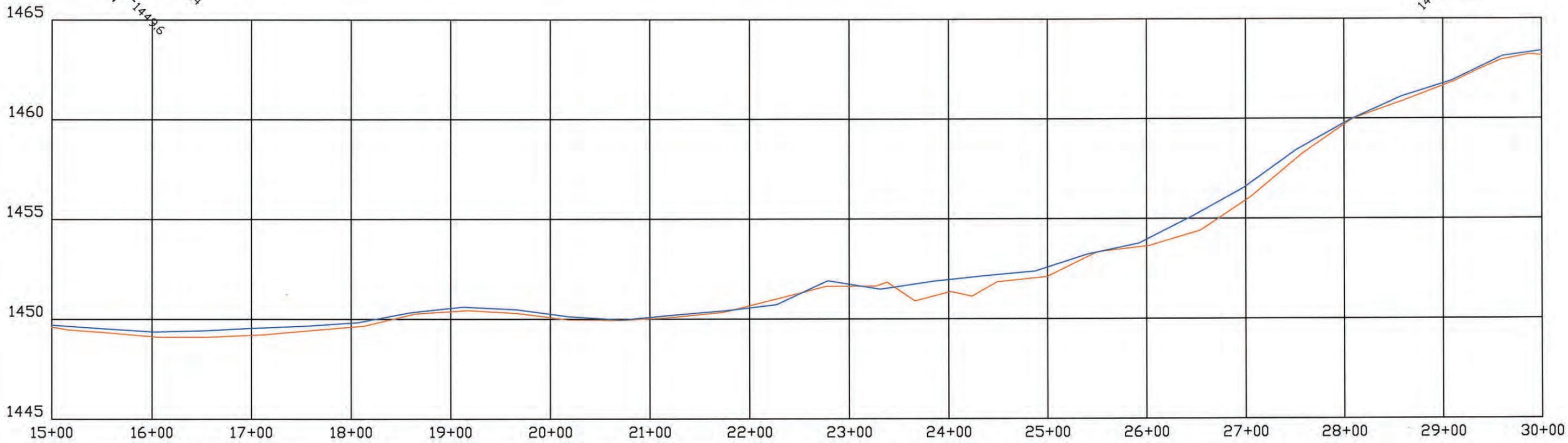
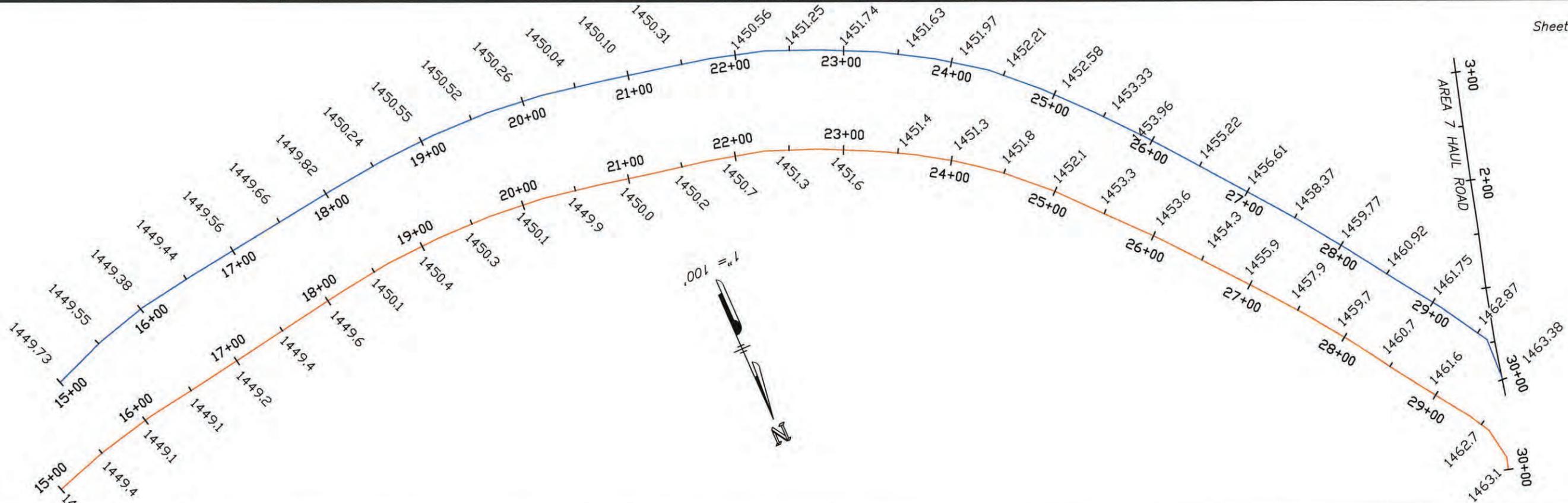


**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 1 HAUL ROAD PROFILE FINAL**

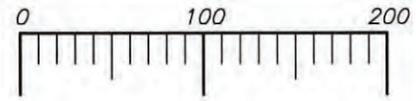
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No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-
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 — Profile After Construction

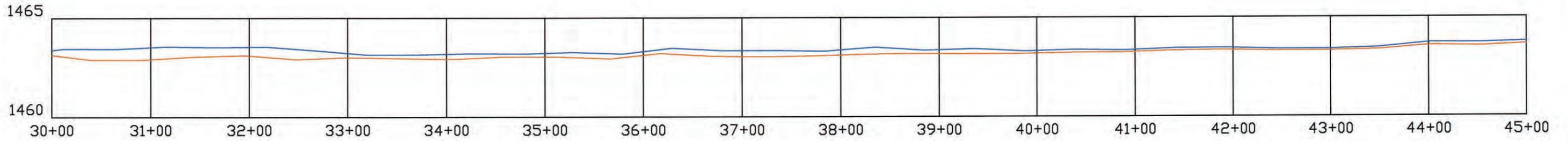
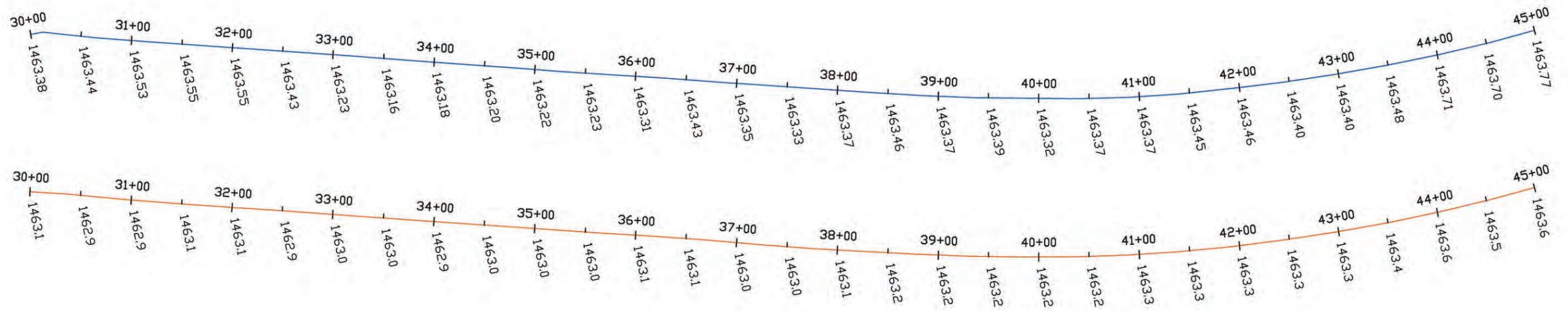


**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 1 HAUL ROAD PROFILE FINAL**

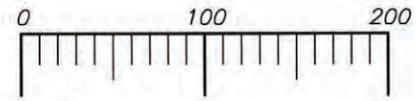
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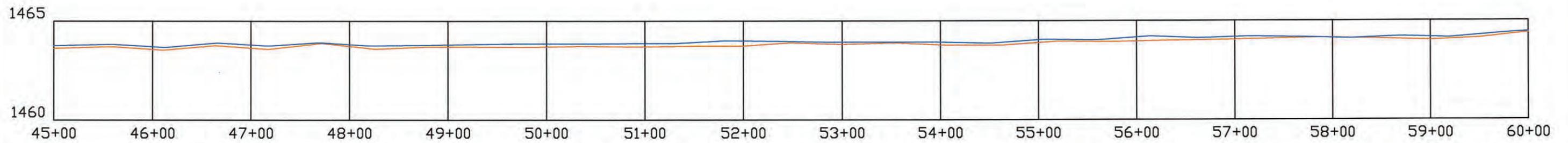
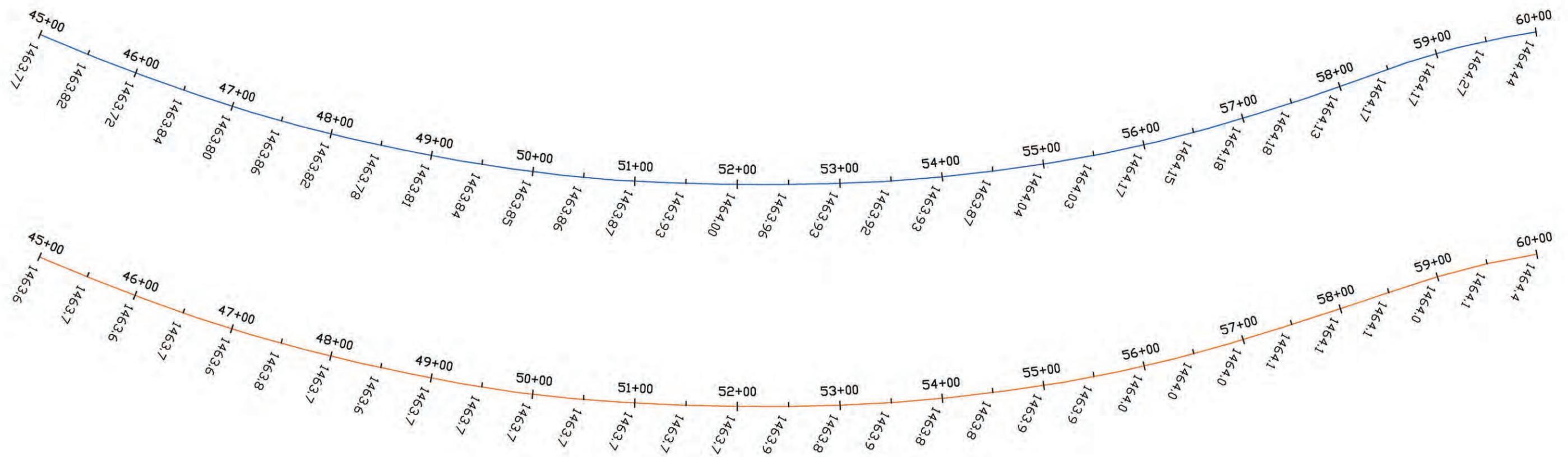
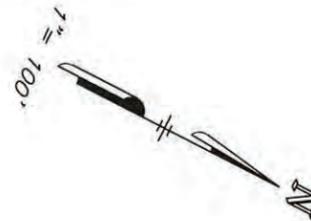


**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 1 HAUL ROAD PROFILE FINAL**

TAT	TAT/MGT	02/03/2020
DRAWN	SURVEYED	DATE



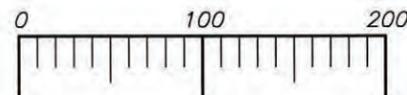
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 Phone (402) 563-4589 - Fax (402) 563-3922



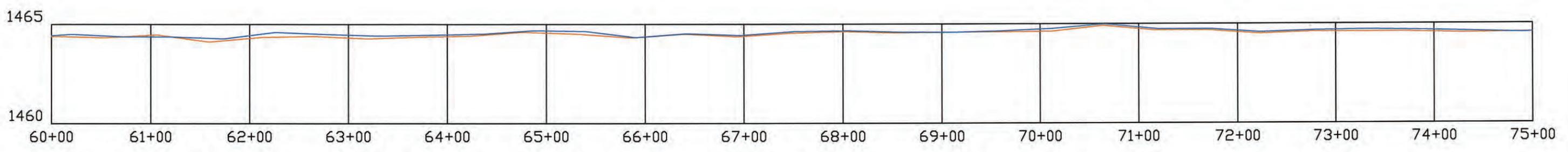
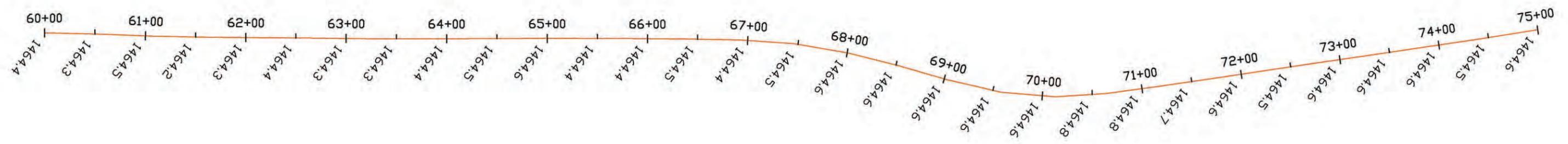
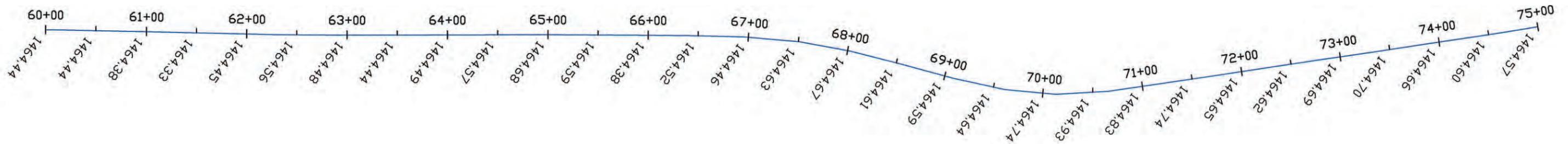
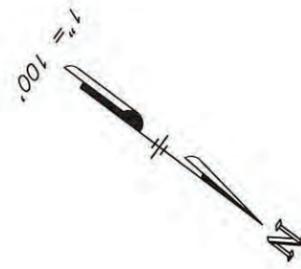
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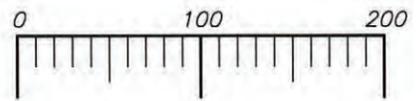
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2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 HAUL ROAD PROFILE FINAL		
TAT DRAWN	TAT/MGT SURVEYED	02/03/2020 DATE
		
No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922		



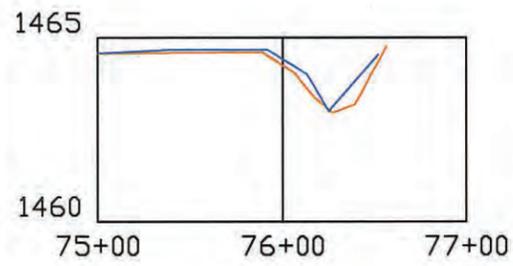
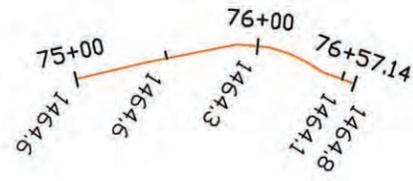
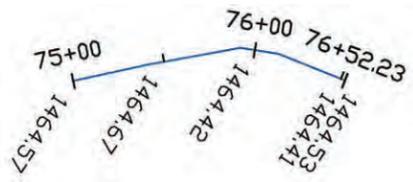
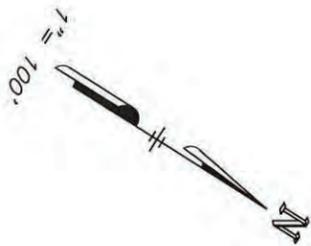
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2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 HAUL ROAD PROFILE FINAL		
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DRAWN	SURVEYED	DATE



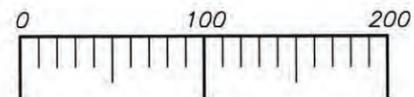
No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922



Note: Station 76+57.14 ends at the asphalt paving on 23rd Street

-Legend-

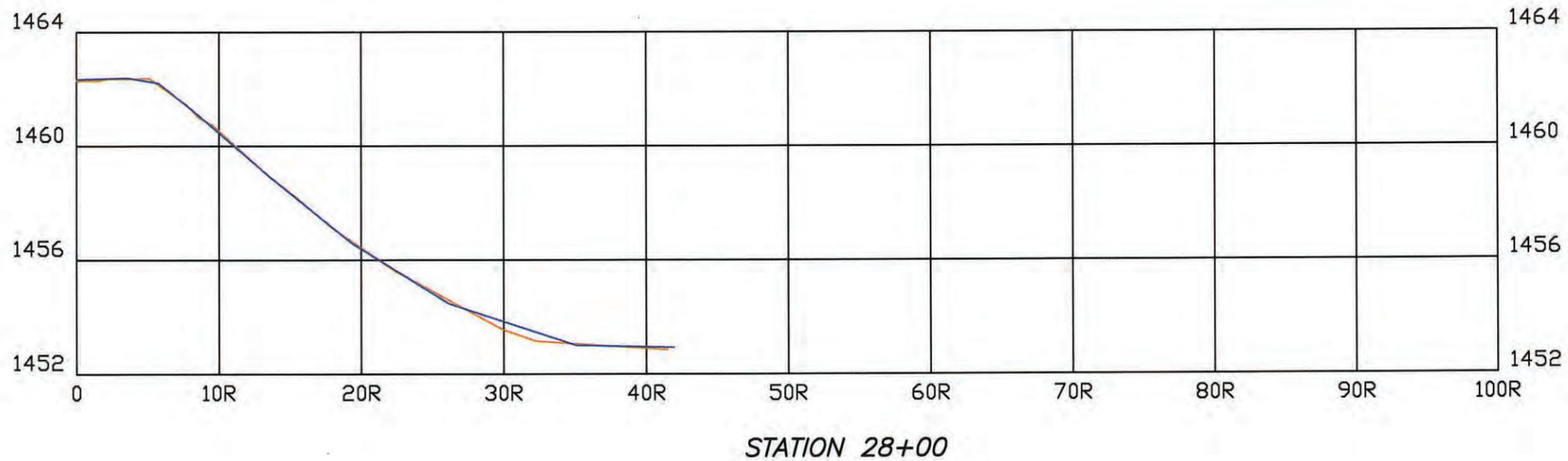
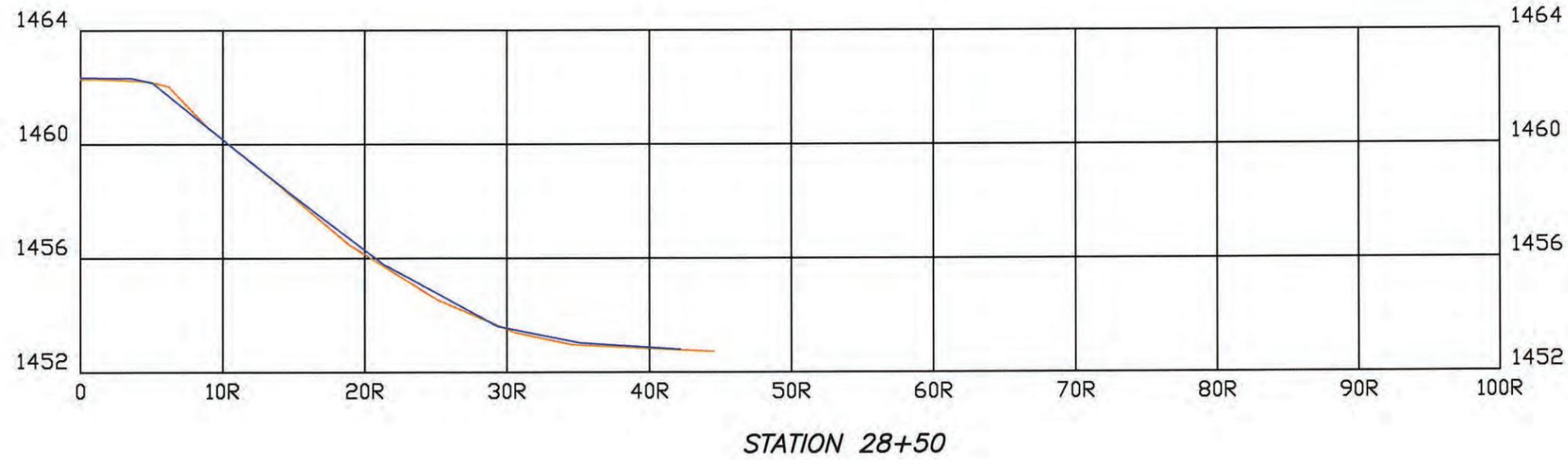
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2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 HAUL ROAD PROFILE FINAL			
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No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922			

AREA 1 AS-BUILT CROSS-SECTIONS

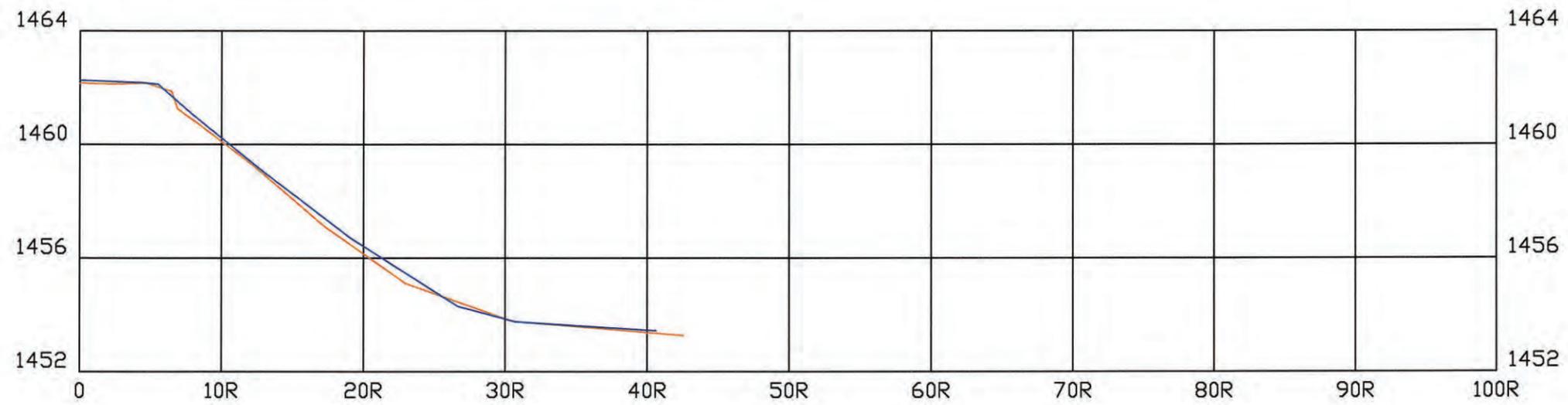
-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



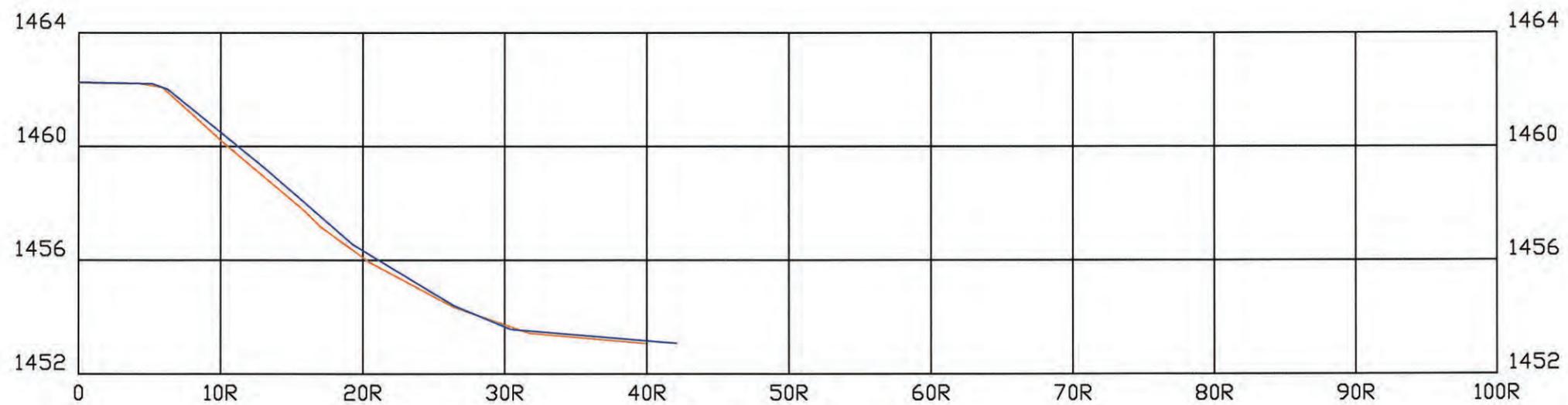
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			 No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 29+50

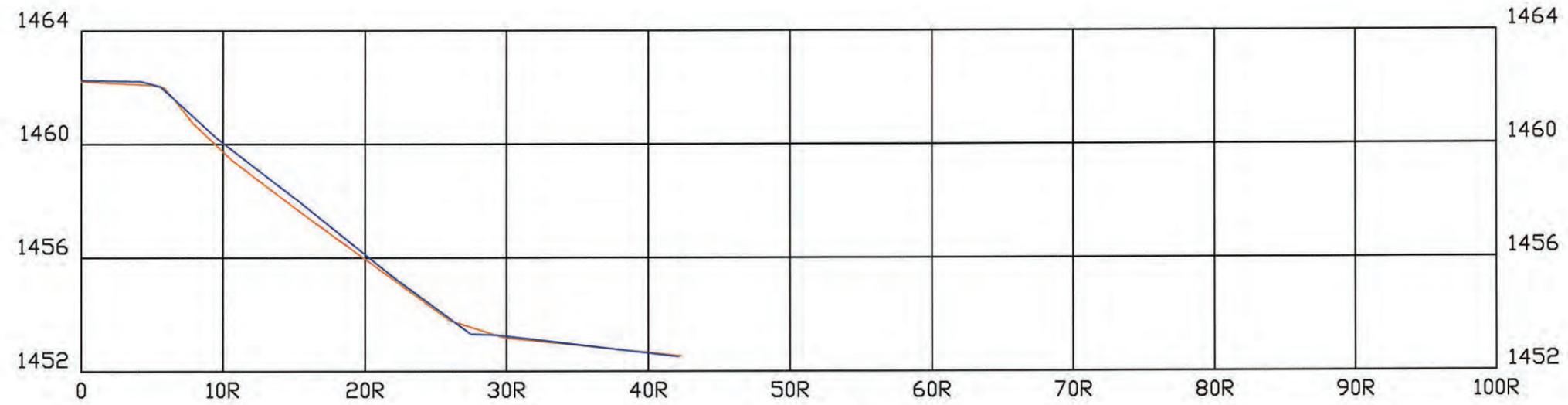


STATION 29+00

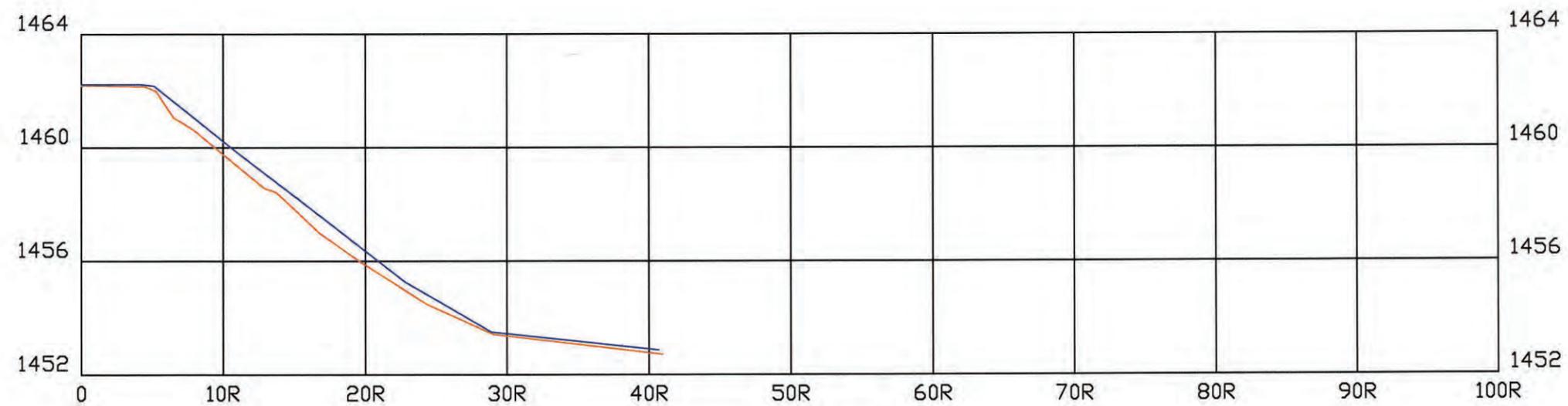
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT DRAWN	TAT/MGT SURVEYED	11-13-2019 DATE	
			No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 30+50



STATION 30+00

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
AREA 1 X-SECTIONS BEFORE/AFTER**

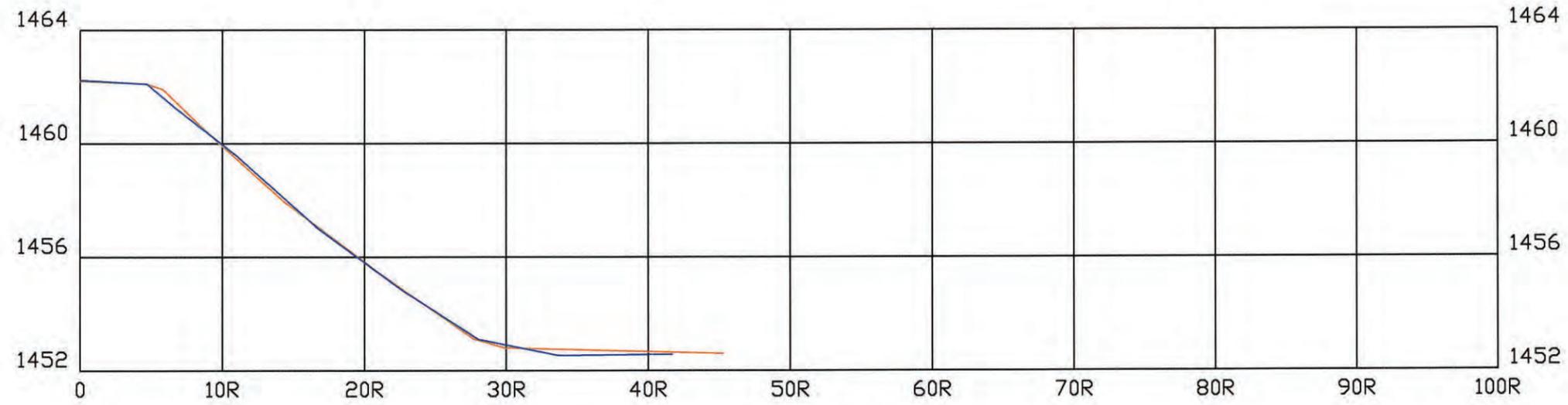
MGT	TAT/MGT	11-13-2019
DRAWN	SURVEYED	DATE



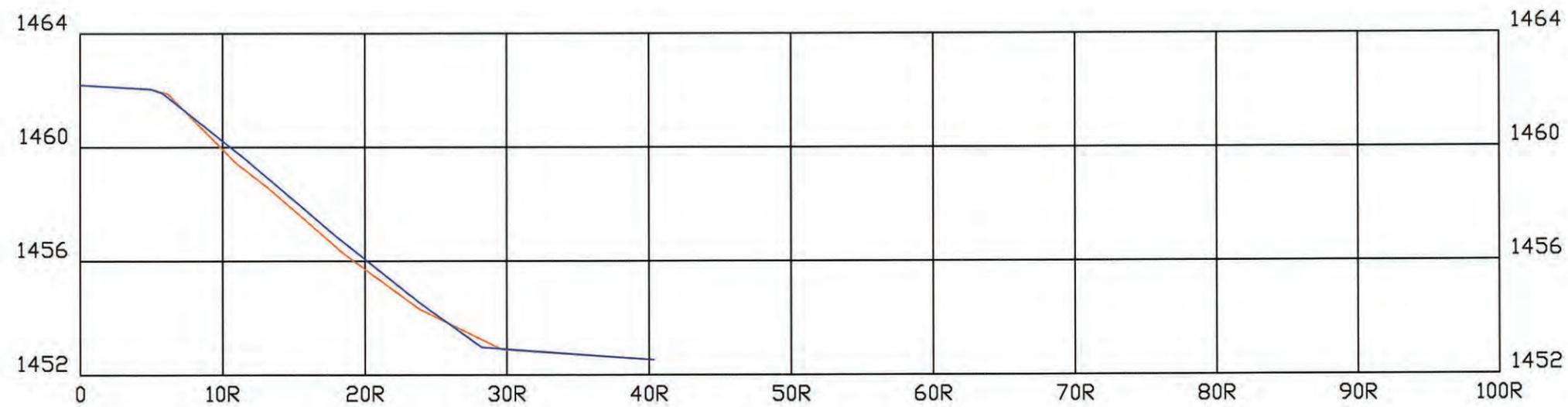
No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 31+50



STATION 31+00

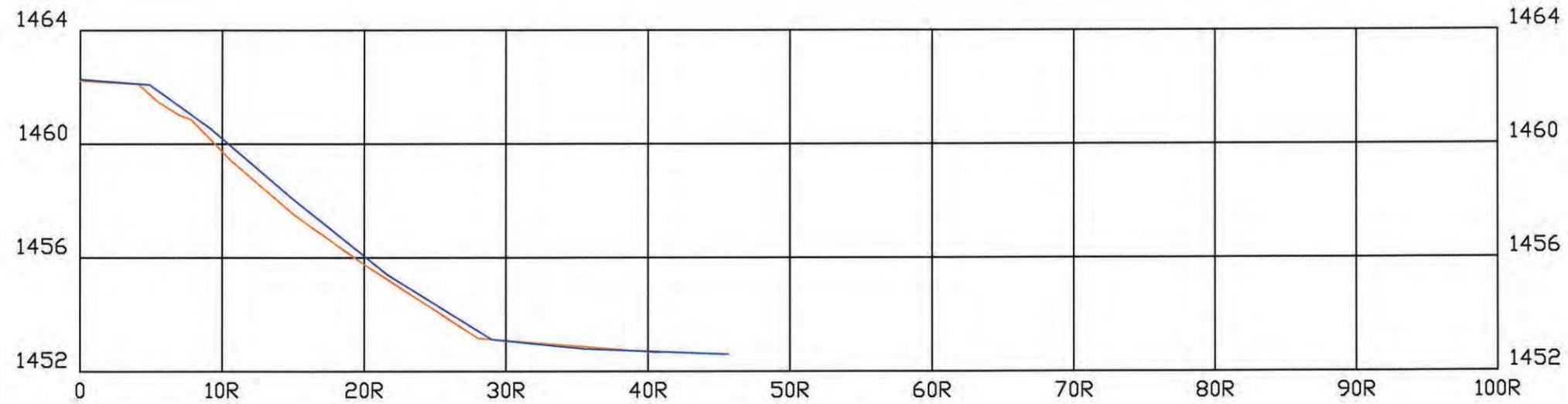
**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
AREA 1 X-SECTIONS BEFORE/AFTER**

MGT	TAT/MGT	11-13-2019
DRAWN	SURVEYED	DATE

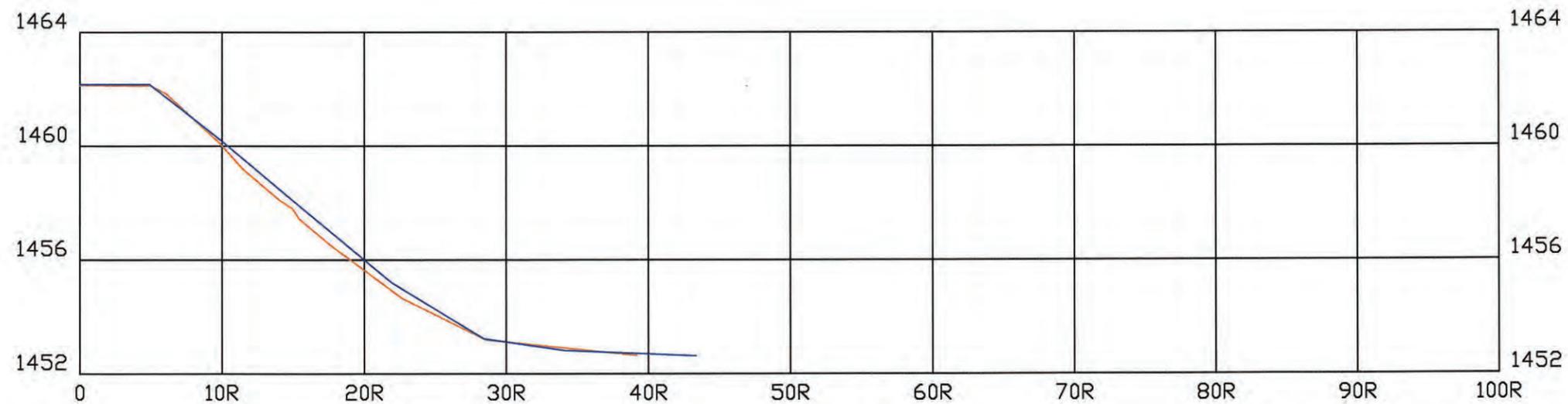


No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



STATION 32+50

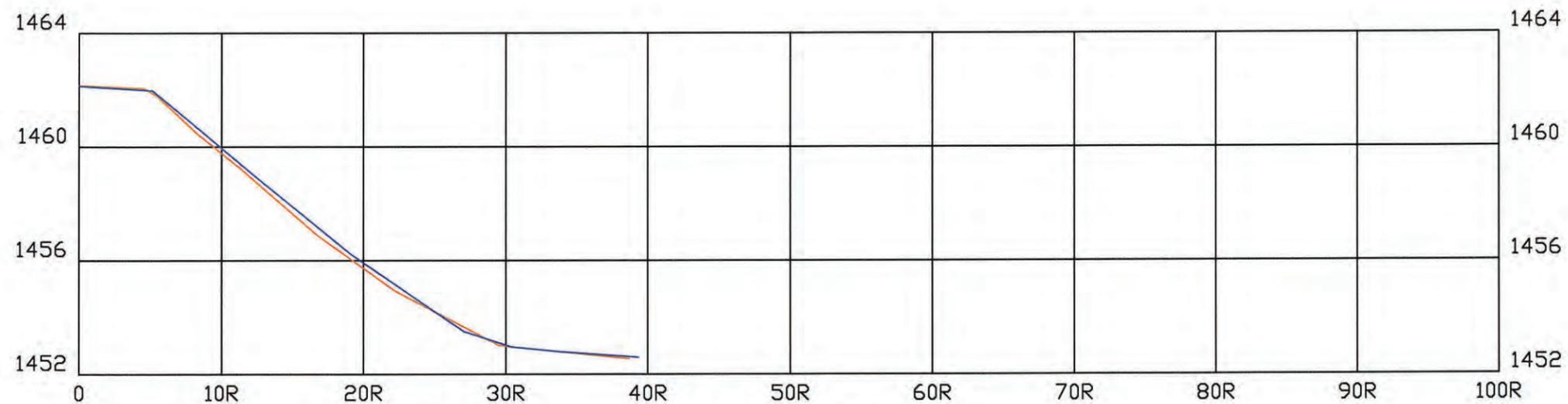


STATION 32+00

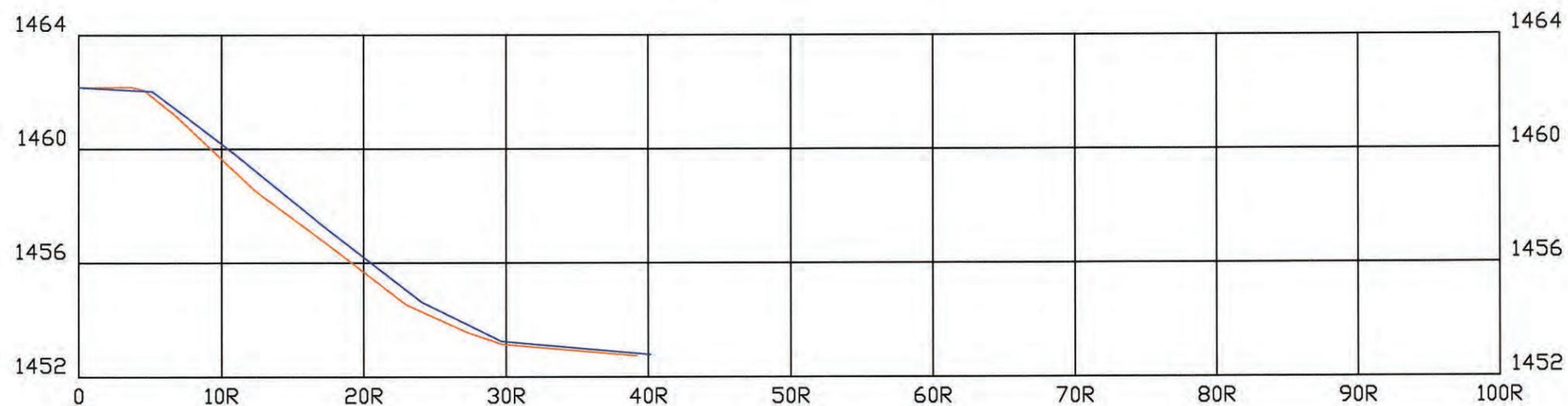
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 33+50

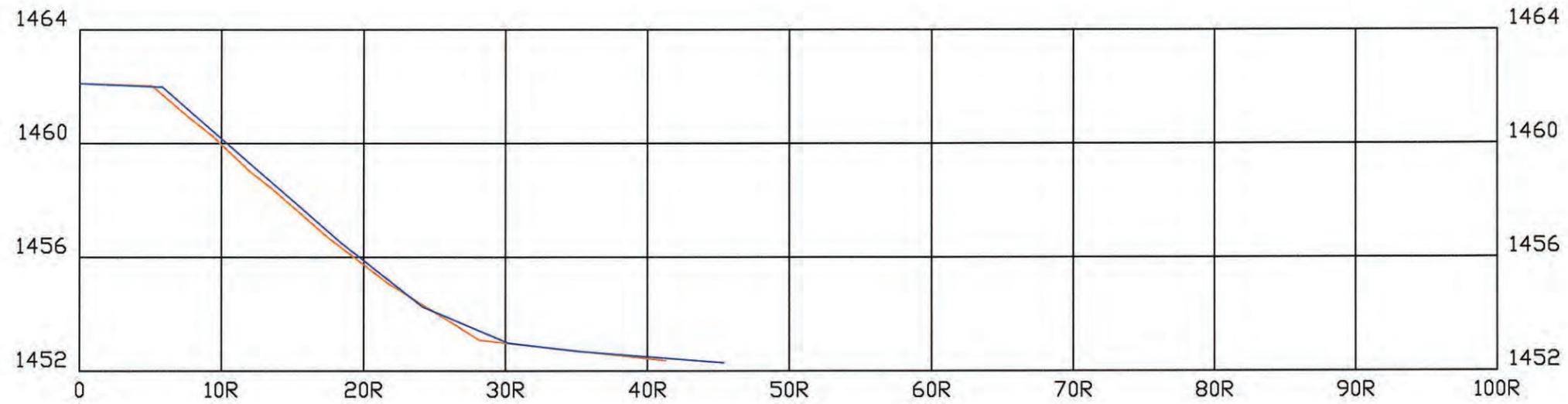


STATION 33+00

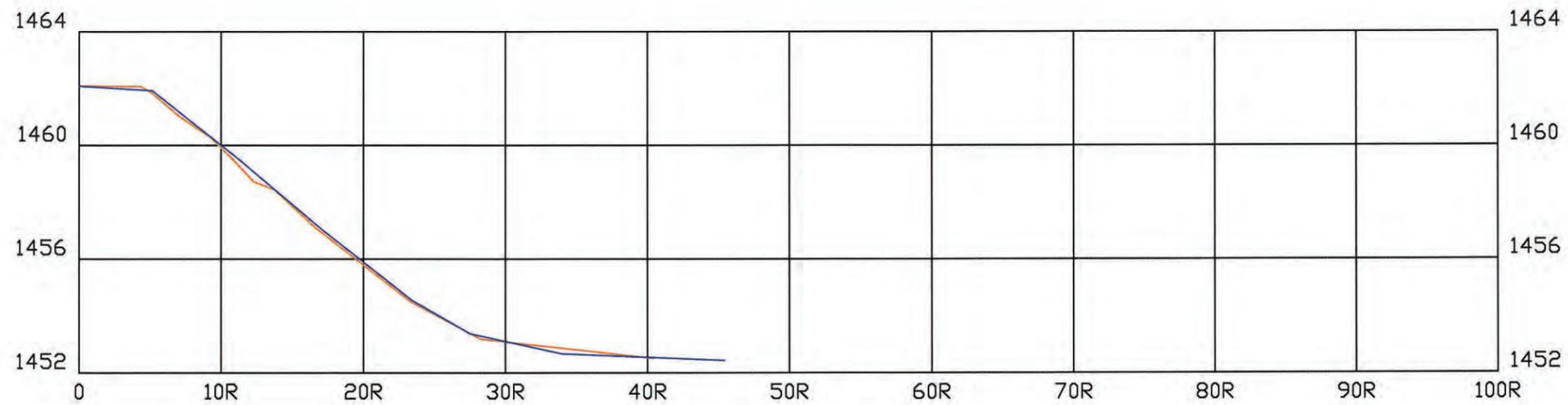
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT DRAWN	TAT/MGT SURVEYED	11-13-2019 DATE	
No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922			

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 34+50



STATION 34+00

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
AREA 1 X-SECTIONS BEFORE/AFTER**

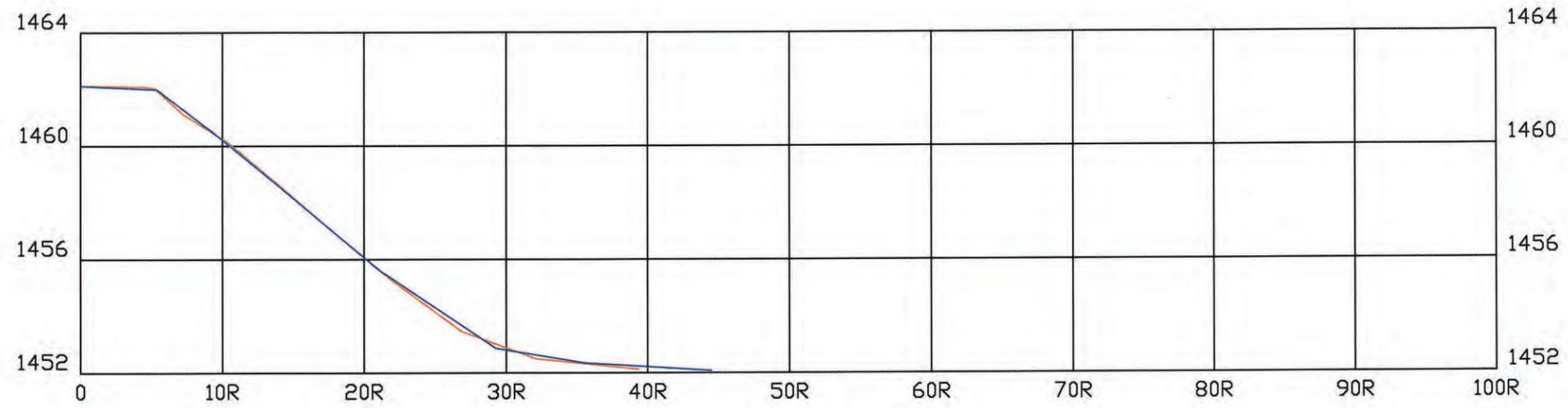
MGT	TAT/MGT	11-13-2019
DRAWN	SURVEYED	DATE



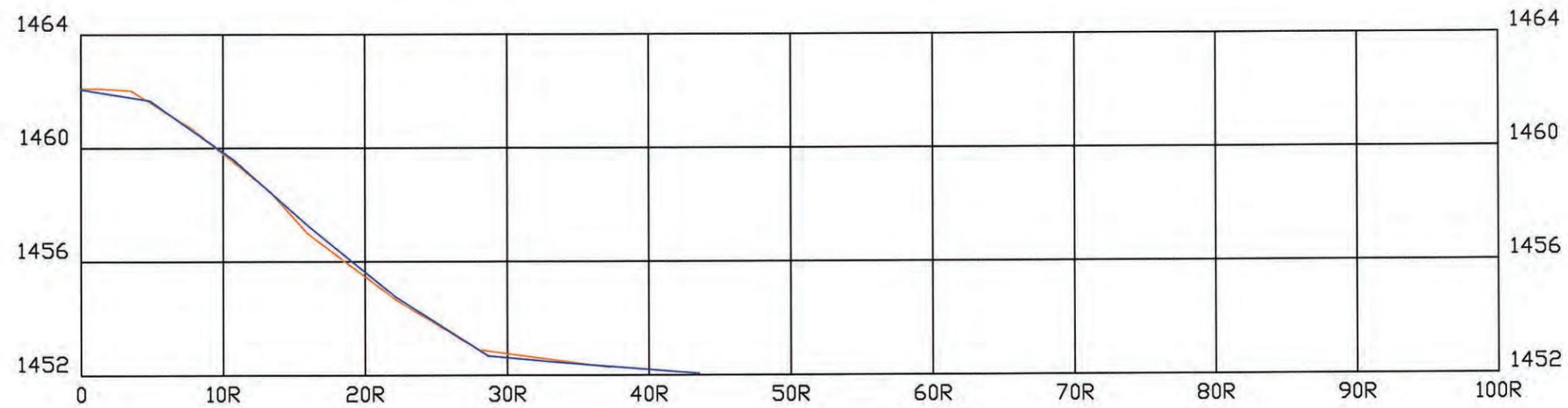
No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 35+50

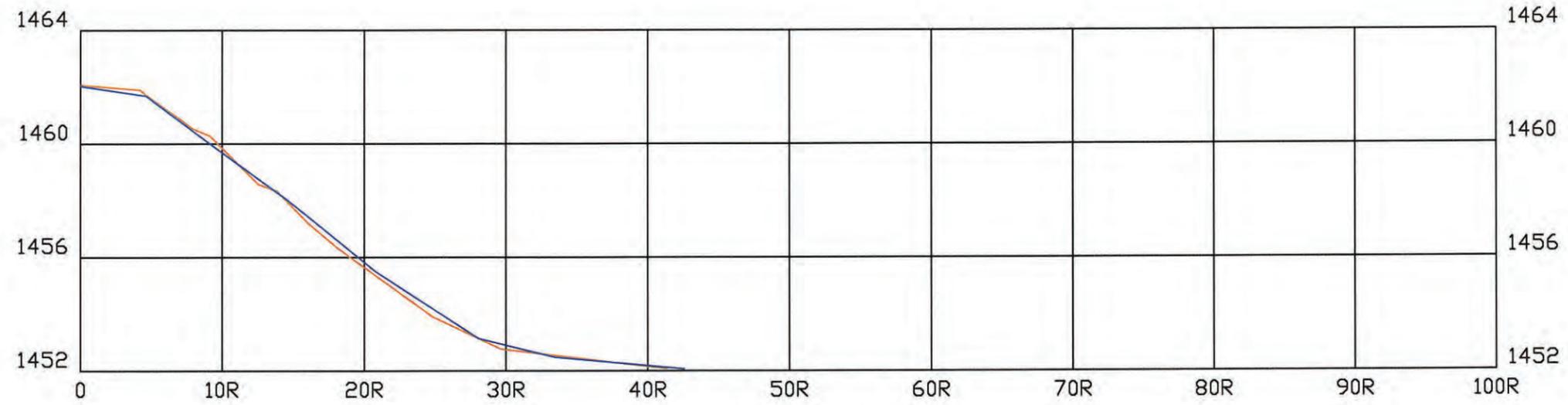


STATION 35+00

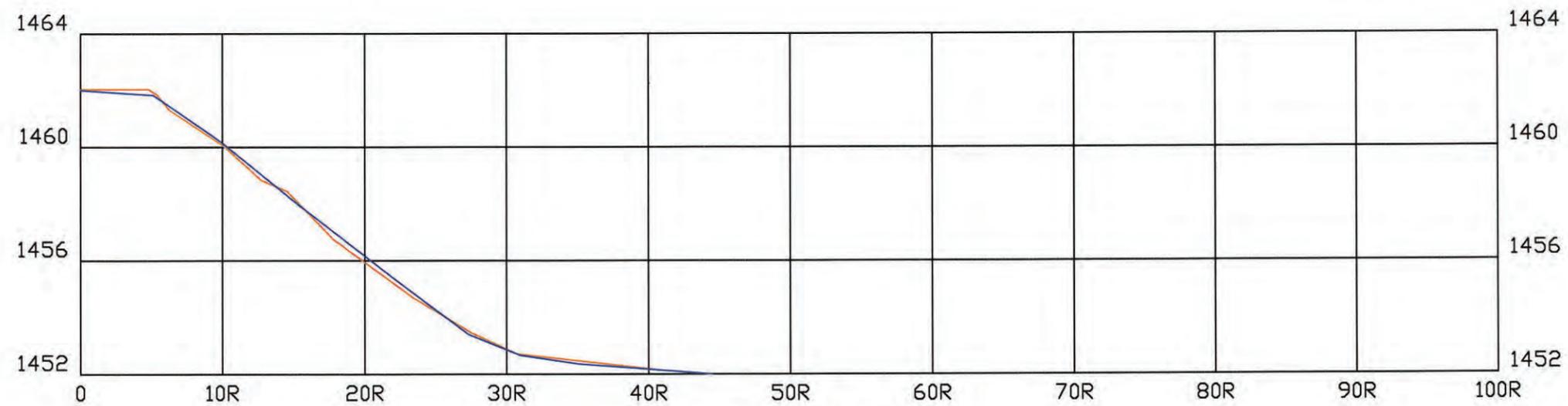
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 36+50



STATION 36+00

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
AREA 1 X-SECTIONS BEFORE/AFTER**

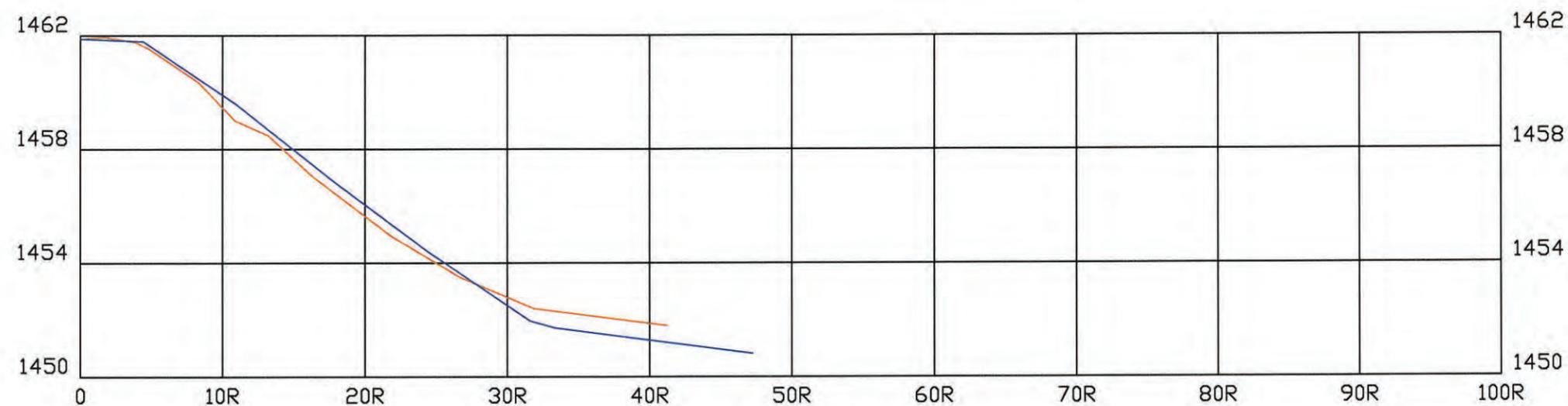
MGT	TAT/MGT	11-13-2019
DRAWN	SURVEYED	DATE



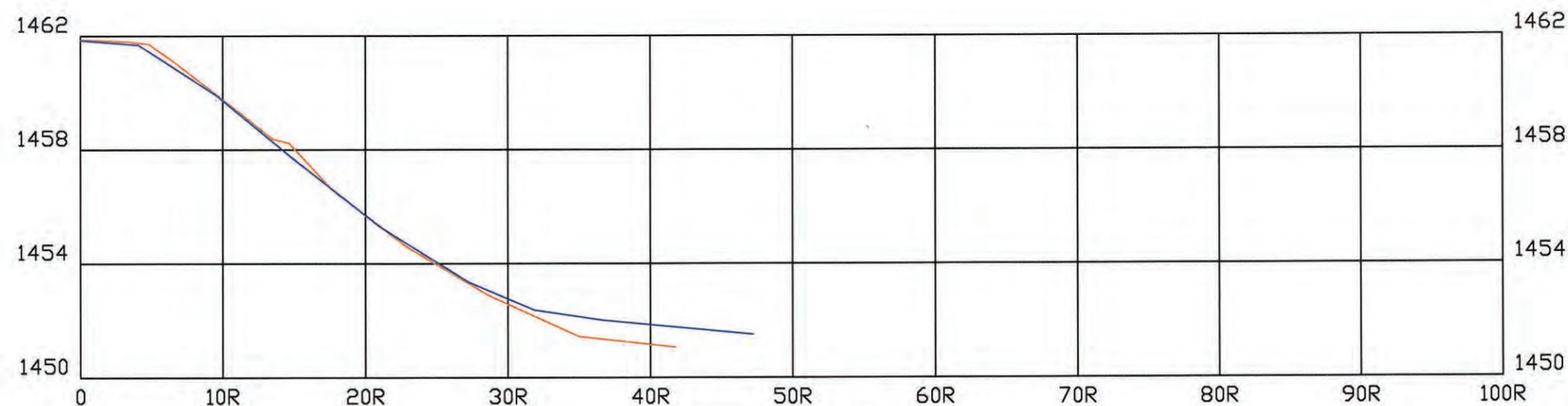
No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction

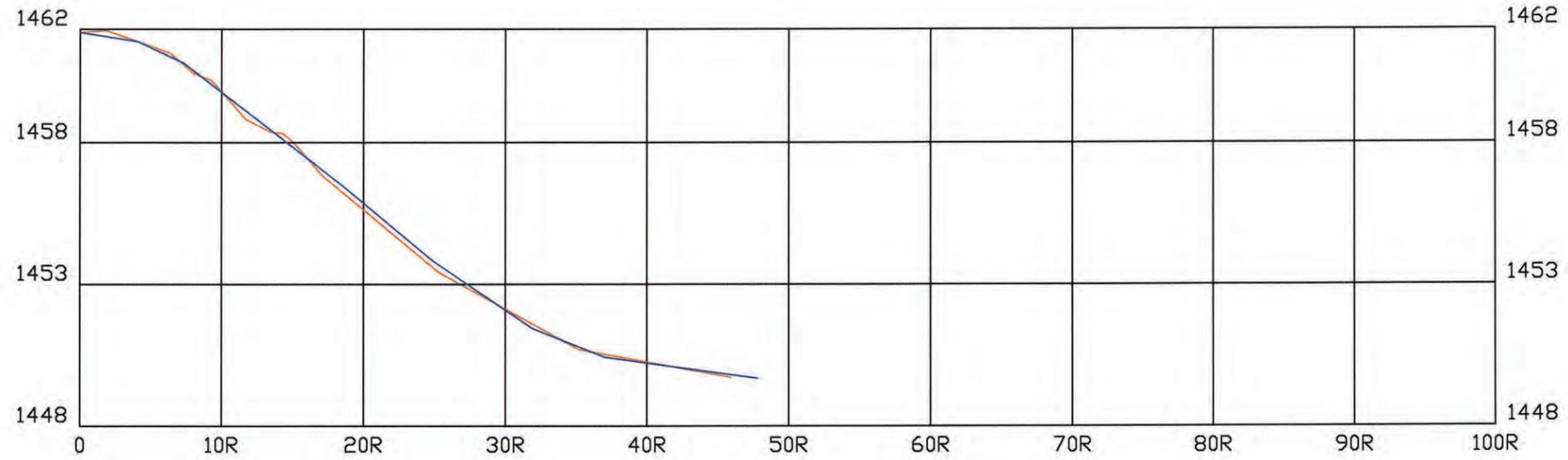


STATION 37+50

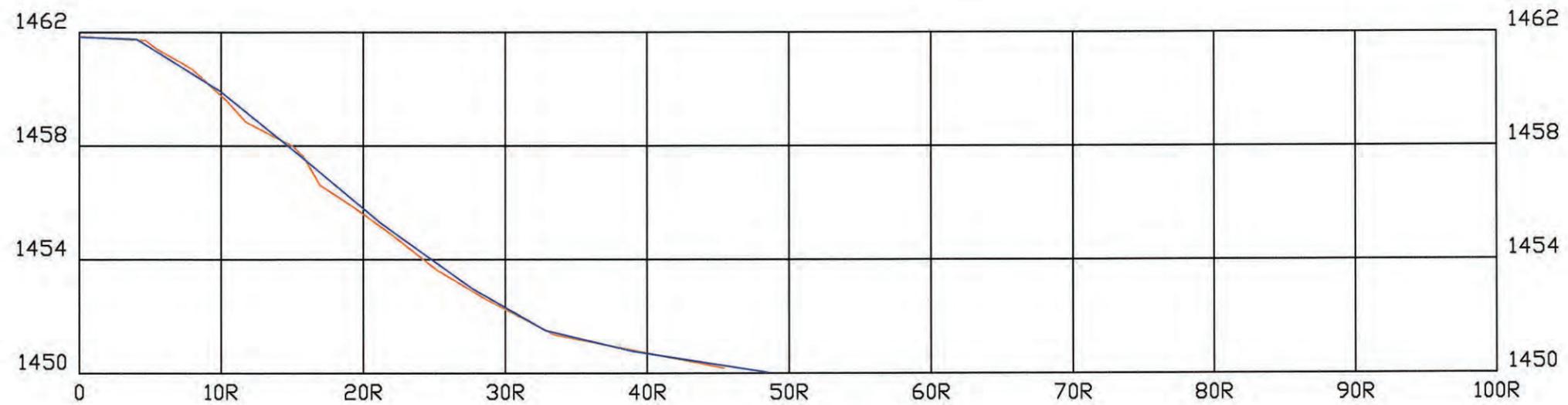


STATION 37+00

2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



STATION 38+50



STATION 38+00

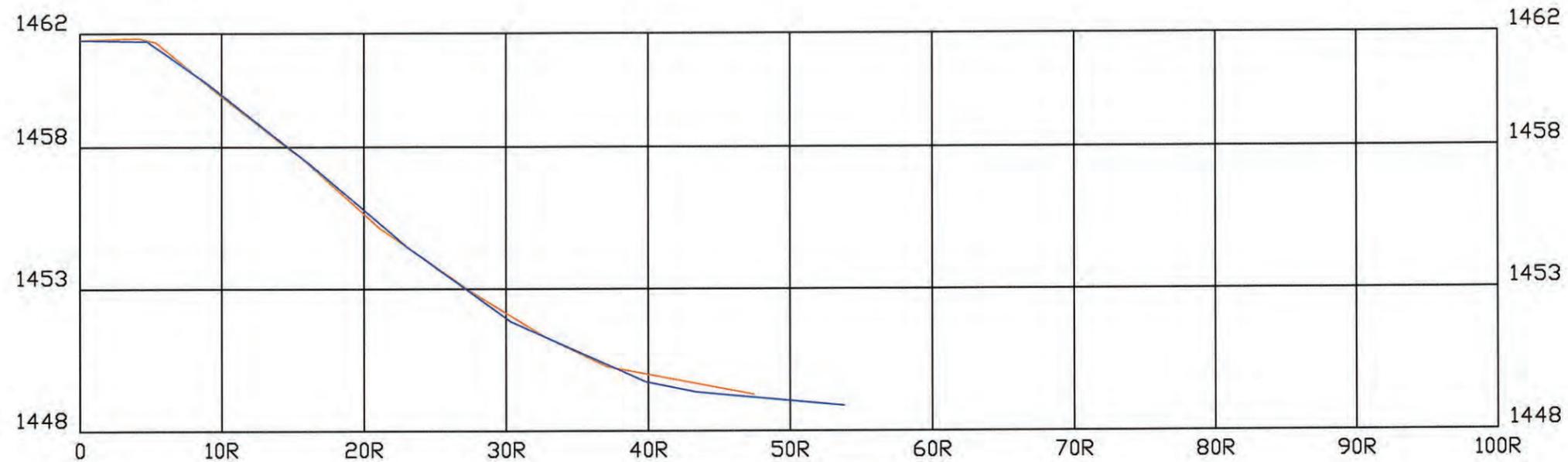
-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 1 X-SECTIONS BEFORE/AFTER**

MGT	TAT/MGT	11-13-2019
DRAWN	SURVEYED	DATE

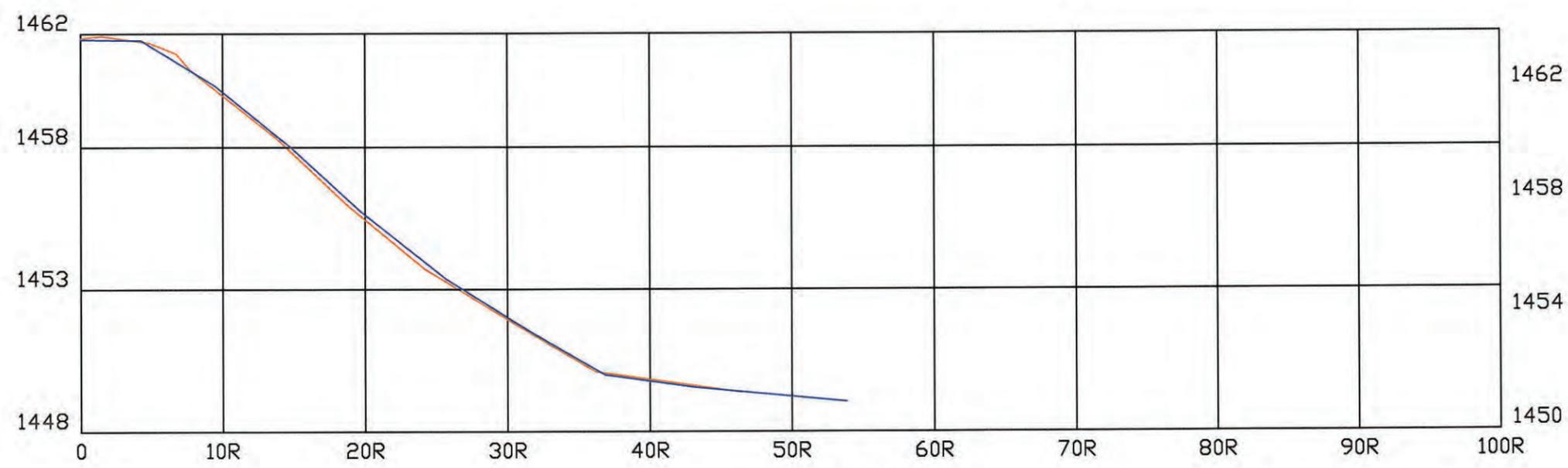


No. 1 Driftwood Drive - Columbus, NE 68601
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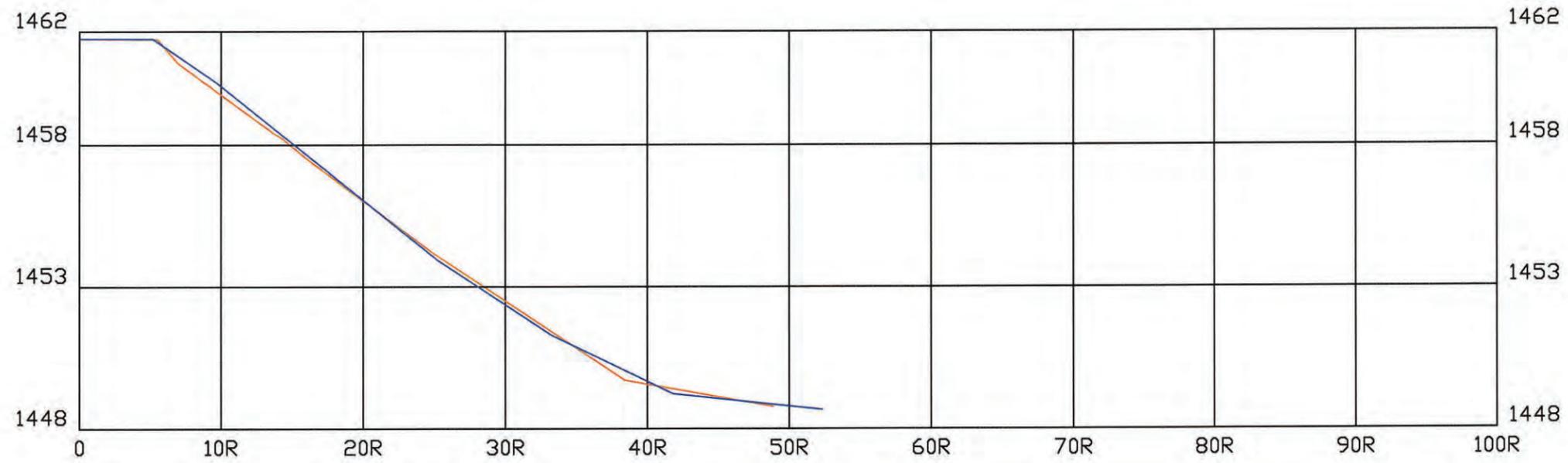
STATION 39+50

-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



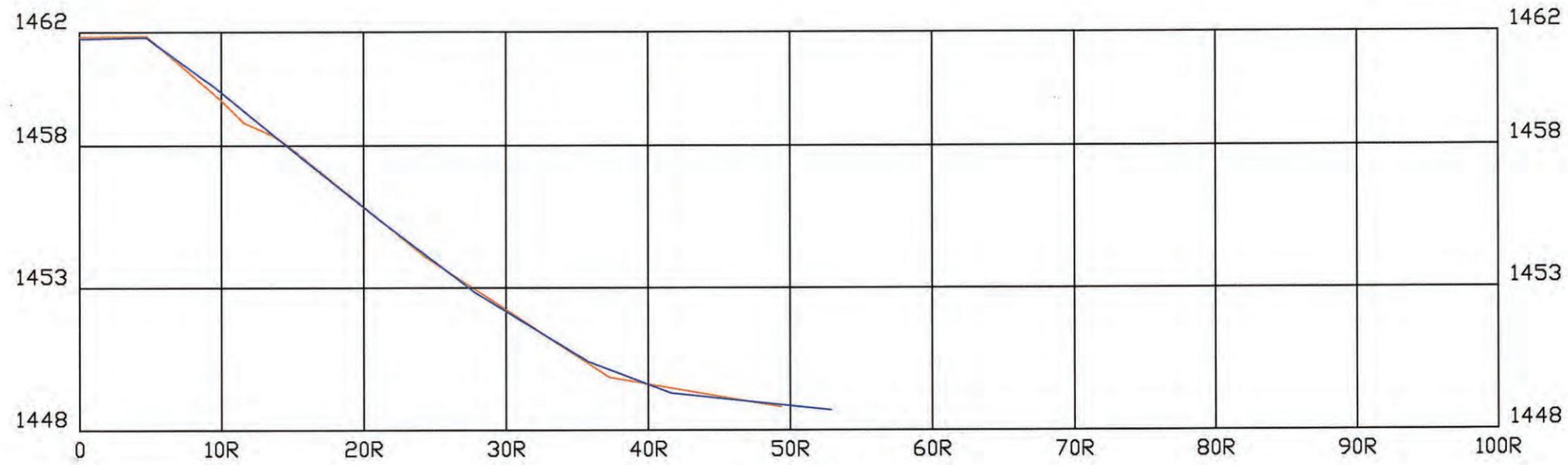
STATION 39+00

2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



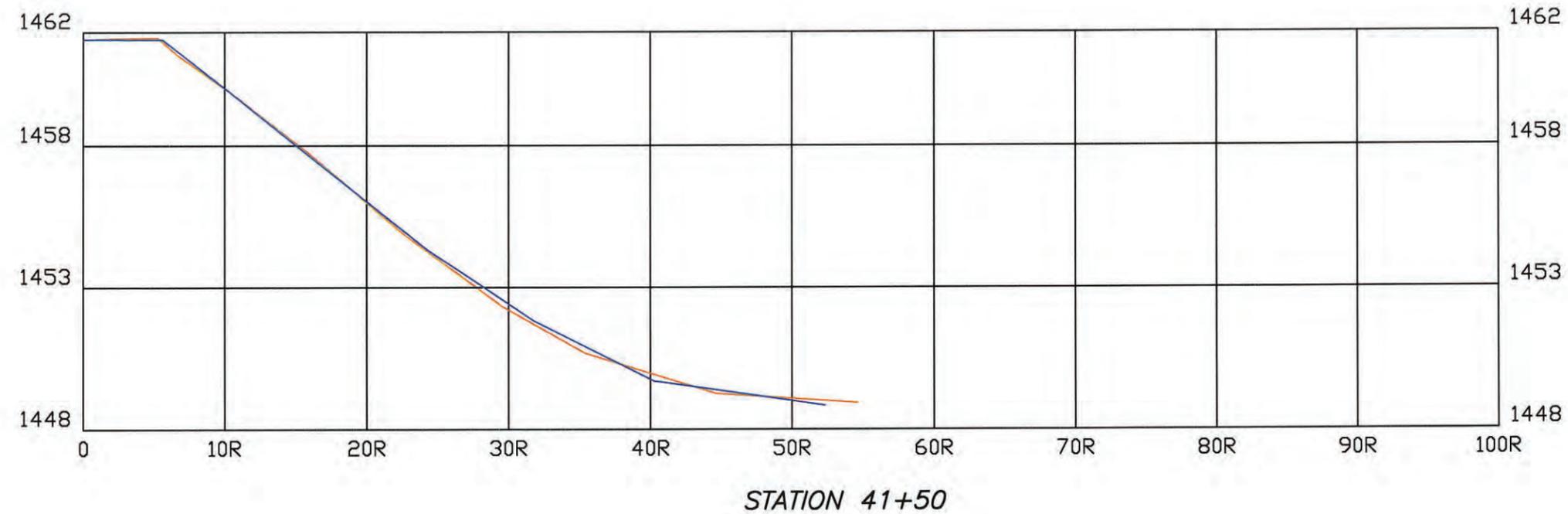
STATION 40+50

-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

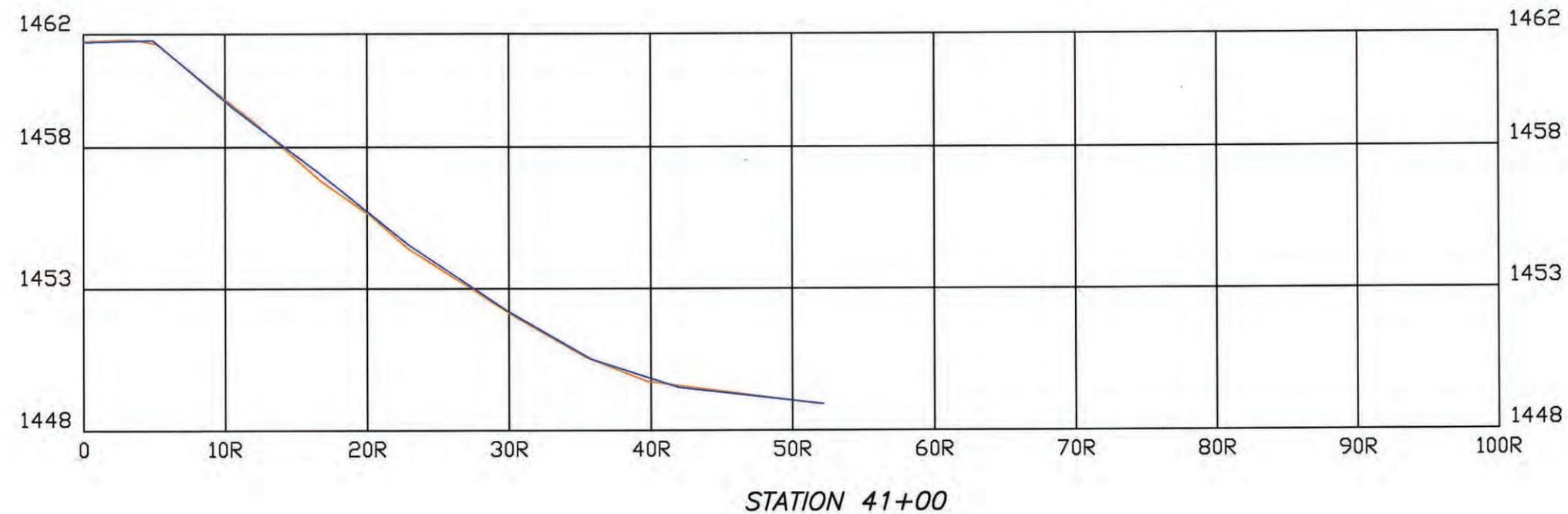


STATION 40+00

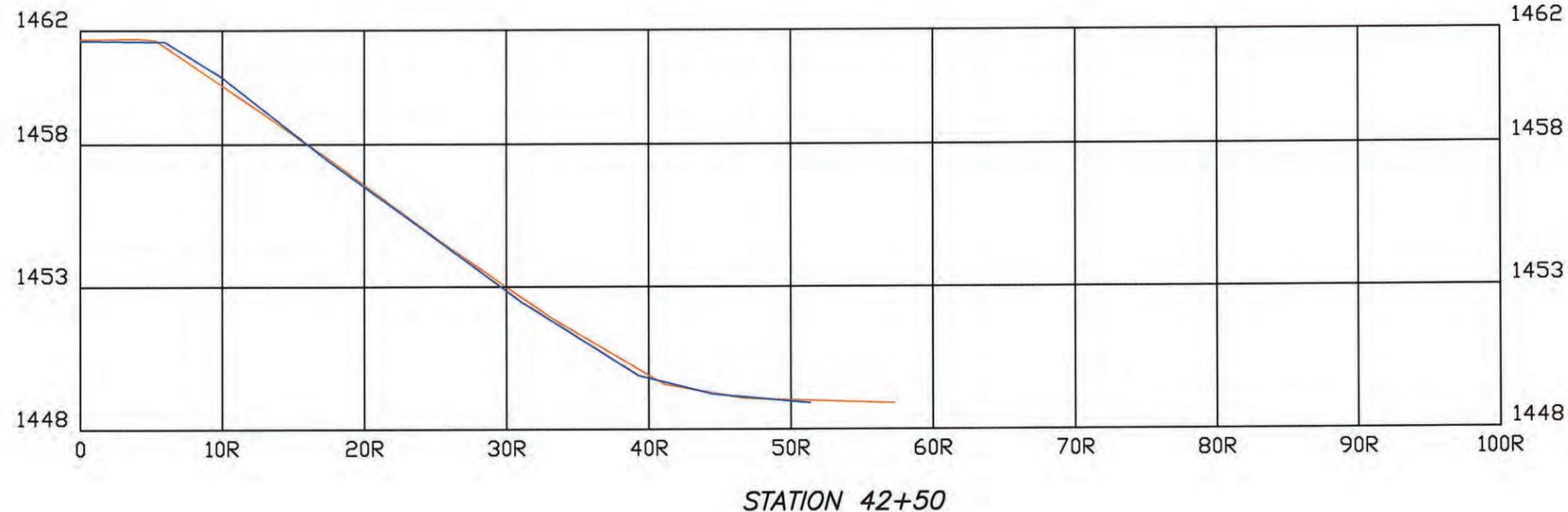
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			 No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	



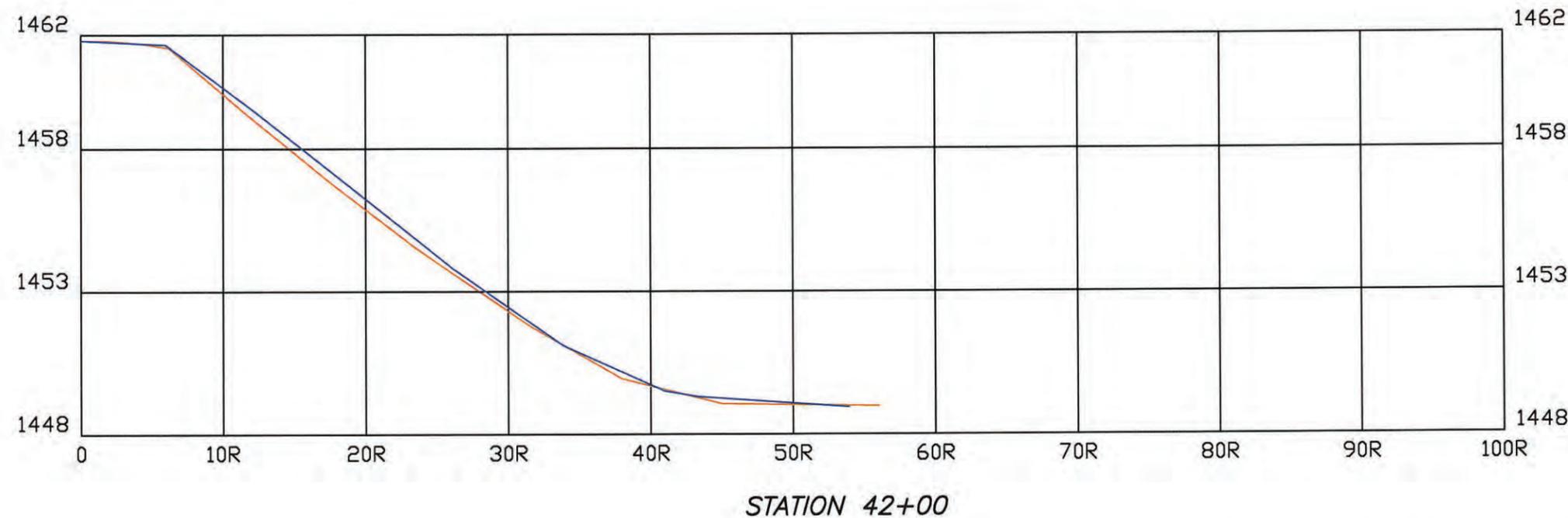
-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



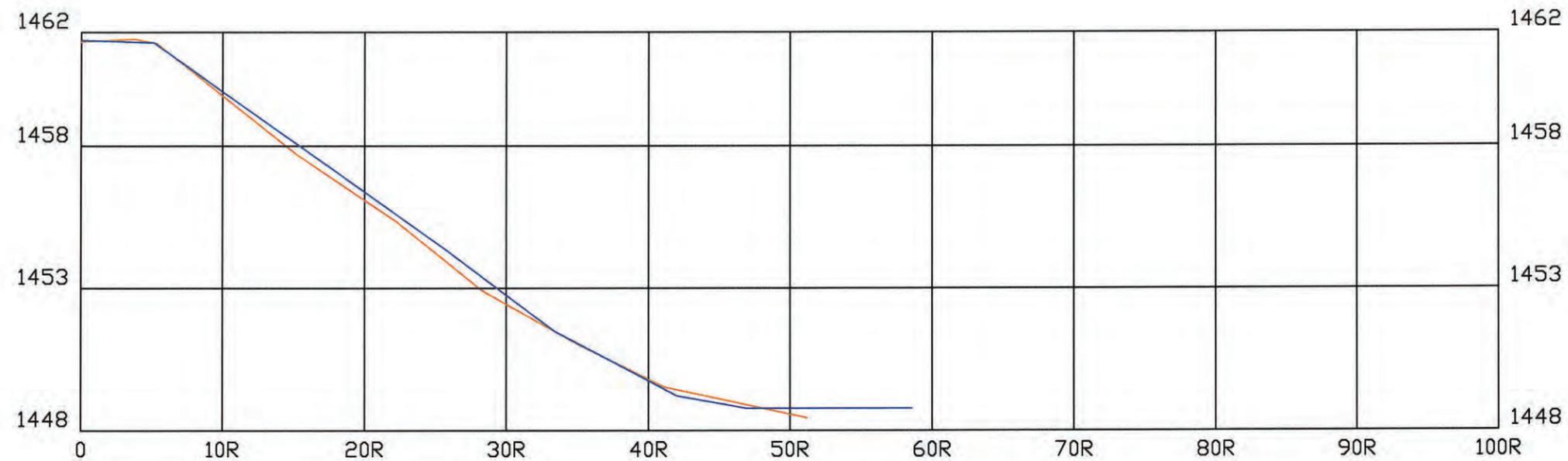
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			 No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

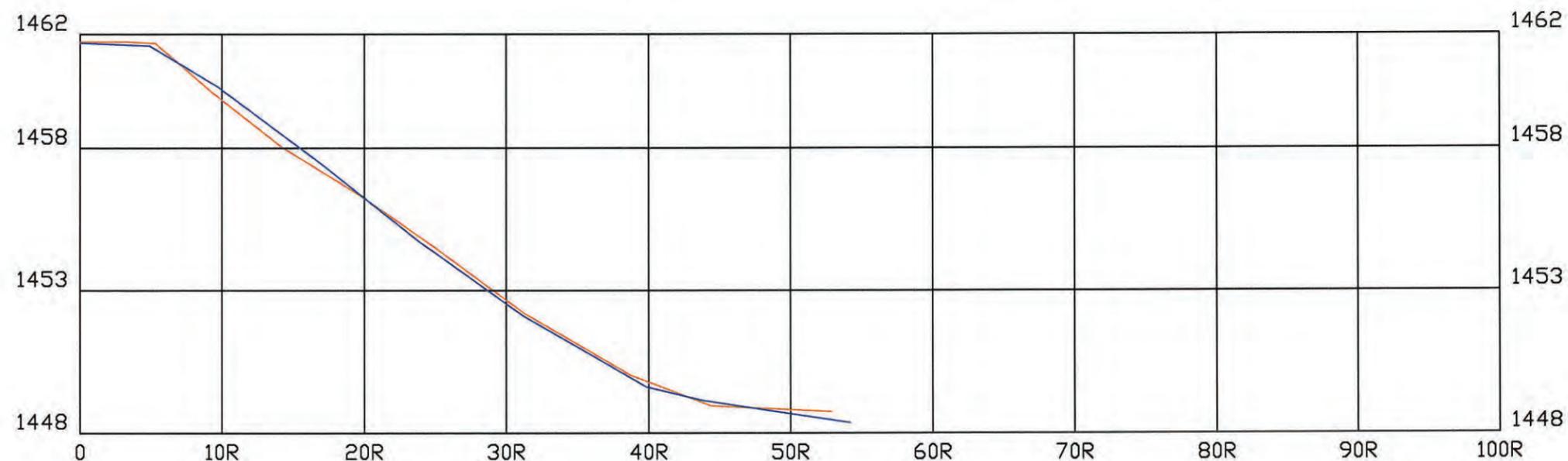


2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



STATION 43+50

-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



STATION 43+00

**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 1 X-SECTIONS BEFORE/AFTER**

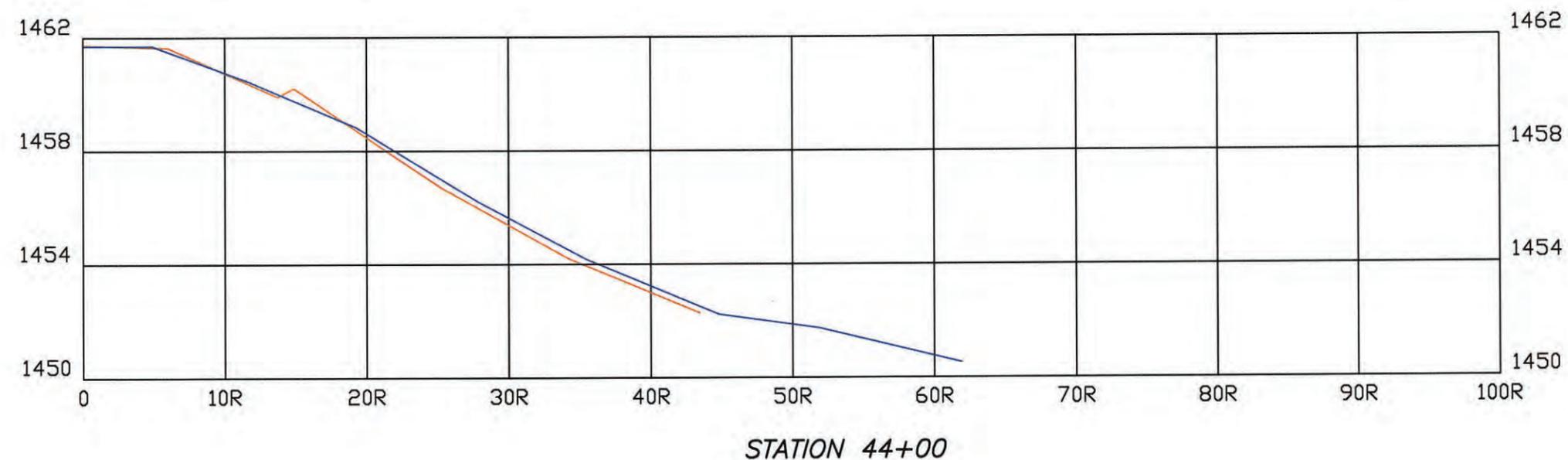
MGT	TAT/MGT	11-13-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

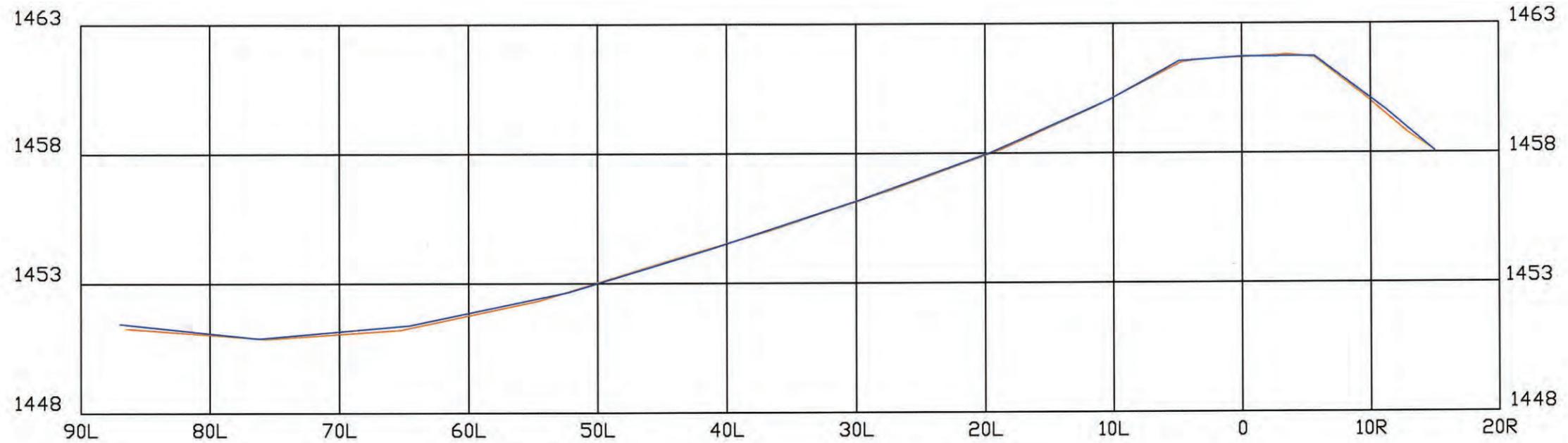
- X-Section Before Construction
- X-Section After Construction



2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 1 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-13-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

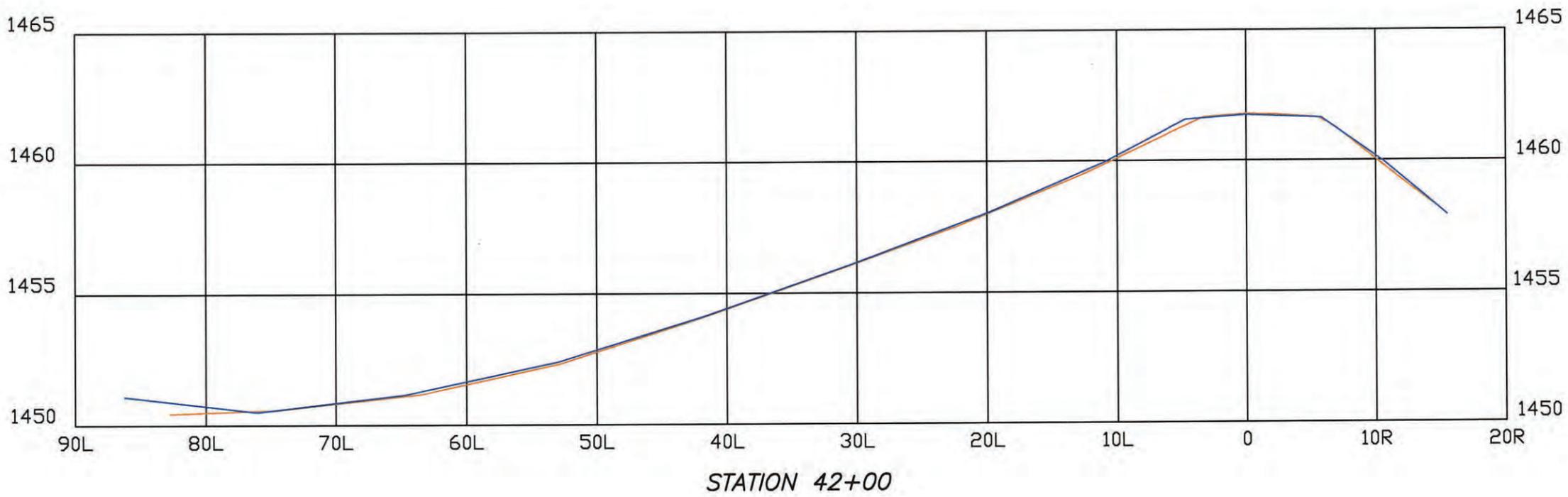
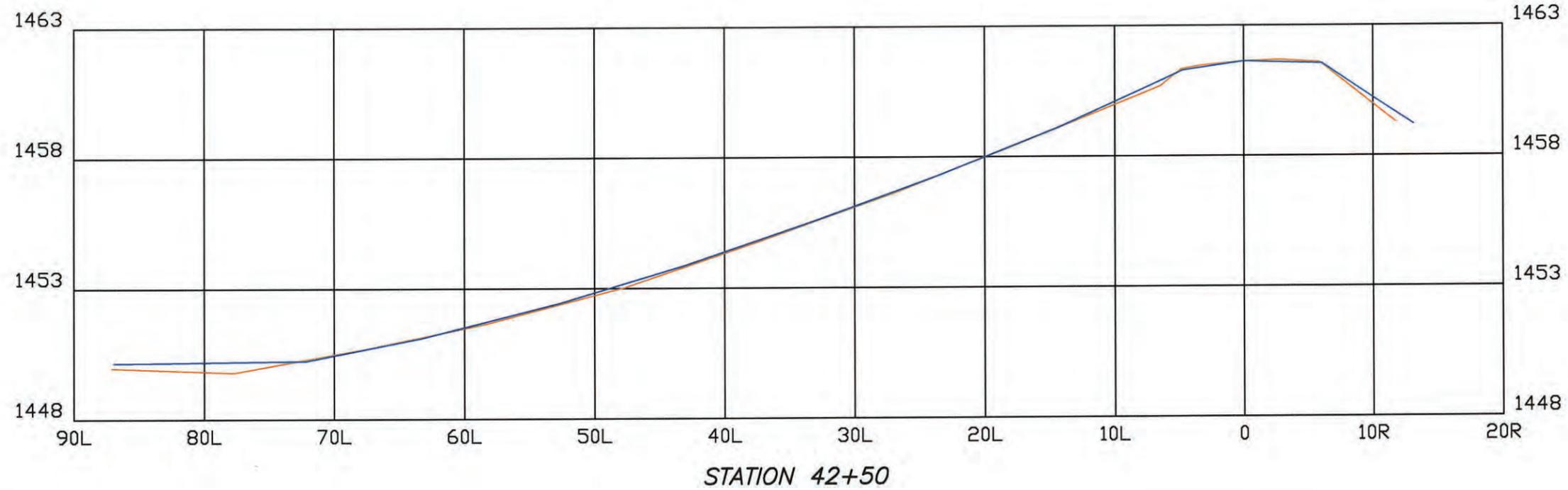
AREA 2 AS-BUILT CROSS-SECTIONS

-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



STATION 41+50

2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 2 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-20-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



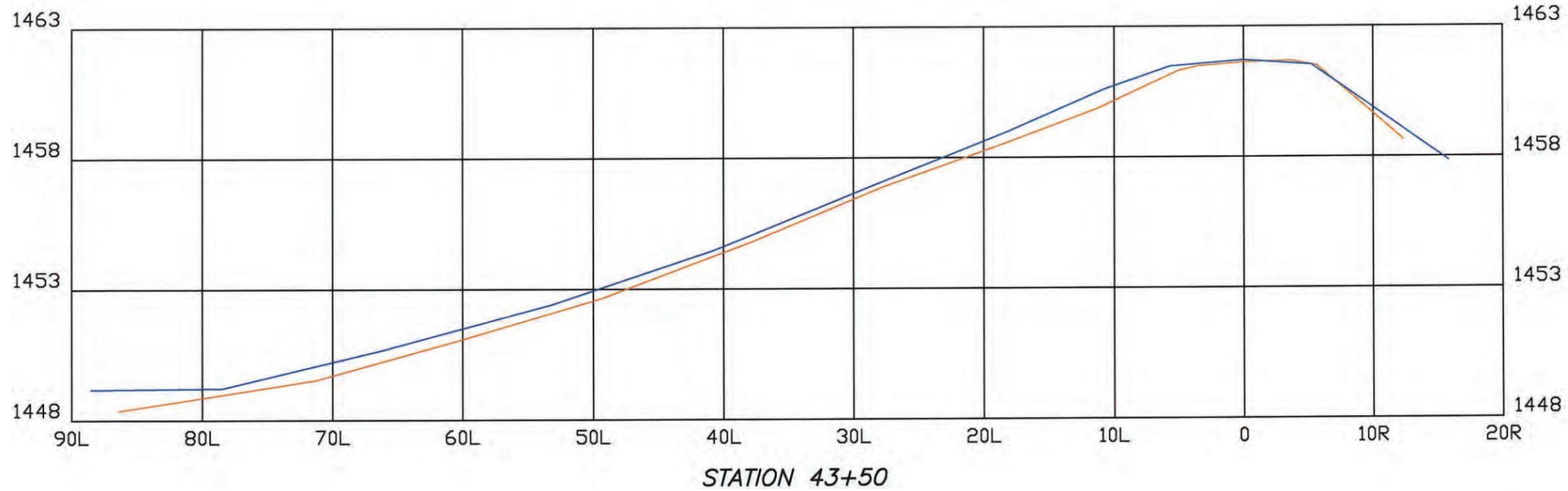
-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 2 X-SECTIONS BEFORE/AFTER**

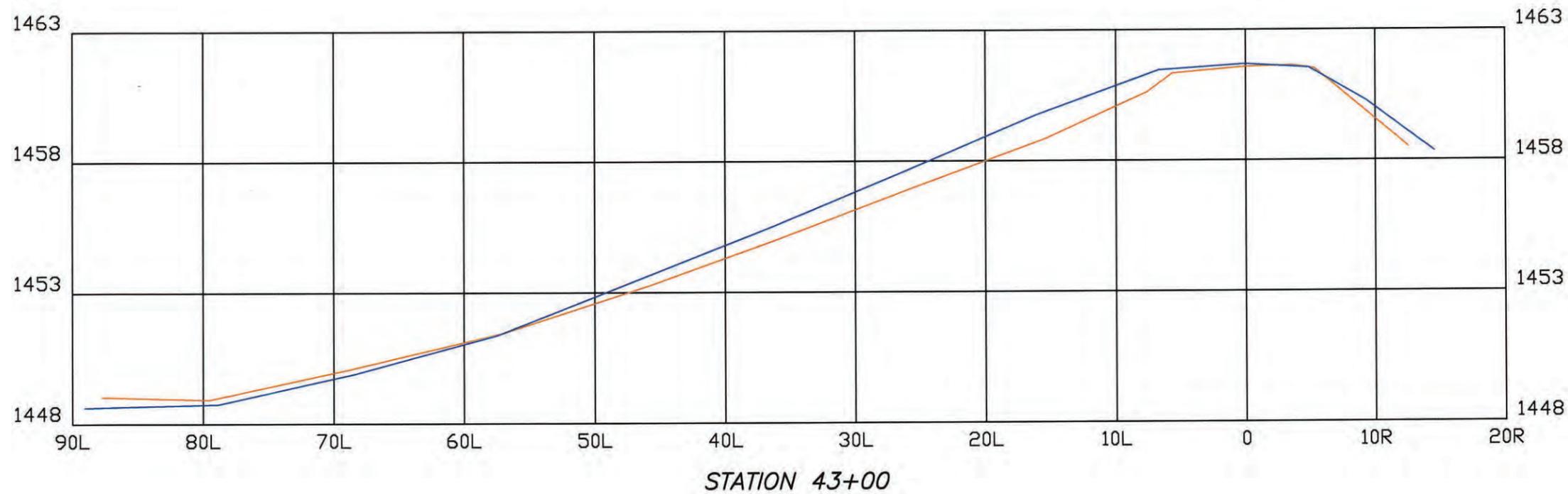
MGT	TAT/MGT	11-20-2019
DRAWN	SURVEYED	DATE



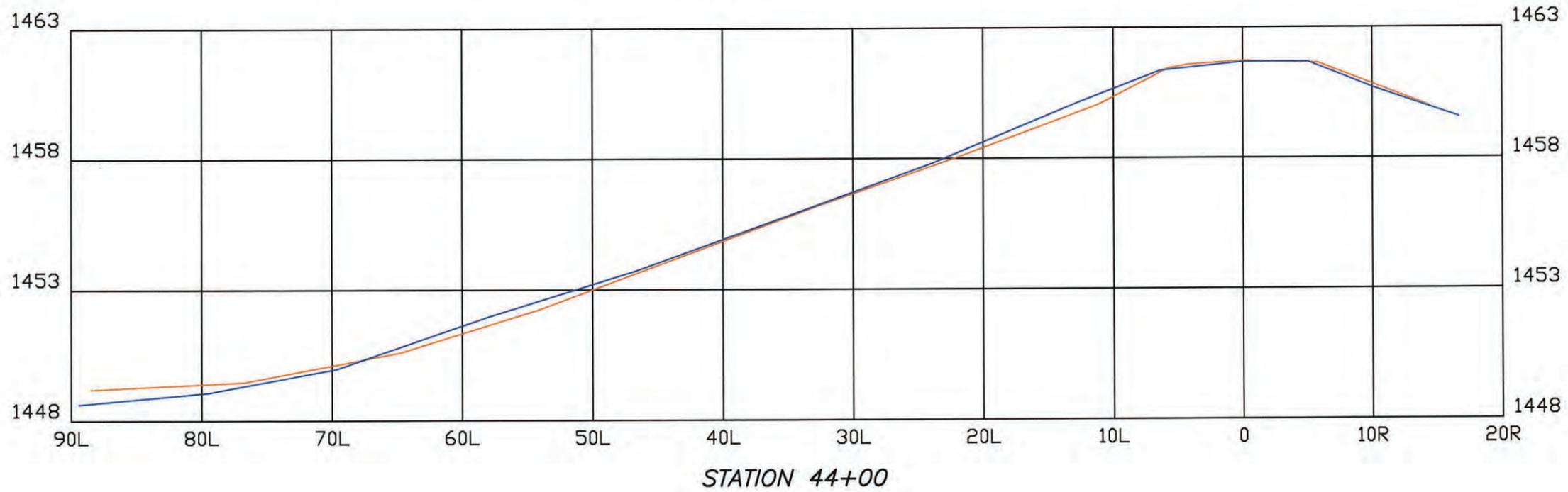
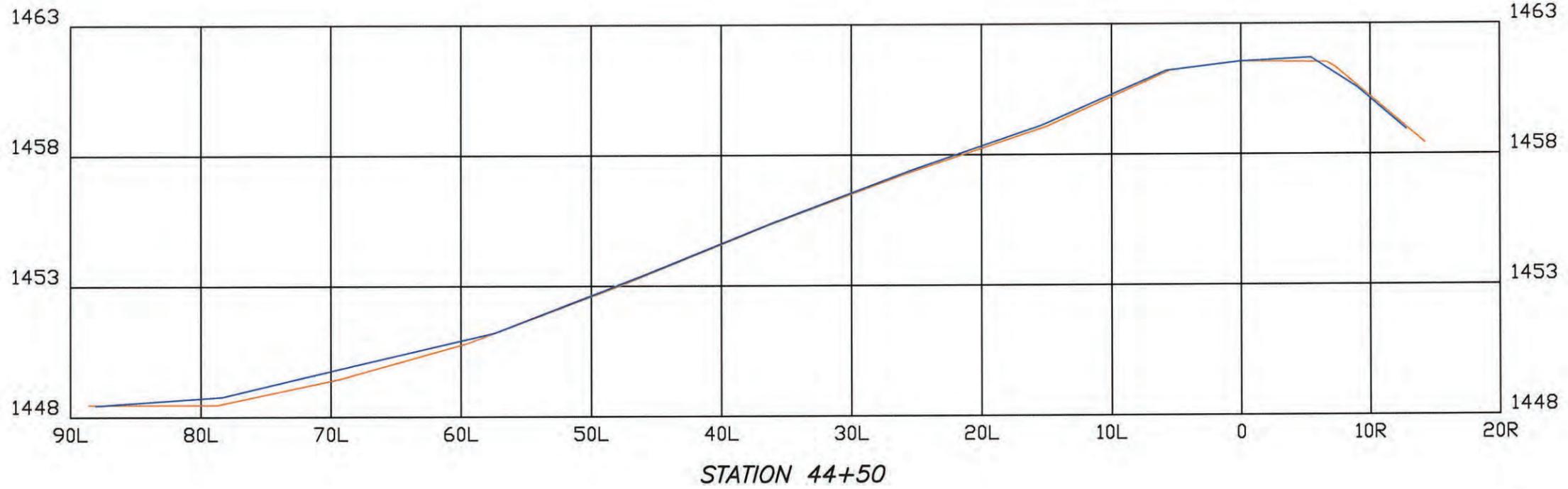
No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 2 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-20-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 2 X-SECTIONS BEFORE/AFTER**

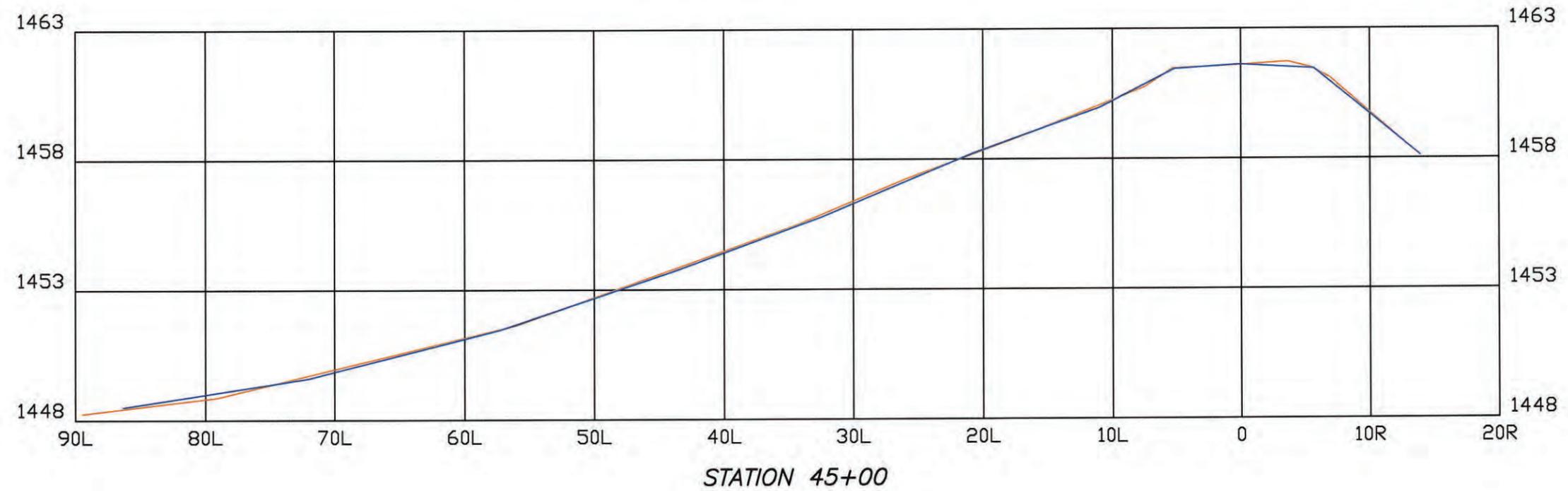
MGT	TAT/MGT	11-20-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction

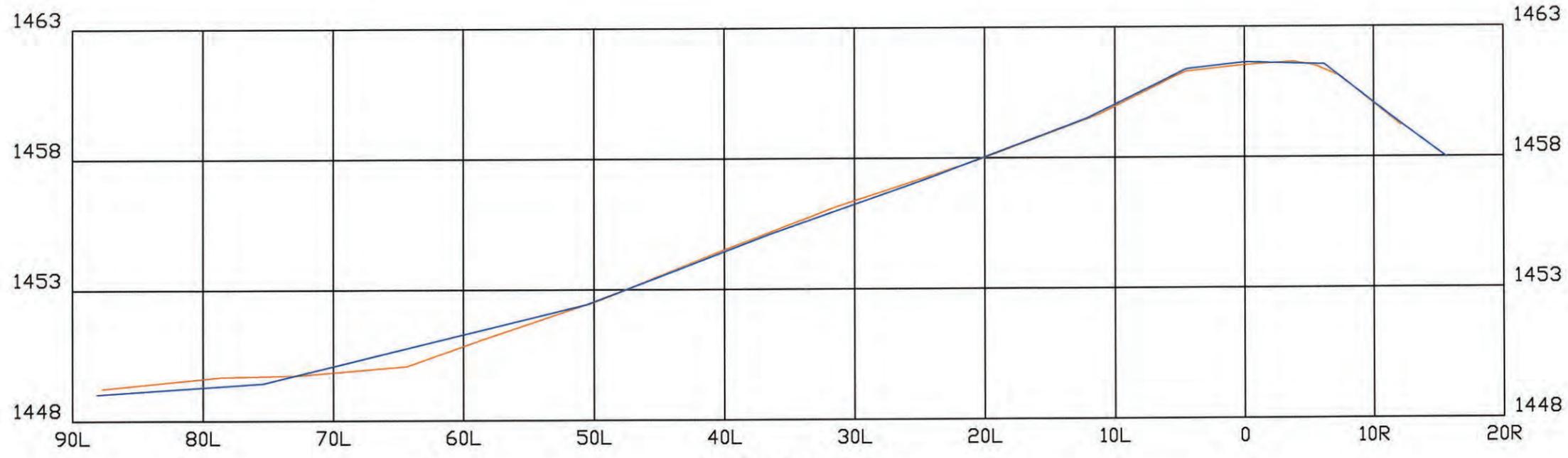


**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
AREA 2 X-SECTIONS BEFORE/AFTER**

MGT	TAT/MGT	11-20-2019
DRAWN	SURVEYED	DATE

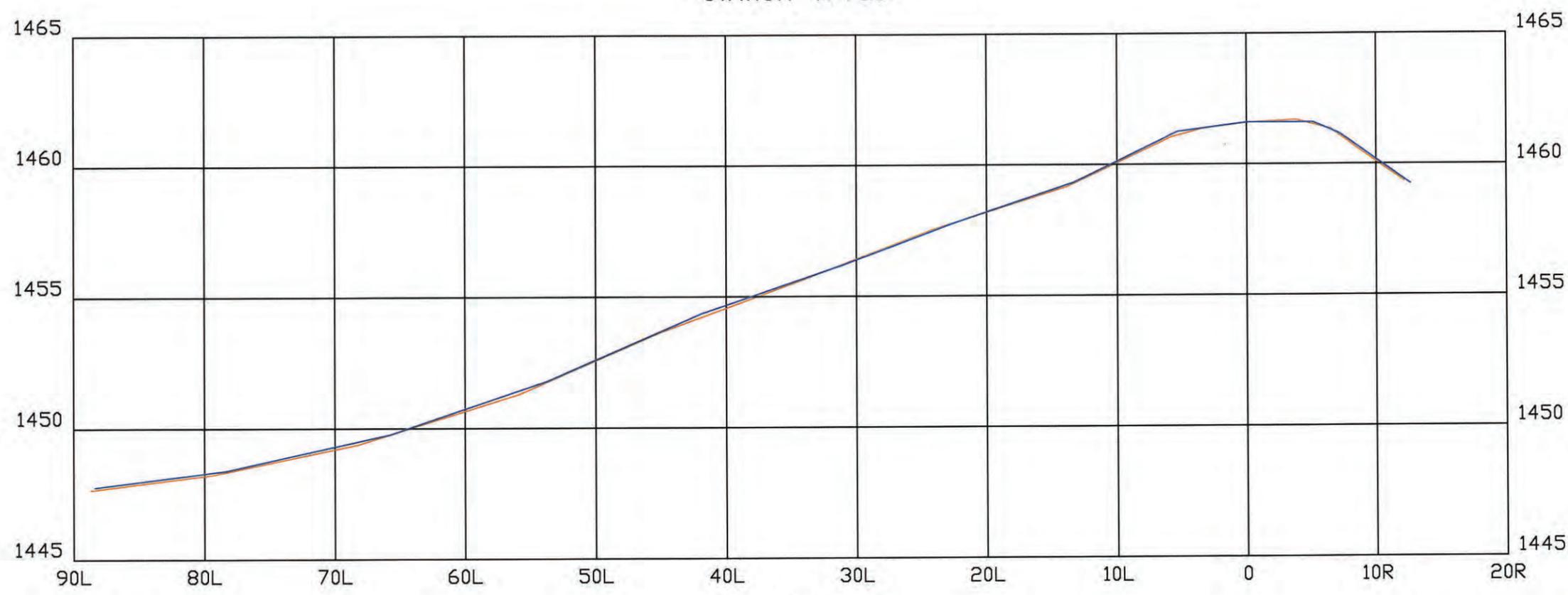


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Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

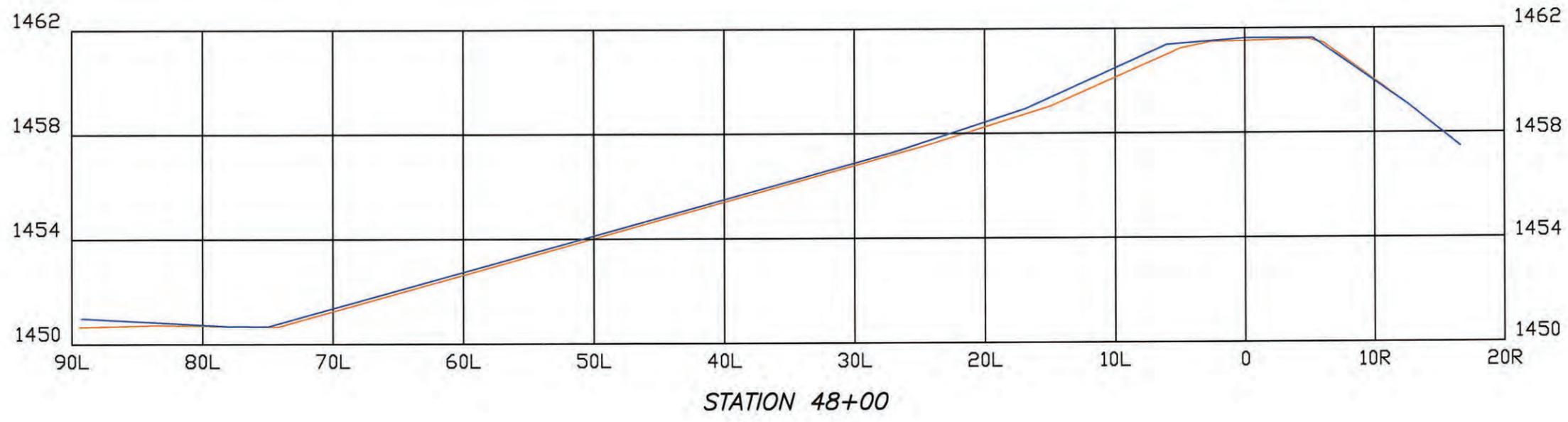
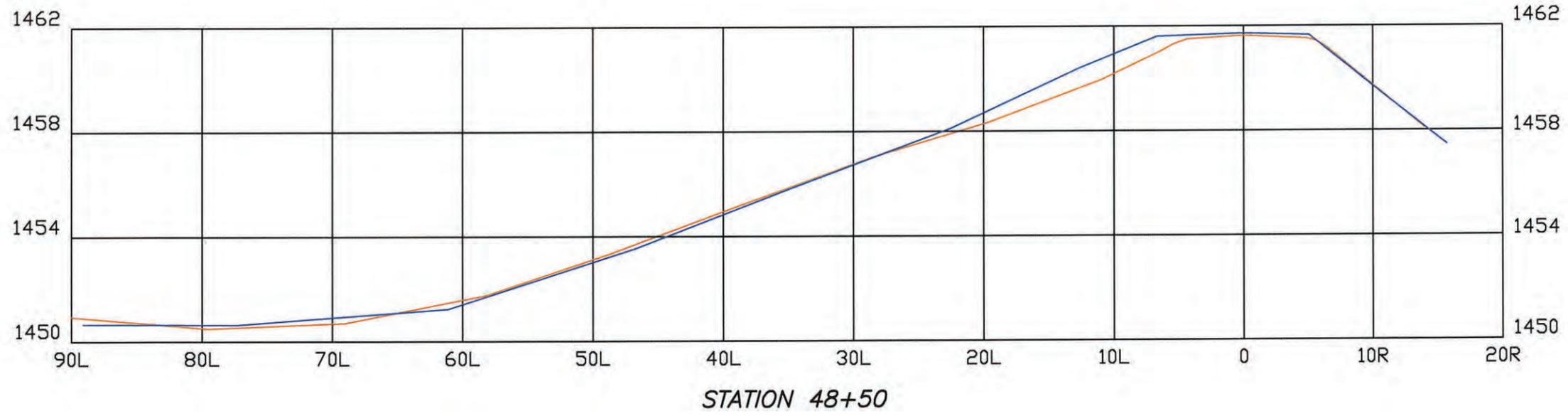
STATION 47+50



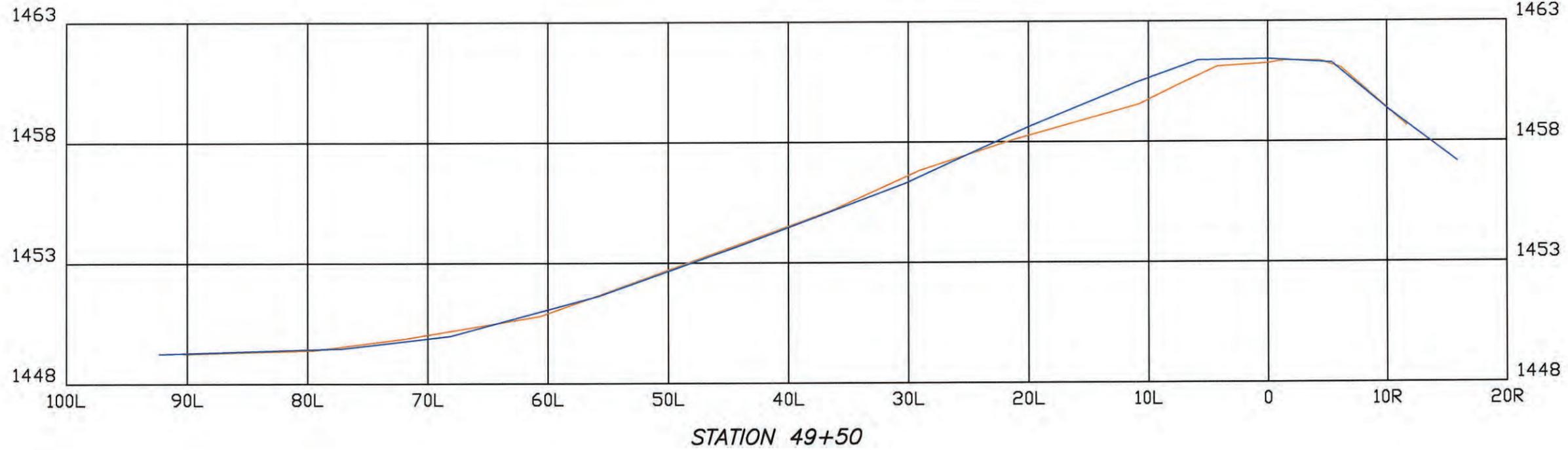
STATION 47+00

2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 2 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-20-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

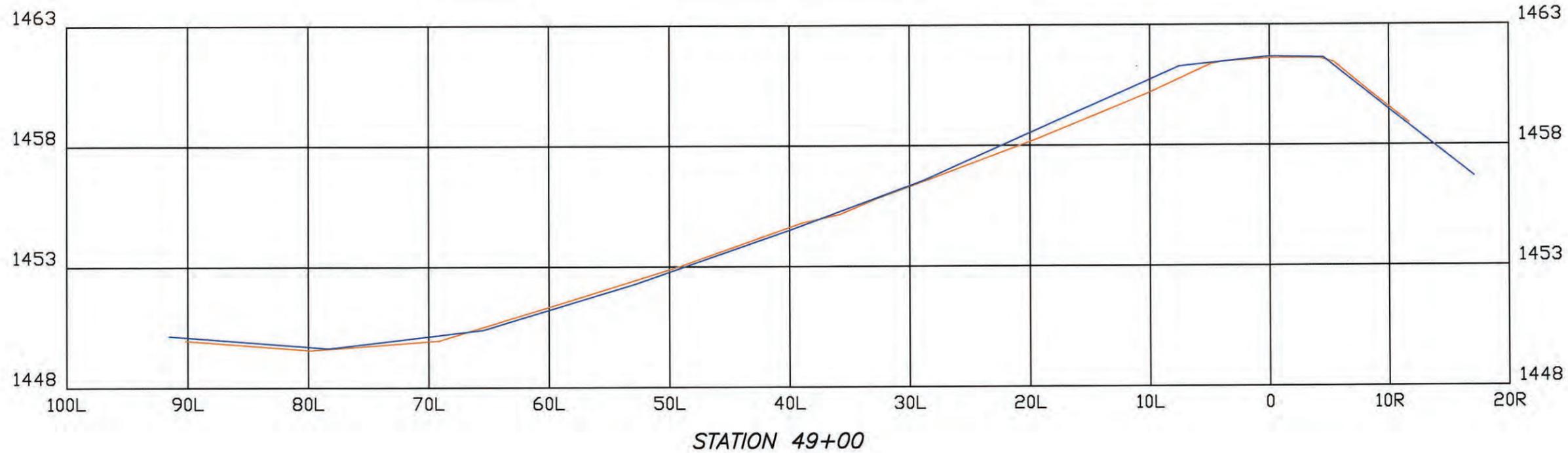
-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 2 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-20-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

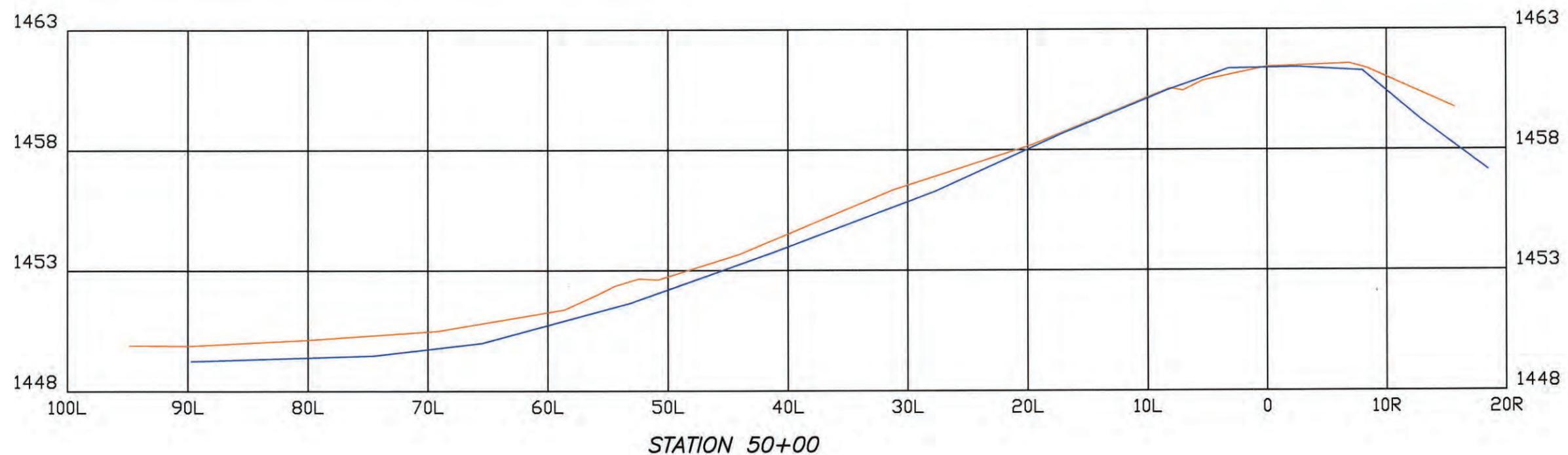


**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 2 X-SECTIONS BEFORE/AFTER**

MGT	TAT/MGT	11-20-2019
DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
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-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 2 X-SECTIONS BEFORE/AFTER**

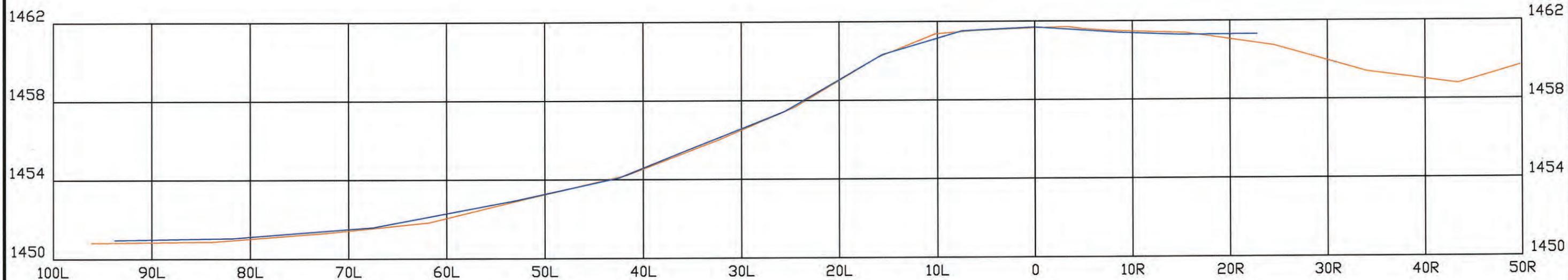
MGT	TAT/MGT	11-20-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

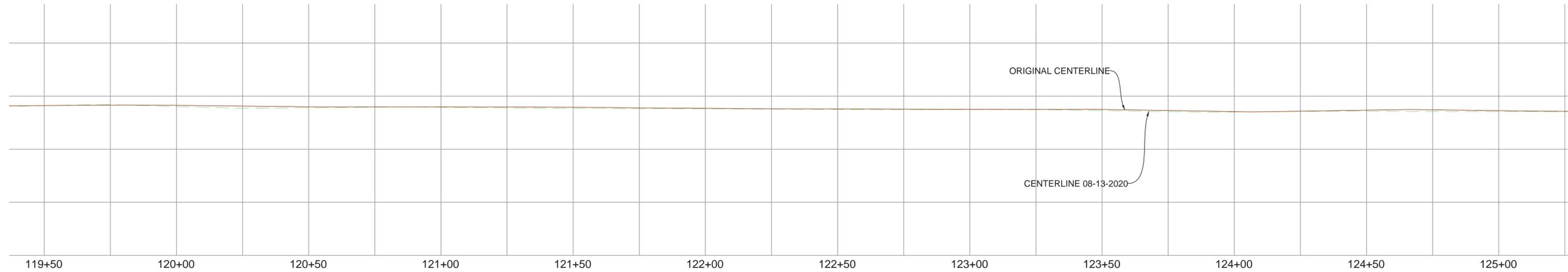
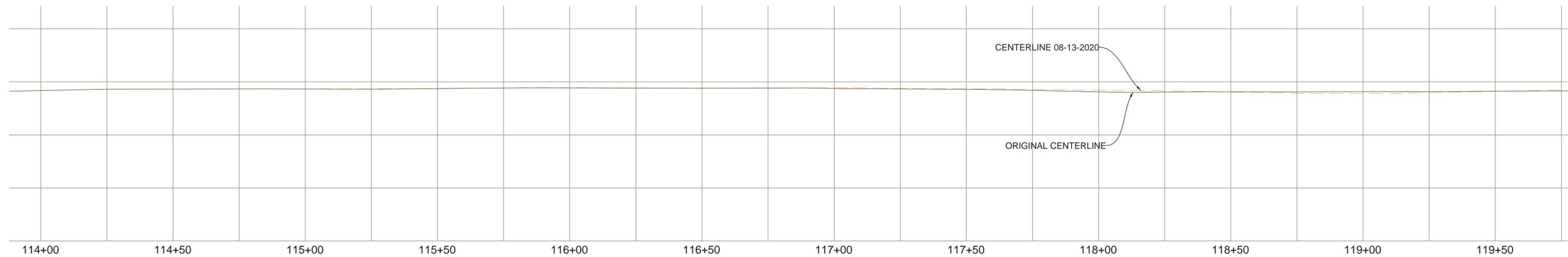
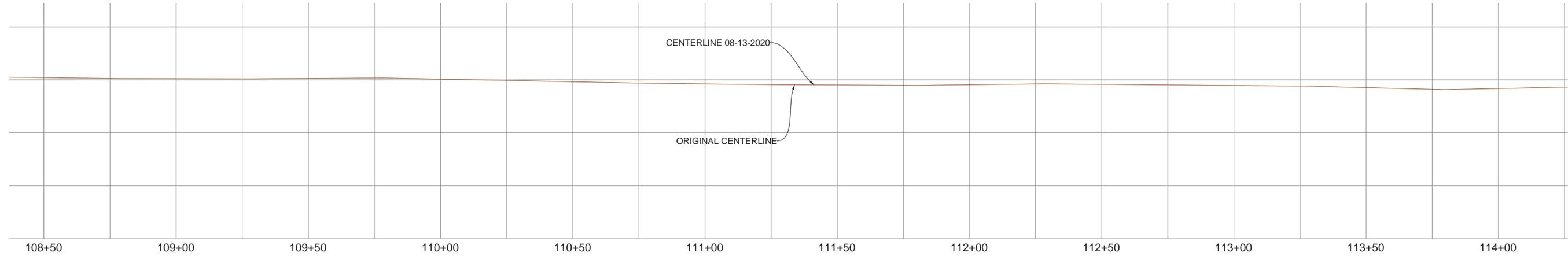
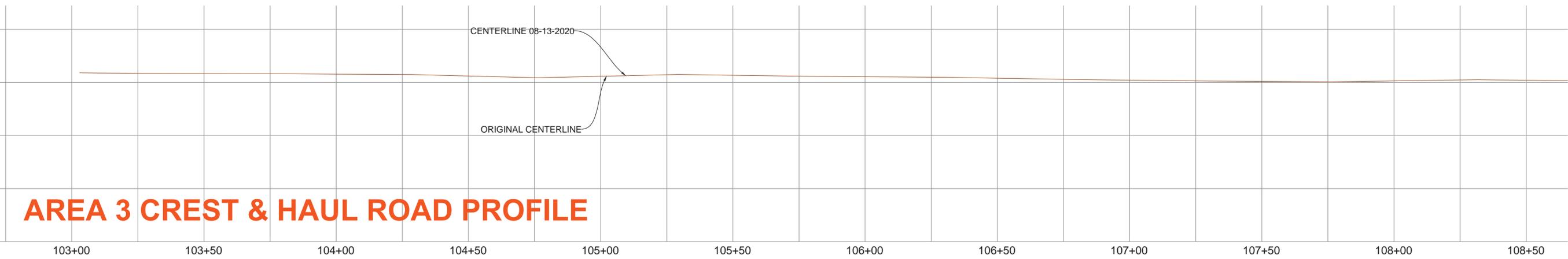
- X-Section Before Construction
- X-Section After Construction



STATION 50+50

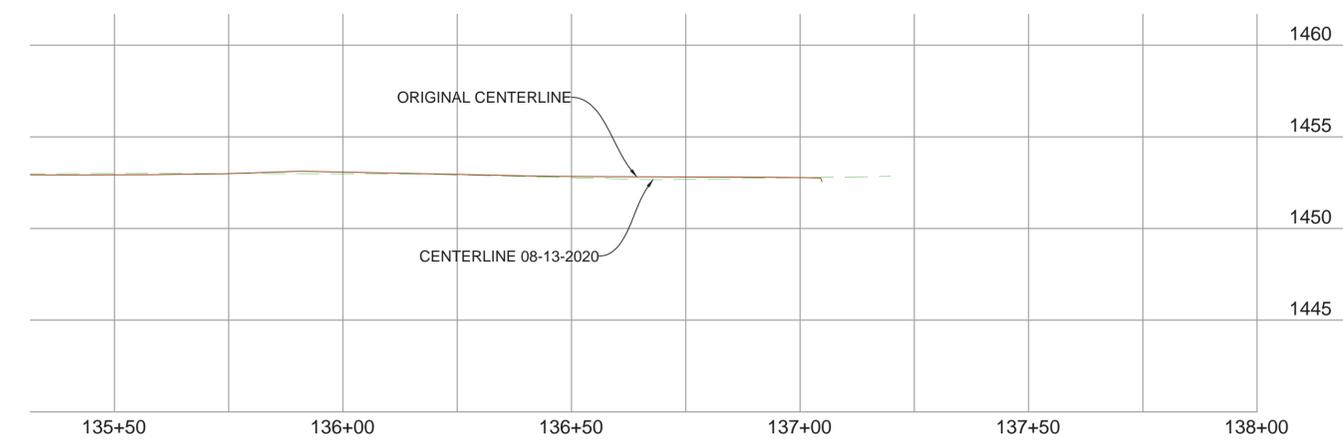
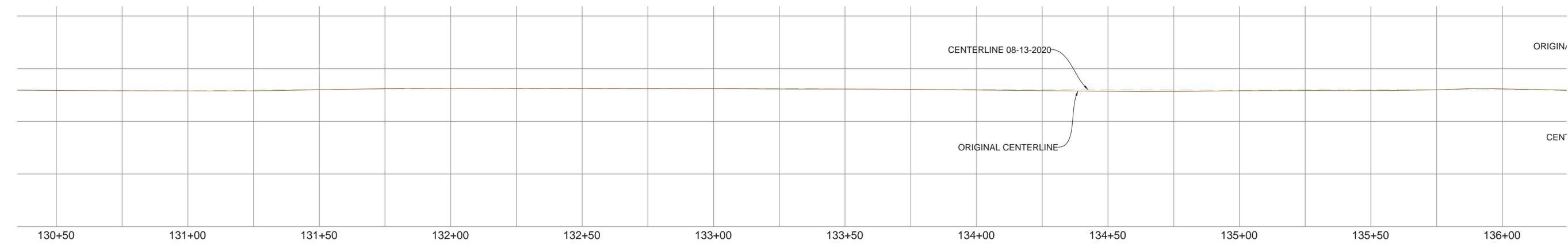
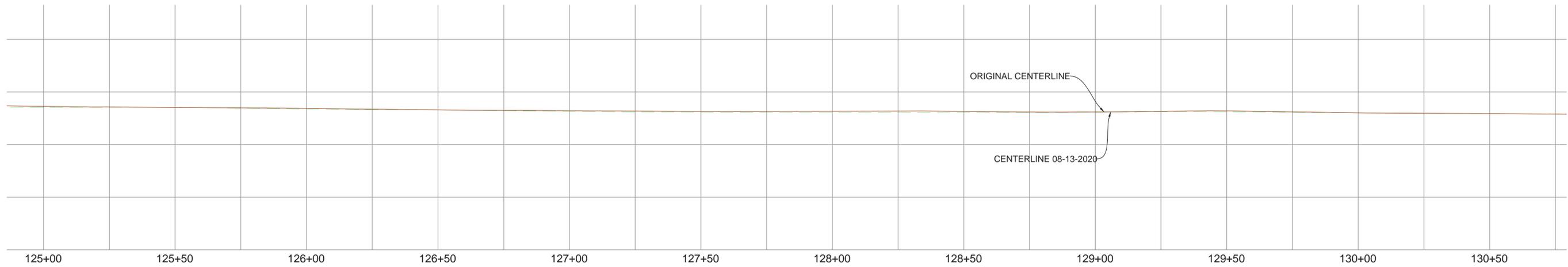
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 2 X-SECTIONS BEFORE/AFTER			
MGT	TAT/MGT	11-20-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

AREA 3 CREST & HAUL ROAD PROFILE



COLUMBUS LEVEL
CENTERLINE PROFILE COMPARISON

PROJECT NO.	----
DATE	8/26/2020
DRAWN BY	SLG
FILE NAME	200865_00_CL_Profile.dwg
FIELD BOOK	----
FIELD CREW	JDG
SURVEY FILE NO.	----
PLAN IN HAND	----
INITIALS	----
DATE	----
70 PERCENT REVIEW	----
INITIALS	----
DATE	----
95 PERCENT REVIEW	----
INITIALS	----
DATE	----
REVISIONS	----



SURVEYOR'S NOTE:
WE HAVE CONFIRMED THAT THERE ARE NO AREAS WITH GREATER THAN 0.2' DIFFERENCE.

J. D. Borchers
JOSHUA D. BORCHERS, LS 766

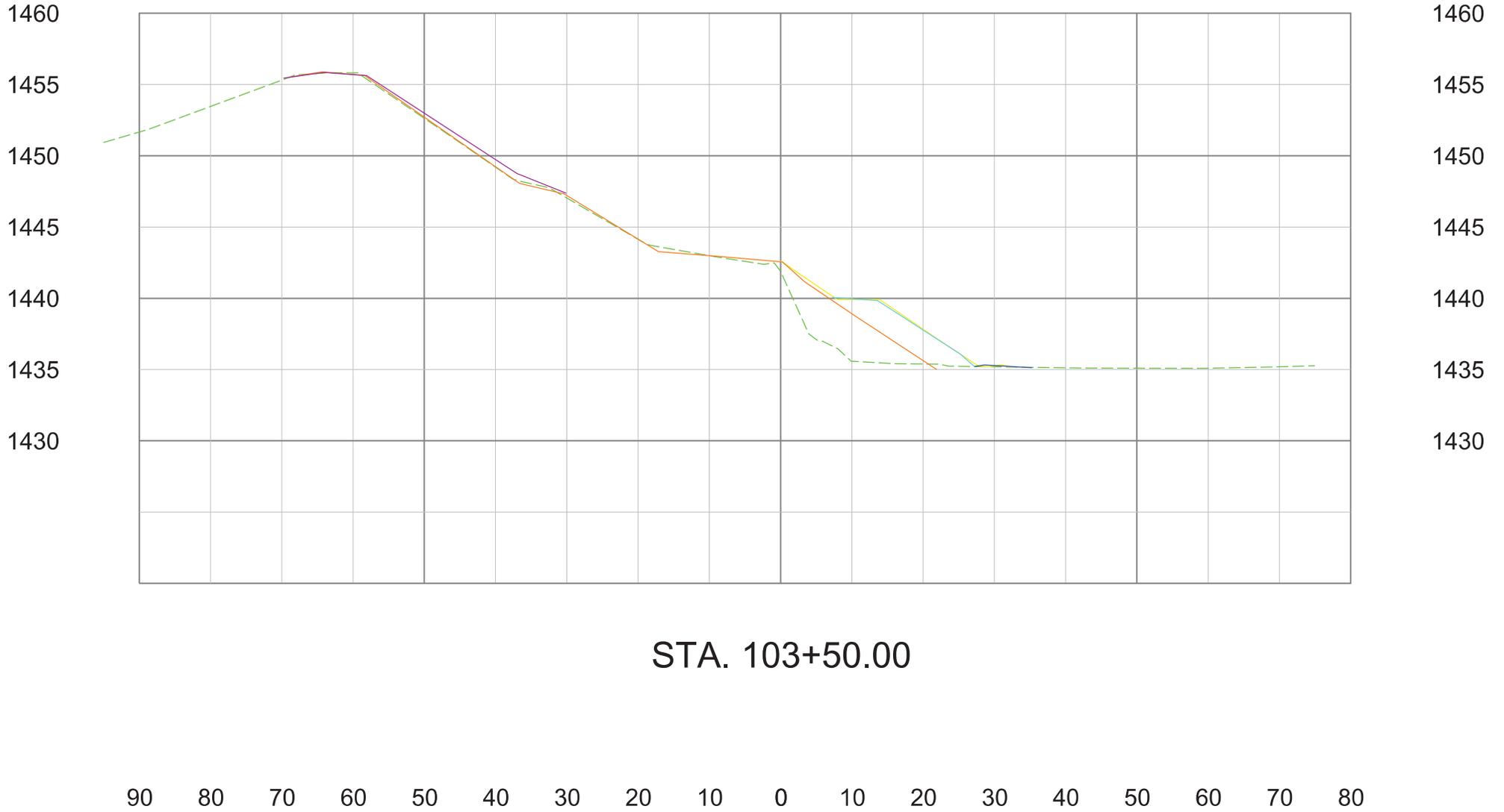


COLUMBUS LEVEL CENTERLINE PROFILE COMPARISON

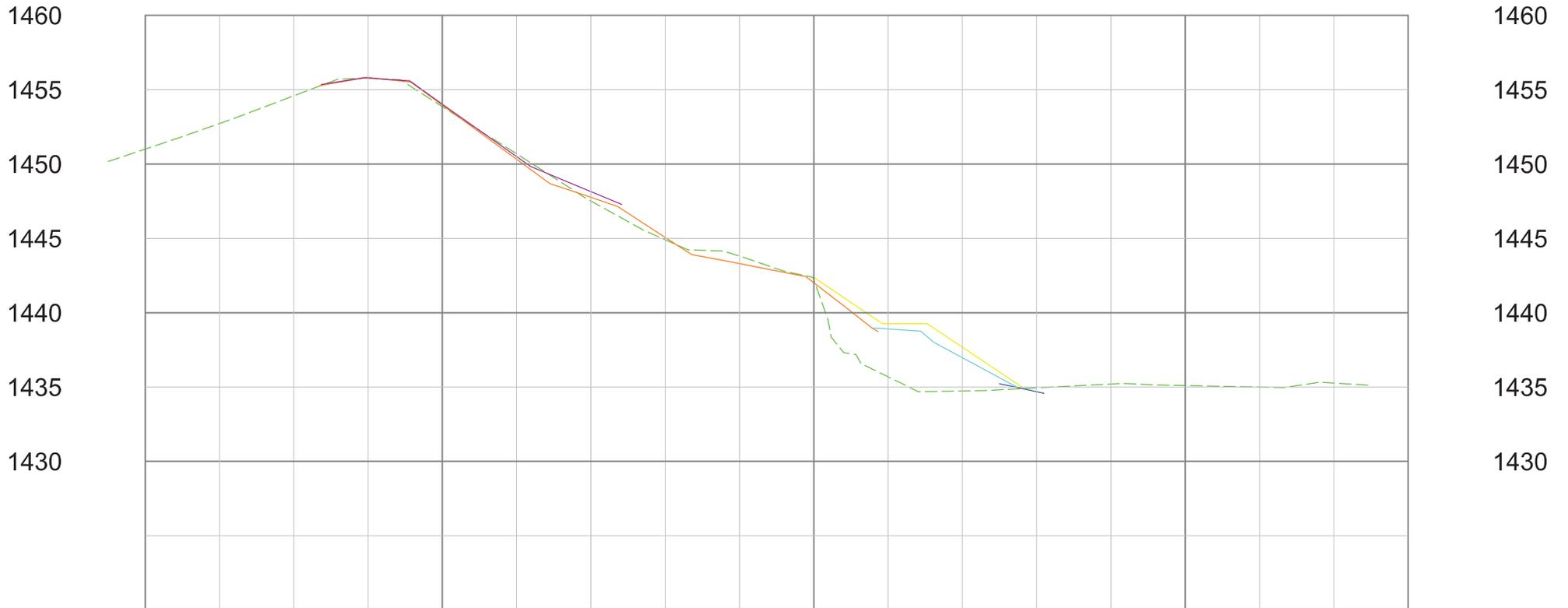
PROJECT NO.	----
DATE	8/26/2020
DRAWN BY	SLG
FILE NAME	200865_00_CL_Profile.dwg
FIELD BOOK	----
FIELD CREW	JDG
SURVEY FILE NO.	----
PLAN IN HAND	----
INITIALS	----
DATE	----
70 PERCENT REVIEW	----
INITIALS	----
DATE	----
95 PERCENT REVIEW	----
INITIALS	----
DATE	----
REVISIONS	----

AREA 3 AS-BUILT CROSS-SECTIONS

COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



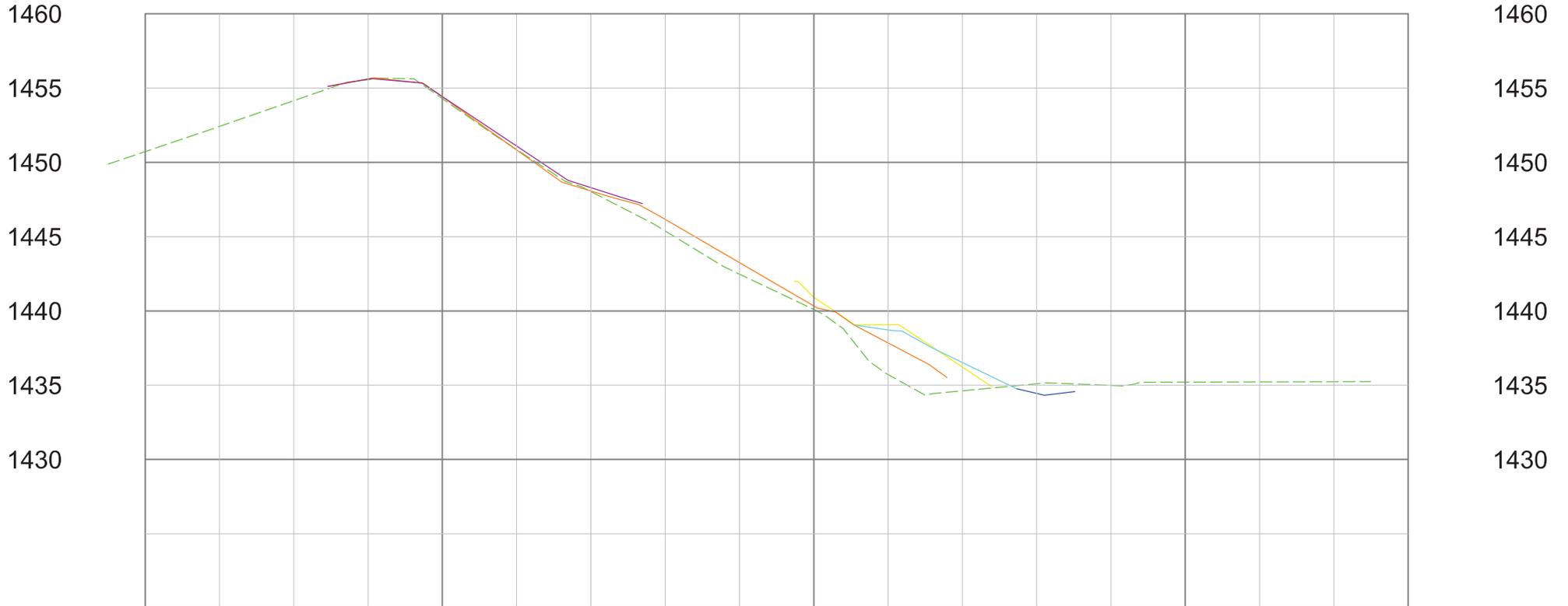
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 104+00.00

90 80 70 60 50 40 30 20 10 0 10 20 30 40 50 60 70 80

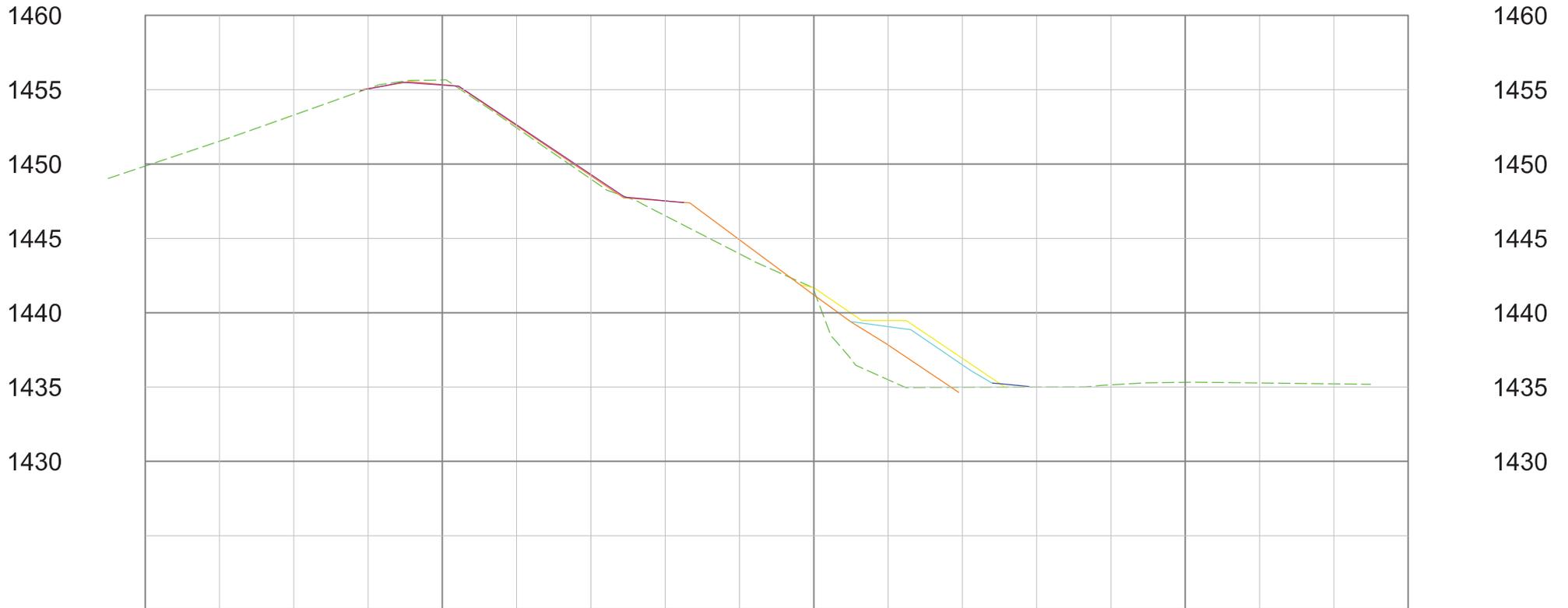
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 104+50.00

90 80 70 60 50 40 30 20 10 0 10 20 30 40 50 60 70 80

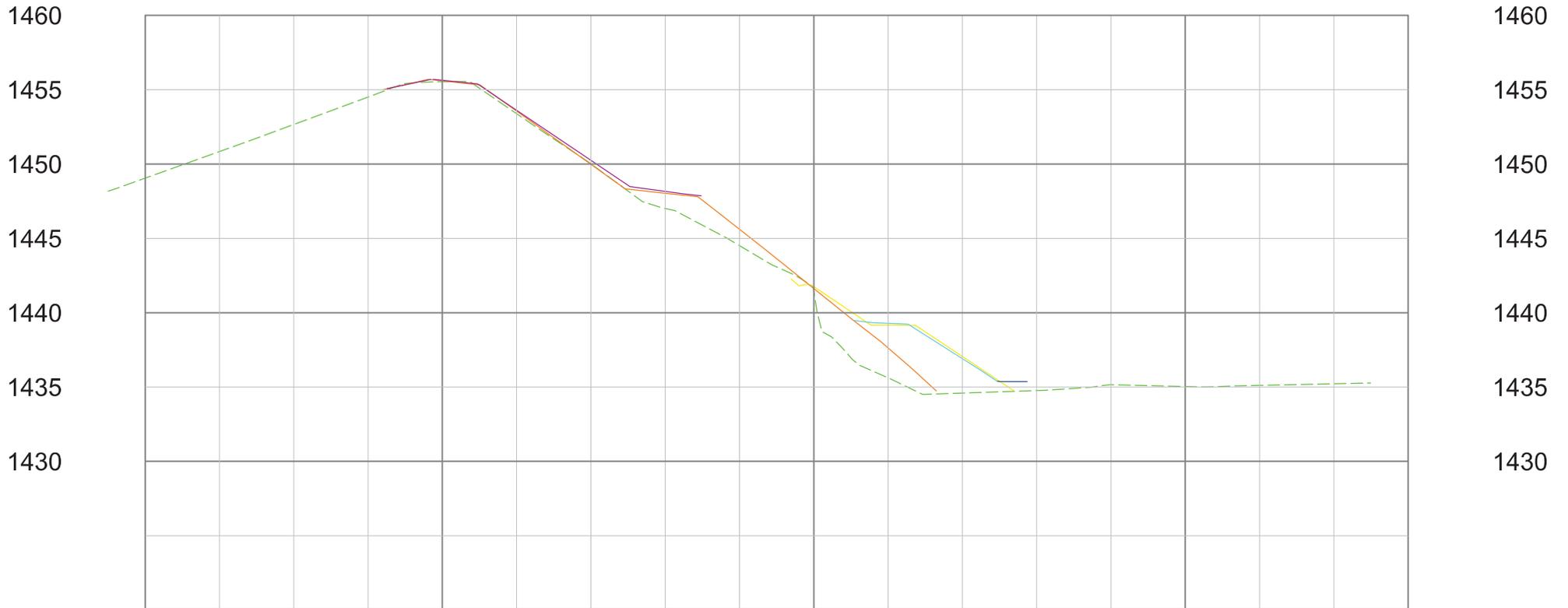
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 105+00.00

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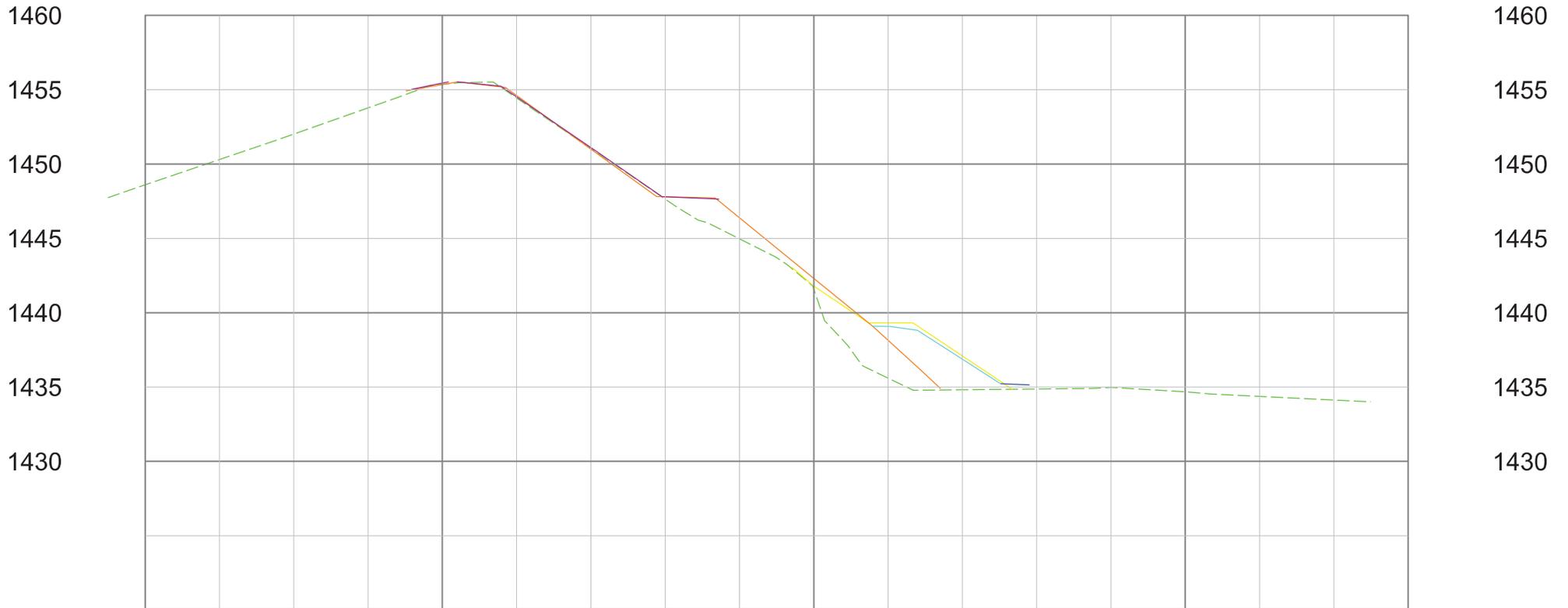
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 105+50.00

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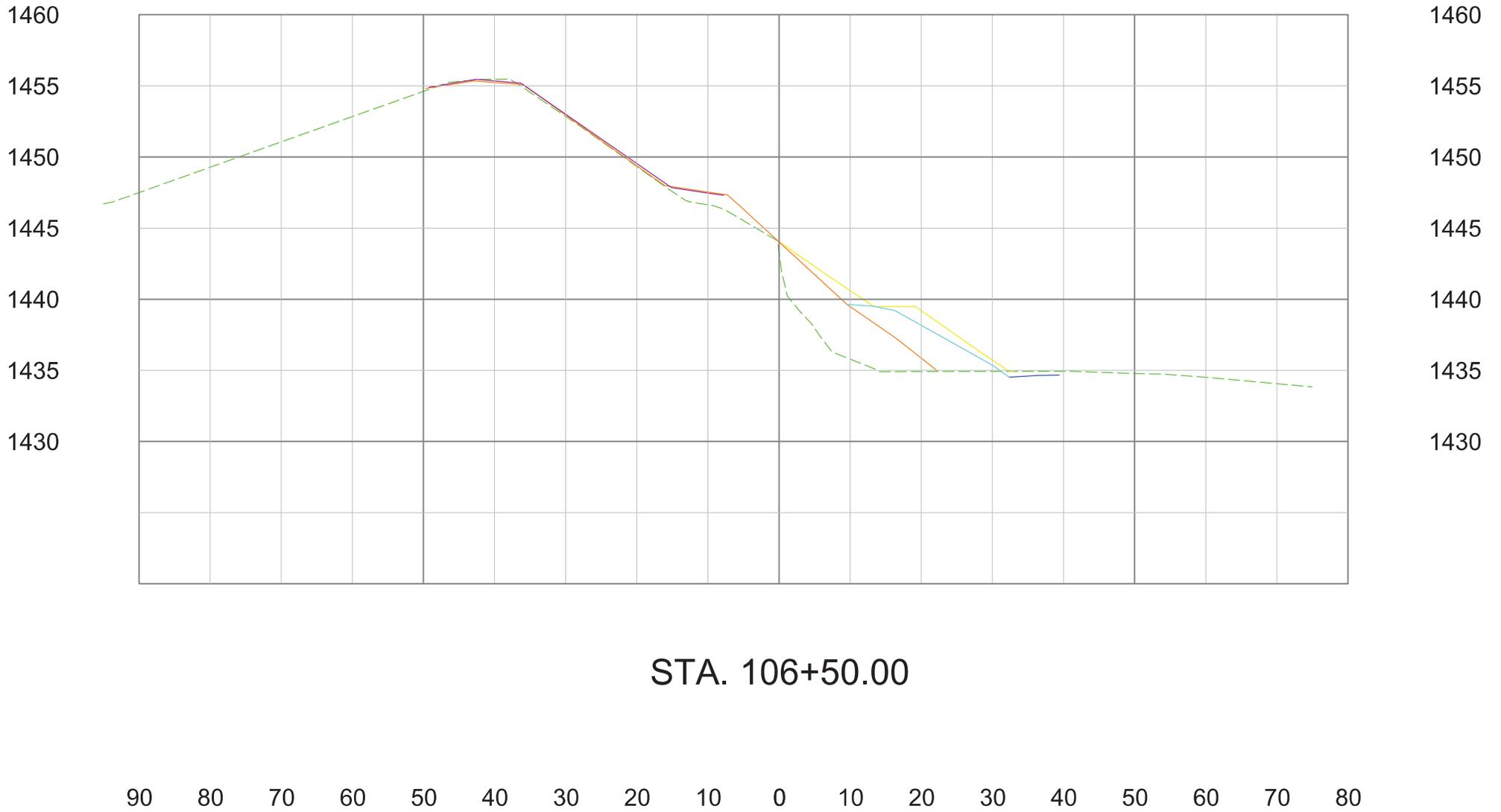
COLOR LEGEND
 Green Dashed - Original EG
 Yellow Solid - Design
 Brown Solid - EG as of 06-03-2020
 Purple Solid - EG as of 06-17-2020
 Cyan Solid - Asbuilt
 Blue Solid - River Bottom



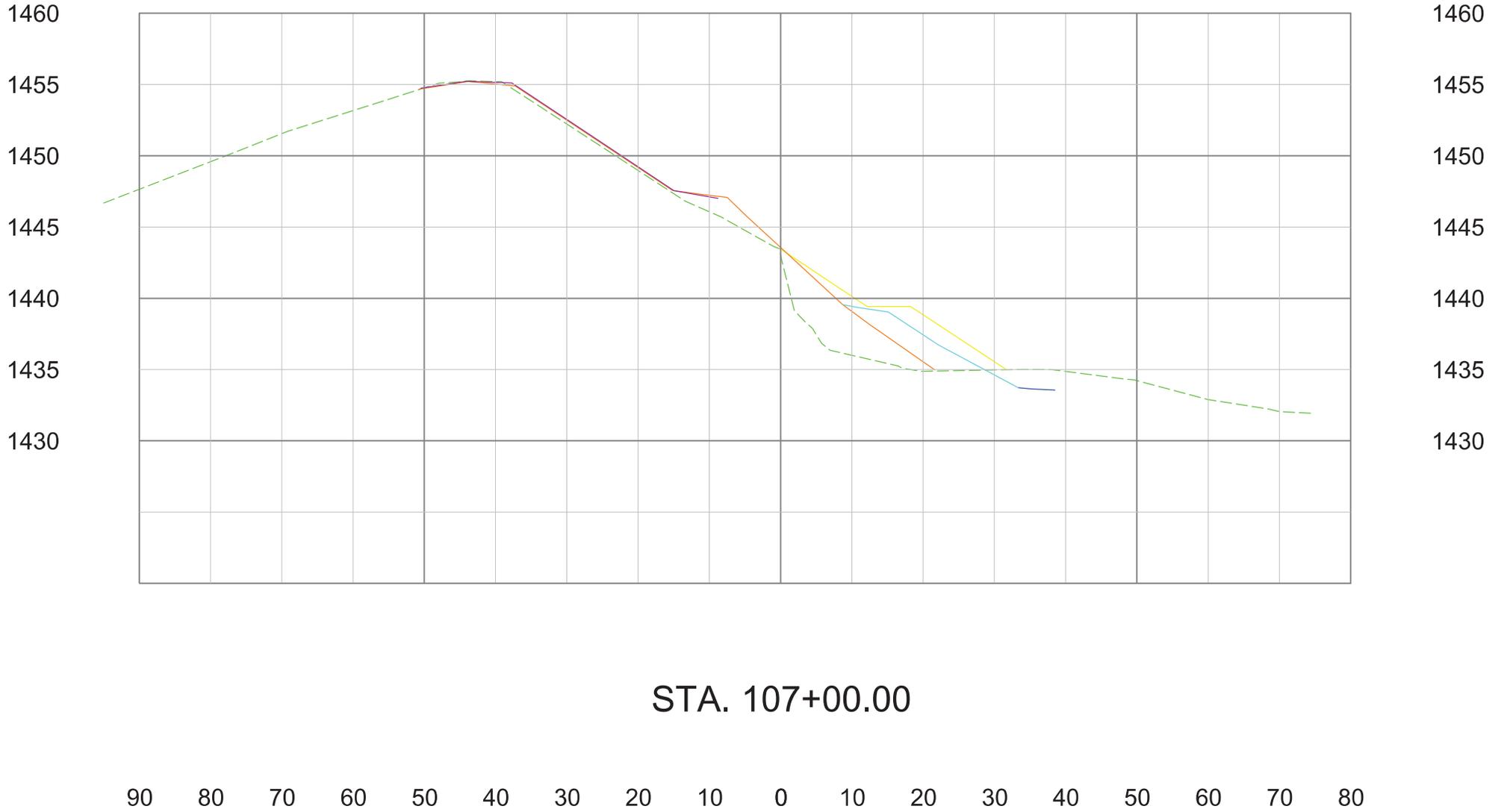
STA. 106+00.00

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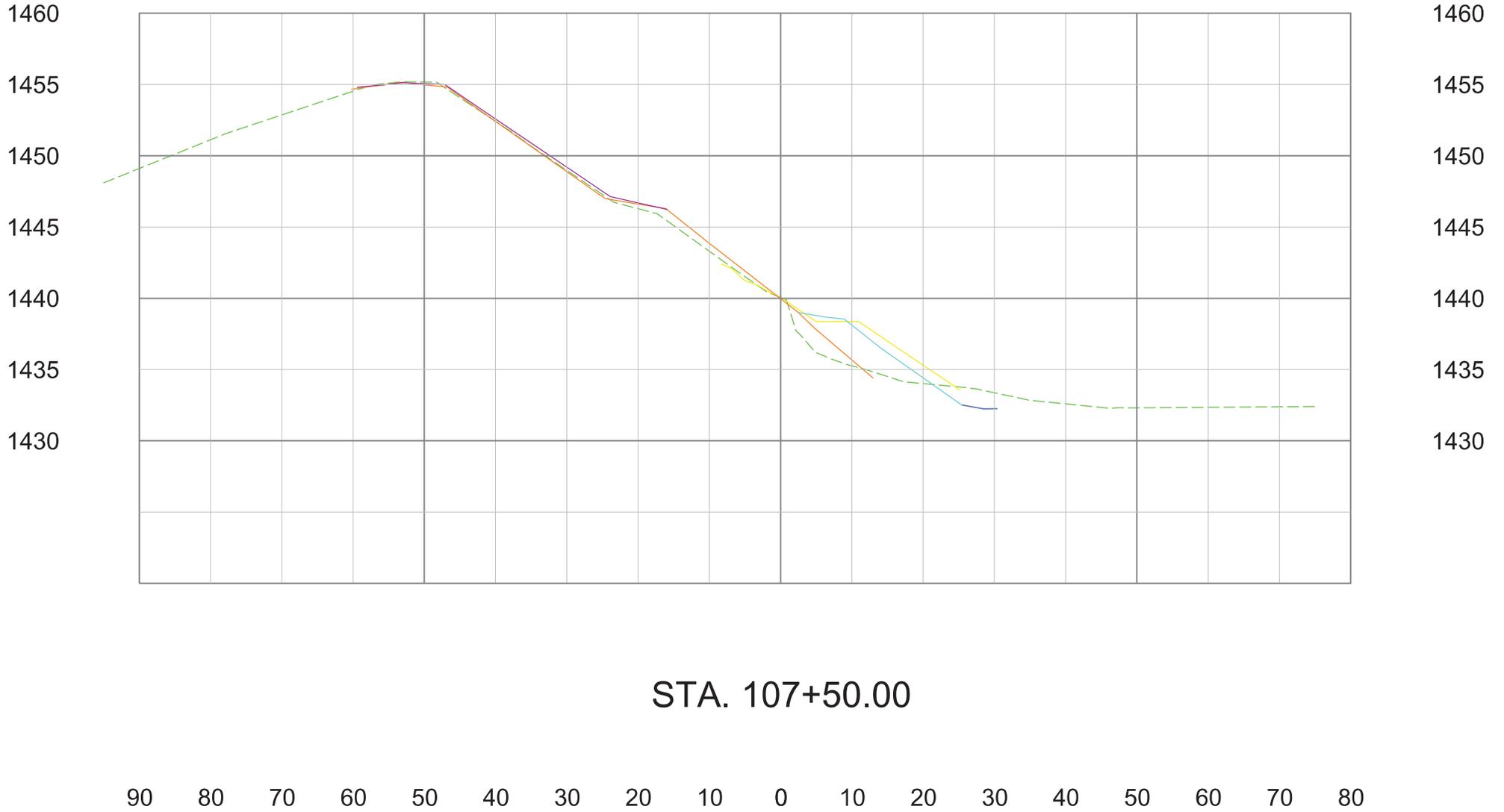
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



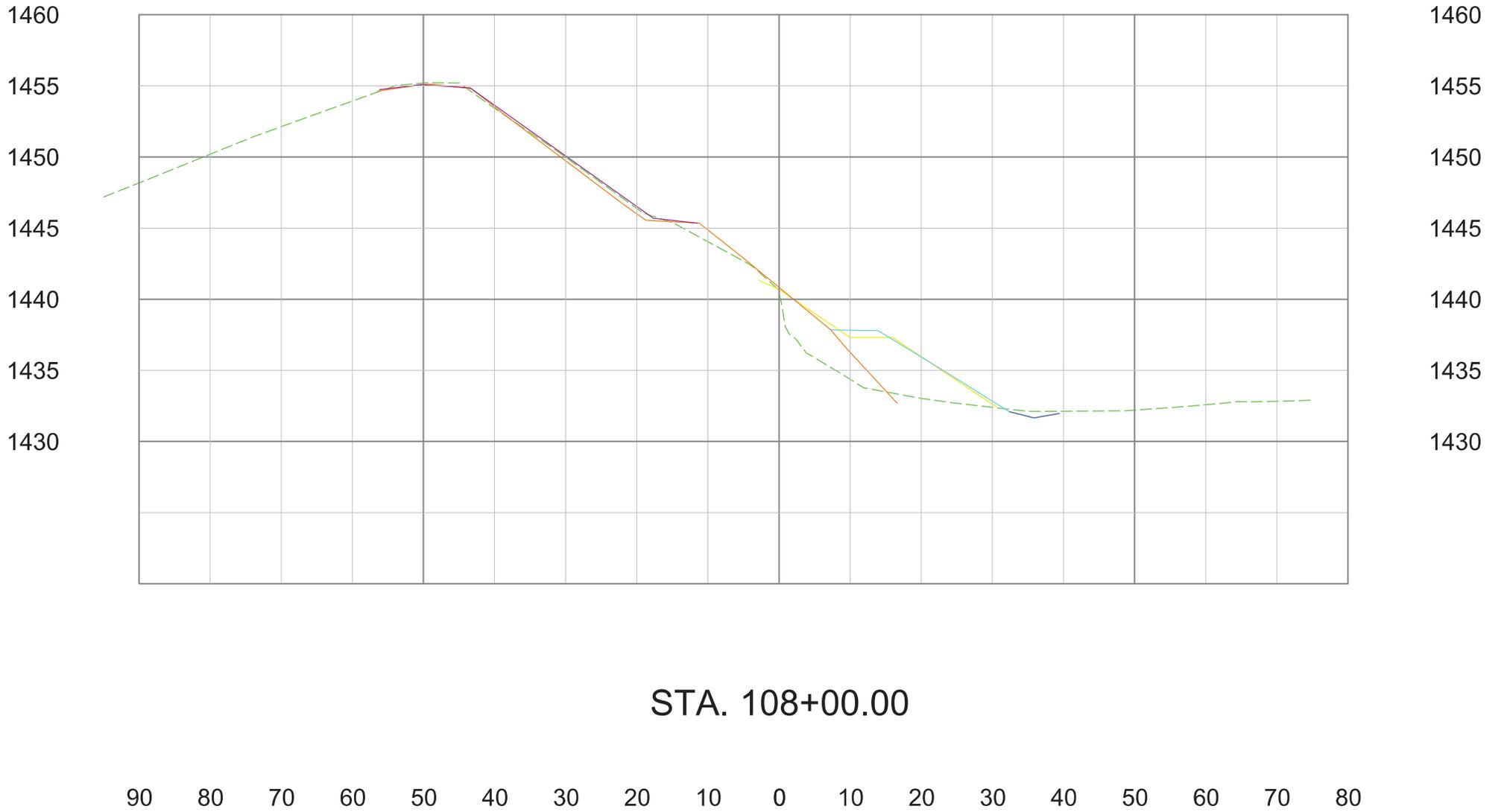
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



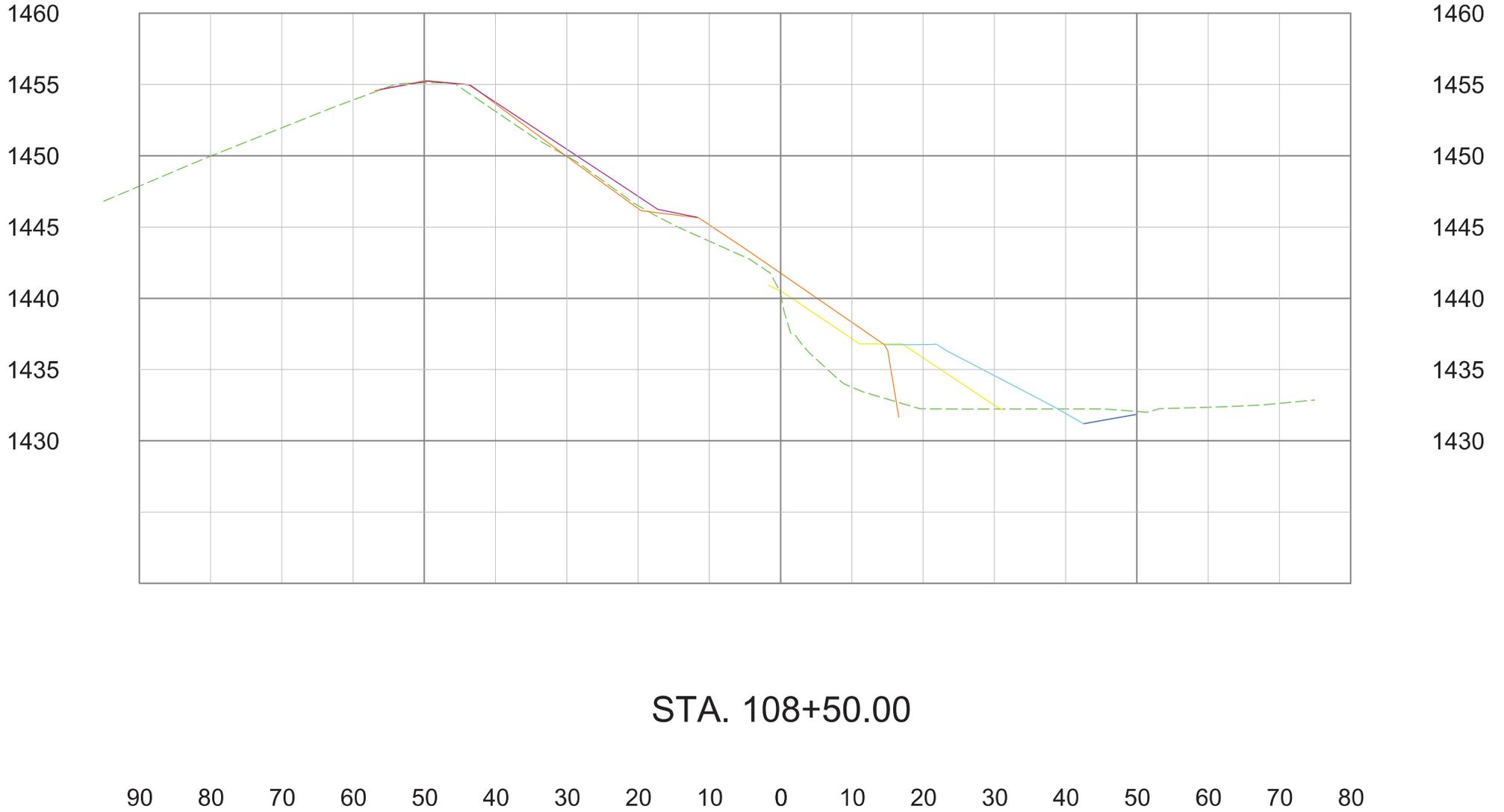
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



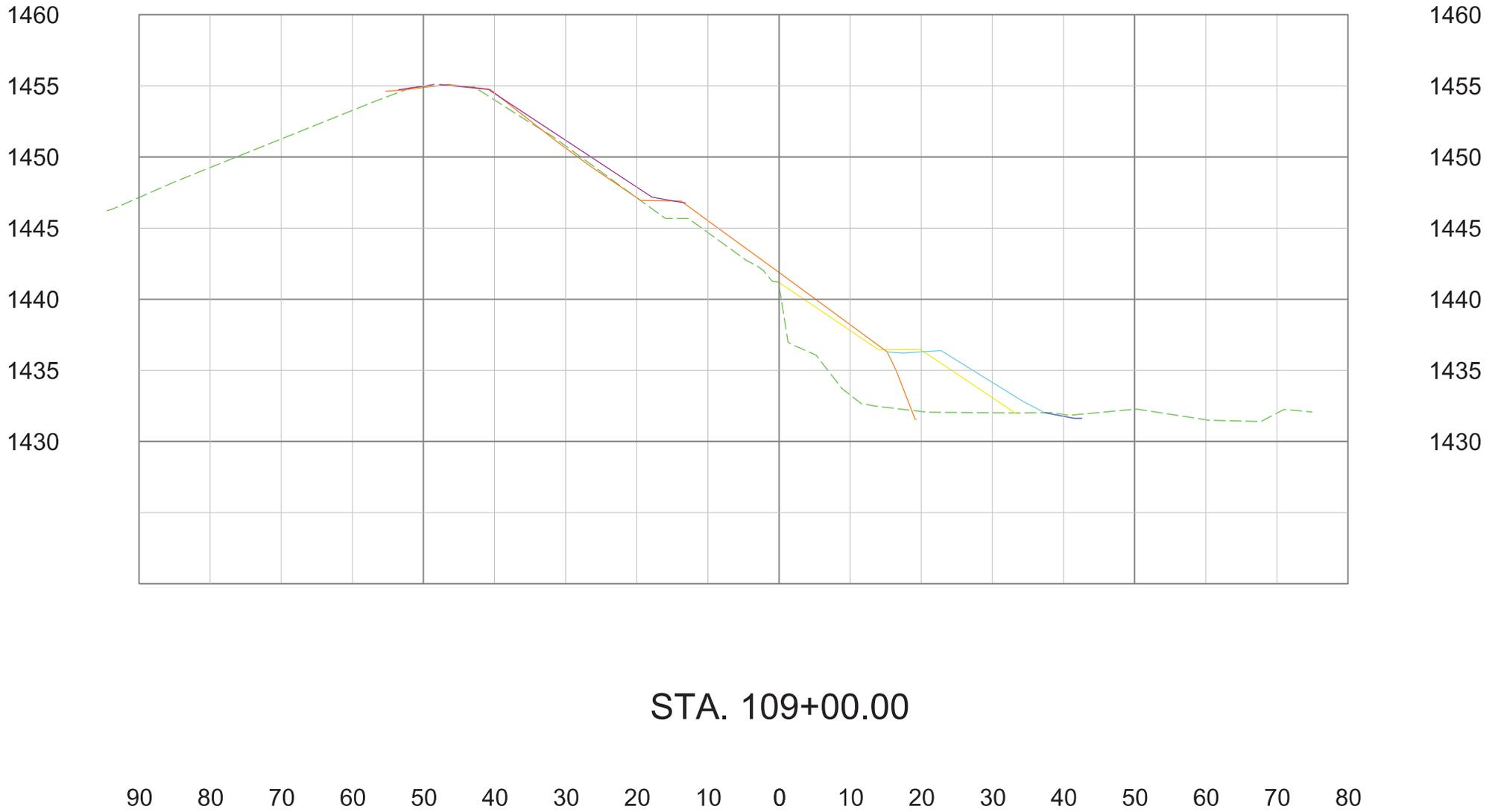
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



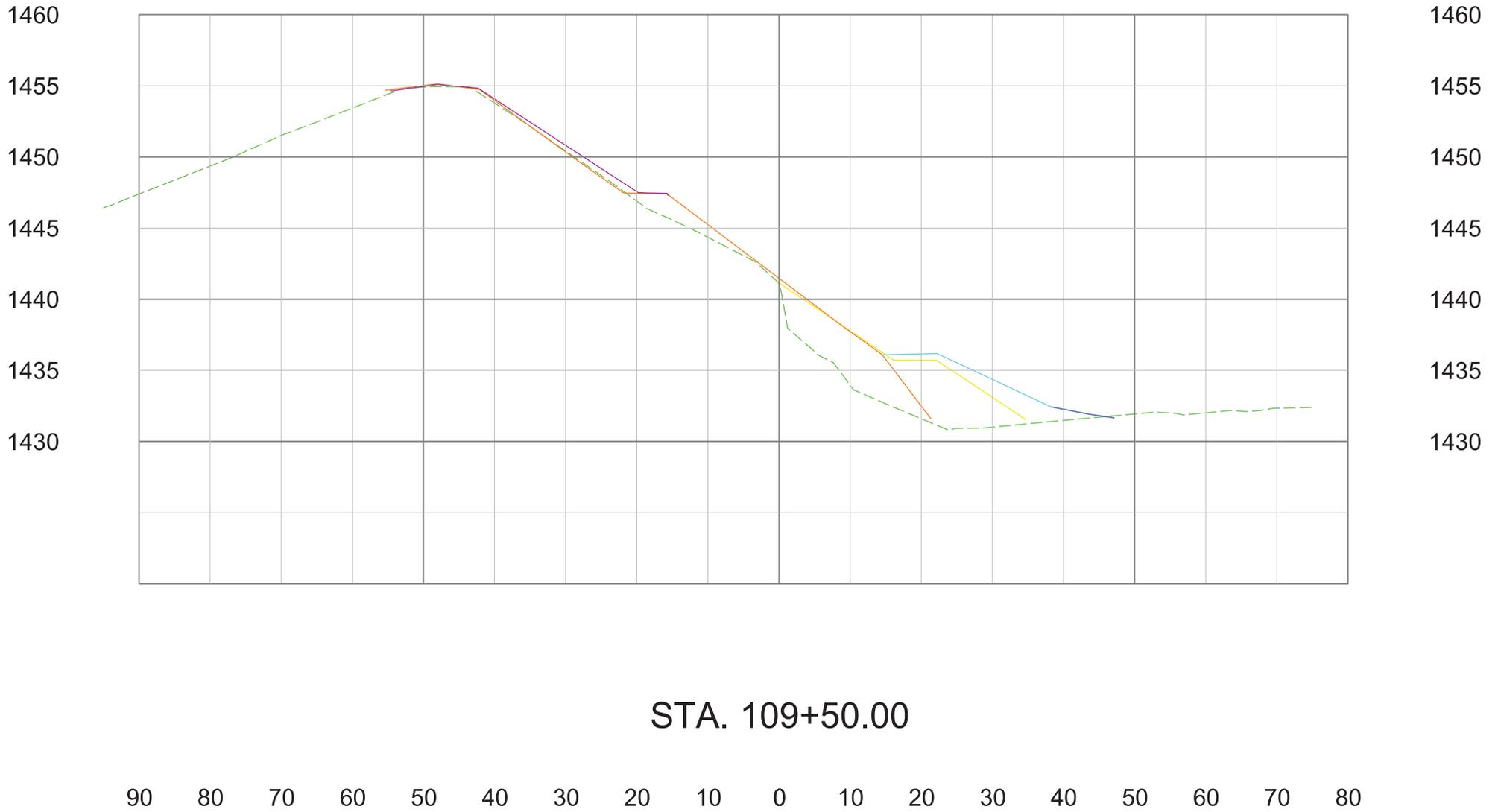
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



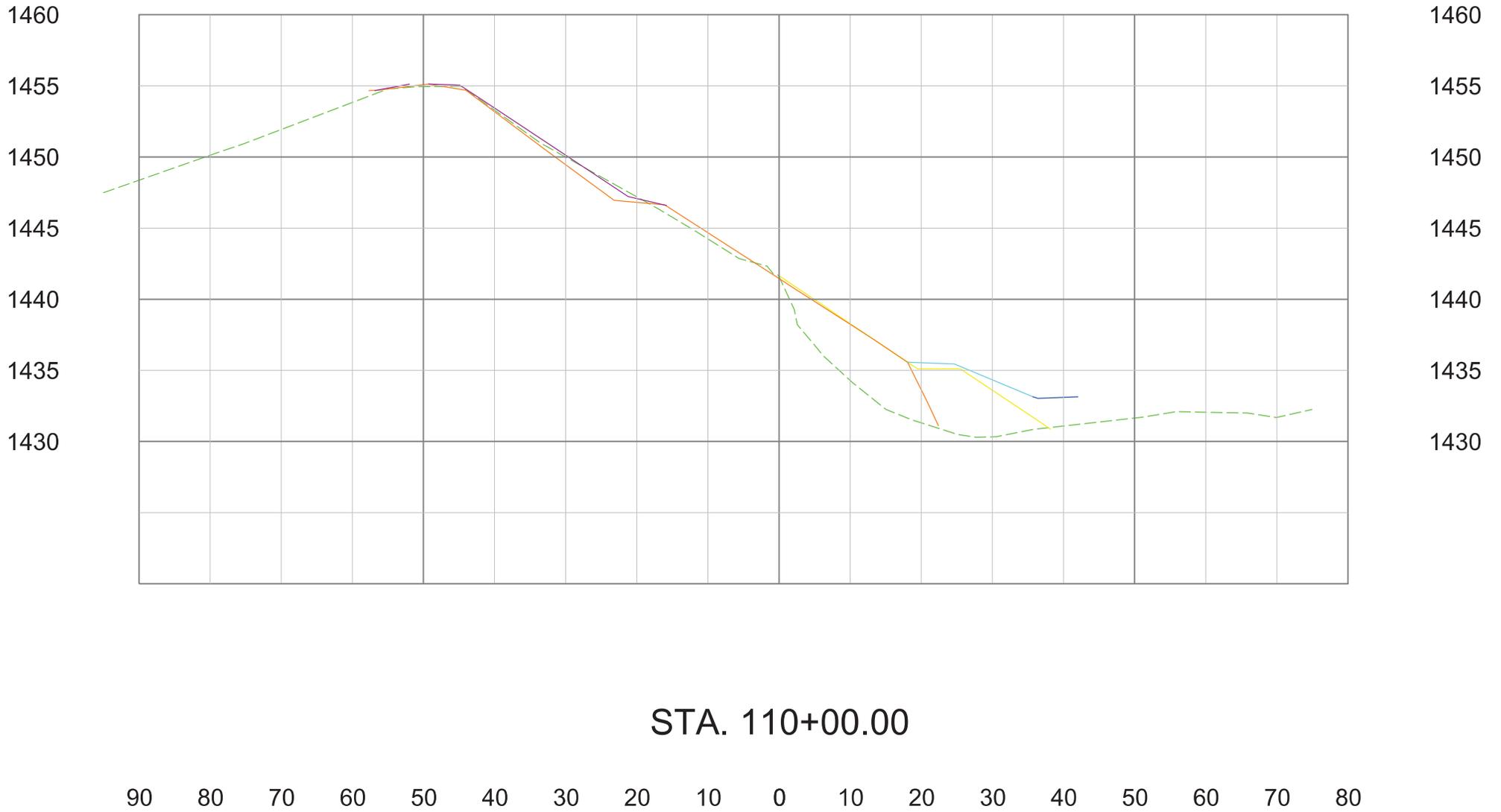
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



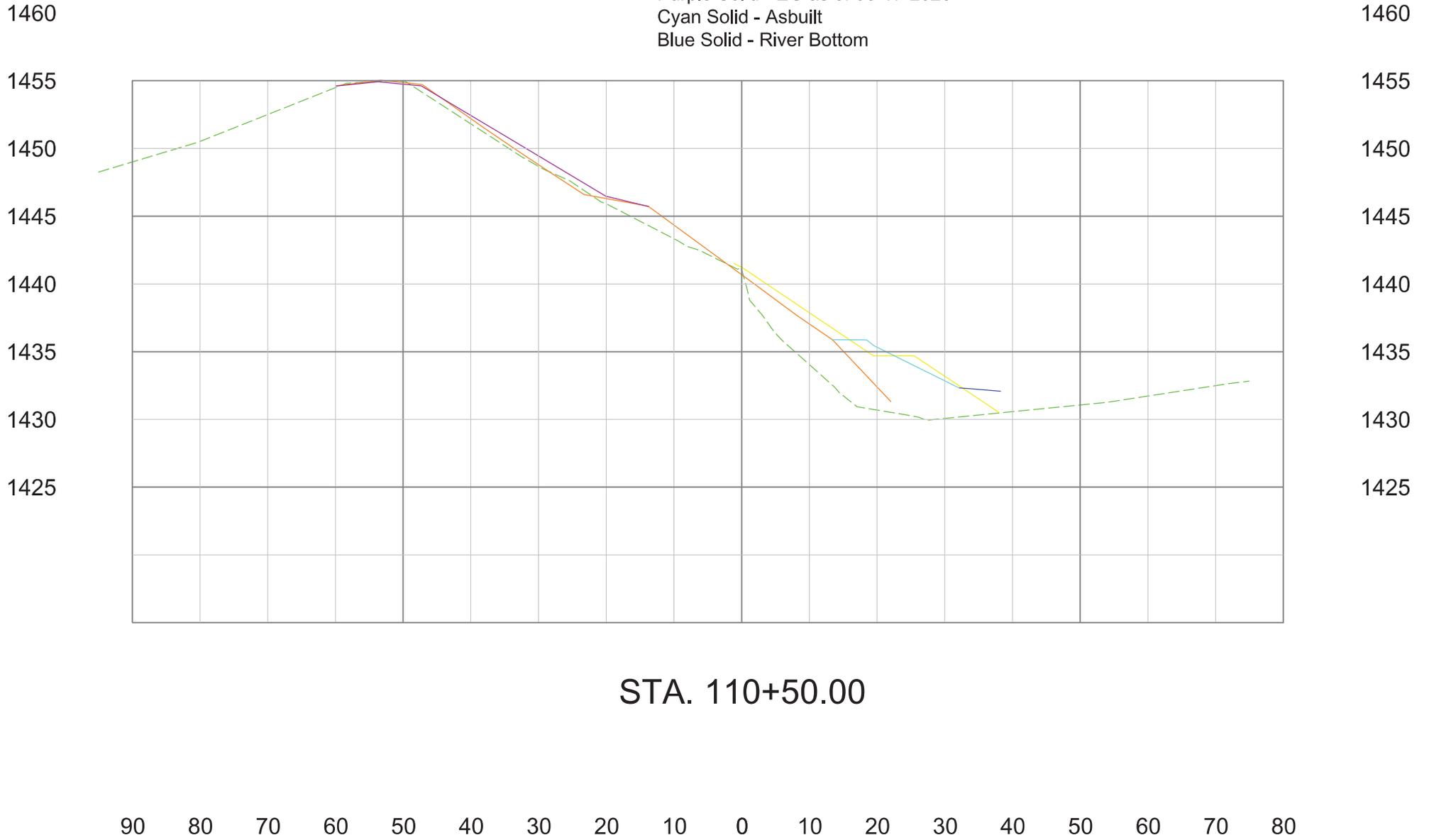
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



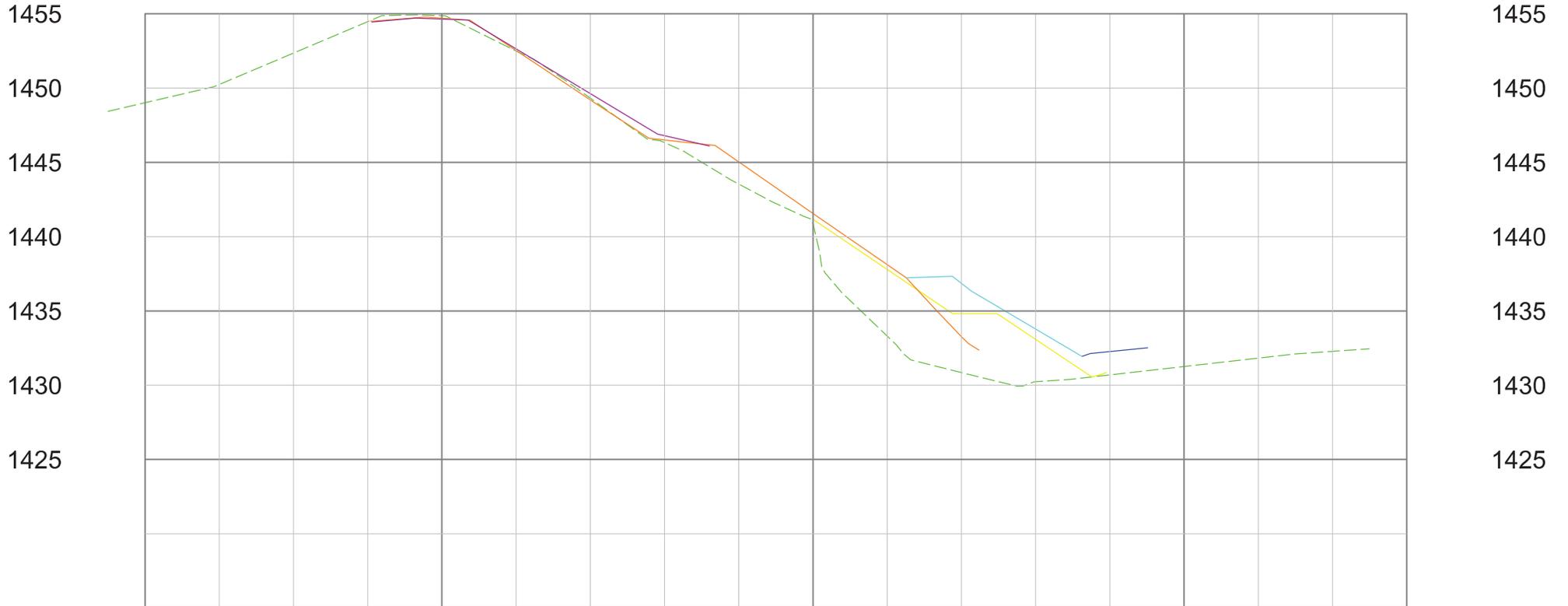
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



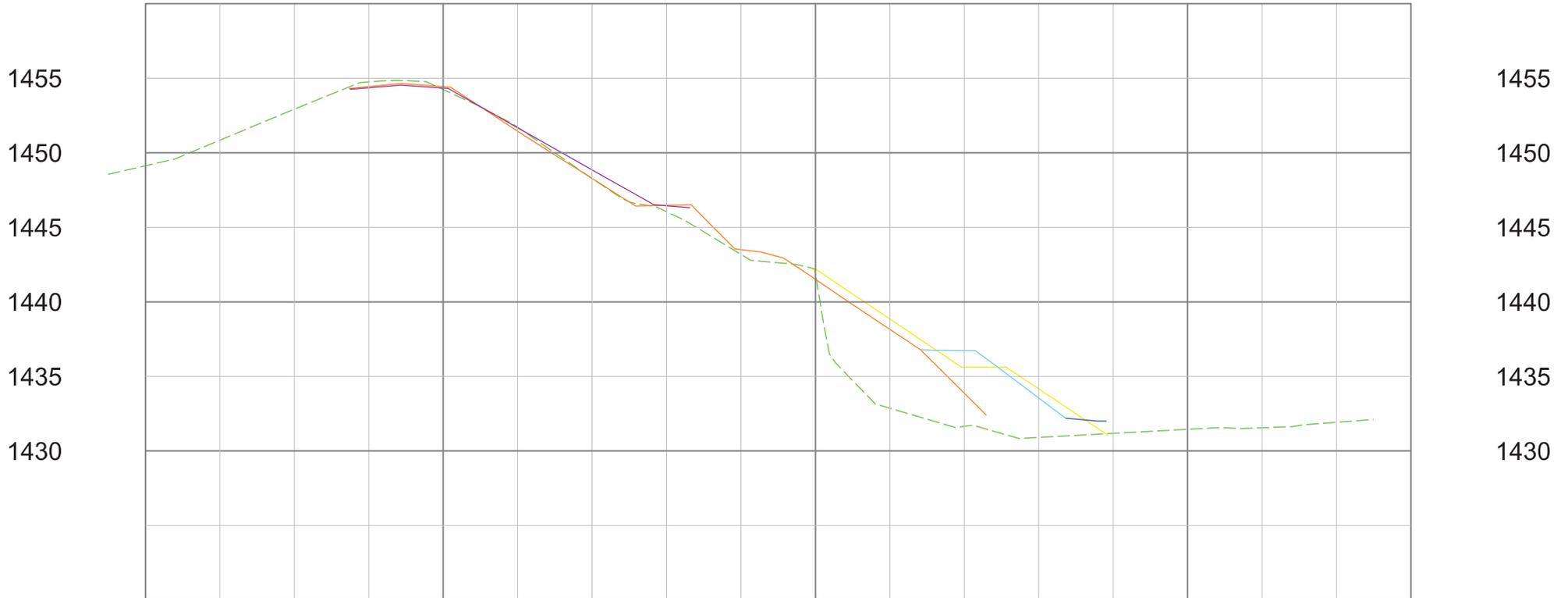
COLOR LEGEND
 Green Dashed - Original EG
 Yellow Solid - Design
 Brown Solid - EG as of 06-03-2020
 Purple Solid - EG as of 06-17-2020
 Cyan Solid - Asbuilt
 Blue Solid - River Bottom



STA. 111+00.00

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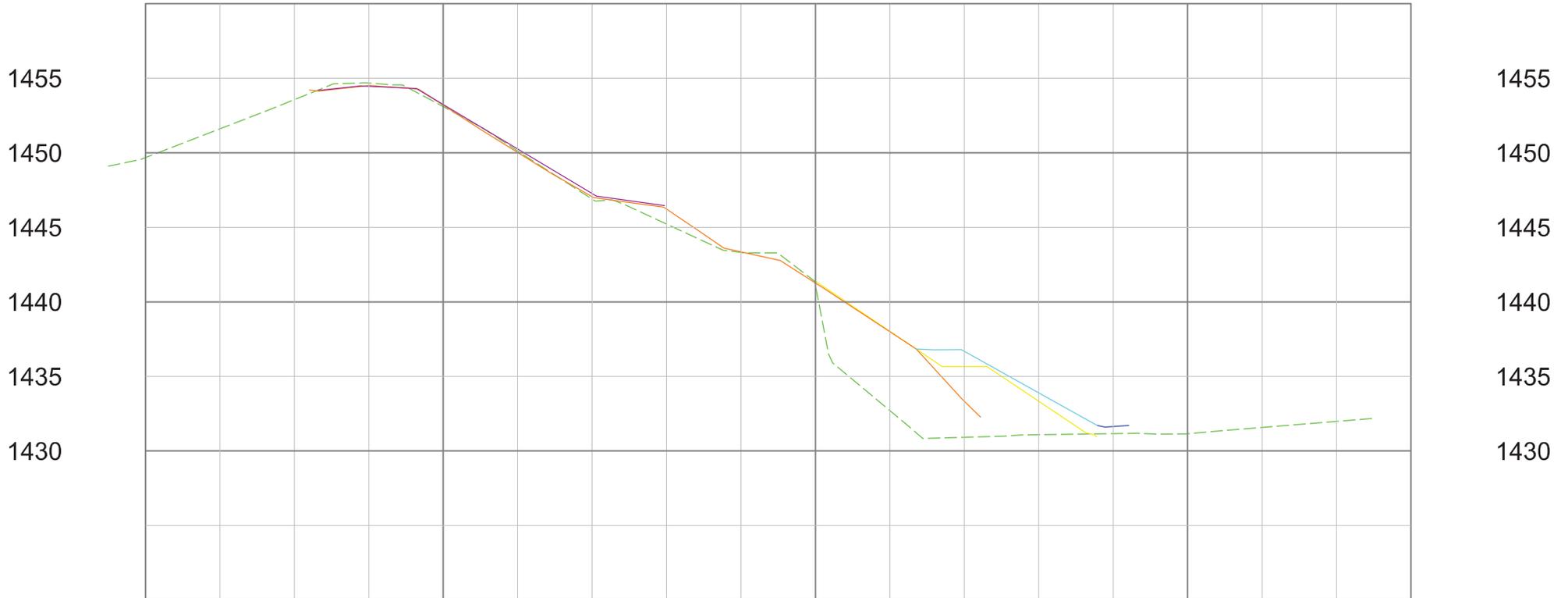
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 111+50.00

90 80 70 60 50 40 30 20 10 0 10 20 30 40 50 60 70 80

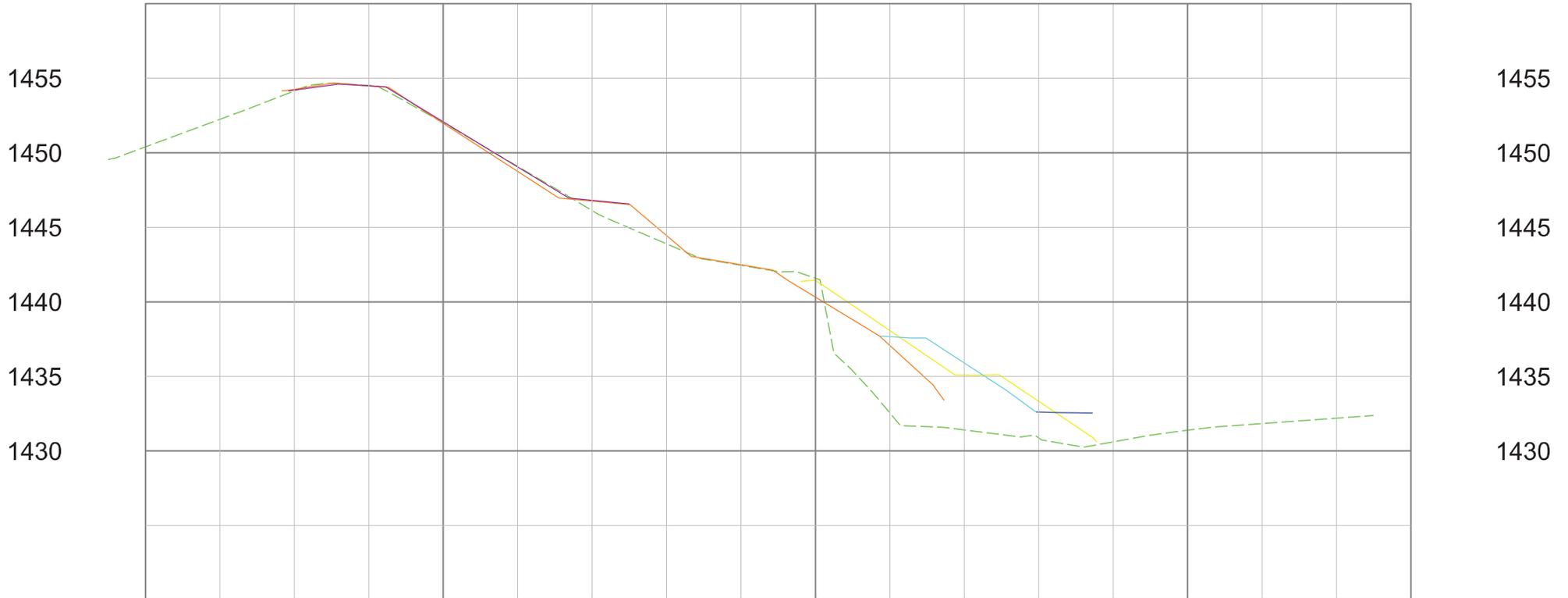
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 112+00.00

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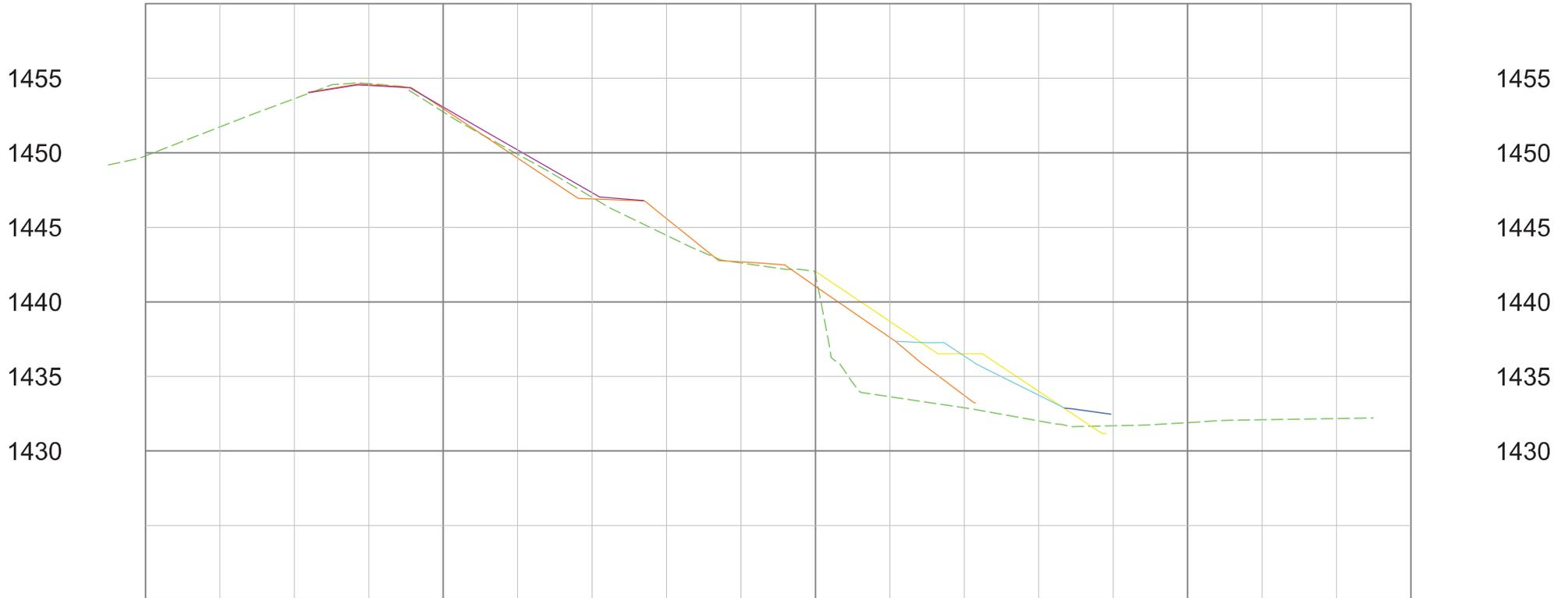
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 112+50.00

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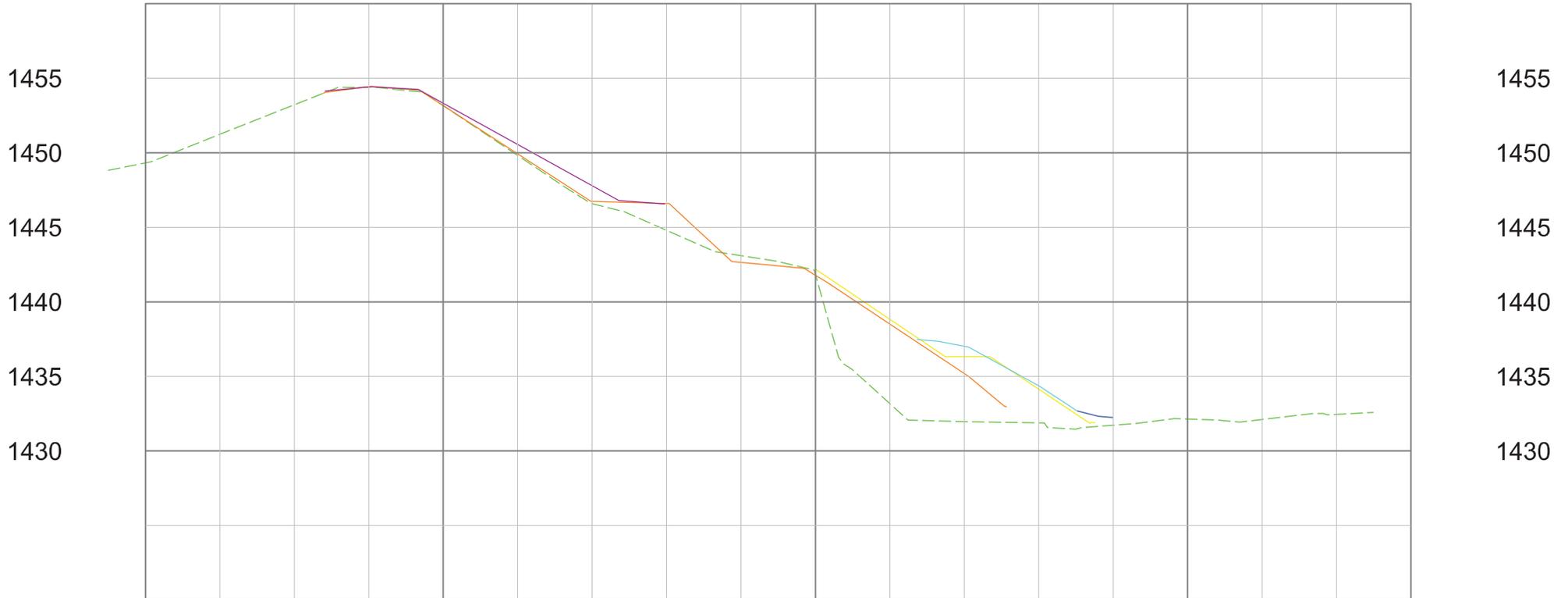
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 113+00.00

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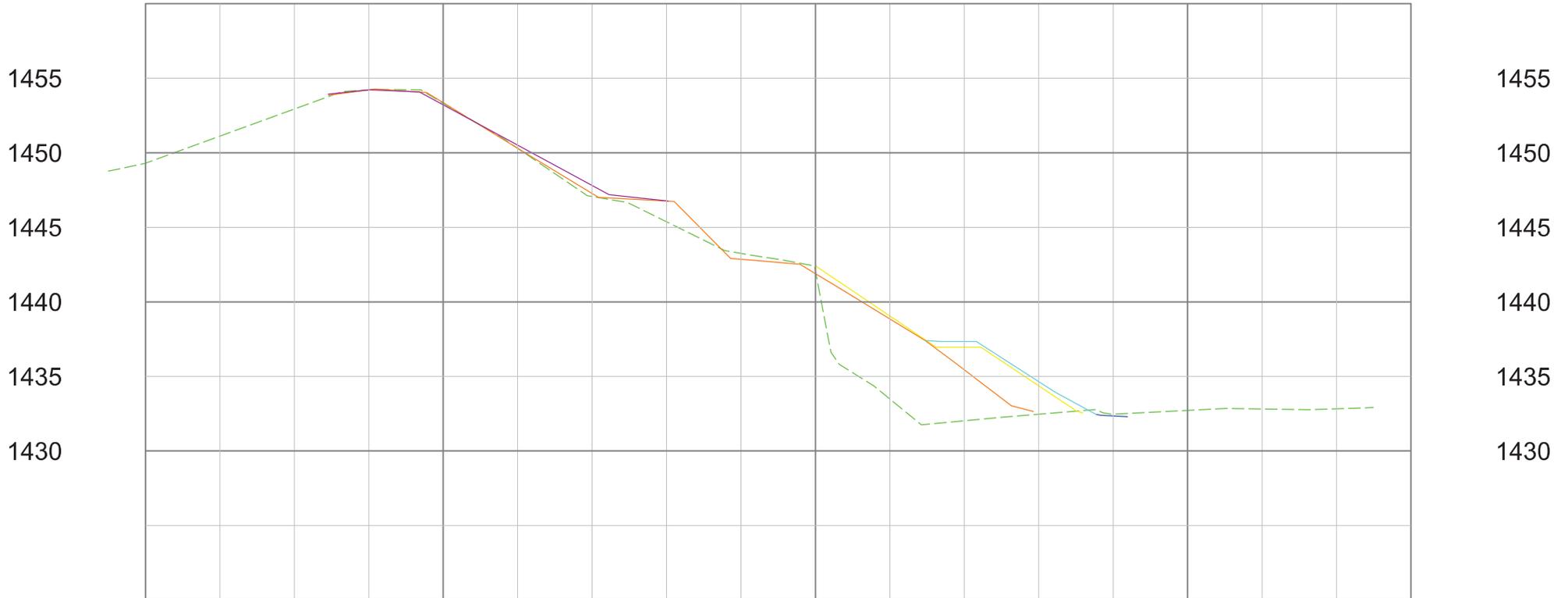
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 113+50.00

90 80 70 60 50 40 30 20 10 0 10 20 30 40 50 60 70 80

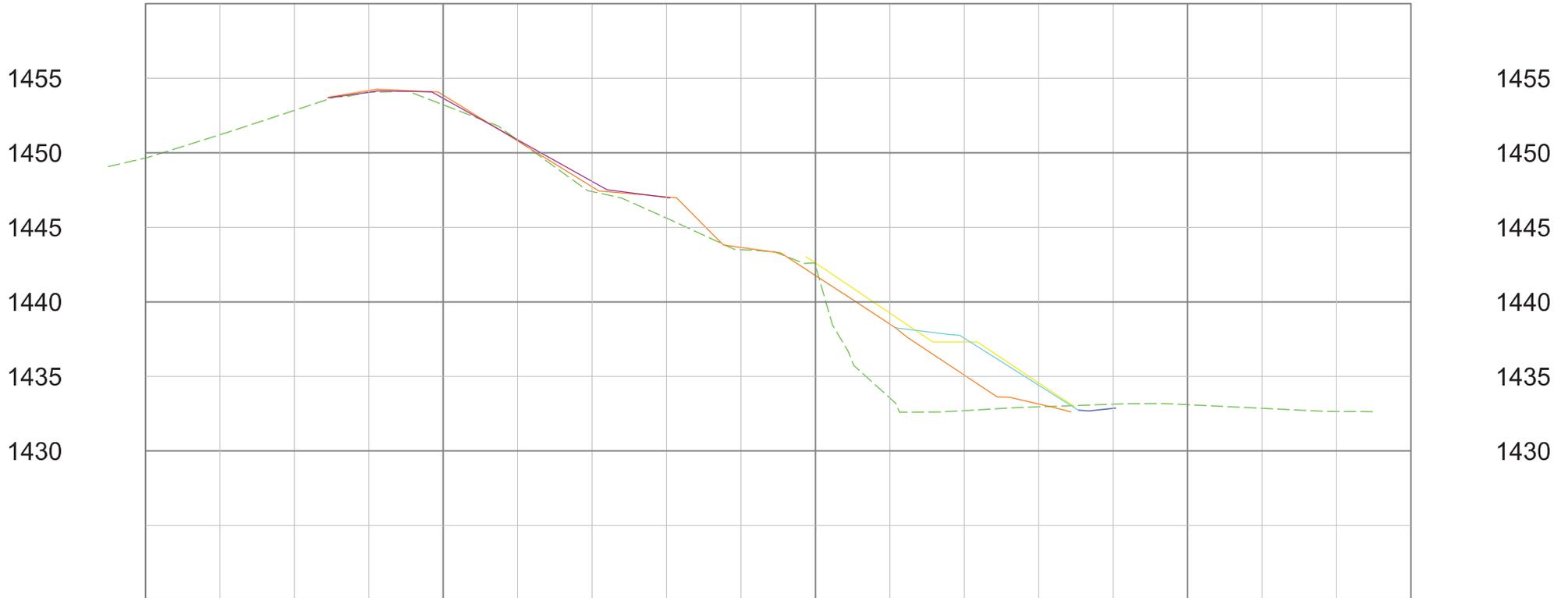
COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom



STA. 114+00.00

90 80 70 60 50 40 30 20 10 0 10 20 30 40 50 60 70 80

COLOR LEGEND
Green Dashed - Original EG
Yellow Solid - Design
Brown Solid - EG as of 06-03-2020
Purple Solid - EG as of 06-17-2020
Cyan Solid - Asbuilt
Blue Solid - River Bottom

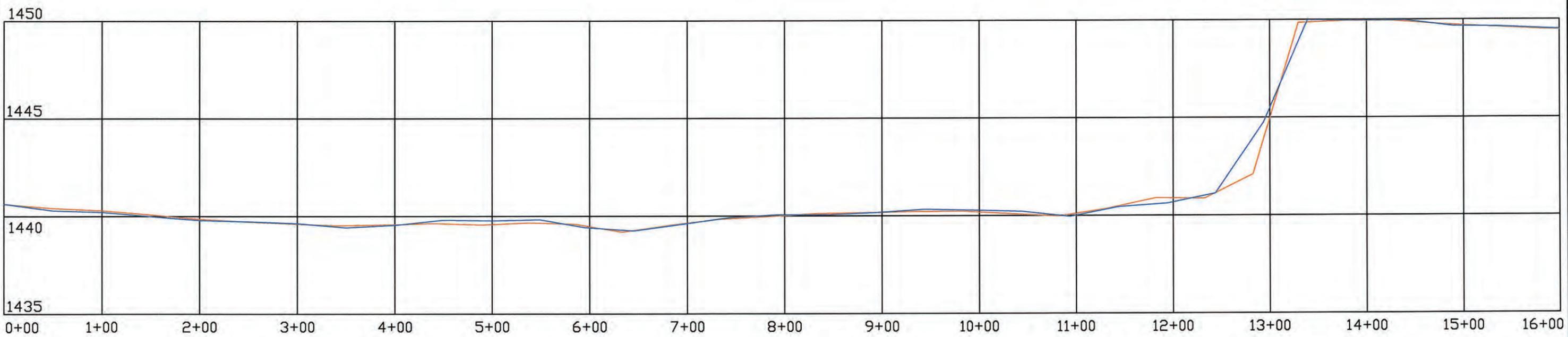


STA. 114+50.00

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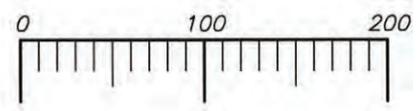


AREA 5 CREST & HAUL ROAD PROFILE



Note: Station 0+00 starts at the end of the concrete paving on 26th Avenue

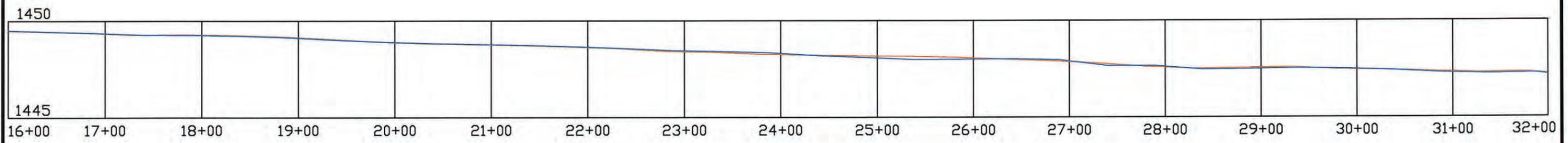
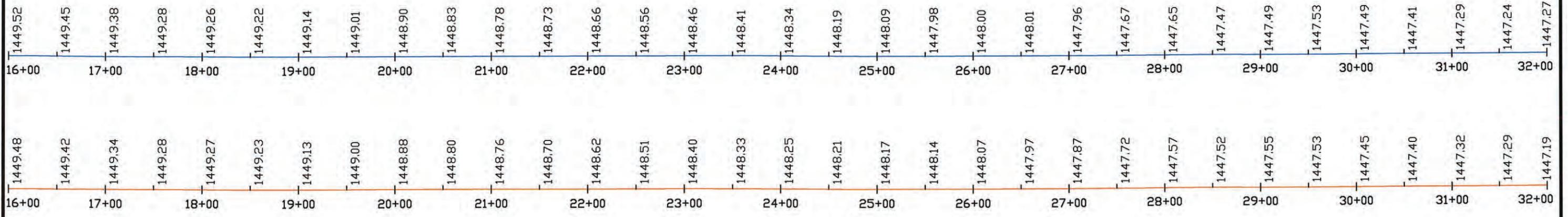
-Legend-
— Profile Before Construction
— Profile After Construction



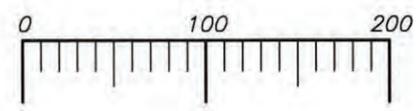
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL AREA 5 HAUL ROAD PROFILE		
TAT	TAT/MGT	11/07/2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

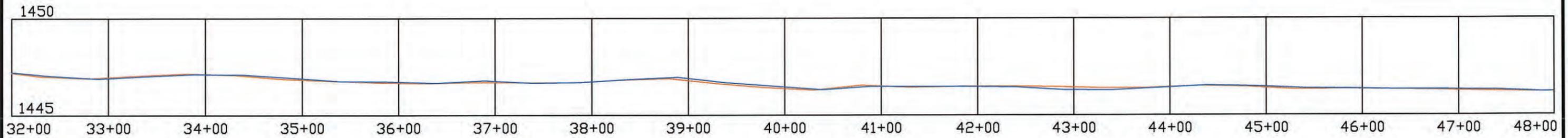
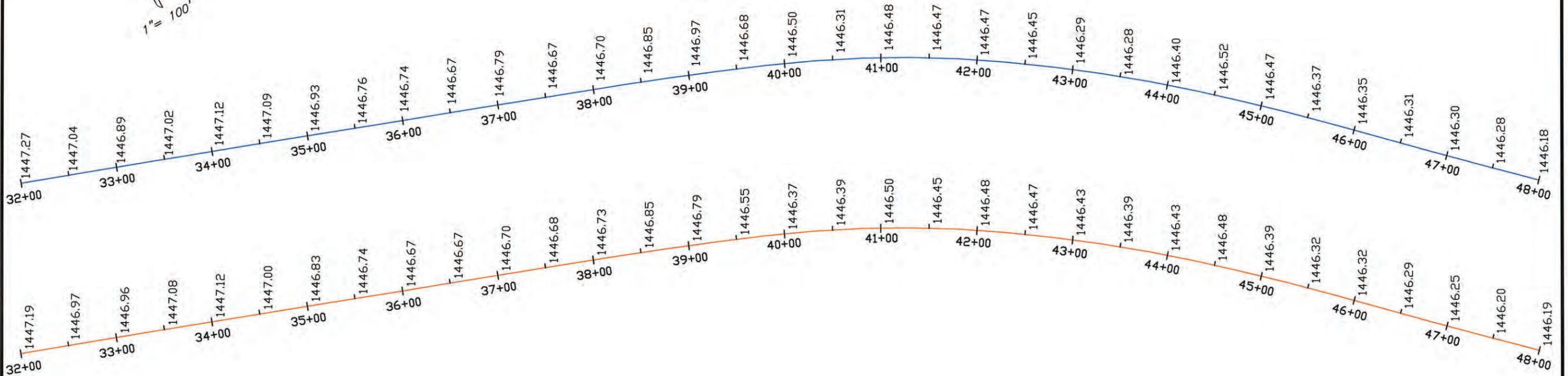


-Legend-
 — Profile Before Construction
 — Profile After Construction



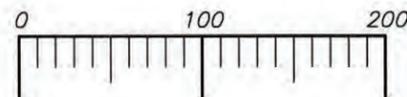
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL AREA 5 HAUL ROAD PROFILE			
TAT DRAWN	TAT/MGT SURVEYED	11/07/2019 DATE	

No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

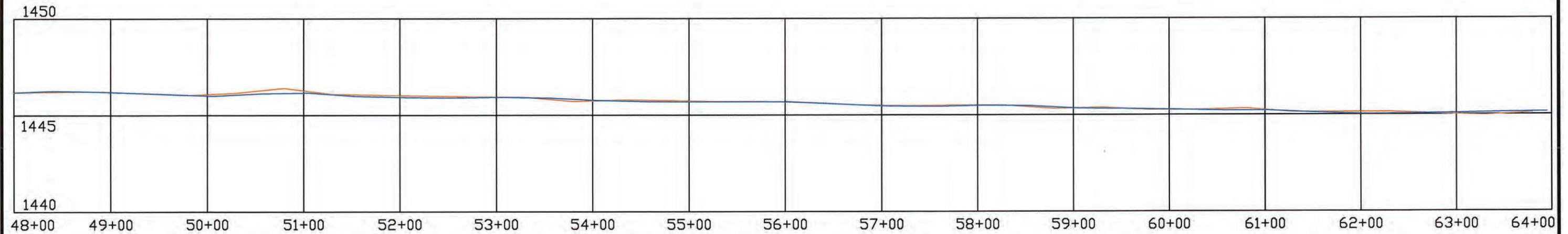
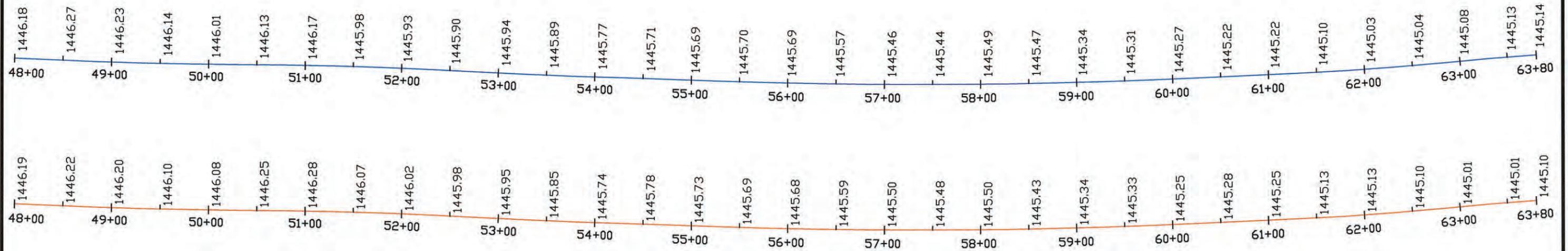
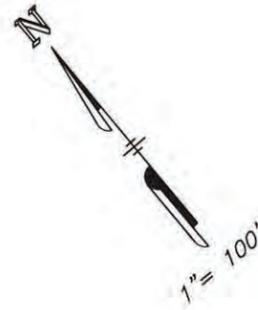


-Legend-

- Profile Before Construction
- Profile After Construction



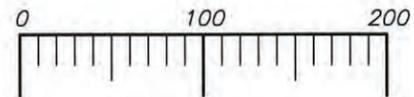
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL AREA 5 HAUL ROAD PROFILE			
TAT DRAWN	TAT/MGT SURVEYED	11/07/2019 DATE	
			No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



Note: Station 68+80 ends on the levee on the centerline of 14th Avenue

-Legend-

- Profile Before Construction
- Profile After Construction



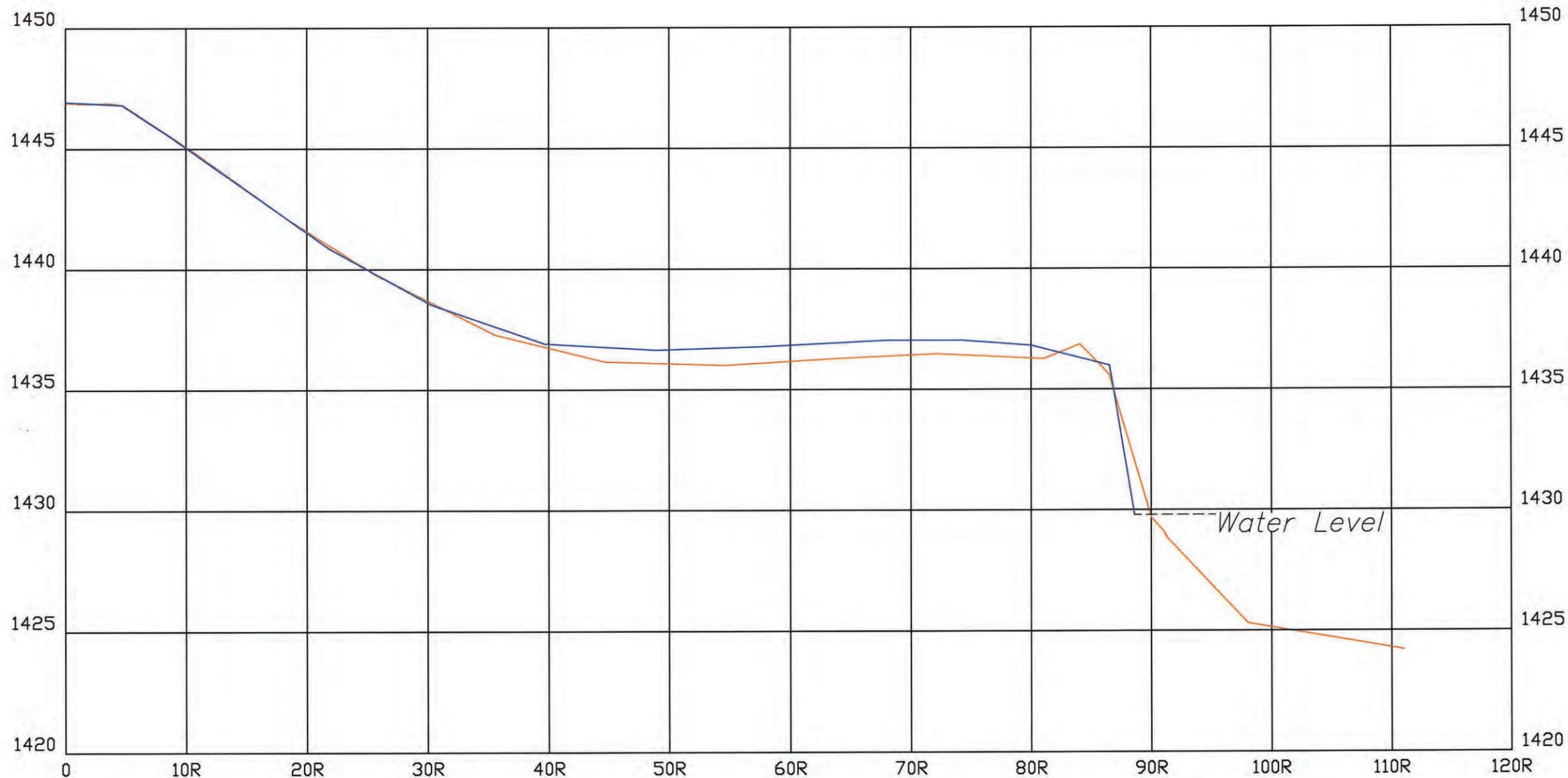
2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL AREA 5 HAUL ROAD PROFILE		
TAT	TAT/MGT	11/07/2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
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AREA 5 AS-BUILT CROSS-SECTIONS

-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



STATION 184+09

**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 FINAL AREA 5 X-SECTIONS**

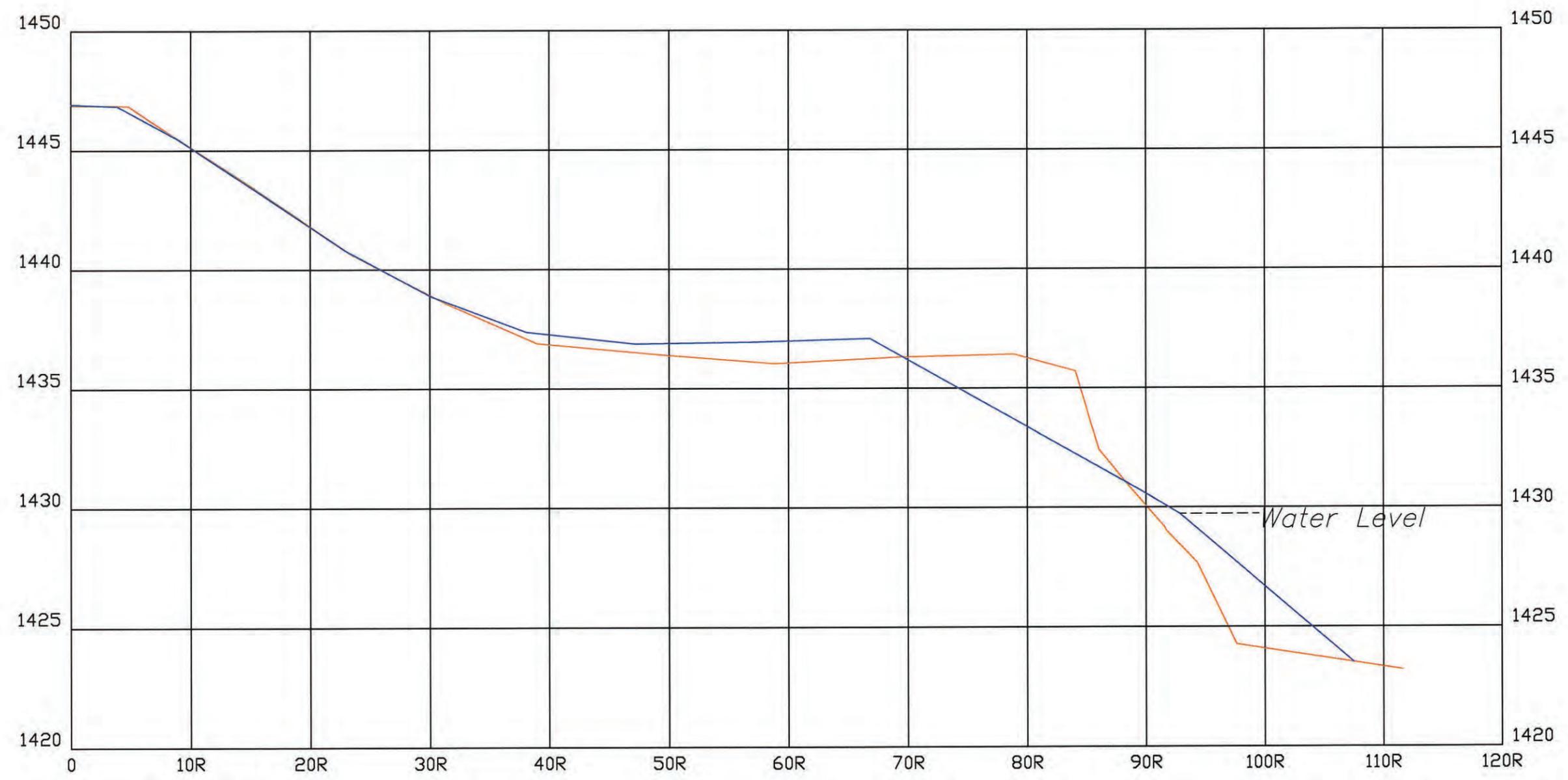


MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction

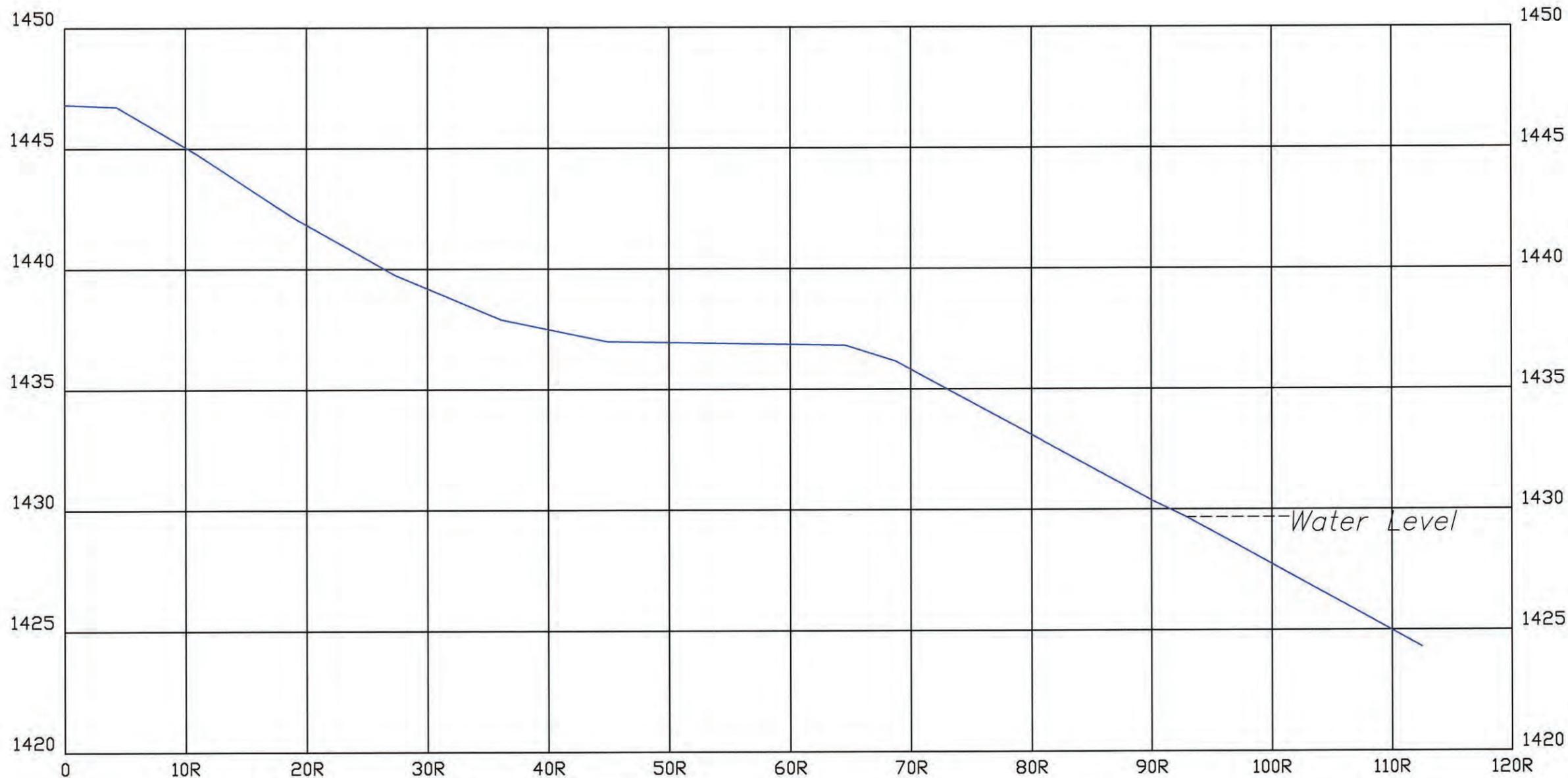


STATION 184+19

2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL AREA 5 X-SECTIONS			
MGT	TAT/MGT	12-18-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 184+29

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 5 X-SECTIONS**

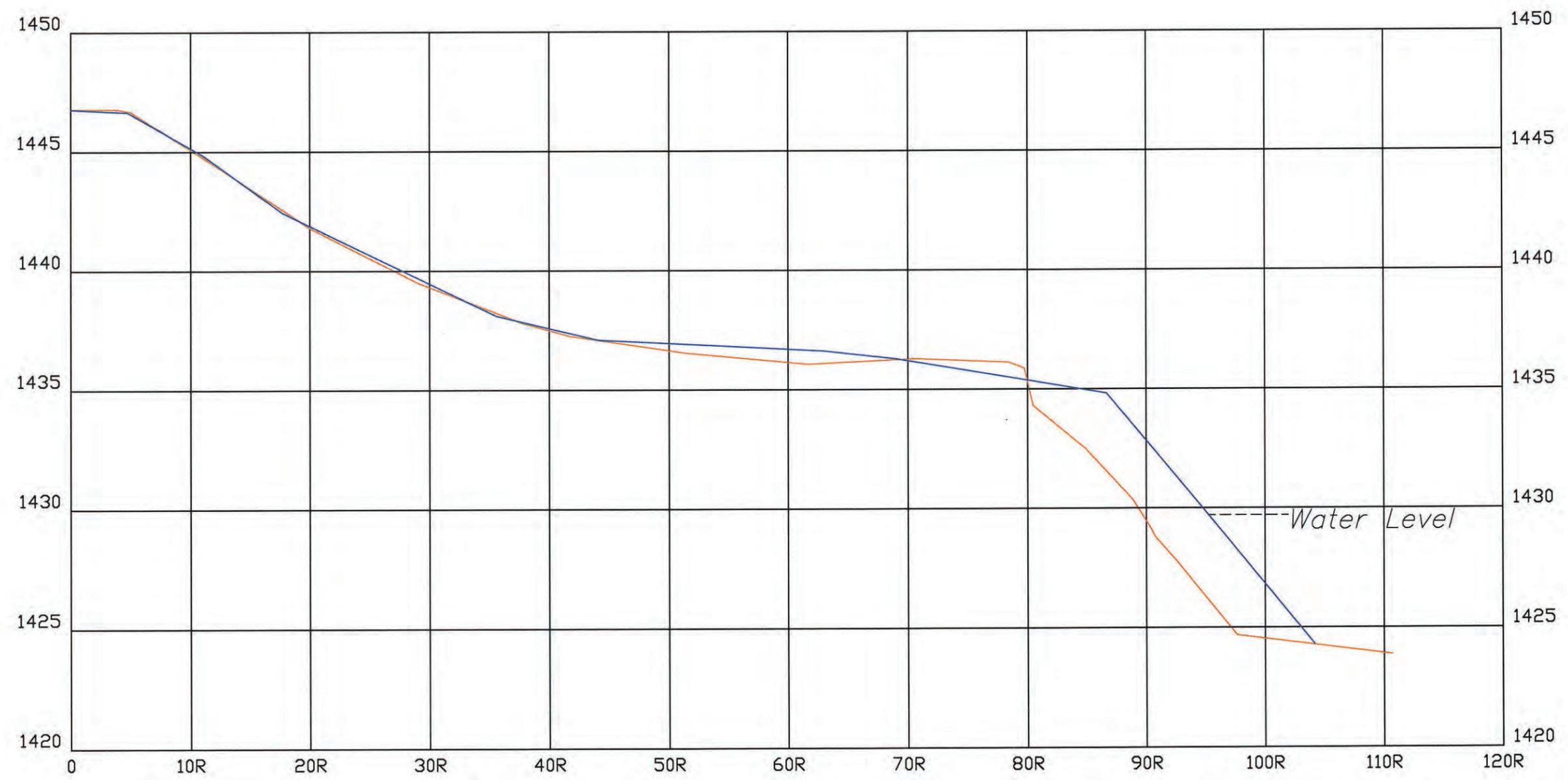


MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 184+36

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 5 X-SECTIONS**

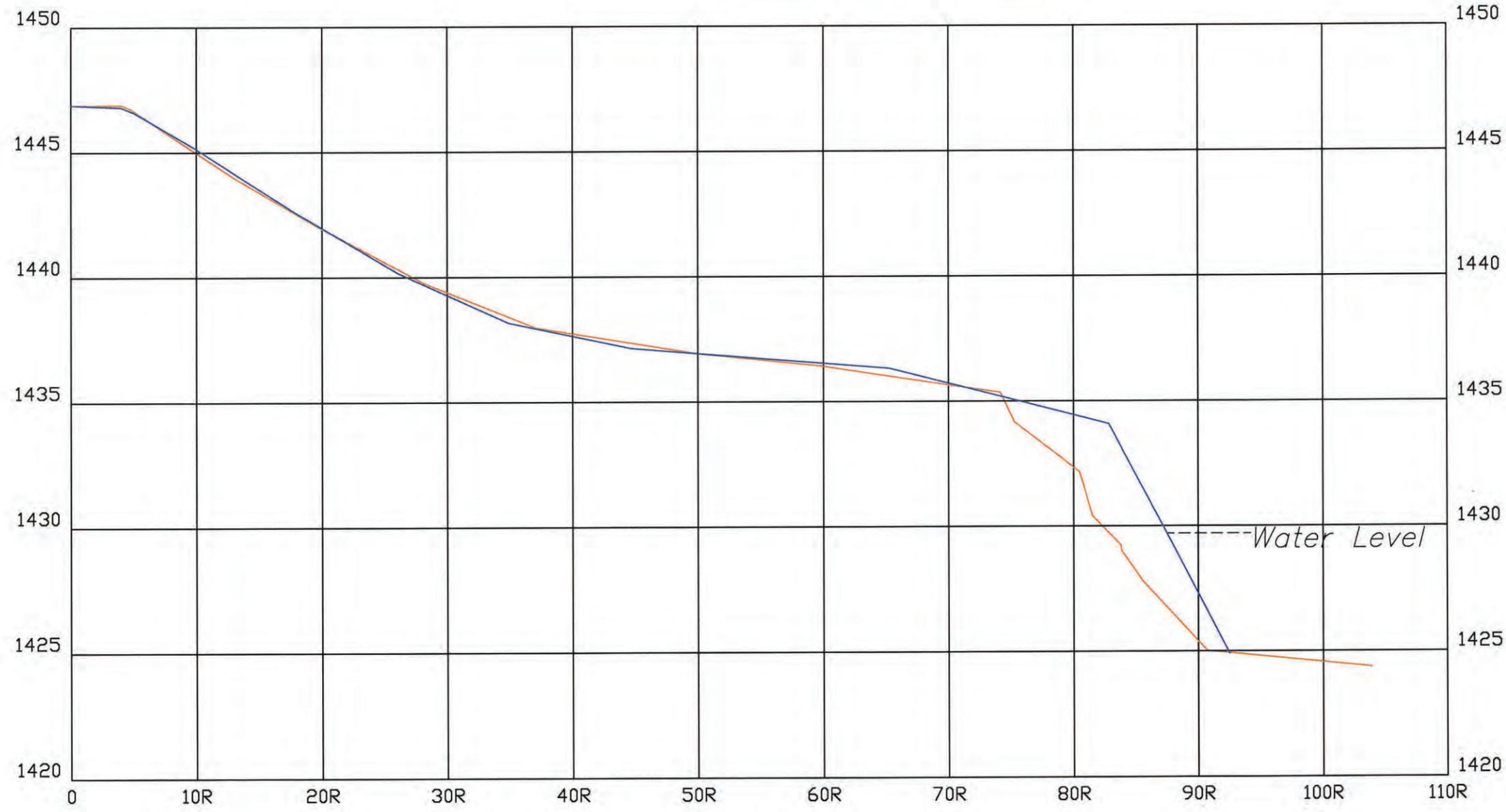
MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 184+64

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 5 X-SECTIONS**

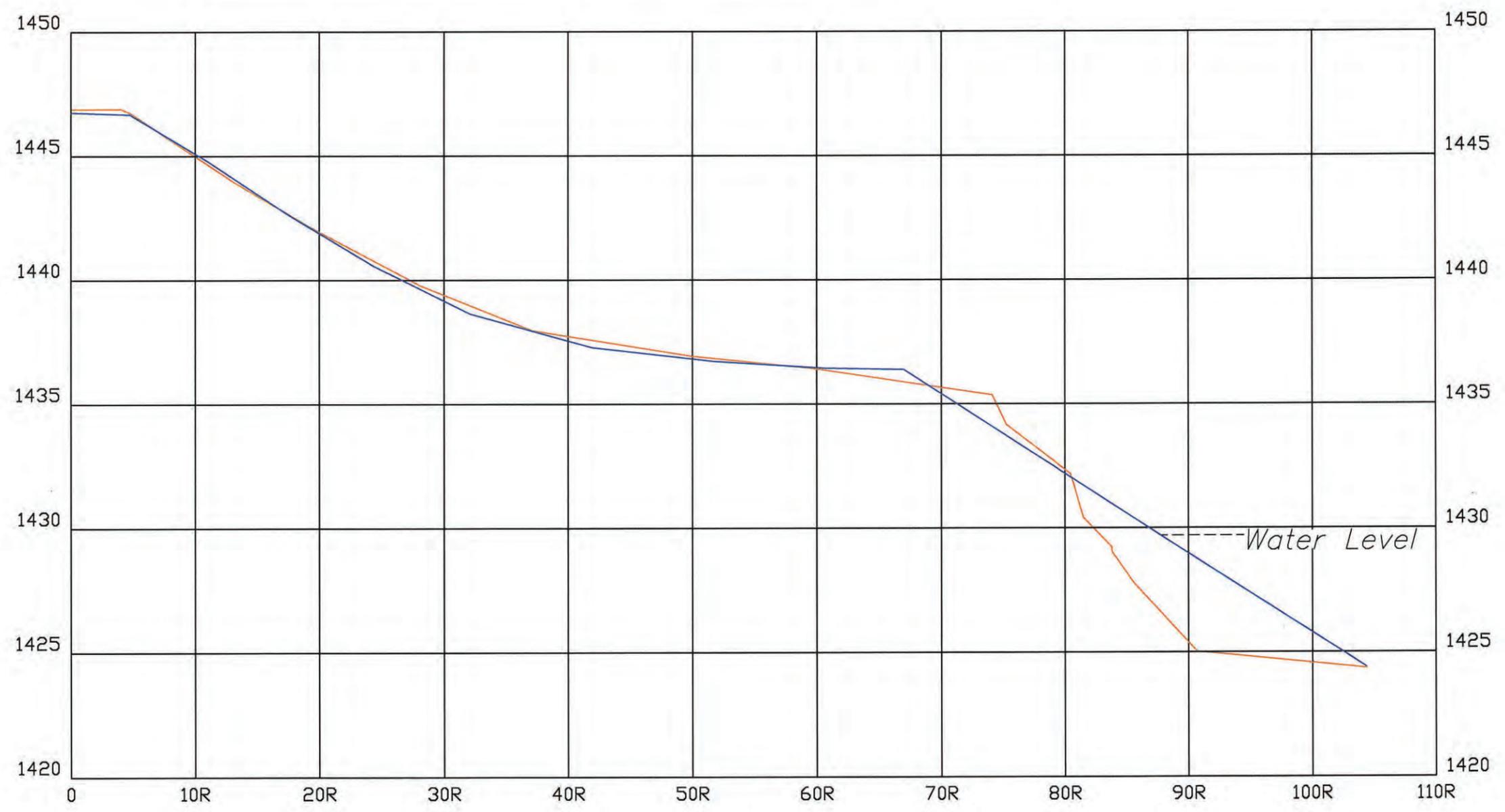
MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 184+72

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 5 X-SECTIONS**

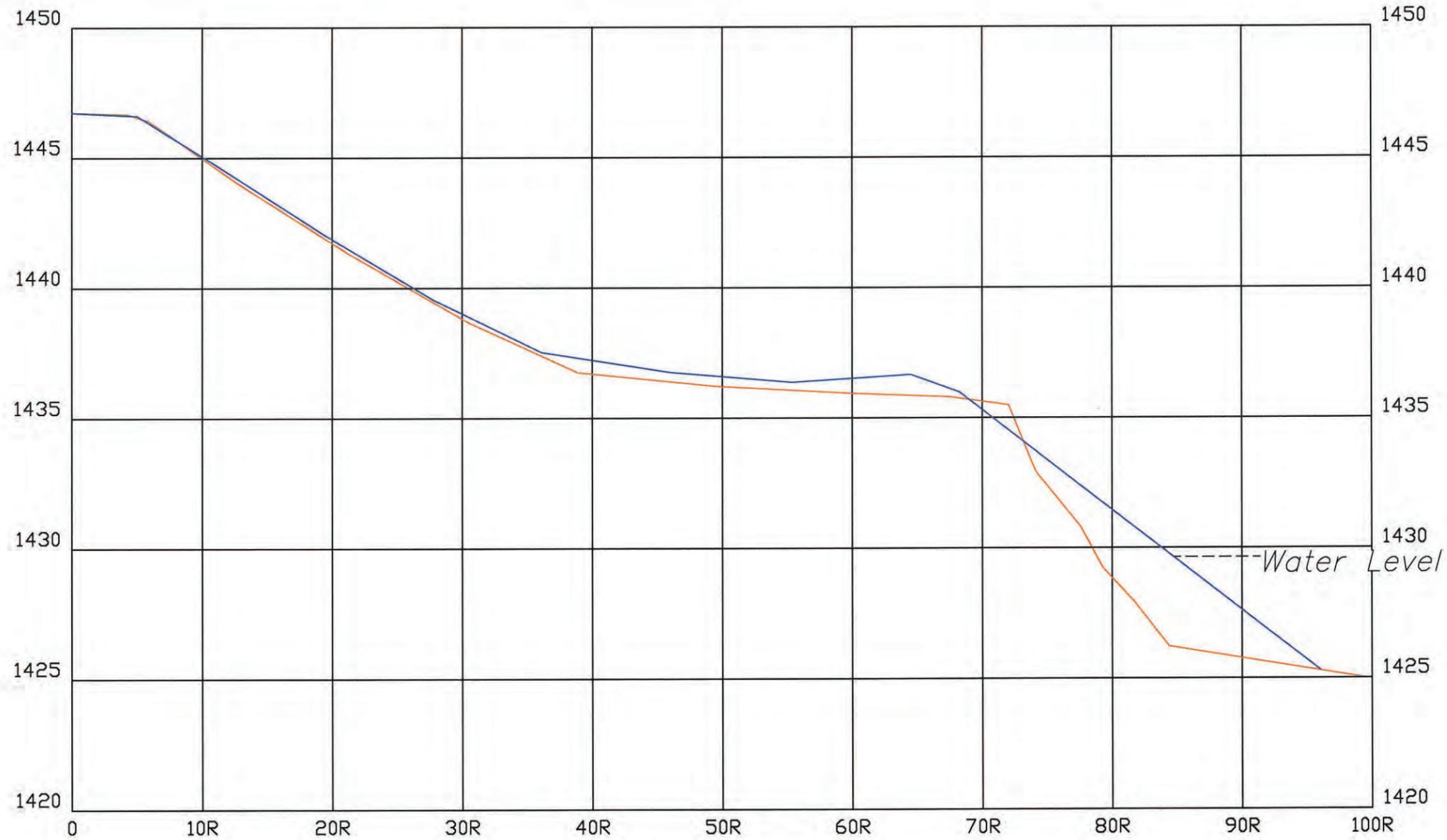
MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
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-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 184+81

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 5 X-SECTIONS**

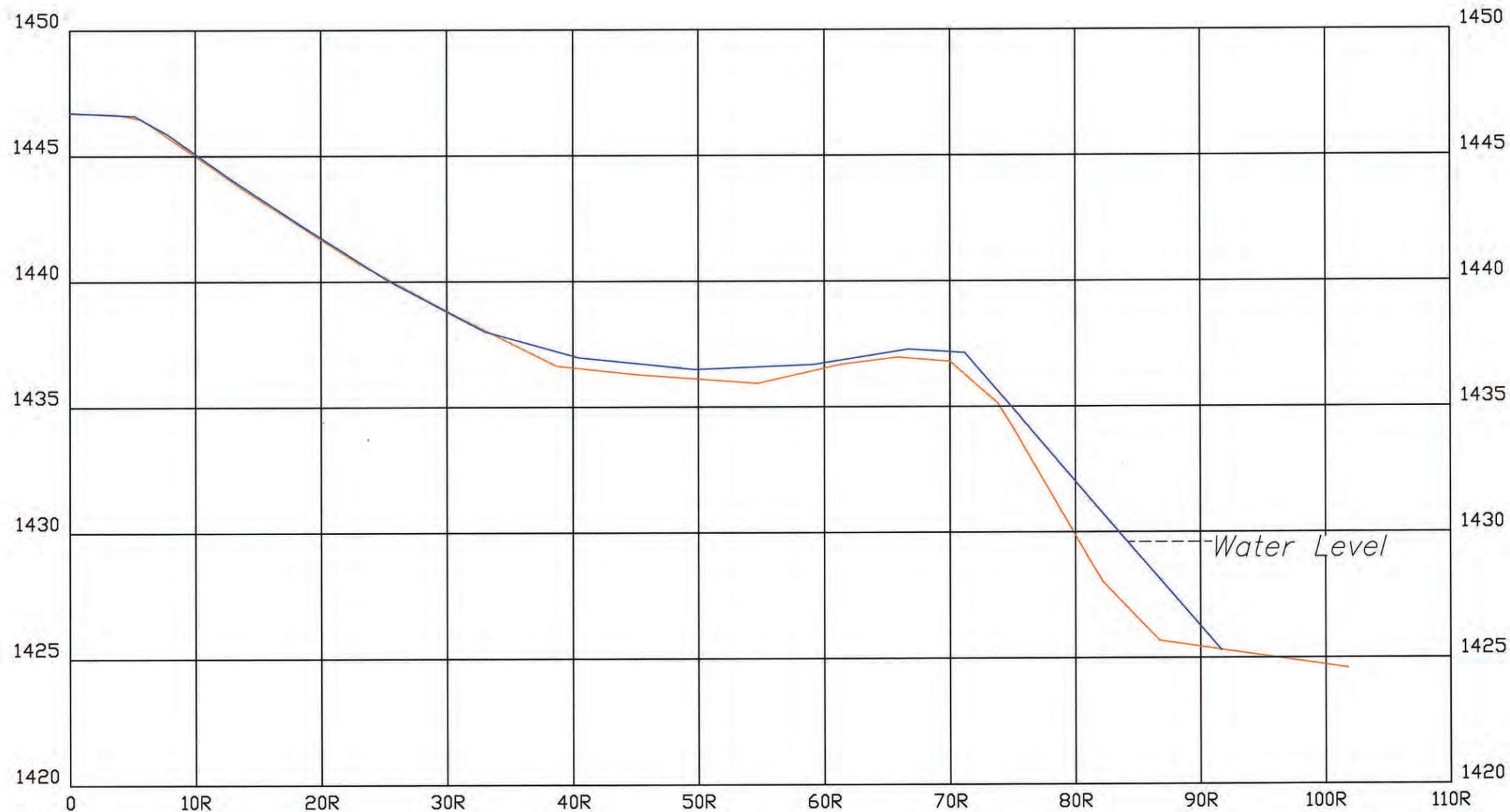


MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 184+91

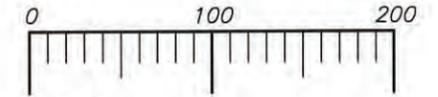
**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 5 X-SECTIONS**

MGT	TAT/MGT	12-18-2019
DRAWN	SURVEYED	DATE



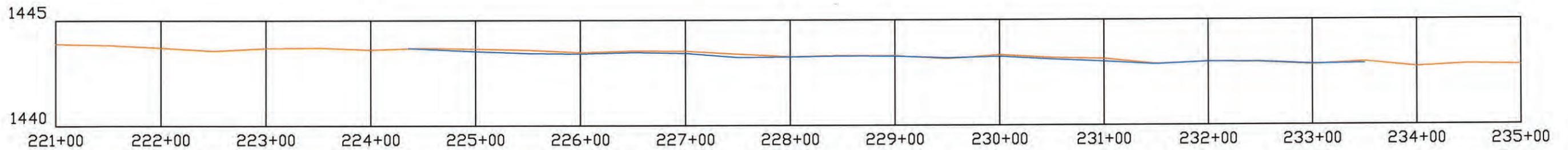
No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

AREA 6 CREST & HAUL ROAD PROFILE



-Legend-

- Profile Before Construction
- Profile After Construction

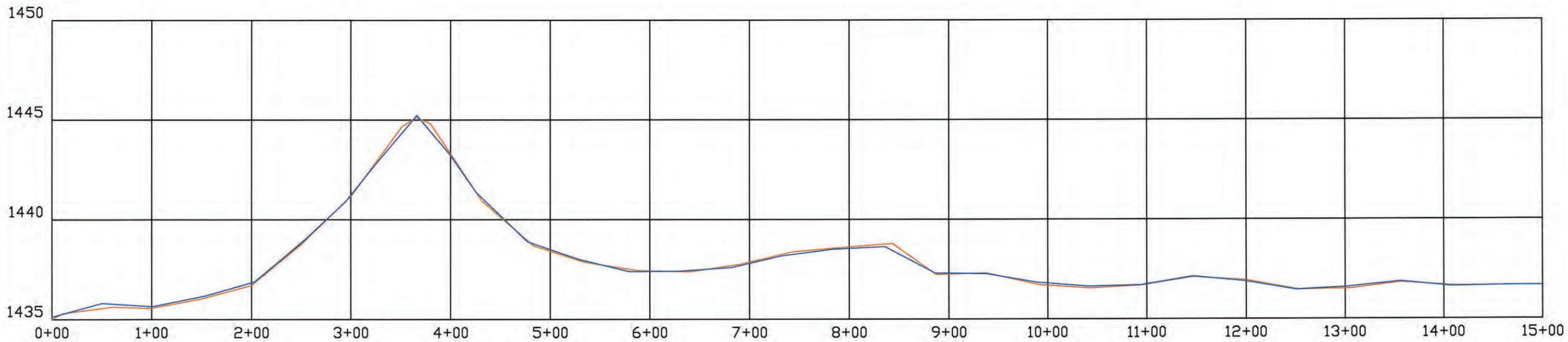
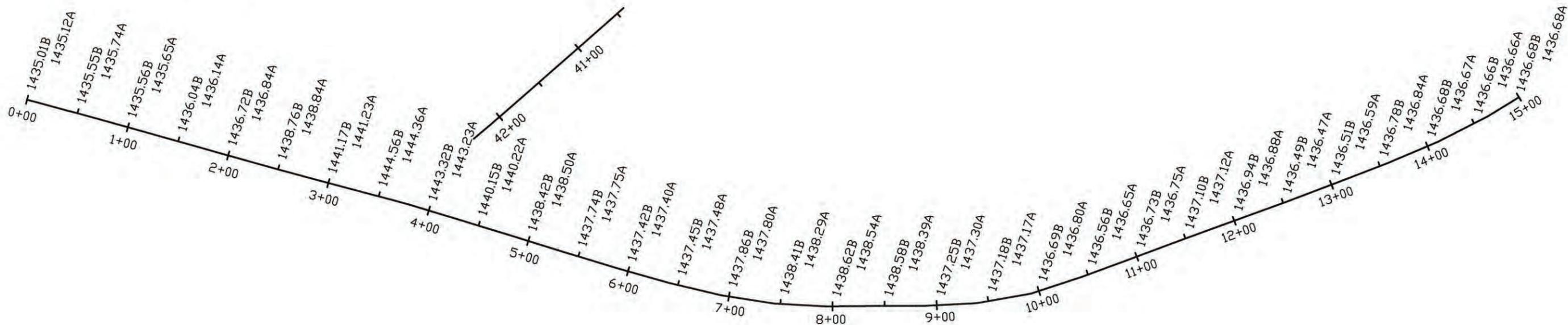


**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
AREA 6 PROFILE BEFORE/AFTER**

TAT	TAT/MGT	11/12/2019
DRAWN	SURVEYED	DATE



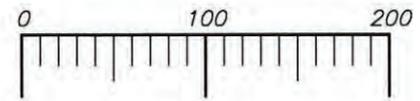
No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-

- Profile Before Construction
- Profile After Construction
- 1436.88B Profile Elevation Before Construction
- 1436.88A Profile Elevation After Construction

Note: Station 0+00 starts at the end of the concrete paving on 14th Avenue

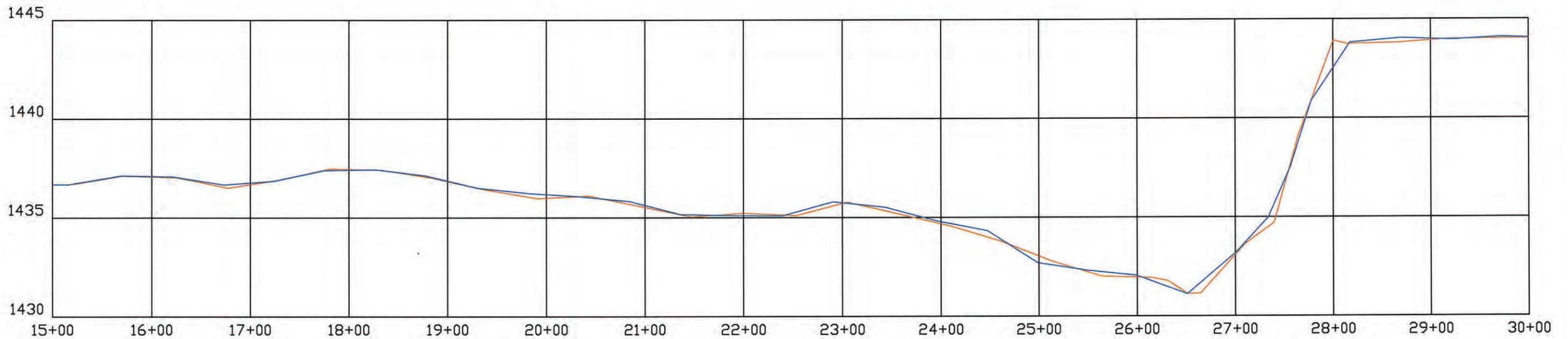
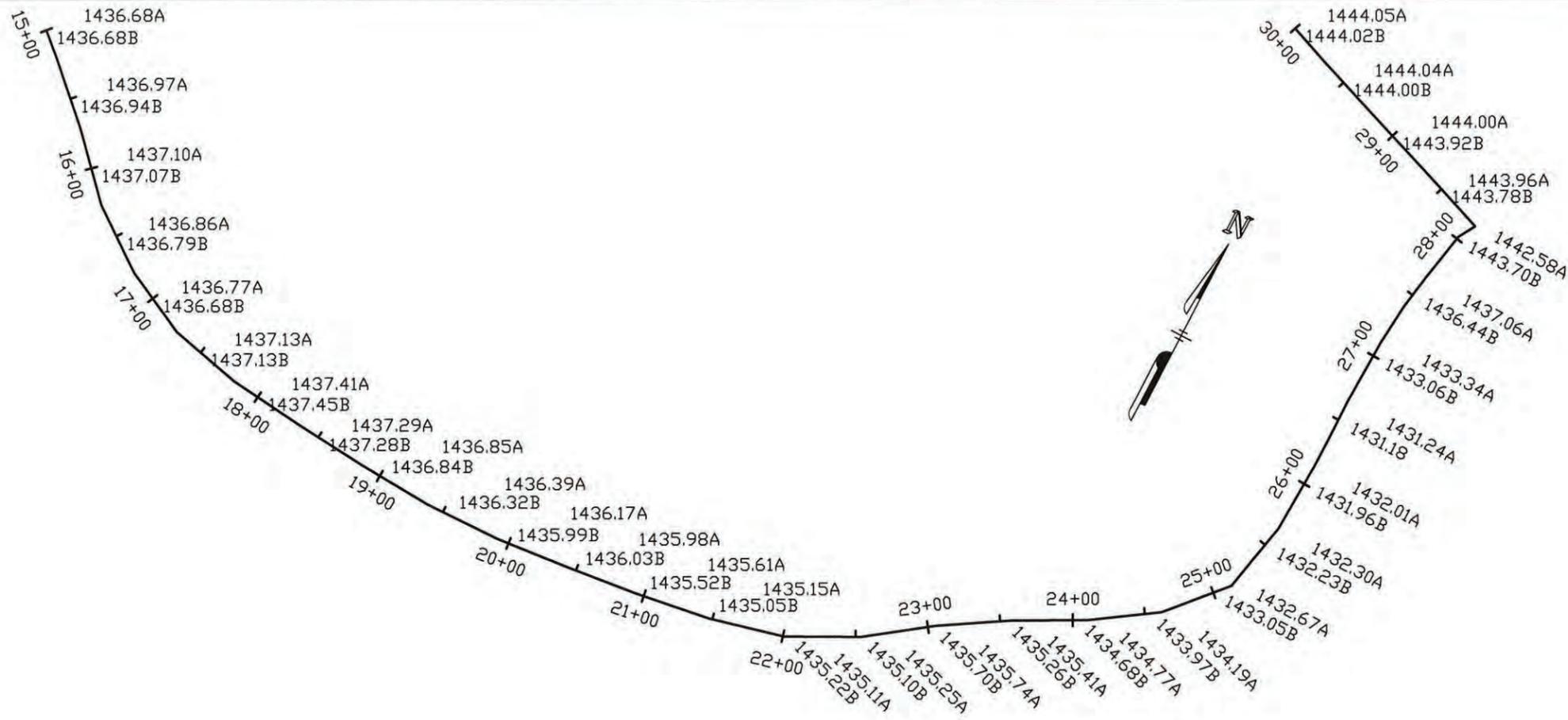


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HAUL RD PROFILE BEFORE/AFTER**

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DRAWN	SURVEYED	DATE

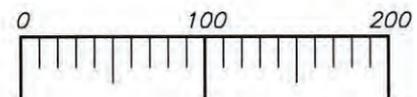


No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-

- Profile Before Construction
- Profile After Construction
- 1436.88B Profile Elevation Before Construction
- 1436.88A Profile Elevation After Construction

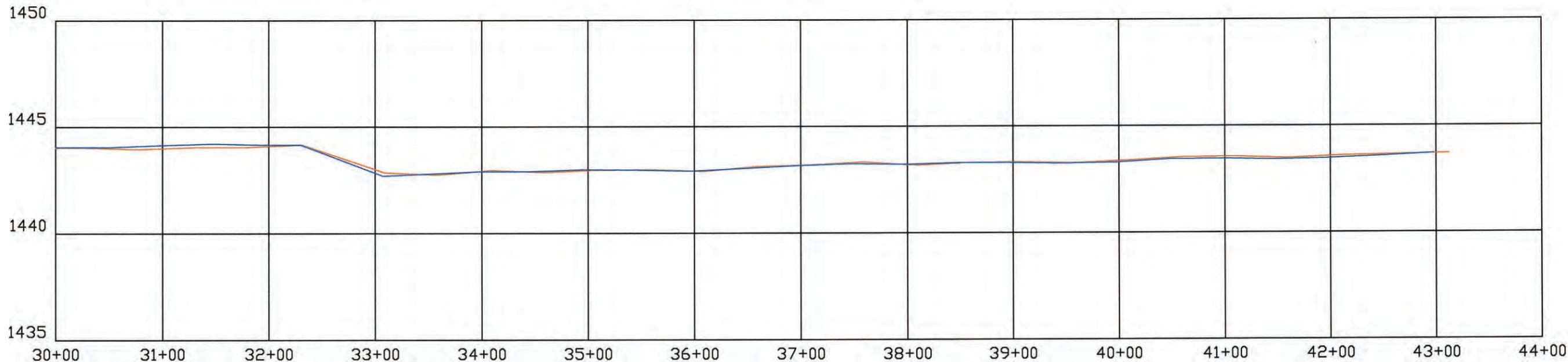
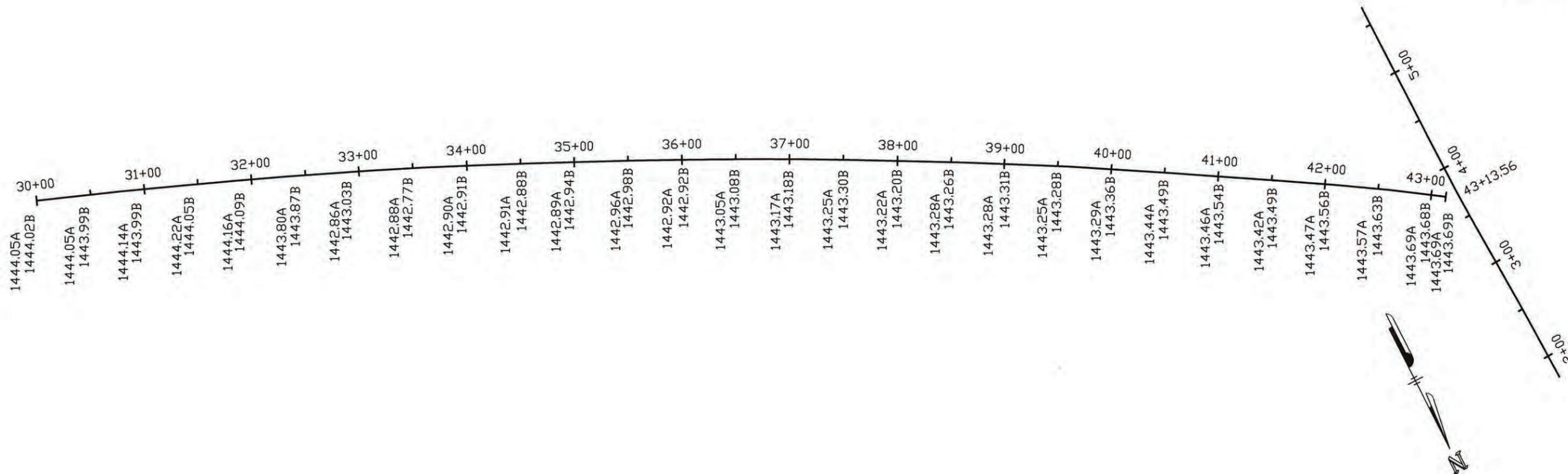


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COLUMBUS LOUP RIVER LB AREA 6
HAUL RD PROFILE BEFORE/AFTER**

TAT	TAT/MGT	11/13/2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922



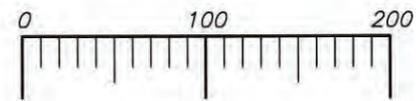
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— Profile Before Construction

— Profile After Construction

1436.88B Profile Elevation Before Construction

1436.88A Profile Elevation After Construction



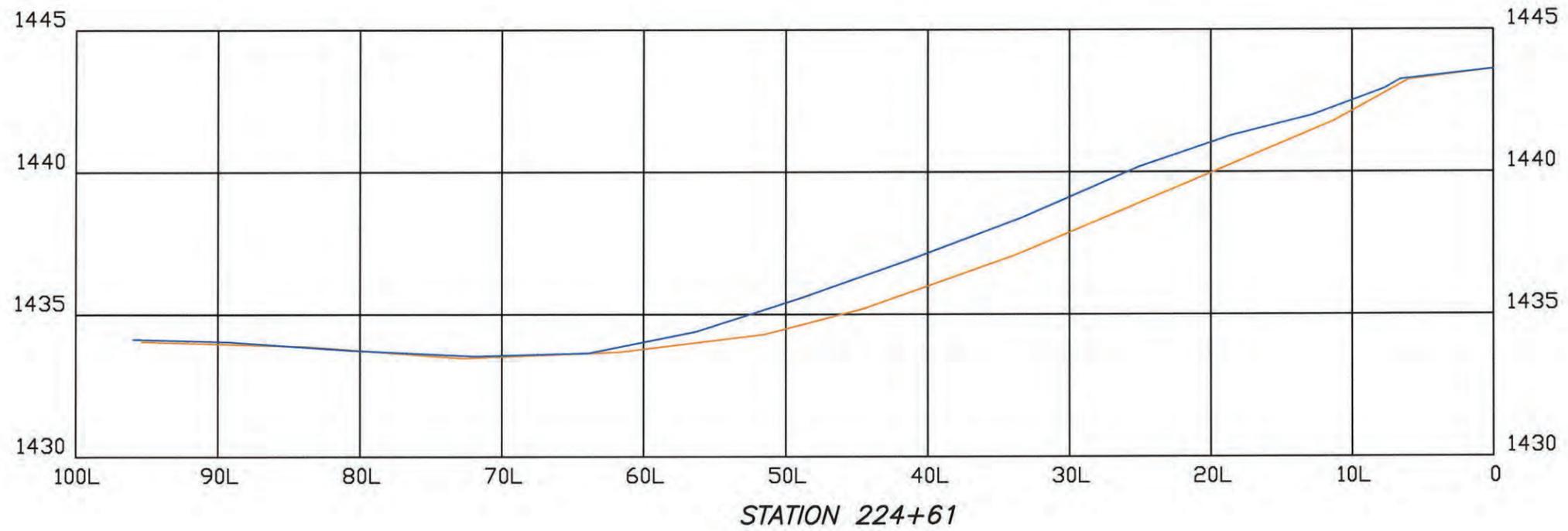
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HAUL RD PROFILE BEFORE/AFTER**

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DRAWN	SURVEYED	DATE

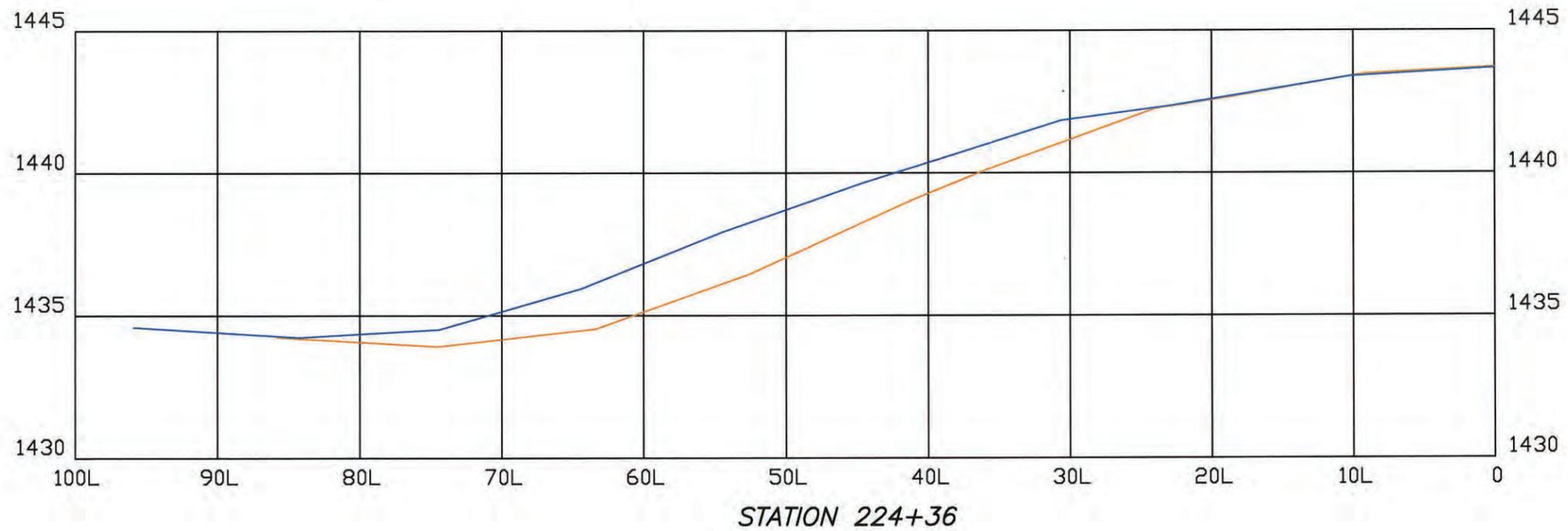


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Phone (402) 563-4589 - Fax (402) 563-3922

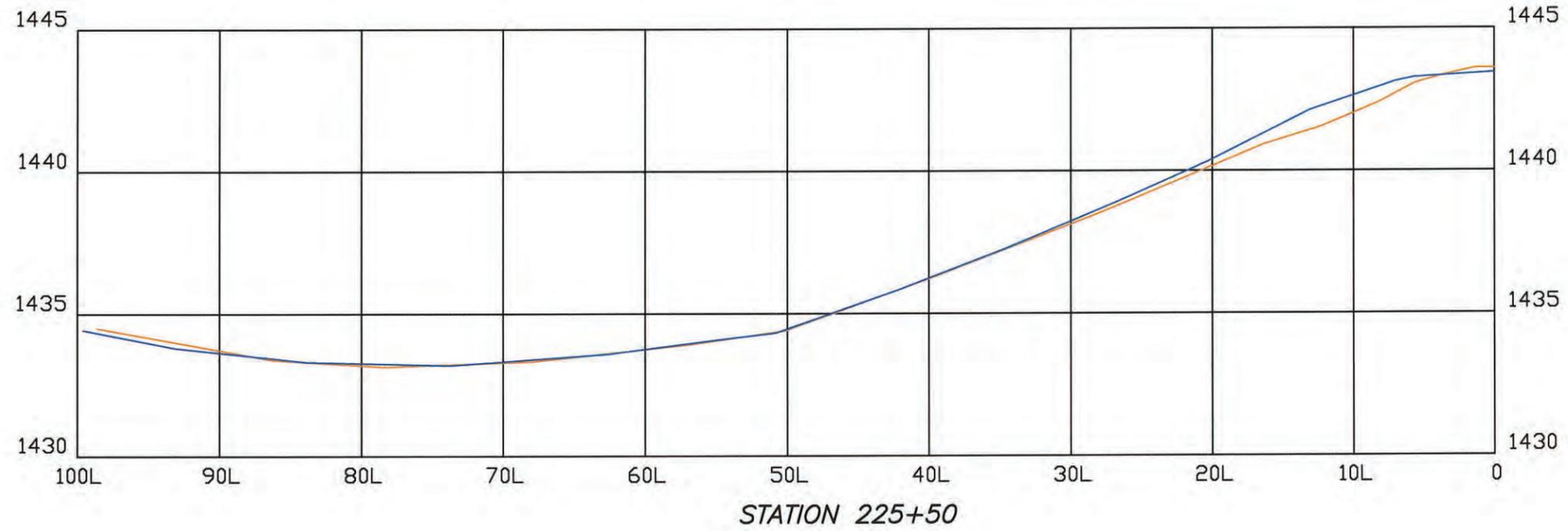
AREA 6 AS-BUILT CROSS-SECTIONS



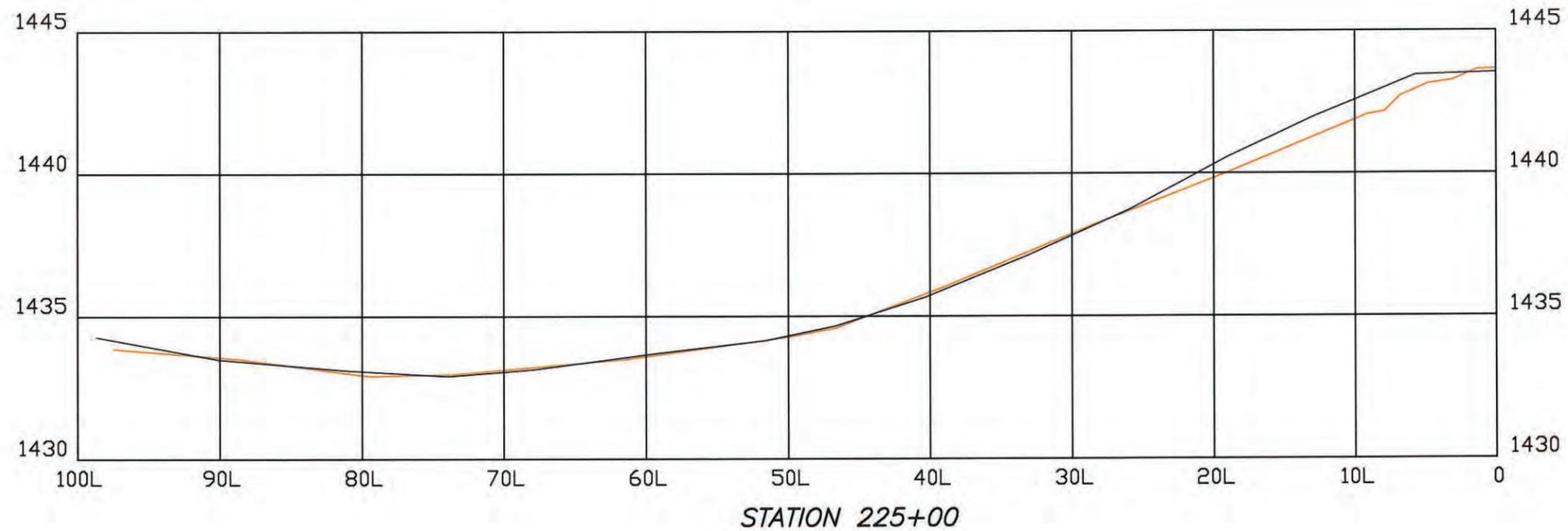
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 Blue X-Section After Construction



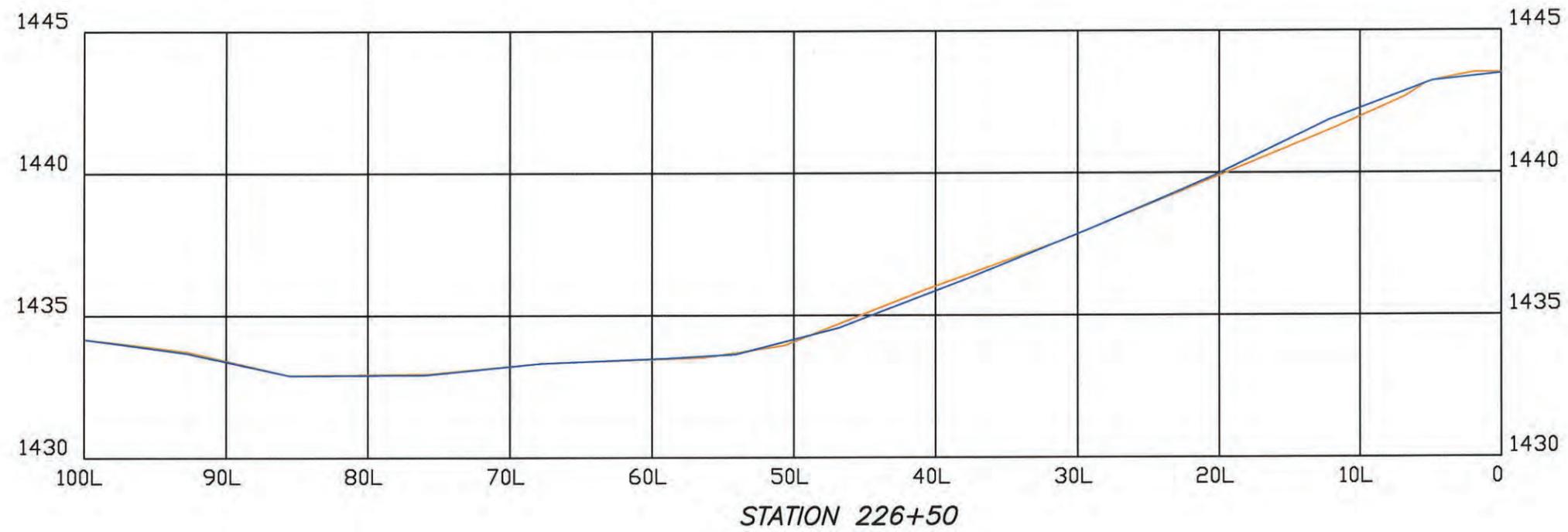
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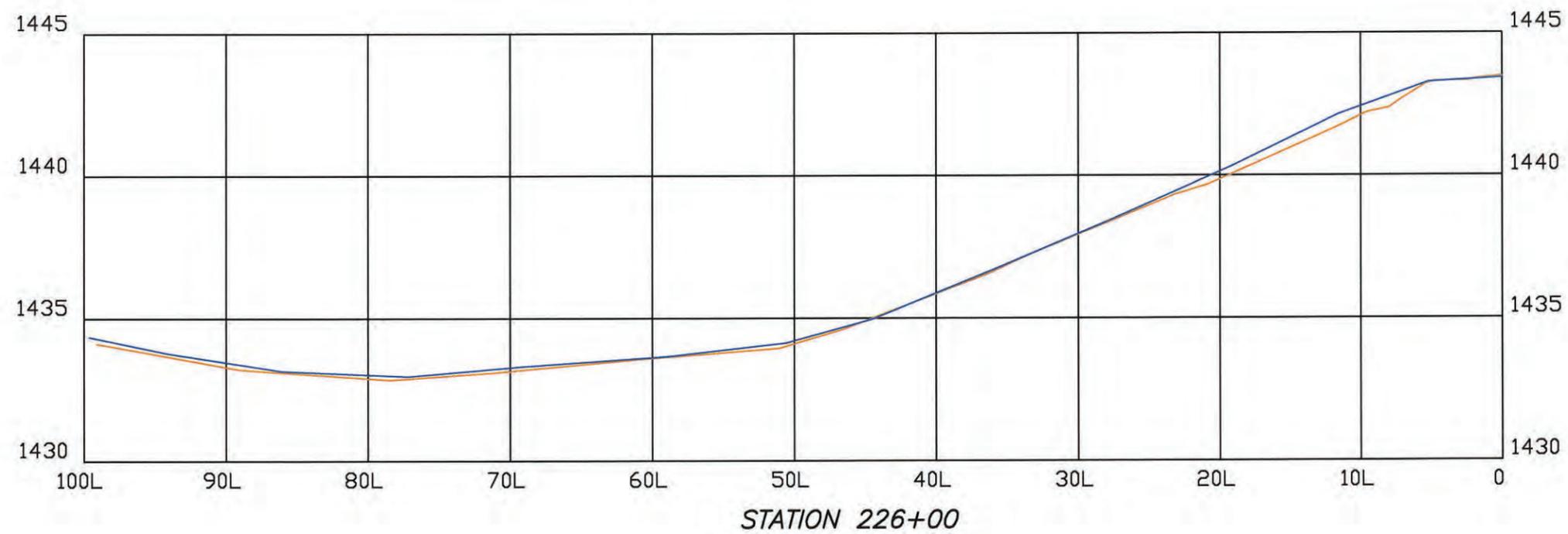
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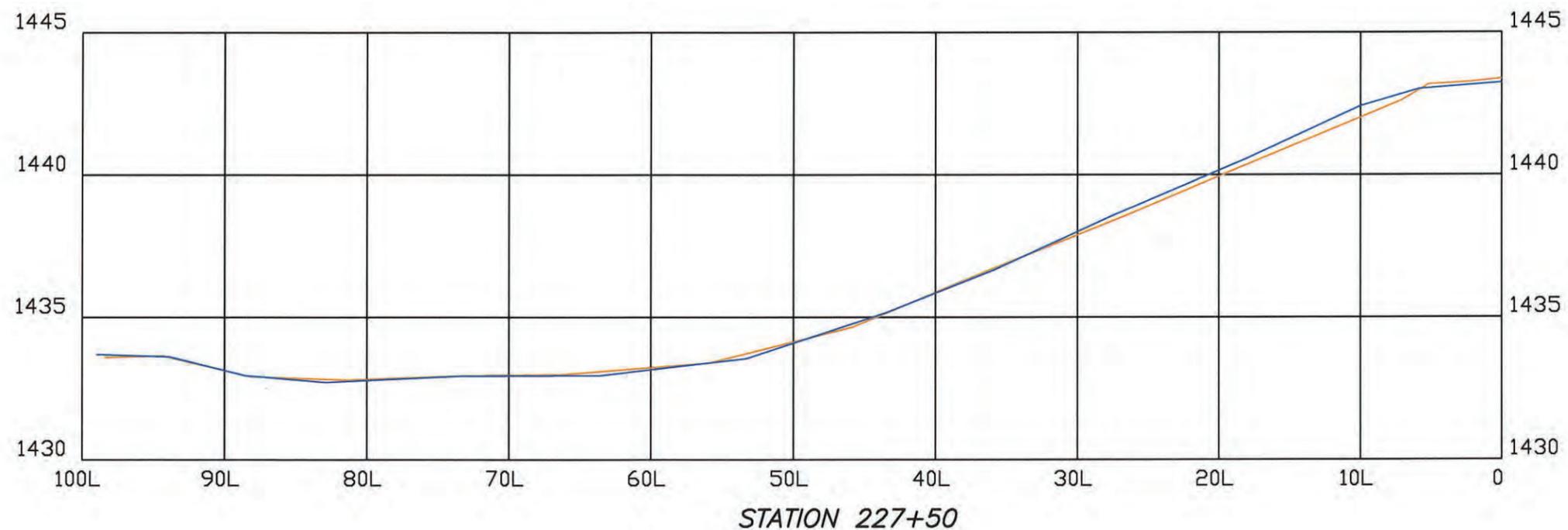
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MGT	TAT/MGT	11-12-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



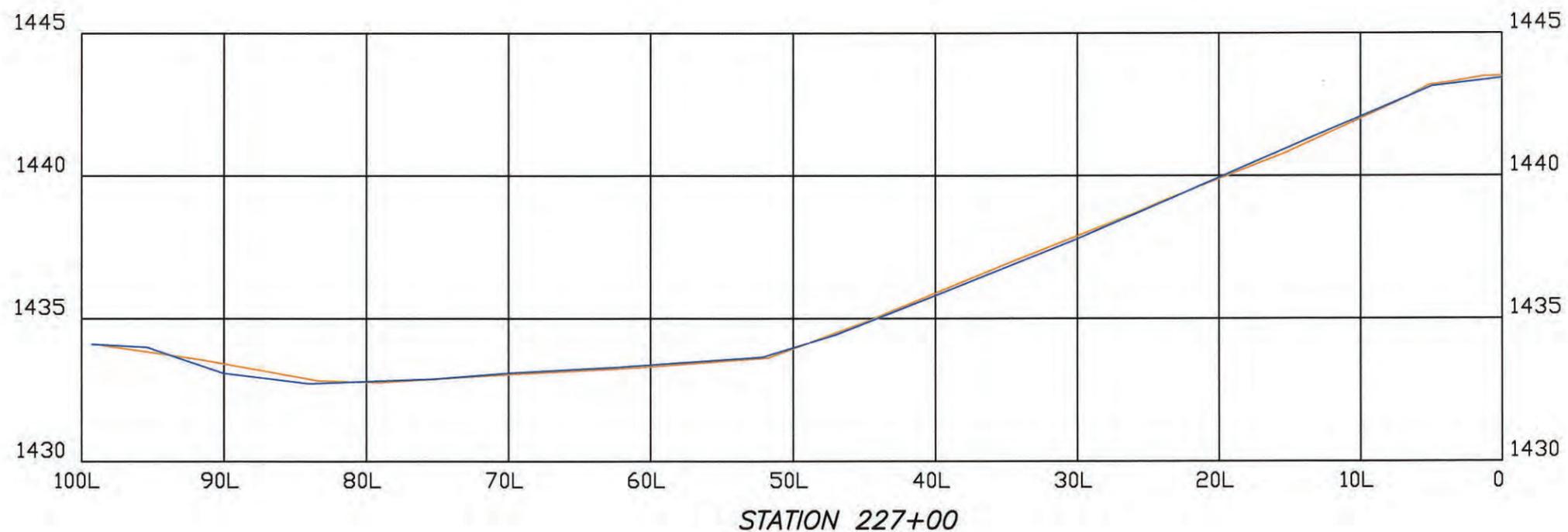
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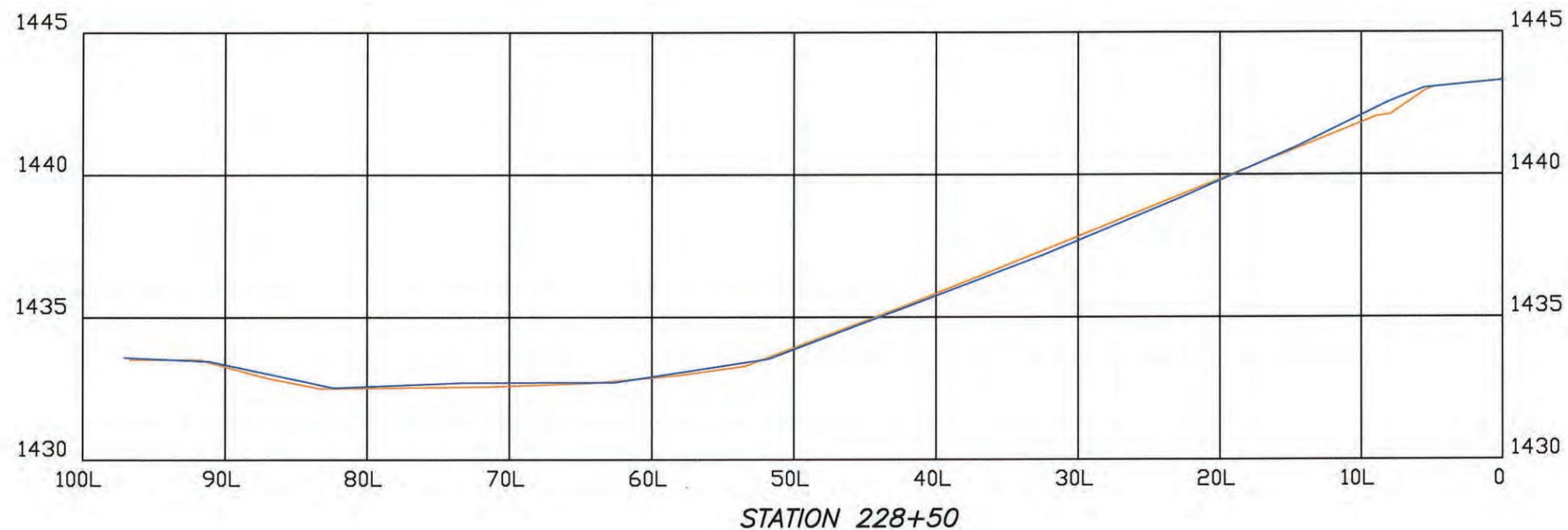
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No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922			



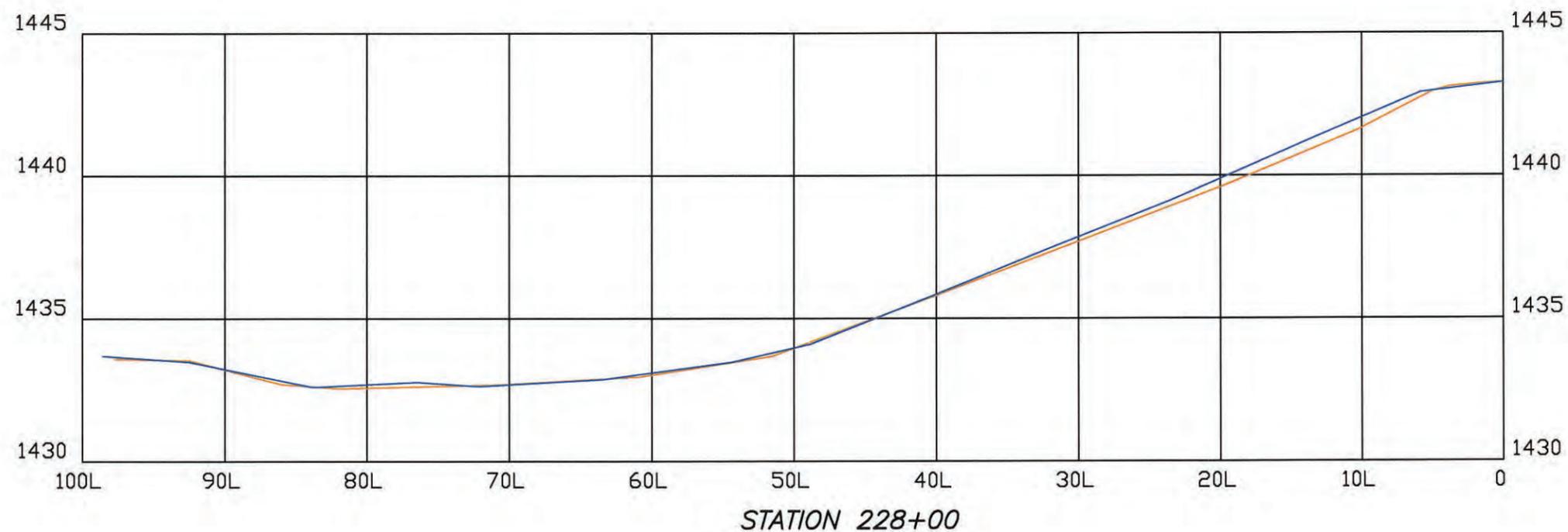
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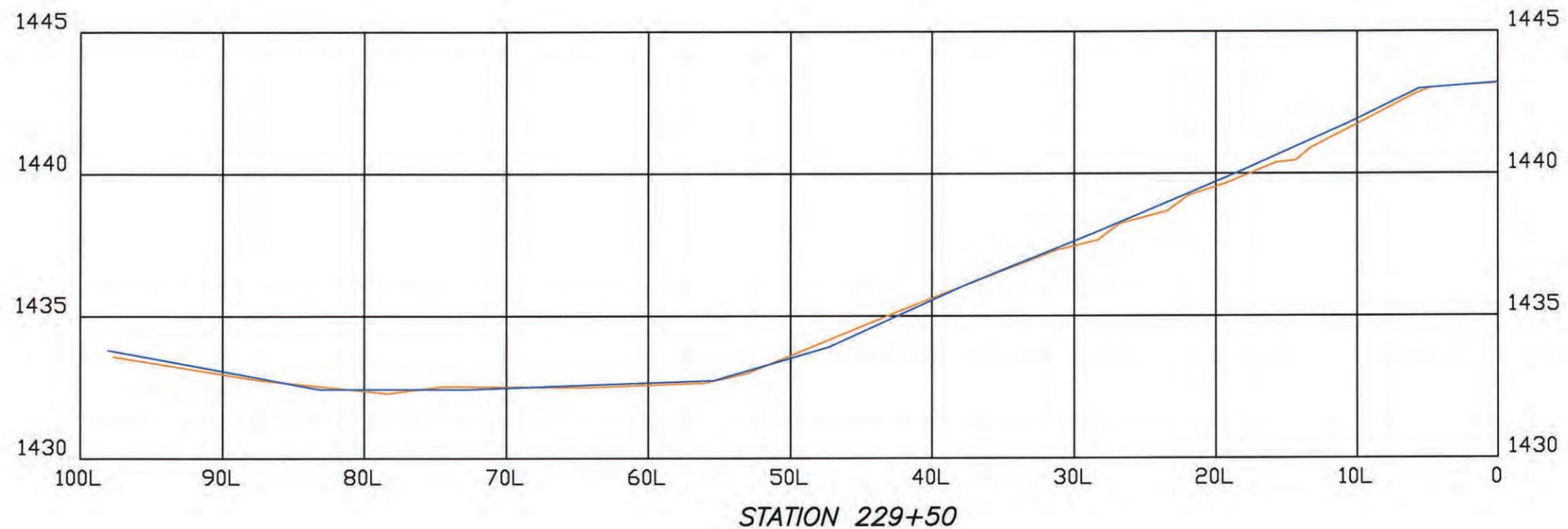
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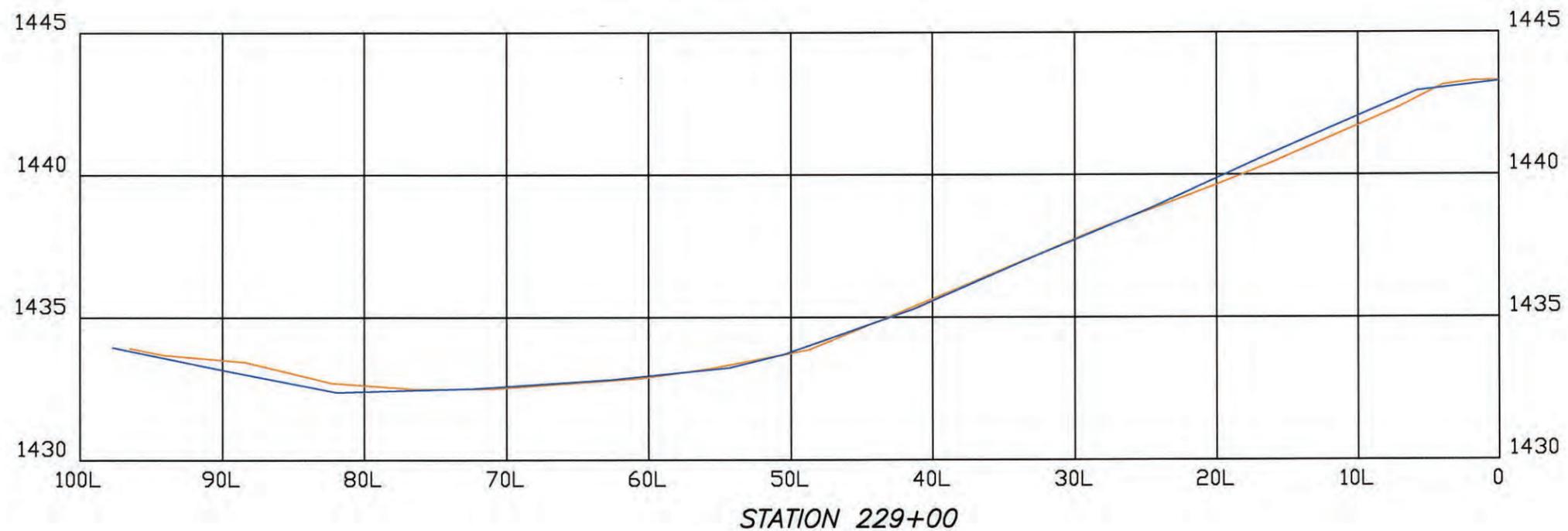
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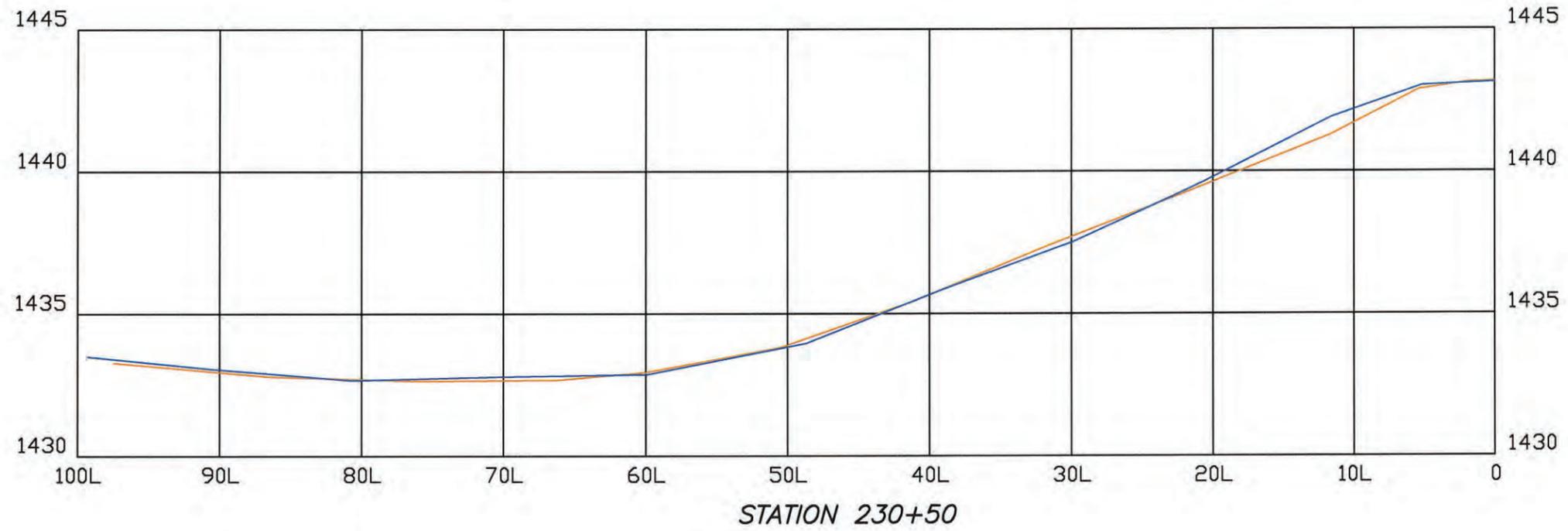
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MGT DRAWN	TAT/MGT SURVEYED	11-12-2019 DATE	



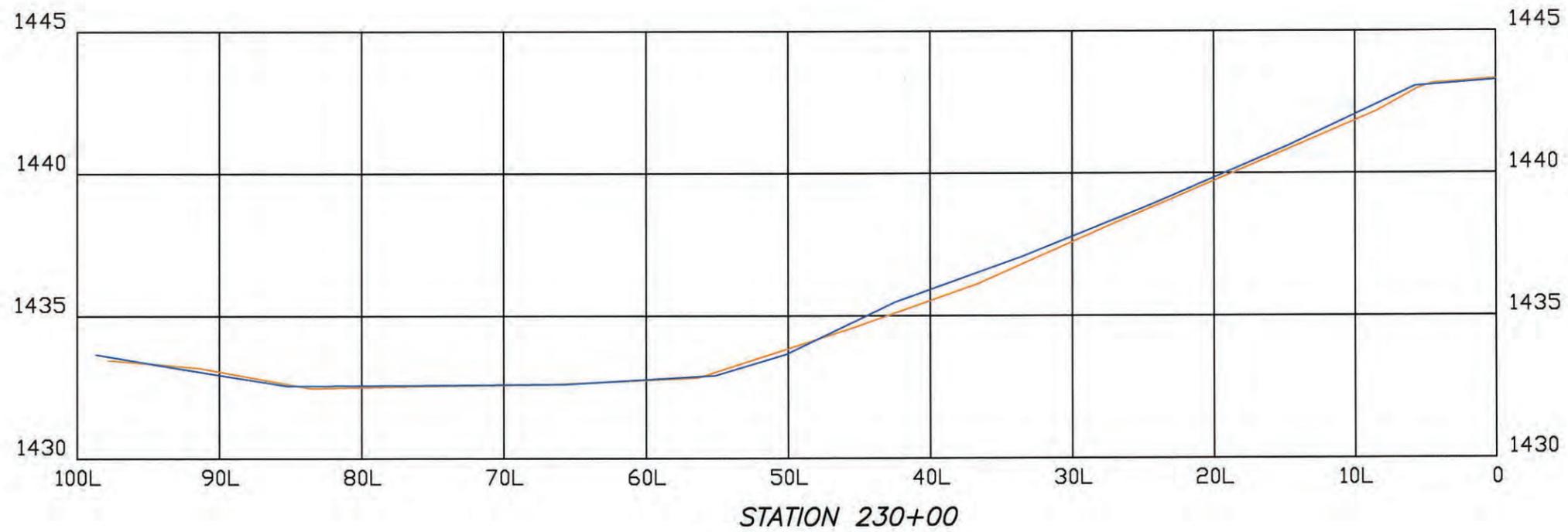
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2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 6 X-SECTIONS BEFORE/AFTER			
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			No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

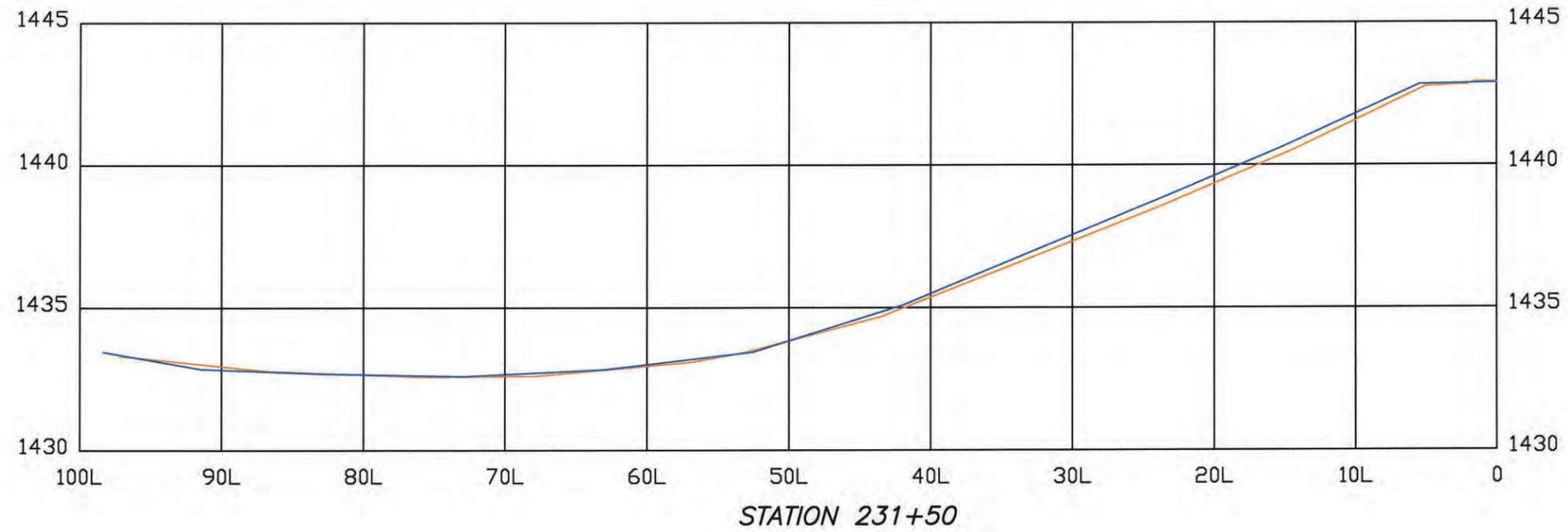


**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 6 X-SECTIONS BEFORE/AFTER**

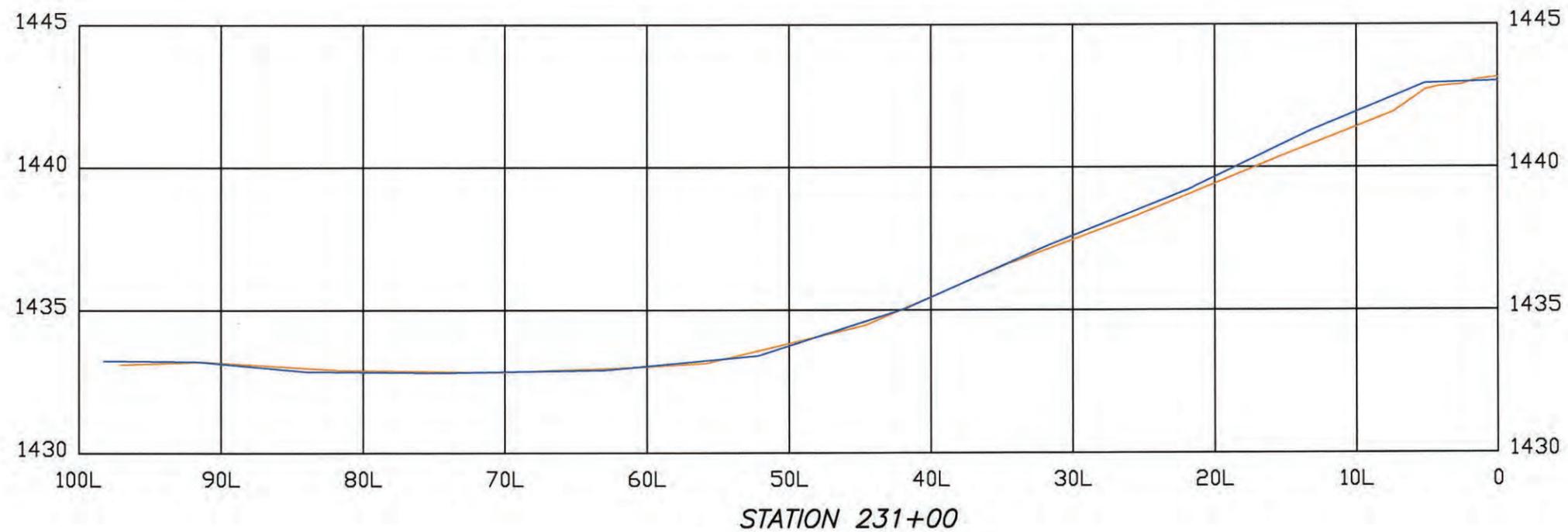
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DRAWN	SURVEYED	DATE



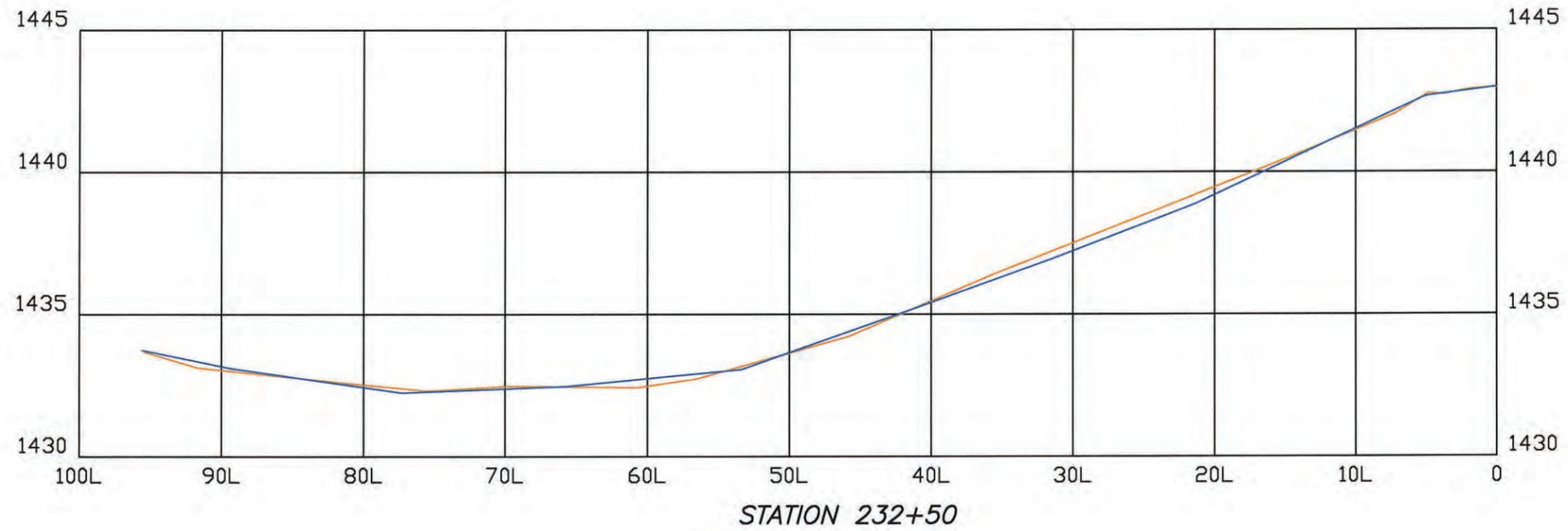
No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922



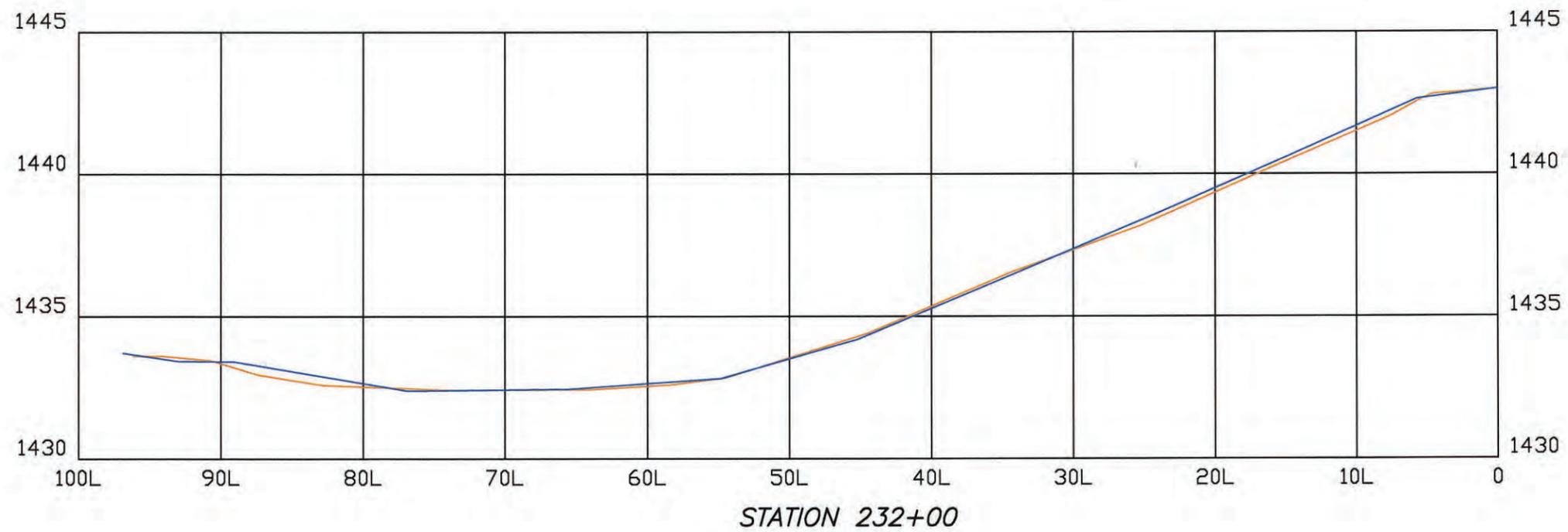
-Legend-
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 Blue X-Section After Construction



2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB AREA 6 X-SECTIONS BEFORE/AFTER			 No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922
MGT DRAWN	TAT/MGT SURVEYED	11-12-2019 DATE	



-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction

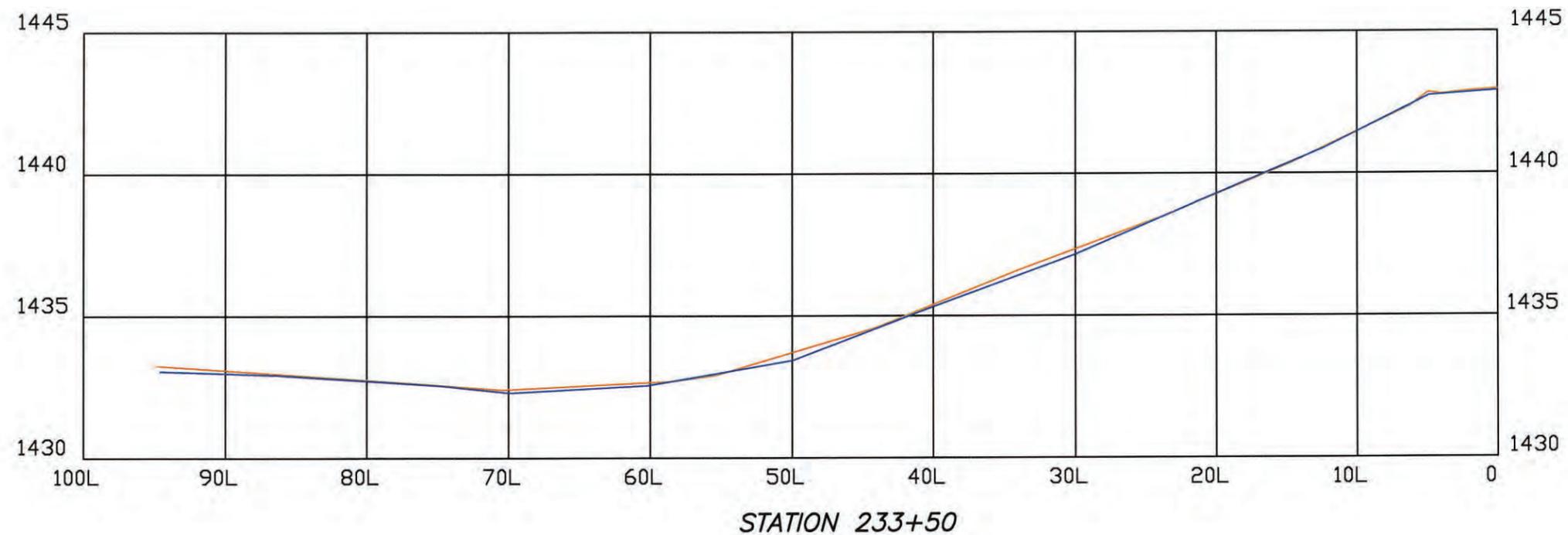


**2019 LEVEE REHABILITATION
 COLUMBUS NE LOUP RIVER LB
 AREA 6 X-SECTIONS BEFORE/AFTER**

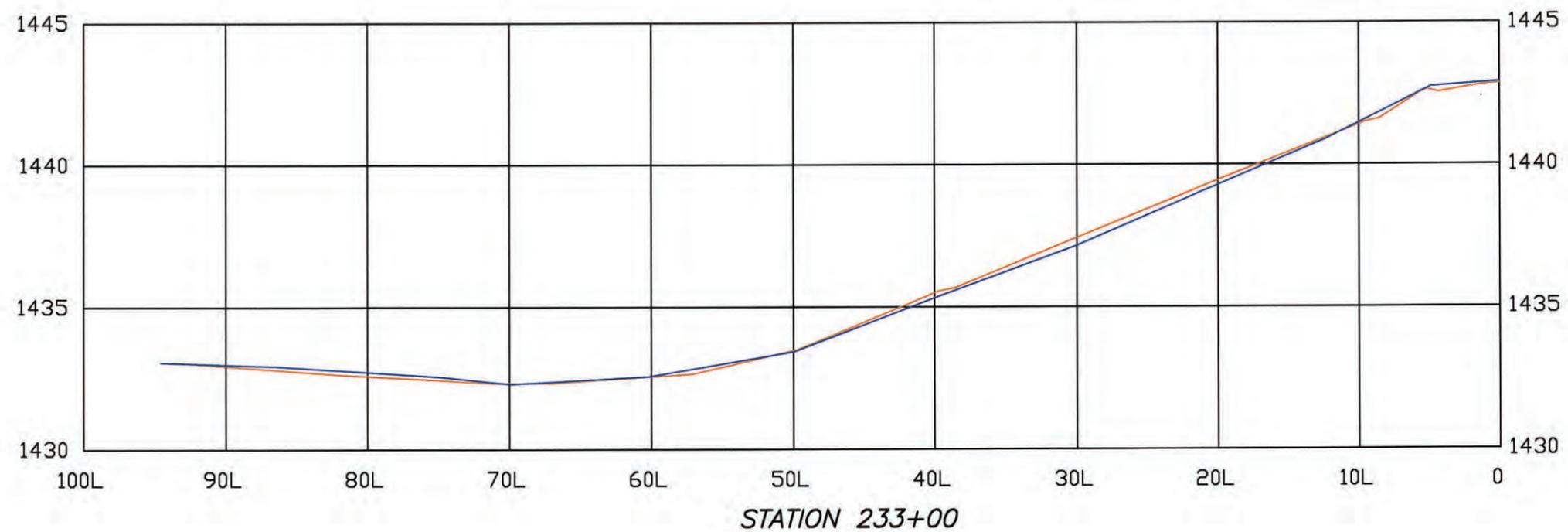
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DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

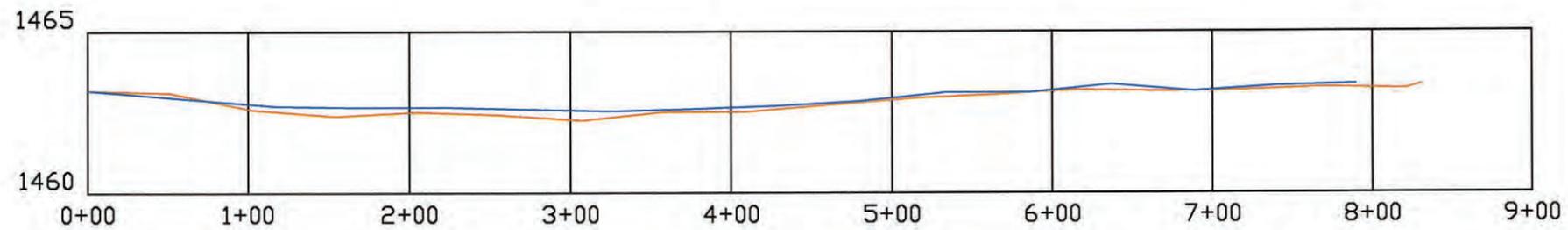
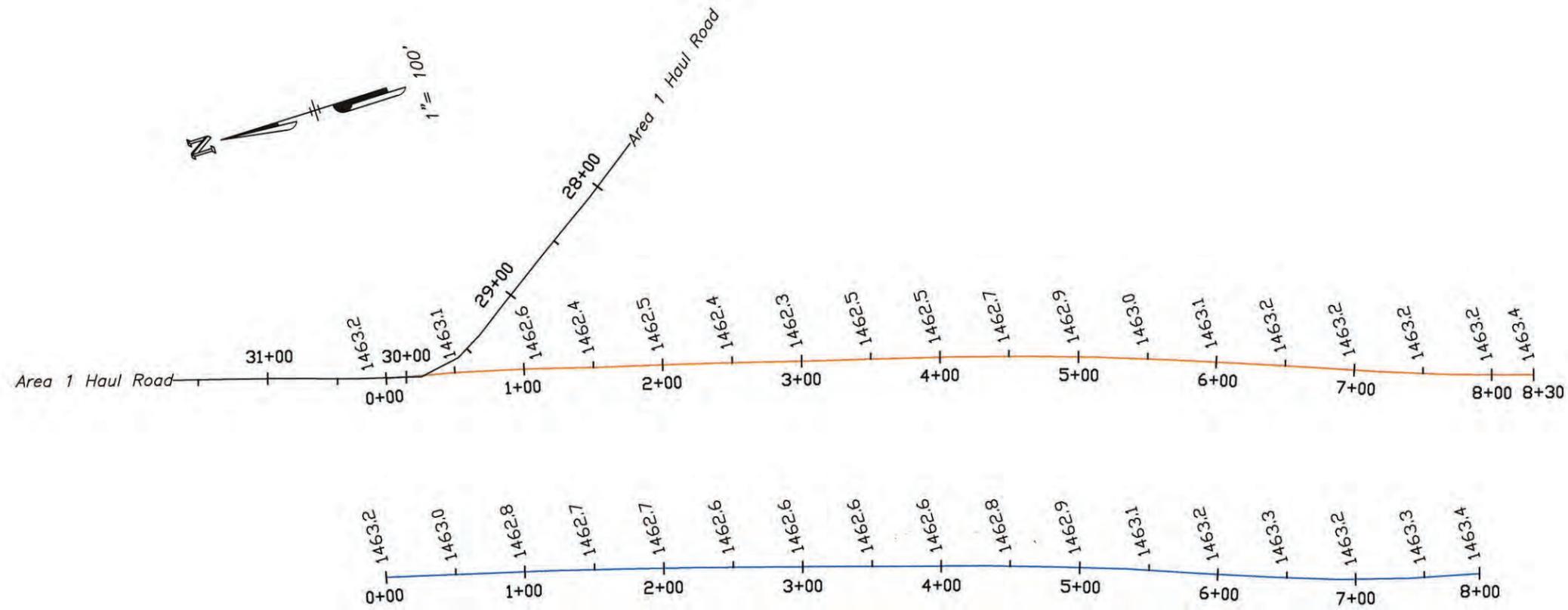


-Legend-
 Orange X-Section Before Construction
 Blue X-Section After Construction



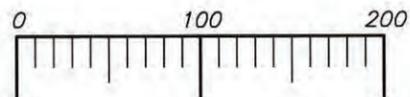
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MGT	TAT/MGT	11-12-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

AREA 7 CREST & HAUL ROAD PROFILE



-Legend-

- Profile Before Construction
- Profile After Construction



**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL AREA 7 HAUL ROAD PROFILE**

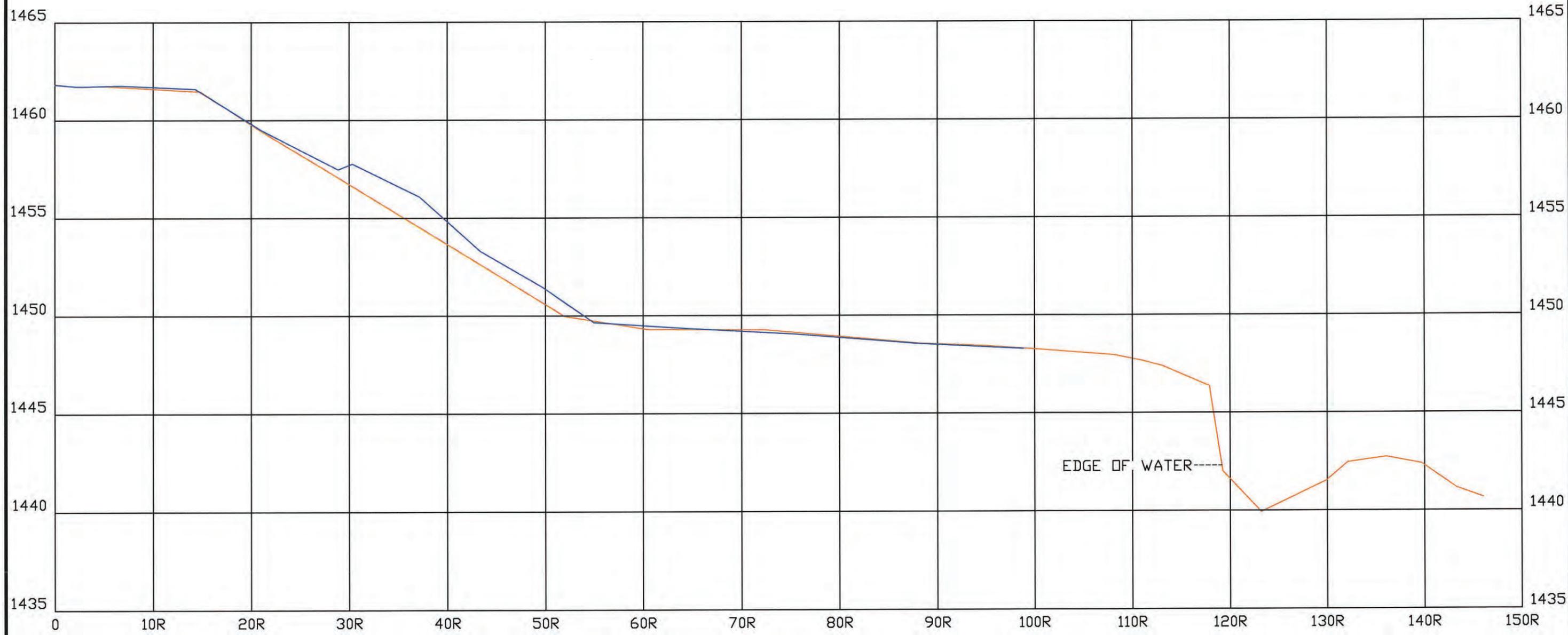
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DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 583-4589 - Fax (402) 563-3922

AREA 7 AS-BUILT CROSS-SECTIONS

- Legend-**
- X-Section Before Construction
 - X-Section After Construction

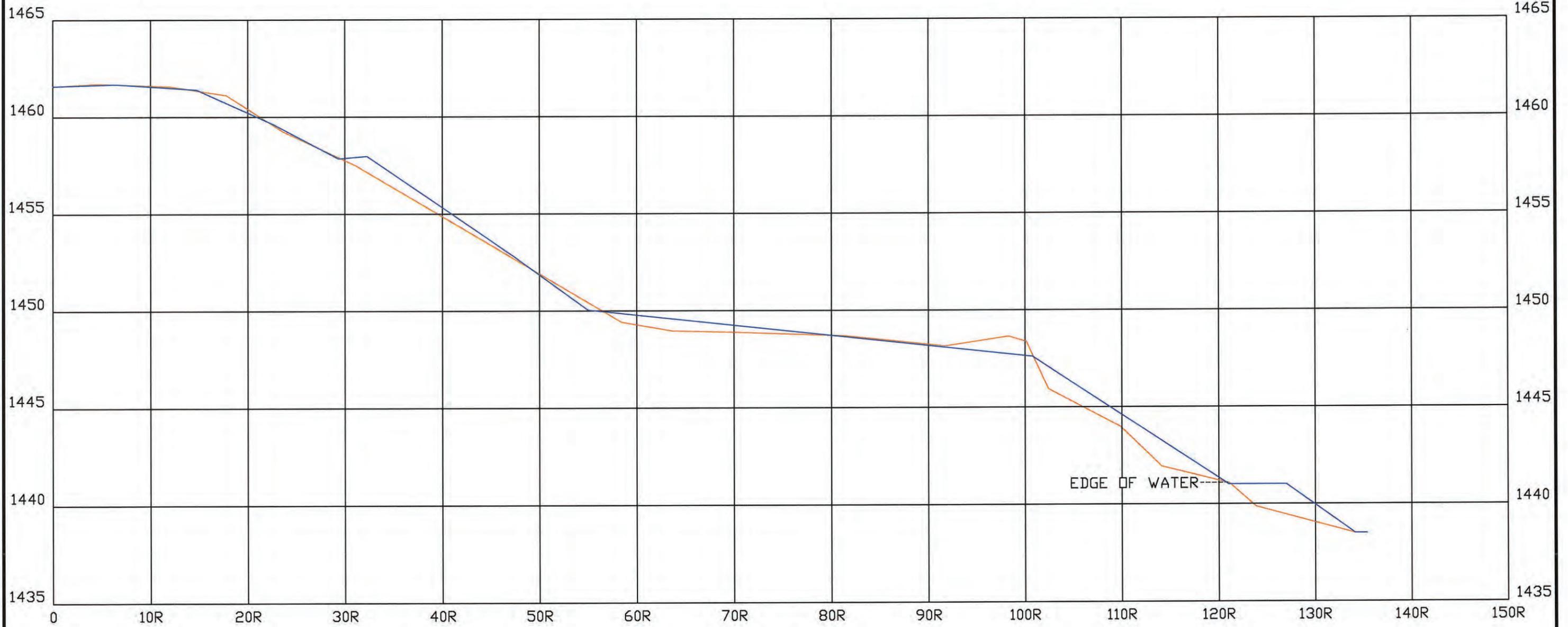


STATION 56+50

2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL SITE 7 X-SECTIONS			
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DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- Orange X-Section Before Construction
- Blue X-Section After Construction



STATION 57+00

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

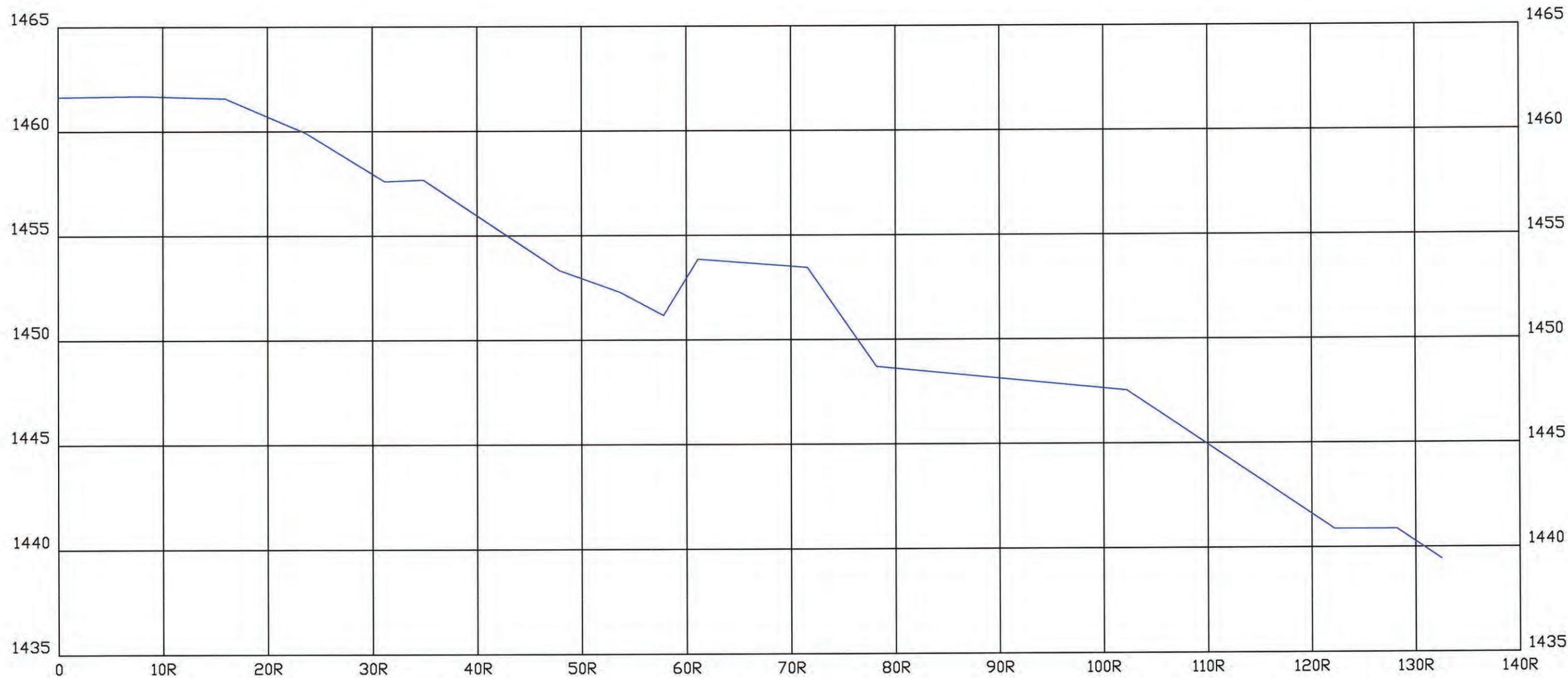
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DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 57+13

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

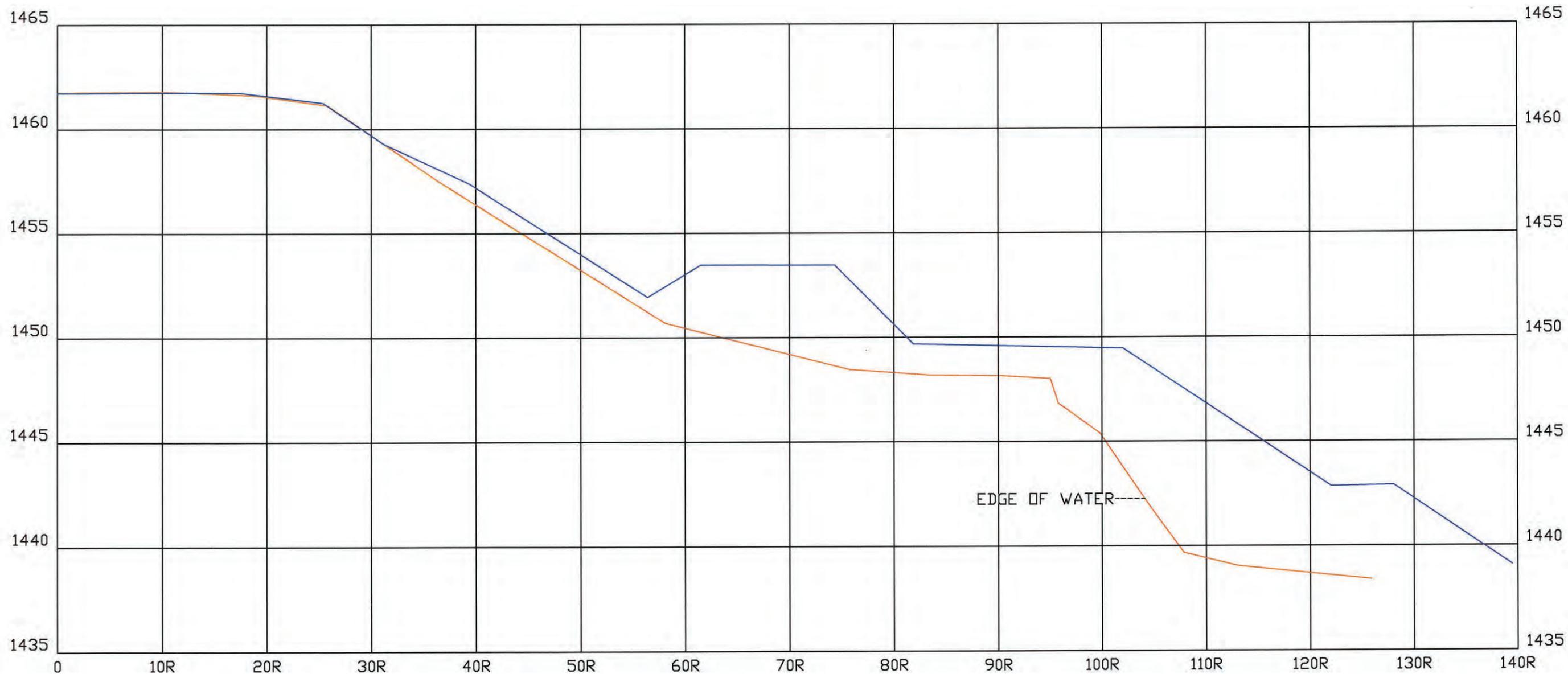
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DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 57+50

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

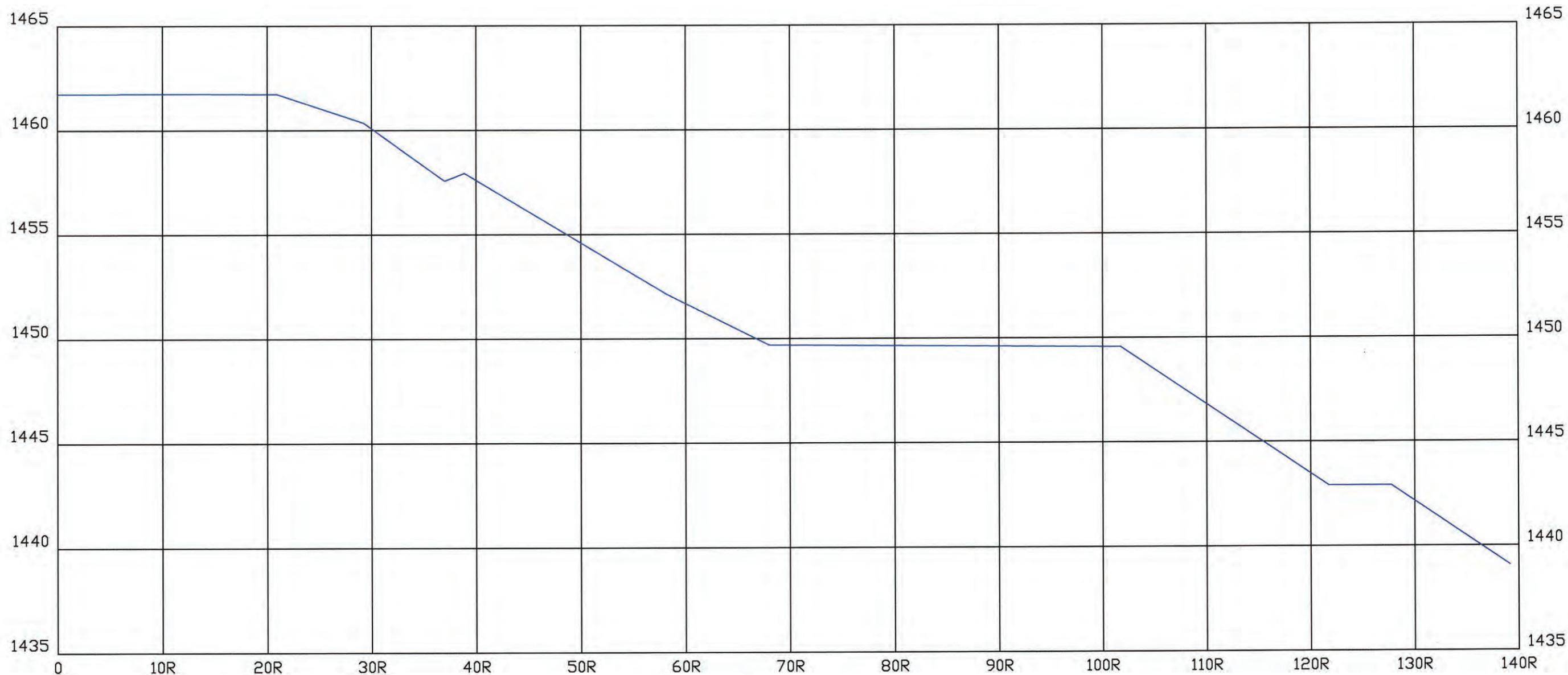
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DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 57+65

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

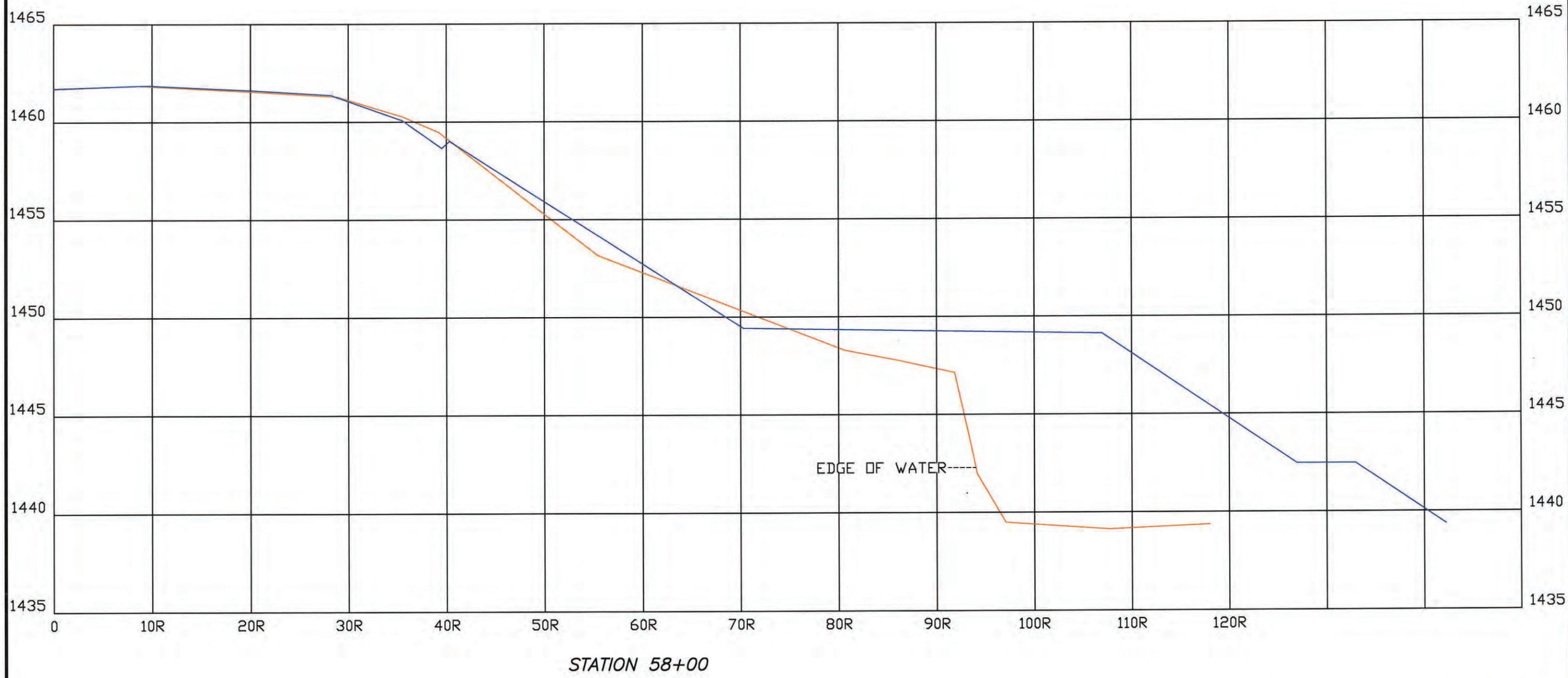
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DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

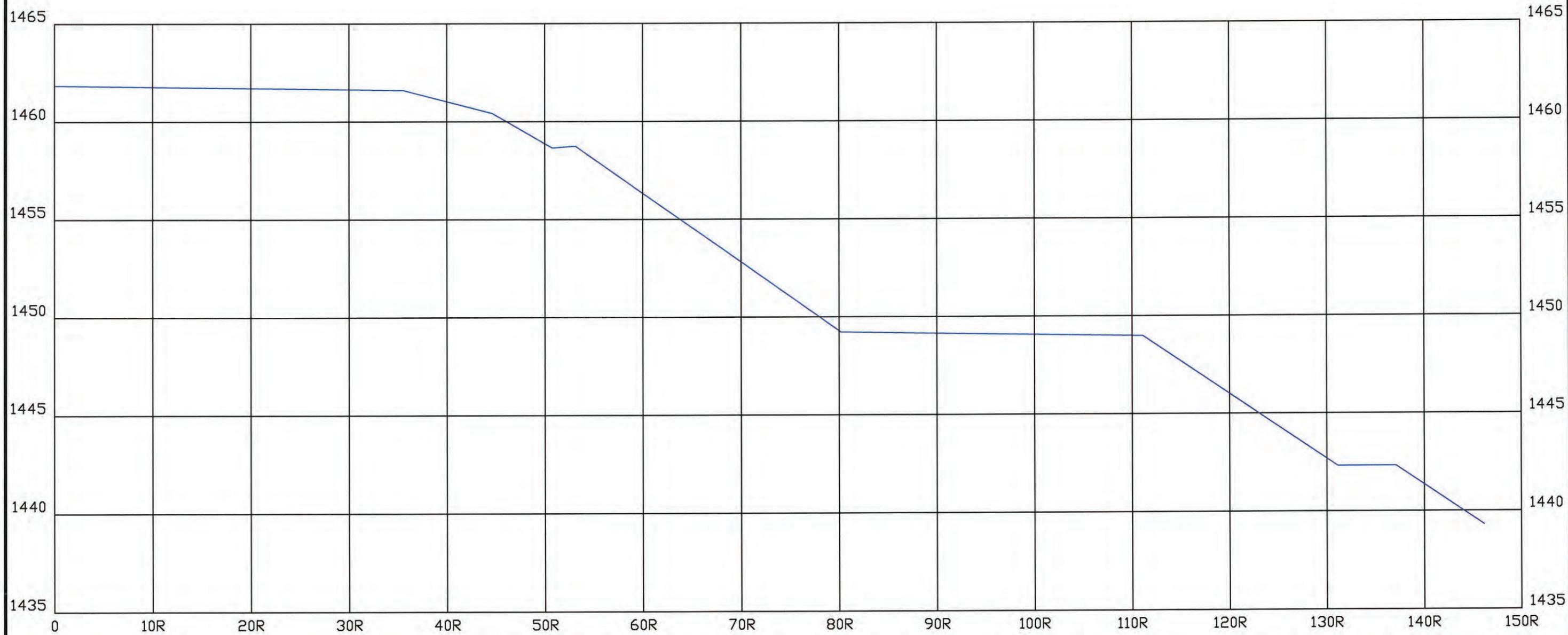
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2019 LEVEE REHABILITATION COLUMBUS NE LOUP RIVER LB FINAL SITE 7 X-SECTIONS			
MGT	TAT/MGT	12-16-2019	
DRAWN	SURVEYED	DATE	No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 58+37

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

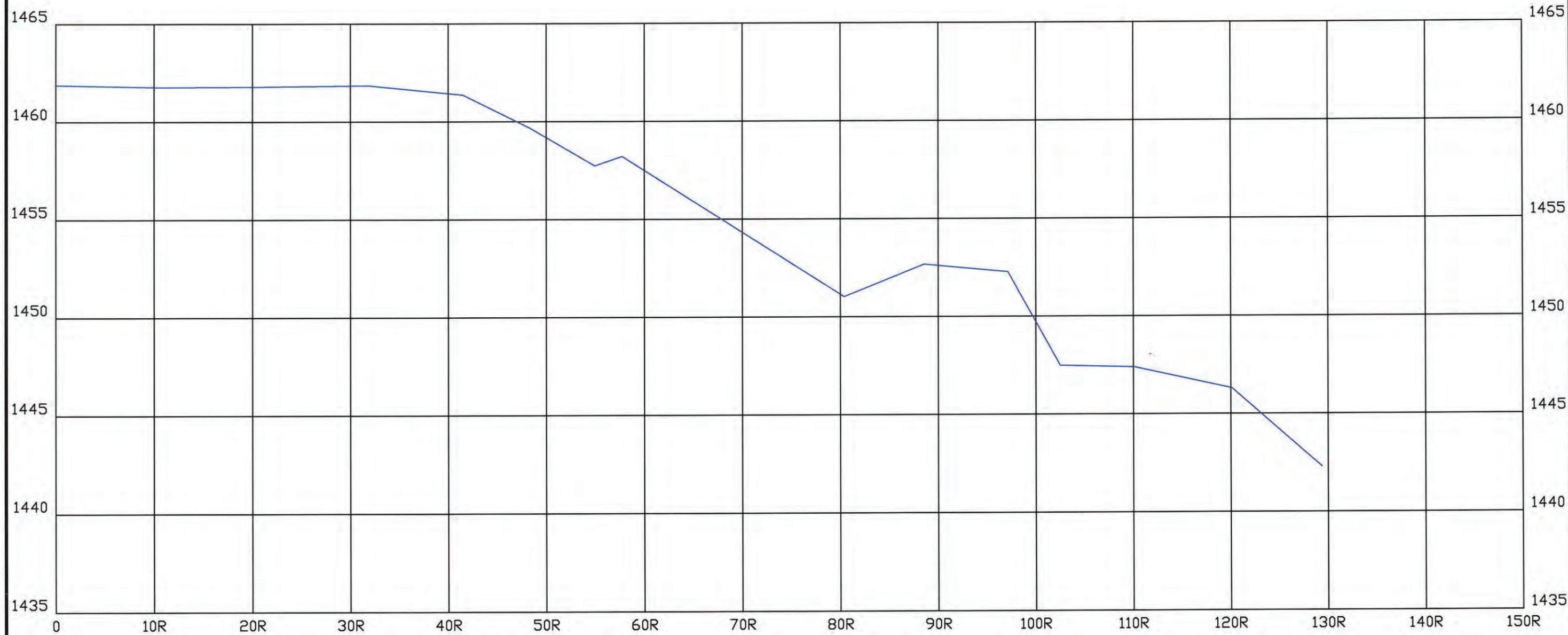


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DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 58+42

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

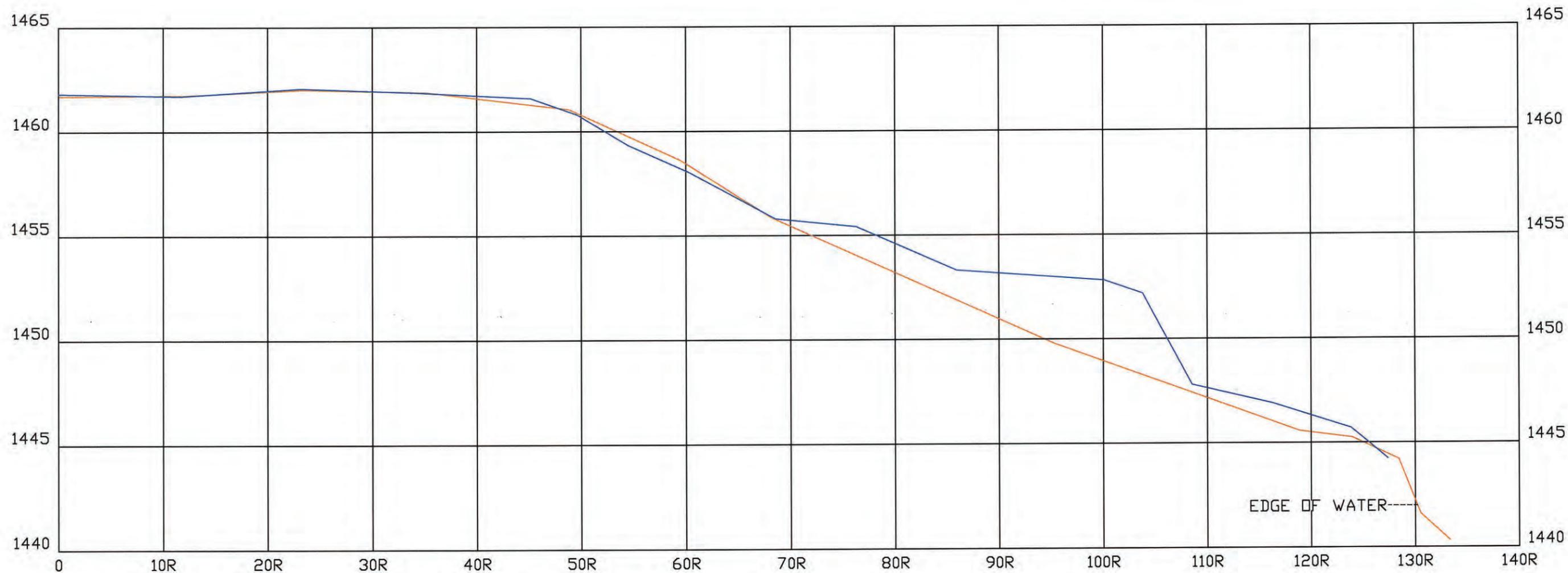


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DRAWN	SURVEYED	DATE

No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

-Legend-

- X-Section Before Construction
- X-Section After Construction



STATION 58+50

**2019 LEVEE REHABILITATION
COLUMBUS NE LOUP RIVER LB
FINAL SITE 7 X-SECTIONS**

MGT	TAT/MGT	12-16-2019
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

**APPENDIX B –
PROJECT TECHNICAL SPECIFICATIONS**

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DIVISION 31 - EARTHWORK

SECTION 31 00 00

EARTHWORK

08/08

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- 1.2 DEFINITIONS
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 - 1.2.2 Unsatisfactory Materials
 - 1.2.3 Cohesionless and Cohesive Materials
- 1.3 SYSTEM DESCRIPTION
 - 1.3.1 Haul Roads
- 1.4 SUBMITTALS

PART 2 PRODUCTS

- 2.1 RIPRAP

PART 3 EXECUTION

- 3.1 SELECTION OF BORROW MATERIAL
- 3.2 STOCKPILES
- 3.3 EROSION REPAIR
 - 3.3.1 Clear Vegetation, Disc/Scarify
 - 3.3.2 Placement of Cohesive Fill and Compaction
- 3.4 DISPOSITION OF SURPLUS MATERIAL

-- End of Section Table of Contents --

SECTION 31 00 00

EARTHWORK

08/08

PART 1 GENERAL

The work covered in this section consists of furnishing all plant, labor, materials and equipment and performing all operations in connection with Erosion Repair operations including Stripping, Clearing of Vegetation, Movement of Debris, Scarifying/Discing, and placing Cohesive Fill.

Additional work includes the development, use, and placement of material from identified or Contractor provided borrow areas; and other applicable earthwork as specified herein, shown on the drawings or otherwise directed by the Contracting Officer.

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

ASTM INTERNATIONAL (ASTM)

ASTM C136/C136M	(2014) Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates
ASTM D1140	(2017) Standard Test Methods for Determining the Amount of Material Finer than 75- μ m (No. 200) Sieve in Soils by Washing
ASTM D2487	(2017) Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)
ASTM D4318	(2017; E 2018) Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils

1.2 DEFINITIONS

1.2.1 Satisfactory Materials

Satisfactory materials comprise any materials classified by ASTM D2487 as GW, GP, GM, GP-GM, GW-GM, GC, GP-GC, GM-GC, SW, SP, SM, SW-SM, SC, SW-SC, SP-SM, SP-SC, CL, ML, CL-ML, and CH. Satisfactory materials for grading comprise stones less than 3 inches in any dimension.

1.2.2 Unsatisfactory Materials

Materials which do not comply with the requirements for satisfactory materials are unsatisfactory. Unsatisfactory materials also include man-made fills; trash; refuse; backfills from previous construction, not

including excavations in this contract; and material classified as satisfactory which contain root and other organic matter or frozen material, material contaminated from hazardous, toxic, biological or radiological substances. Otherwise suitable material which has excess moisture content must not be classified as unsuitable material unless it cannot be dried by manipulation, aeration, or blending with other materials as determined by the Contracting Officer. Notify the Contracting Officer when encountering any contaminated materials.

1.2.3 Cohesionless and Cohesive Materials

Cohesionless materials include materials classified in ASTM D2487 as GW, GP, SW, and SP. Cohesive materials include materials classified as CL, and CH. Perform testing, required for classifying materials, in accordance with ASTM D4318, ASTM C136/C136M and ASTM D1140.

1.3 SYSTEM DESCRIPTION

1.3.1 Haul Roads

Confirm all Haul routes and Access routes with the COR. The general route from the borrow source to the levee project is shown on Sheet G-101 and G-102. Follow all local, State, and Federal regulations when utilizing local roads and highways for haul routes and access.

Prior to the commencement of construction, submit to the Contracting Officer a site plan detailing the location of all haul roads within the project limits. The levee crest is intended to be the primary access and haul route along the levee project. Construct additional haul roads as needed with approval by the Contracting Officer. Areas on each side of the haul road corridor must not be disturbed. Any degradation to the levee crest or haul area identified in post-construction surveys must be restored to preconstruction condition and levee surfacing restored.

The limits of the haul road must be clearly marked in the field using construction fencing or similar methods approved by the Contracting Officer. Haul roads must be constructed to maintain the intended traffic, be free draining, and be maintained in good condition throughout the contract period.

All haul roads within the right-of-way that will remain as public thoroughfares must be cleaned daily and maintained to their preconstruction condition. Haul roads constructed during the contract duration must be removed after work is completed and the impacted area restored to its preconstruction conditions. All costs associated with these haul roads must be considered as a subsidiary obligation of the Contractor.

1.4 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. Submit the following in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

Work Plan; G, AO

PART 2 PRODUCTS

2.1 RIPRAP

Riprap must be placed as indicated on the drawings and in accordance with Specification Section 31 24 50 RIPRAP SLOPE PROTECTION.

PART 3 EXECUTION

3.1 SELECTION OF BORROW MATERIAL

Obtain Cohesive Fill borrow material from the borrow area shown on Drawing Sheet No. G-101. Borrow material obtain from the the borrow shown on the drawings is available at no cost to the Contractor. Unless specifically provided, do not obtain borrow within the limits of the project site without prior written approval. Consider necessary clearing, grubbing, and satisfactory drainage of borrow pits and the disposal of debris thereon related operations to the borrow excavation. Contractor shall provide a work plan that describes the operations of borrow site development, hauling, staging, placement, and compaction of cohesive fill to repair erosion areas.

3.2 STOCKPILES

Place and grade stockpiles of satisfactory materials as needed. Keep stockpiles in a neat and well drained condition, giving due consideration to drainage at all times. Clear, grub, and seal by rubber-tired equipment, the ground surface at stockpile locations. Protect stockpiles of satisfactory materials from contamination which may destroy the quality and fitness of the stockpiled material. If the Contractor fails to protect the stockpiles, and any material becomes unsatisfactory, remove and replace such material with satisfactory material from approved sources.

3.3 EROSION REPAIR

3.3.1 Clear Vegetation, Disc/Scarify

Remove and replace unsatisfactory material with satisfactory materials, as directed by the Contracting Officer, in surfaces to receive fill. Unsatisfactory materials may include displaced gravel surfacings and flood-deposited debris, to be stockpiled at a site shown on Sheet G-102 and approved by the COR.

Disc/Scarify the surface to a depth of 6 inches before the fill is started.

3.3.2 Placement of Cohesive Fill and Compaction

Repair Erosion with satisfactory Cohesive Fill. Place the material in successive horizontal layers of loose material not more than 8 inches in depth. Spread each layer uniformly on a soil surface that has been moistened or aerated as necessary, to facilitate compaction as approved by COR.

Do not place material on surfaces that are muddy, frozen, or contain frost. Finish compaction by at least three passes of pneumatic(rubber) -tired rollers or other approved compaction equipment.

No compaction testing is required. However, satisfactory compaction is to be visually confirmed by the COR. Cohesive Fill that is excessively wet or

dry for proper compaction is to be removed and replaced at cost to the Contractor.

Fiinish the surface to a smooth and compact surface which smoothly transitions into the elevation of adjacent levee crest and slopes. Prepare the surface for seeding, erosion control blanket, or crest surfacing and place in accordance with the respective section of the Specifications.

3.4 DISPOSITION OF SURPLUS MATERIAL

Remove surplus material or other soil material not required or suitable for filling or backfilling, and brush, refuse, stumps, roots, and timber to a location approved by the Contracting Officer.].

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SECTION 32 15 00

LEVEE AGGREGATE SURFACING
05/17

PART 1 GENERAL

1.1 UNIT PRICES

1.1.1 Measurement

Measure the quantity of aggregate surface course completed and accepted, as determined by the Contracting Officer, in cubic yards. The volume of aggregate surface course in-place and accepted will be determined by the average job thickness obtained in accordance with paragraph LAYER THICKNESS and the dimensions shown on the drawings.

1.1.2 Payment

Quantities of aggregate surface course, determined as specified above, will be paid for at the respective contract unit prices, which will constitute full compensation for the construction and completion of the aggregate surface course.

1.1.3 Waybills and Delivery Tickets

Submit copies of waybills and delivery tickets during progress of the work. Before the final payment is allowed, file certified waybills and certified delivery tickets for all aggregates actually used.

1.2 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

ASTM INTERNATIONAL (ASTM)

ASTM C117	(2017) Standard Test Method for Materials Finer than 75-um (No. 200) Sieve in Mineral Aggregates by Washing
ASTM C131/C131M	(2014) Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine
ASTM C136/C136M	(2014) Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates
ASTM D4318	(2017; E 2018) Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils
ASTM D75/D75M	(2014) Standard Practice for Sampling Aggregates

ASTM D4791	(2010) Flat Particles, Elongated Particles, or Flat and Elongated Particles in Coarse Aggregate
ASTM E11	(2016) Standard Specification for Woven Wire Test Sieve Cloth and Test Sieves

1.3 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. Submit the following in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-03 Product Data

Equipment; G
Waybills And Delivery Tickets

SD-06 Test Reports

Initial Tests; G
Control Tests; G

1.4 EQUIPMENT, TOOLS, AND MACHINES

All equipment used in the performance of the work will be subject to approval by the Contracting Officer before the work is started. Maintain all plant, equipment, and tools in satisfactory working condition at all times. Submit a list of proposed equipment, including descriptive data. Provide adequate equipment having the capability of minimizing segregation, producing the required compaction, meeting grade controls, thickness control, and smoothness requirements as set forth herein.

1.5 QUALITY ASSURANCE

Sampling and testing are the responsibility of the Contractor. Perform sampling and testing using a laboratory approved in accordance with Section QUALITY CONTROL. Work requiring testing will not be permitted until the testing laboratory has been inspected and approved. Test the materials to establish compliance with the specified requirements and perform testing at the specified frequency. The Contracting Officer may specify the time and location of the tests. Furnish copies of test results to the Contracting Officer within 24 hours of completion of the tests.

1.5.1 Sampling

Take samples for laboratory testing in conformance with ASTM D75/D75M. When deemed necessary by the Contracting Officer, the sampling will be observed by the Contracting Officer.

1.5.2 Testing

1.5.2.1 Sieve Analysis

Perform sieve analysis in conformance with ASTM C117 and ASTM C136/C136M using sieves conforming to ASTM E11.

1.5.2.2 Liquid Limit and Plasticity Index

Determine liquid limit and plasticity index in accordance with ASTM D4318.

1.5.2.3 Flat and Elongated Particles

Test for flat and elongated particles in course aggregate in accordance with ASTM D4791

1.5.2.4 Wear Test

Perform wear tests on aggregate surface course material in conformance with ASTM C131/C131M.

1.6 ENVIRONMENTAL REQUIREMENTS

Perform construction when the atmospheric temperature is above 35 degrees F. It is the responsibility of the Contractor to protect, by approved method or methods, all areas of surfacing that have not been accepted by the Contracting Officer. Bring surfaces damaged by freeze, rainfall, or other weather conditions to a satisfactory condition.

PART 2 PRODUCTS

2.1 AGGREGATES

Provide aggregates consisting of clean, sound, durable particles of natural gravel, crushed gravel, crushed stone, sand, slag, soil, or other approved materials processed and blended or naturally combined. Provide aggregates free from lumps and balls of clay, organic matter, objectionable coatings, and other foreign materials. The Contractor is responsible for obtaining materials that meet the specification and can be used to meet the grade and smoothness requirements specified herein after all compaction and proof rolling operations have been completed.

2.1.1 Coarse Aggregates

The material retained on the No. 4 sieve is known as coarse aggregate. Use only coarse aggregates that are reasonably uniform in density and quality. Use only coarse aggregate having a percentage of wear not exceeding 50 percent after 500 revolutions as determined by ASTM C131/C131M. The amount of flat and/or elongated particles must not exceed 20 percent as determined by ASTM D4791. A flat particle is one having a ratio of width to thickness greater than three; an elongated particle is one having a ratio of length to width greater than three. When the coarse aggregate is supplied from more than one source, aggregate from each source must meet the requirements set forth herein.

2.1.2 Fine Aggregates

The material passing the No. 4 sieve is known as fine aggregate. Fine aggregate consists of screenings, sand, soil, or other finely divided mineral matter that is processed or naturally combined with the coarse aggregate.

2.1.3 Gradation Requirements

Gradation requirements specified in TABLE I apply to the completed aggregate surface. It is the responsibility of the Contractor to obtain

materials that will meet the gradation requirements after mixing, placing, compacting, and other operations. TABLE I shows permissible gradings for granular material used for aggregate surfacing on levee crests. Use sieves conforming to ASTM E11.

TABLE I. GRADATION FOR AGGREGATE SURFACE COURSES	
Sieve Designation	Percent Passing
3 inch	100
1 1/2 inch	70-100
3/8 inch	35-50
No. 4	20-40
No. 10	15-30
No. 40	10-20
No. 200	8-12

2.2 LIQUID LIMIT AND PLASTICITY INDEX

The portion of the completed aggregate surface course passing the No. 40 sieve must have a maximum liquid limit of 35 and a plasticity index of 4 to 9.

2.3 TESTS, INSPECTIONS, AND VERIFICATIONS

2.3.1 Initial Tests

Perform one of each of the following tests, on the proposed material prior to commencing construction, to demonstrate that the proposed material meets all specified requirements when furnished. Complete this testing for each source if materials from more than one source are proposed.

- a. Sieve Analysis.
- b. Liquid limit and plasticity index.
- c. Wear.
- d. Flat and Elongated Particles

Submit certified copies of test results for approval not less than 30 days before material is required for the work.

2.3.2 Control Tests

One gradation test shall be performed for each 500 tons of surfacing material delivered to the project in accordance with ASTM C136/C136M.

2.3.3 Approval of Material

Select the source of the material to be used for producing aggregates prior to the time the material will be required in the work. Approval of sources not already approved by the Corps of Engineers will be based on an inspection by the Contracting Officer. Tentative approval of materials will be based on appropriate test results on the aggregate source. Final approval of the materials will be based on tests for gradation, liquid limit, and plasticity index performed on samples taken from the completed and compacted surface course.

PART 3 EXECUTION

3.1 OPERATION OF AGGREGATE SOURCES

Perform clearing, stripping, and excavating. Operate the aggregate sources to produce the quantity and quality of materials meeting these specification requirements in the specified time limit. Upon completion of the work, leave aggregate sources on Government property in a satisfactory condition so that they readily drain. Finalize aggregate sources on private lands in agreement with local laws or authorities.

3.2 STOCKPILING MATERIAL

Prior to stockpiling the material, clear and level the storage sites. All materials shall be stockpiled in the manner and at the locations designated by the drawings or by the Contracting Officer. Stockpile aggregates in such a manner that will prevent segregation. Aggregates and binders obtained from different sources shall be stockpiled separately.

3.3 SURFACING LOCATIONS

Aggregate surfacing shall be placed on the levee crest at the location indicated on the drawings. Aggregate surfacing shall also be placed at locations as directed by the COR where the levee crest and/or existing levee crest surfacing was damaged while being used by the contractor to access other damage locations.

3.4 PREPARATION OF LEVEE CREST

Clean the levee crest of all foreign substances. Do not construct the surface course on frozen material. Correct ruts or soft yielding spots in the levee crest, areas having inadequate compaction and deviations of the surface from the requirements set forth herein by loosening and removing soft or unsatisfactory material and by adding approved material, reshaping to line and grade and recompacting to density requirements specified in Section 31 00 00 EARTHWORK. Do not allow traffic or other operations to disturb the completed levee crest and maintain in a satisfactory condition until the surface course is placed.

3.5 GRADE CONTROL

During construction, maintain the lines and grades including crown and cross slope indicated for the aggregate surface course by means of line and grade stakes placed by the Contractor .

3.6 LAYER THICKNESS

The aggregate material shall be placed on the levee crest in a 6-inch layer

of uniform thickness. In areas where the levee height was lowered due to construction activities or was degraded by other means, the levee crest shall be raised with compacted cohesive material prior to the placement of levee surfacing. When a compacted layer of 6 inches or less is specified, the material may be placed in a single layer; when a compacted thickness of more than 6 inches is required, no layer shall exceed 6 inches nor be less than 3 inches when compacted.

3.7 COMPACTION

Compact the levee aggregate surface course with one pass of of a heavy rubber-tired roller having four tires abreast with each tire loaded to 30,000 pounds and tires inflated to 150 psi or a smooth drum roller with equivalent total contact pressure. Compact the mixture with mechanical tampers in locations not accessible to rollers. Remove any materials that are found to be unsatisfactory and replace them with satisfactory material or rework them to produce a satisfactory material.

3.8 SMOOTHNESS TEST

Construct each layer so that the surface shows no deviations in excess of 3/8 inch when tested with a 10 foot straightedge applied both parallel with and at right angles to the centerline of the area to be paved. Correct deviations exceeding this amount by removing material, replacing with new material, or reworking existing material and compacting, as directed.

3.9 MAINTENANCE

The Contractor shall maintain the aggregate surface course in a condition that will meet all specification requirements until accepted.

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SECTION 32 92 19.10

SEEDING ON LEVEES
10/06

PART 1 GENERAL

The following describes the requirements for establishing seeding and related areas vegetative cover and erosion control once final grading is complete. Seed all exposed surfaces within the project limits that are not indicated to be surfaced otherwise.

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

U.S. DEPARTMENT OF AGRICULTURE (USDA)

AMS Seed Act (1940; R 1988; R 1998) Federal Seed Act

1.2 DEFINITIONS

1.2.1 Stand of Turf

95 percent ground cover of the established species.

1.3 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

Equipment;

A listing of equipment to be used for the seeding operation.

Delivery;

Delivery schedule.

Finished Grade and Topsoil;

Finished grade status.

SD-03 Product Data

Wood cellulose fiber mulch

Include physical characteristics, and recommendations.

Erosion Control Blankets

Include product data and recommendation.

Erosion Control Blanket Anchors

Include product data and recommendation.

SD-06 Test Reports

Equipment Calibration

Certification of calibration tests conducted on the equipment used in the seeding operation.

SD-07 Certificates

Seed; G-A0

Prior to purchasing of seed a complete listing of seed varieties (common name and botanical name) available for use. Prior to the delivery of materials, certificates of compliance attesting that materials meet the specified requirements. Certified copies of the material certificates shall include the following:

a. Seed. Classification, botanical name, common name, percent pure live seed, minimum percent germination and hard seed, maximum percent weed seed content, and date tested. Signed statement certifying that seed mixtures have been tested within the last 6 months prior to the date of delivery for seed type, and weed content.

SD-08 Manufacturer's Instructions

Erosion Control Materials

SD-11 Closeout Submittals

Quantity Check

Bag count or bulk weight measurements of material used compared with area covered to determine the application rate and quantity installed.

Seed Establishment Period

Calendar time period for the seed establishment period. When there is more than one seed establishment period, the boundaries of the seeded area covered for each period shall be described.

Maintenance Records

Maintenance work performed, area repaired or reinstalled, diagnosis for unsatisfactory stand of grass plants.

1.4 DELIVERY, STORAGE, AND HANDLING

1.4.1 Delivery

A delivery schedule shall be provided at least 10 calendar days prior to the first day of delivery.

1.4.1.1 Seed Protection

Protect from drying out and from contamination during delivery, on-site storage, and handling.

1.4.1.2 Delivery

Deliver to the site in original, unopened containers bearing manufacturer's seed analysis, name, trade name, trademark, and indication of conformance to state and federal laws.

1.4.1.3 Inspection

Seed shall be inspected upon arrival at the job site for conformity to species and quality. Seed that is wet, moldy, or bears a test date six months or older, shall be rejected. Other materials shall be inspected for compliance with specified requirements. The following shall be rejected: soil for seeding purposes that contains slag, cinders, stones, lumps of soil, sticks, roots, trash or other material over a minimum 2 inches diameter; and soil that contains viable plants and plant parts. Unacceptable materials shall be removed from the job site.

1.4.2 Storage

1.4.2.1 Seed, Storage

Store in cool, dry locations away from contaminants.

1.4.2.2 Handling

Do not drop or dump materials from vehicles.

PART 2 PRODUCTS

2.1 SEED

2.1.1 Classification

Provide seed of the latest season's crop delivered in original sealed packages, bearing producer's guaranteed analysis for percentages of mixtures, purity, germination, weed seed content, and inert material. Labeled in conformance with AMS Seed Act and applicable state seed laws. Wet, moldy, or otherwise damaged seed will be rejected. All seed shall be inspected upon arrival at the job site by the Contracting Officer with seed tags from each bag collected at that time.

2.1.2 Seed Varieties

2.1.2.1 Smooth Brome Mix E

Botanical Name	Common Name	Pounds PLS/Acre
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Bromus inermus	Smooth Brome Grass	40.0
Avena sativa (Nurse Crop)	Common Oats (VNS)	25.0
	Total	<u>65.0</u>

2.1.2.2 Temporary Seed

Temporary seed species for seeding finished graded surfaces outside of allowable permanent grass seeding dates and for surface erosion control or overseeding shall be Common Oats (Spring) or Annual Rye (fall)(Certified) seeded at a rate 96 pounds per acre.

2.2 SOIL CONDITIONERS

Soil conditioners or fertilizer are not required under this contract.

2.3 MULCH

Mulch shall be free from noxious weeds, mold, and other deleterious materials.

2.3.1 Straw

Stalks from oats, wheat, rye, barley. Furnish in air-dry condition and of proper consistency for placing with commercial mulch blowing equipment. Straw shall contain no fertile seed or weed seeds.

2.3.2 Hay

Air-dry condition and of proper consistency for placing with commercial mulch blowing equipment. Hay shall be clean and free of weed seeds.

2.3.3 Wood Cellulose Fiber Mulch

Use recovered materials of wood-based hydraulic mulch processed to contain no growth or germination-inhibiting factors and dyed an appropriate green color to facilitate visual metering of materials application. Composition on air-dry weight basis: 9 to 15 percent moisture, pH range from 5.5 to 8.2. Use with hydraulic application of grass seed.

2.4 WATER

Source of water shall be approved by Contracting Officer and of suitable quality for irrigation, containing no elements toxic to plant life.

2.5 EROSION CONTROL MATERIALS

Erosion Control Blankets shall conform to the following:

2.5.1 Single-Net Erosion Control Blanket (ECB)

Erosion control blankets shall be a machine produced mat with a biodegradable agricultural straw matrix (approximately 0.50 lb/sq yd) and biodegradable, natural fiber netting on the top side. The blanket shall be sewn together with biodegradable thread. The blanket shall have a 12-month typical function longevity and be designed for use on geotechnically stable slopes of up to 3H:1V and channels with shear stresses up to 1.60 pounds per square foot. Acceptable material includes North American Green, Bionet Biodegradable Erosion Control Blankets S75BN

or equivalent.

2.5.2 Erosion Control Blanket Anchors

Erosion control anchors shall be installed as recommended by the manufacturer.

PART 3 EXECUTION

3.1 INSTALLING SEED TIME AND CONDITIONS

3.1.1 Permanent Seeding

Permanent seed mix installed within the timeframe in the table below. The Contractor shall request approval of the planting season variance in writing. For permanent seeding, do not seed when ground is muddy, frozen, snow covered, when air temperature exceeds 90 degrees Fahrenheit, or in an unsatisfactory condition for seeding. If special conditions exist that may warrant a variance in the above seeding dates or conditions, submit a written request to the Contracting Officer stating the special conditions and proposed variance. Apply seed within twenty four hours after seedbed preparation. Sow seed by approved sowing equipment

<u>Planting Season</u>	<u>Planting Dates</u>
Spring Season	April 1 to May 31
Fall Season	August 1 to September 15

3.1.1.1 Dormant Seeding

Dormant seeding with the permanent seed mix is generally allowable, but is subject to the approval of the Contracting Officer. Dormant seeding may occur from November 15 through February 28th. However, dormant seeding during that timeframe shall only be conducted if the soils temperatures are below 50 degrees. If the contractor chooses to dormant seed, this does not relieve them of requirements in Paragraph 3.5 SEED ESTABLISHMENT PERIOD.

3.1.2 Temporary Seeding

The temporary seeding period is between June 1st to July 31st (summer) and September 16th to October 15th (fall). If surfaces are to remain undisturbed for more than 30 days, temporary seeding shall occur. All finished areas seeded with temporary seed mix in the summer shall be reseeded with permanent seed mixes in the Fall Season (August 1 to September 15). All finished areas seeded with temporary seed mix in the fall shall be dormant seeded during the winter (November 15 to March 1) as soon as soil temperatures are below 50 degrees or with the permanent seed mix during Spring Season. If special conditions exist that may warrant a variance in the temporary seeding dates and/or requirements, submit a written request to the Contracting Officer stating the the special conditions and proposed variance.

3.1.3 Seeding Operations

Seeding operations shall be performed only during periods when beneficial results can be obtained. When drought, excessive moisture, or other unsatisfactory conditions prevail, the work shall be stopped when

directed. When special conditions warrant a variance to the seeding operations, proposed alternate times shall be submitted for approval.

3.1.4 Equipment Calibration

Immediately prior to the commencement of seeding operations, calibration tests shall be conducted on the equipment to be used. These tests shall confirm that the equipment is operating within the manufacturer's specifications and will meet the specified criteria. The equipment shall be calibrated a minimum of once every day during the operation. The calibration test results shall be provided within 1 week of testing.

3.2 SITE PREPARATION

3.2.1 Extent of Work

Provide rough and final grading of all seeded areas, soil preparation, topsoiling, discing or tilling of existing surface soils to incorporate thin layers of sediment and to loosen and prepare the soil to a smooth surface. Seed and mulch all newly finished earth surfaces, unless indicated otherwise (e.g. levee tops to receive rock surfacing), and all areas inside or outside the limits of construction that are disturbed by the Contractor's operations.

3.2.2 Finished Grade and Topsoil

The Contractor shall verify that finished grades are as indicated on drawings, and smooth grading, and compaction requirements have been completed prior to the commencement of the seeding operation. Prior to seeding operations the soil shall be tilled to a depth of no less than 6 inches to allow root penetration in all areas that have been compacted by construction equipment.

3.2.3 Tillage

Soils shall be tilled or scarified to a depth of 6 inches or as otherwise indicated on the drawings. Drainage patterns shall be maintained as indicated on drawings. Areas compacted by construction operations shall be completely pulverized by tillage.

3.2.4 Prepared Surface

3.2.4.1 Preparation

The prepared surface shall be a maximum 1 inch below the adjoining grade of any surfaced area. New surfaces shall be blended to existing areas. The prepared surface shall be completed with a light raking to remove debris.

3.2.4.2 Field Area Debris

Debris and stones over a minimum 2 inch in any dimension shall be removed from the surface.

3.2.4.3 Protection

Areas with the prepared surface shall be protected from compaction or damage by vehicular or pedestrian traffic and surface erosion.

3.3 SEEDING

3.3.1 Seed Application Conditions

Prior to seeding the Contractor shall verify that finished grades are as indicated on contract drawings. Unless otherwise indicated, existing grass vegetation shall be removed by mechanical means prior to scarifying to a depth of 2". Smooth grading, and compaction requirements shall be completed as required. Finished grades shall be subject to approval by the Contracting Officer and any deviations from specified requirements shall be corrected prior to seeding.

3.3.2 Seed Application Method

Seeding method shall be drill seeding (preferred), broadcast drop seeding, and hydroseeding. Hydroseeding or broadcast seeding shall be used only in inaccessible hard to reach areas or areas too small for drill seeding equipment unless directed otherwise by the Contracting Officer. If seed mix is required to be broadcast or hydroseeded, the Nurse crop rates shall not be doubled.

3.3.2.1 Broadcast and Drop Seeding

Seed shall be uniformly broadcast at (2 times) twice the rates specified above. Sow one-half the seed in one direction, and sow remainder at right angles to the first sowing in those areas where practical. Narrow strips of land may be seeded in one direction but with enough overlap to make sure all areas are seeded. Cover seed uniformly to a maximum depth of 1/2 inch by means of spike-tooth harrow, cultipacker, steel mat drag, raking or other approved devices.

3.3.2.2 Drill Seeding

Seed shall be drilled at the rates specified. Use cultipacker seeders or grass seed drills. Drill seed uniformly to maximum average depth of 1/2 inch. Row markers shall be used when applying seed. The level of seed in the seed box shall be maintained half-full or above at all times during the seeding operation.

3.3.2.3 Hydroseeding

First mix water and fiber. Wood cellulose shall be applied as part of the hydroseeding operation. Fiber shall be added and later spread at 2,000 pounds, dry weight, per acre. Then add seed mix to produce a homogeneous slurry. Seed shall be mixed to ensure broadcasting at (2 times) twice the rate specified above. Slurry shall be hydraulically sprayed on the ground. Slurry shall form a blotter like cover impregnated uniformly with grass seed. Spread with one application with no second application of mulch.

3.3.3 Mulching

Mulch areas where Erosion Control Material is not specified, shown on the drawings, or as directed by the Contracting Officer. Mulching may be accomplished by hydromulching or by using hay and straw mulch as specified below on drilled or broadcast seeded areas.

3.3.3.1 Hay or Straw Mulch

Hay or straw mulch shall be spread uniformly at the rate of 2 tons per acre.

Mulch shall be spread by hand, blower-type mulch spreader, or other approved method. Mulching shall be started on the windward side of relatively flat areas or on the upper part of steep slopes, and continued uniformly until the area is covered. The mulch shall not be bunched or clumped. Sunlight shall not be completely excluded from penetrating to the ground surface. All seeded areas to receive mulch shall be mulched on the same day as the seeding. Mulch shall be anchored, crimped into the ground, immediately following spreading to prevent loss due to rain or wind.

3.3.3.2 Mechanical Anchor Equipment

Mechanical anchor equipment shall be a V-type-wheel land packer; a scalloped-disk land packer designed to force mulch into the soil surface; or other suitable equipment. A minimum of two passes of anchor equipment shall be made over all seeded areas.

3.3.3.3 Hydromulching

Hydromulching shall be accomplished the same as hydroseeding (3.2.2.3 Hydroseeding) but without the use of seed. Hydromulching shall use the same wood fiber material, water, producing a slurry and be applied at the same rate as hydroseeding over all seeded areas.

3.3.4 Rolling

Immediately after seeding, firm entire area except for slopes in excess of 3 to 1 with a roller not exceeding 90 pounds for each foot of roller width. If seeding is performed with cultipacker-type seeder or by hydroseeding, rolling may be eliminated.

3.3.5 Erosion Control Material

Erosion control material shall be placed as indicated on the drawings. Install in accordance with manufacturer's instructions, where indicated on the drawings or as directed by the Contracting Officer.

3.3.6 Watering

Watering of seeded areas is not required.

3.4 PROTECTION OF TURF AREAS

Immediately after seeding and mulching, protect areas against traffic and other use by the use of appropriate signage or fencing.

3.5 SEED ESTABLISHMENT PERIOD

3.5.1 Commencement

The seed establishment period to obtain a healthy stand of grass plants shall end 4 months after the last day of the seeding operation in areas where there was spring seeding, or 12 months in areas where was fall seeding. If dormant seeding is utilized, the seed establishment period shall end 4 months from the beginning of the spring seeding period. Written calendar time period shall be furnished for the seed establishment period. When there is more than 1 seed establishment period, the boundaries of the seeded area covered for each period shall be described. The seed establishment period shall be modified for inclement weather, shut down periods, or for separate completion dates of areas.

3.5.2 Satisfactory Stand of Grass Plants

Grass plants shall be evaluated for species and health when the grass plants are a minimum 6 inches high but no less than 30 days after finish of the seeding operation or start of seed establishment period.

3.5.2.1 Field Seeded Areas

A satisfactory stand of grass plants from the seeding operation shall be defined as consisting of 100 grass plants per square foot. Bare spots shall be a maximum 6 inches square. Bare spots shall be a maximum 5 percent of the total seeded area for any one acre of seeded land.

3.5.3 Maintenance During Establishment Period

Maintenance of the seeded areas may include mowing, eradicating weeds, insects and diseases; protecting embankments and ditches from surface erosion; maintaining erosion control materials and mulch; protecting installed areas from traffic.

3.5.3.1 Maintenance

Maintain seeded areas immediately after placement until grass is well established and exhibits a vigorous growing condition for the length of the establishment period. Maintenance may consist of mowing, erosion repair, and reseeded of bare spots as required to achieve a vigorous growing condition.

3.5.3.2 Repair or Reinstall

Unsatisfactory stand of grass plants and/or mulch shall be repaired or reinstalled, and eroded areas shall be repaired as soon as possible in accordance with paragraph SITE PREPARATION within 14 days of notification from the Contracting Officer. Method of reestablishment shall be either complete reseeding and mulching, overseeding, remulching as determined by the Contracting Officer.

3.5.3.3 Maintenance Records

A record of each site visit shall be furnished, describing the maintenance work performed; areas repaired or reinstalled; and diagnosis for unsatisfactory stand of grass plants.

-- End of Section --

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SECTION 35 31 19.00

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04/00

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-- End of Section Table of Contents --

SECTION 35 31 19.00

STONE (RIPRAP) PROTECTION

04/00

PART 1 GENERAL

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to in the text by basic designation only.

ASTM INTERNATIONAL (ASTM)

ASTM C 88 (2005) Standard Test Method for Soundness of Aggregates by Use of Sodium Sulfate or Magnesium Sulfate

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO)

AASHTO T 103 (1991) Soundness of Aggregates by Freezing and Thawing

1.2 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-06 Test Reports

Initial Sampling and Testing; G-DO

SD-11 Closeout Submittals

Waybills and Delivery Tickets

1.3 GENERAL

The work specified herein consists of placement of stone protection as shown on the drawings and as directed by the Contracting Officer's Representative. Stone protection material shall consist of all stone to be furnished for riprap material. The Contractor shall control operations during production of stone protection material so as to insure that the material delivered and placed will meet all specification requirements. The Contractor shall perform all sampling and testing required for quality control in accordance with Section 01 45 00.00, QUALITY CONTROL, and as specified herein.

1.4 WAYBILLS AND DELIVERY TICKETS

Copies of waybills or delivery tickets shall be submitted during the progress of the work. Before the final payment is allowed, waybills and certified delivery tickets shall be furnished for all stone protection materials actually used in the construction.

1.5 SAMPLING AND TESTING

1.5.1 General Requirements

The Contractor shall be responsible for all sampling and testing specified herein. The Government may perform verification tests as determined necessary for final approval of the stone protection material. All samples including samples taken during production shall be representative of the stone protection material furnished or proposed to be furnished. Samples shall be taken in accordance with ASTM D 75 or other approved method. All sampling operations shall take place in the presence of a representative of the Contracting Officer's Representative. No rock shall be furnished from any ledge which has not been sampled, tested, and approved for use on this project.

1.5.2 Test Results

Results shall verify that materials comply with this specification. When a material source is changed, the new material will be tested for compliance. When deficiencies are found, the initial analysis shall be repeated and the material already placed shall be retested to determine the extent of unacceptable material. All in-place unacceptable material shall be replaced or modified as directed by the Contracting Officer's Representative.

1.5.3 Initial Sampling and Testing

Tests for bulk specific gravity, soundness in magnesium sulfate, and soundness in freezing and thawing shall be performed on samples of material obtained from each ledge proposed for use as stone protection prior to start of construction. Test results shall describe type of failure of the discrete particles. Certified test results performed not longer than 12 months prior to delivery to the project together with the name of the owner of the quarry and the legal description shall be submitted to the Contracting Officer's Representative.

1.5.3.1 Bulk Specific Gravity

Bulk specific gravity shall be computed in accordance with ASTM C 127 except that the total sample shall weigh 5000 grams +2 percent and individual particles shall weigh approximately 300 grams each. Stone protection material shall be tested in a saturated surface-dry (SSD) condition. The computed bulk specific gravity so determined shall not be less than 2.65.

1.5.3.2 Soundness in Magnesium Sulfate

Soundness in magnesium sulfate shall be determined according to ASTM C 88 with test modifications as listed below. The combined loss at 5 cycles shall be not more than 8 percent. The test report shall show the percentages of loss calculated as described herein and the number of pieces affected, classified as to number disintegrating, splitting, crumbling,

cracking, flaking, etc.

a. Sample Preparation

The sample shall be prepared by breaking it into fragments reasonably uniform in size and shape and weighing approximately 100 grams each. The test sample shall weigh 5000 grams +/- 2 percent. The sample shall be thoroughly washed and dried previous to test as described for coarse aggregate.

b. Sample Immersion and Temperature

The sample immersed in the solution shall be maintained at a temperature of 80 degrees F +/- 2 degrees F for the immersion period.

c. Quantitative Examination

At the end of the fifth cycle, the percentage loss shall be determined by the three following methods. The test report shall show the loss computed by each method; however, only the combined loss shall be used for acceptance or rejection of the material.

d. Loss By Breaking

An individual piece which has broken or split into three or more fragments shall be considered to have failed the test, provided each of the three such fragments is at least 10 percent of the original piece by weight. The total original weight of all pieces failing the test, expressed as percentage of the total original weight of the sample, shall be considered as percentage loss by breaking.

e. Loss By Crumbling and Flaking

After the loss by breaking has been determined, the pieces that have not failed in that determination shall be screened on the 1/2-inch sieve and the material retained on the sieve shall be weighed for purposes required to determine combined losses. The pieces which have failed by breaking shall then be added to the material remaining on the 1/2-inch sieve and screened. The difference between the total original weight of the sample and the total weight of the material retained on the 12.5 mm sieve expressed as percentage of the total original weight, shall be considered as percentage loss by crumbling and flaking.

f. Combined Loss

The difference between the total original weight of the sample and the weight of the material retained on the 1/2-inch sieve, after screening the pieces which did not fail by breaking, expressed as percentage of the total original weight, shall be considered as percentage combined loss.

1.5.3.3 Soundness in Freezing and Thawing

The test for freezing and thawing shall consist of AASHTO T 103, Ledge Rock Method, Procedure C, modified as indicated below. The loss at 12 cycles shall not exceed 5.0 percent. The test report shall describe the type of failure of the discrete particles.

a. Temperature

The temperature of the surrounding medium during freezing shall be maintained in the range of -20 to -10 degrees F.

b. Freeze/Thaw Cycle

The length of a freezing and thawing cycle shall be sufficient to totally freeze and totally thaw each piece of the same during each cycle. The laboratory shall specifically determine for each sample that the cycle used is sufficient to accomplish total freezing and total thawing and shall report this in the test report. However, in no case shall the cycle consist of less than 2-1/2 hours of freezing followed by 1 hour of thawing. The sample shall be held in the frozen condition whenever necessary to break the cycle (overnight, weekends, etc.).

1.5.3.4 Immersion

Procedure C, Partial Immersion shall be used, except that soaking prior to testing shall be in accordance with Procedure A.

PART 2 PRODUCTS

2.1 MATERIALS

2.1.1 General Requirements

All stone for stone protection shall be durable quarried rock as approved by the Contracting Officer's Representative. Individual pieces of stone protection in-place shall be free from cracks, seams, and other defects that will cause rapid or excessive deterioration or degradation during service. The bulk stone protection material delivered to the project shall be of such quality that tests performed on representative samples have results within the limits specified. The stone protection shall contain not more than 5 percent of undesirable material by weight. Undesirable material is defined as individual pieces of stone which do not meet the quality requirements when tested as specified herein and which can be visually differentiated from the satisfactory pieces, plus dirt, sand, clay, and rock fines. Stone protection material shall not contain disintegrated granite or shale. The Contractor shall select the source or sources he proposes to use and perform the initial sampling and testing of the materials well in advance of the time when the material will be required in the work.

2.1.2 Riprap

The riprap shall consist of stone meeting the requirements specified herein or approved equal and shall be in pieces approximately rectangular in cross section, free from thin slabby pieces having a maximum dimension more than four times the least dimension. Stone for riprap shall be reasonably well graded from coarse to fine. Dirt and fines of less than 1/2-inch maximum cross section, accumulated from interledge layers or from blasting or handling operations shall not exceed 5 percent by weight.

2.1.3 Stone Weight Limitations

The maximum and minimum stone weights provided shall be plotted resulting in a line, the limit of the gradation. Any rock gradation with all points falling within the limit is an acceptable gradation.

The riprap for the D100 = 24" layer shall be reasonably well-graded and

coincide with NDOT Type B riprap. Gradation limits for NDOT Type B are shown below.

<u>Percent Lighter by Weight</u>	<u>Stone Weight in Lbs.</u>
100	300
50	80
Not to exceed 10	5

2.2 Bedding/Underwater Fill

Bedding material shall be at least equal in quality to that of the stone used for riprap and shall be well graded between the sizes specified. Bedding material shall be quarried stone, crushed cobbles, and crushed gravel consisting of particles having at least one fractured face. The material shall be composed of tough, durable particles, shall be reasonably free from thin, flat and elongated pieces, and shall contain no organic matter nor soft, friable particles in quantities considered objectionable by the Contracting Officer's Representative.

2.2.1 Gradation

Requirements for gradation specified shall apply to the completed bedding material. The bedding material shall be continuously graded within the following limits unless the Contractor submits an alternative gradation that is approved by the Contracting Officer.

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square-mesh Sieve</u>
2 inch	100
1 inch	80-100
1/2 inch	60-80
3/8 inch	0-60
No. 4	0-20
No. 200	0-5

PART 3 EXECUTION

3.1 STONE

The Contractor shall submit the location of material sources for stone in accordance with SECTION 01 12 00 CONSTRUCTION GENERAL. The locations shall be described to the quarter-quarter section and shall be clearly delineated on a map with a scale of 1 inch = 2000 feet. The map shall also indicate roads and distances to the nearest cities or towns, which would appear on typical highway maps. The Contractor shall also submit a letter of clearance from the State Historic Preservation Officer permitting the quarrying, excavation, or other removal of the required contract materials. Address of the State Officer is as follows:

NEBRASKA

DR. JAMES A. HANSEN
NEBRASKA STATE HISTORICAL SOCIETY
1500 R. STREET, P.O. BOX 82554

IOWA

DAVID CROSSUN, SHPO
IOWA STATE HISTORICAL SOCIETY
EAST 12th AND GRAND AVENUE

LINCOLN, NE 68503

DES MOINES, IA 50319

SOUTH DAKOTAMISSOURI

DR. JUNIUS B. FISHBURNE
OFFICE OF CULTURAL PRESERVATION
KNEIP BUILDING
PIERRE, SD 57501

RON KUCHERA, ACTING DIRECTOR
MISSOURI DEPT. OF NATURAL RES.
P.O. BOX 176
JEFFERSON CITY, MO 65102

NORTH DAKOTAMONTANA

ALIOS B. SPIELMAN
STATE HISTORICAL SOCIETY
OF NORTH DAKOTA
HERITAGE CENTER
BISMARCK, ND 58505

MARCELLA SHERFY, SHPO
MONTANA HISTORICAL SOCIETY
225 NORTH ROBERTS
HELENA, MONTANA 59601

COLORADOWYOMING

BARBARA SUDLER
COLORADO HERITAGE CENTER
1300 BROADWAY
DENVER, CO 80203

MARY HOPKINS, INTERIM SHPO
STATE HISTORICAL SOCIETY
WYOMING RECREATION COMMISSION
122 WEST 25th HERSCHLER BLDG
CHEYENNE, WY 82002

3.2 GENERAL

Quarry operations shall be controlled to produce a reasonably well-graded stone of required size, and the Contracting Officer may require changes as necessary to produce the required product. The Contractor's operations shall be conducted in a manner that will produce stone meeting the requirements specified and shall include selective quarrying, handling, and loading as required.

3.3 PLACEMENT

3.3.1 Surface Preparation

Prior to riprap placement, the contractor shall clear and grub the slope and shall excavate all loose and wet materials. No new soil material is required; however, the contractor shall reshape the area to receive riprap to a firm, stable slope that is conducive to the placement of riprap. The contractor shall, as much as practical, provide a uniform grade line at the bank line at the top of the riprap section.

3.3.2 Riprap

Riprap shall be placed within the limits shown on the drawings. The Contractor will not operate their equipment within the river bed when placing the riprap. Riprap stone shall be placed in such manner as to produce a reasonably well-graded mass of rock with the minimum practicable percentage of voids. The placement area shall be free of objectionable material such as tree snags and root wads prior to placement. The larger stones shall be well distributed and the entire mass of stones in their final position shall be roughly graded to conform to the gradation specified. The finished riprap shall be free from objectionable pockets of small stones and clusters of larger stones. Placing riprap in layers, with a minimum layer thickness of D100, will be permitted and the Contractor is

permitted to work on top of the stone structure as long as the structure is at least 1 foot above the current water elevation. The Contractor shall insure that the rock beneath their equipment does not break up/crushed the already placed stone or the Contractor will have to replace the broken stone to its original size. Temporarily overbuilding the riprap structure for access or any other purpose is not allowed. No stone placement shall be allowed when the river is flowing above normal levels or when not approved by the Contractor Officer due to excessive scour around placed riprap. The desired riprap stone gradation throughout the structure mass shall be obtained by selective loading of the material at the quarry or other source and by controlled placement by mechanical equipment. Maximum drop height shall be zero for stone placed above the water surface, and three feet above the final resting place for stone placed below the water surface. Whatever method is proposed, the contractor shall demonstrate placement to the satisfaction of the Contracting Officer. The side slopes shall be determined by the natural angle of repose of the stone except where specified in the contract drawings. Dumping of stone at the top of slopes and rolling or pushing into place will not be permitted. Manipulating or moving stone at any time prior to placement by means of dozers or other blade equipment will not be permitted. Rearranging of individual stone by mechanical equipment or by hand will be required to the extent necessary to obtain a well-graded distribution of stone sizes as specified above.

3.3.3 Bedding/Underwater Fill

Bedding/Underwater Fill shall be placed within the limits shown on the drawings. Underwater fill shall be placed in such manner as to produce a reasonably well-graded mass of rock with the minimum practicable percentage of voids. The contractor shall demonstrate placement method to the satisfaction of the Contracting Officer.

3.3.4 PROTECTION

The Contractor shall maintain the riprap stone until accepted and any material displaced by any cause shall be replaced at the Contractor's expense to the lines and grades shown on the drawings.

-- End of Section --

4.D. Resolution No. R24-55 authorizing payment of various improvement projects.

RESOLUTION NO. R24-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AUTHORIZE AND DIRECT THAT A CHECK BE ISSUED AND MADE PAYABLE TO THE RESPECTIVE CONTRACTOR FOR LABOR, EQUIPMENT, AND MATERIALS FURNISHED FOR IMPROVEMENTS IN THE FOLLOWING DESIGNATED DISTRICTS AND PROJECTS WITHIN THE CITY OF COLUMBUS, ALL AS SET FORTH ON THE ATTACHED CERTIFICATES OF PROGRESS PREPARED BY THE RESPECTIVE SPECIAL ENGINEER TO WIT: GEHRING CONSTRUCTION & READY MIX CO., INC. STORM DRAINAGE & SIDEWALK IMPROVEMENTS 2023, \$247,559.30; GEHRING CONSTRUCTION AND READY MIX CO. INC., STORM DRAINAGE & SIDEWALK IMPROVEMENTS 2024, \$80,281.80.

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

Gehring Const & Ready Mix Co.	Storm Drainage & Sdwlk Improv 2023	\$247,559.30
Gehring Const & Ready Mix Co.	Storm Drainage & Sdwlk Improv 2024	\$ 80,281.80

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

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

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Contractor's Application and Certificate of Payment

		Contractor's Application for Payment No: 1	
		Application Period: (From - to) Start to 5/6/24	
To: City of Columbus (Owner)	From (Contractor): Gehring Construction & Ready Mix Co., Inc.	Contractor's Project No.:	
Project Name: Storm Drainage and Concrete Improvements 2024		Via (Consulting Engineer / Architect):	
Fiscal Year Budget Number: R24-12 - 200-200-57300-20071			

Application For Payment

Field Order and Change Order Summary

Field (FO#) and Change Orders (CO#) Approved:		
Number	Additions	Deductions
TOTALS	\$ -	\$ -
NET CHANGE	\$ -	

1. ORIGINAL CONTRACT PRICE.....	\$	805,385.00
2. Net change by Field Order and Change Orders.....	\$	-
3. Current Contract Price (Line 1 ± 2).....	\$	805,385.00
4. TOTAL COMPLETED AND STORED TO DATE (Column H on Progress Estimate).....	\$	89,202.00
5. RETAINAGE: (Capped at 10% at 50% of Line 3) (When line 4 is over 50% of Line 3 do calculation of Line 3 x .5 x .1 to get Retainage)	\$	8,920.20
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5).....	\$	80,281.80
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....		
8. AMOUNT DUE THIS APPLICATION (Line 6 - Line 7).....	\$	80,281.80
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3- Line 6).....	\$	-

(To double check Line 9 Take Column I + Line 5 should = Line 9 calculations)

Contractor's Certification

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

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

By: Stephen Anderson Date: 5-6-24

Printed/Typed Name: Stephen Anderson

Payment of:

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

is recommended by:

(Consulting Engineer/Architect)

(Date)

Payment of:

\$ 80,281.80

is approved by:

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

Richard J. Bogue

5-13-2024

(City Engineer)

(Date)

Approved by:

Funding Agency (if applicable)

(Date)

APPLICATION AND CERTIFICATE FOR PAYMENT

Containing Contractor's signed Certification is attached

Project Name: Storm Drainage and Concrete Improvements 2024				Contractor's Pay Application: 1							
Application Period: (From - To) Start to 5/6/24											
A		B	C	D	E	F	G	H		I	
Item											
Bid Item No.	Description	Unit of Measure	Bid Quantity	Unit Price	Bid Value (D*E)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
Project A: 28th Street from 25th Avenue to CMS Parking Lot Entrance Paving and Storm Sewer Improvements											
1	MOBILIZATION	JOB	1	\$ 10,000.00	\$ 10,000.00		\$ -		\$ -	0	\$ 10,000.00
2	TRAFFIC AND PEDESTRIAN CONTROL	JOB	1	\$ 5,500.00	\$ 5,500.00		\$ -		\$ -	0	\$ 5,500.00
3	NPDES, SWPPP, AND BMP MAINTENANCE	JOB	1	\$ 2,500.00	\$ 2,500.00		\$ -		\$ -	0	\$ 2,500.00
4	CURB OR GRATE INLET FILTER BMP	EA	4	\$ 200.00	\$ 800.00		\$ -		\$ -	0	\$ 800.00
5	REMOVE PAVING, INCLUDING SAWING	SY	5,615	\$ 12.00	\$ 67,380.00		\$ -		\$ -	0	\$ 67,380.00
6	REMOVE AND RESET SIGN WITH TELES PAR POST	EA	10	\$ 300.00	\$ 3,000.00		\$ -		\$ -	0	\$ 3,000.00
7	REMOVE GRATE INLET	EA	2	\$ 750.00	\$ 1,500.00		\$ -		\$ -	0	\$ 1,500.00
8	REMOVE STORM SEWER	LF	35	\$ 15.00	\$ 525.00		\$ -		\$ -	0	\$ 525.00
9	4" AGGREGATE PAVING SUBBASE	SY	5,210	\$ 16.00	\$ 83,360.00		\$ -		\$ -	0	\$ 83,360.00
10	4" PERFORATED UNDERDRAIN PIPING SYSTEM	LF	2,300	\$ 14.00	\$ 32,200.00		\$ -		\$ -	0	\$ 32,200.00
11	7" P.C. CONCRETE STREET PAVING, NDOT TYPE 47B-3500	SY	4,190	\$ 54.00	\$ 226,260.00		\$ -		\$ -	0	\$ 226,260.00
12	6" P.C. CONCRETE DRIVEWAY PAVING, NDOT TYPE 47B-3500	SY	300	\$ 54.00	\$ 16,200.00		\$ -		\$ -	0	\$ 16,200.00
13	5" P.C. CONCRETE SIDEWALK PAVING, NDOT TYPE 47B-3500	SY	1,040	\$ 60.00	\$ 62,400.00		\$ -		\$ -	0	\$ 62,400.00
14	ADA HANDICAP RAMP DETECTABLE WARNING PANEL	SF	128	\$ 40.00	\$ 5,120.00		\$ -		\$ -	0	\$ 5,120.00
15	STORM SEWER JUNCTION BOX	EA	2	\$ 7,600.00	\$ 15,200.00		\$ -		\$ -	0	\$ 15,200.00
16	6' OPEN THROAT INLET	EA	3	\$ 8,200.00	\$ 24,600.00		\$ -		\$ -	0	\$ 24,600.00
17	8' OPEN THROAT INLET	EA	1	\$ 8,300.00	\$ 8,300.00		\$ -		\$ -	0	\$ 8,300.00
18	15" RCP CALSS III STORM SEWER	LF	447	\$ 60.00	\$ 26,820.00		\$ -		\$ -	0	\$ 26,820.00
19	CONNECT TO EXISTING STORM SEWER	EA	2	\$ 1,050.00	\$ 2,100.00		\$ -		\$ -	0	\$ 2,100.00
20	ADJUST MANHOLE TO GRADE	EA	4	\$ 500.00	\$ 2,000.00		\$ -		\$ -	0	\$ 2,000.00
21	ADJUST WATER VALVE TO GRADE	EA	6	\$ 250.00	\$ 1,500.00		\$ -		\$ -	0	\$ 1,500.00
22	OVEREXCAVATION AND CRUSHED CONCRETE	TON	200	\$ 75.00	\$ 15,000.00		\$ -		\$ -	0	\$ 15,000.00
23	EARTHWORK, FINAL GRADING, BACKFILL, AND SHAPING	JOB	1	\$ 20,000.00	\$ 20,000.00		\$ -		\$ -	0	\$ 20,000.00
24	SOD DISTURBED AREAS	SF	14,000	\$ 1.50	\$ 21,000.00		\$ -		\$ -	0	\$ 21,000.00
Total Project A (Items 1-24)					\$ 653,265.00		\$ -		\$ -		\$ 653,265.00

Project Name: Storm Drainage and Concrete Improvements 2024					Contractor's Pay Application: 1						
Application Period: (From - To) Start to 5/6/24											
A			B	C	D	E	F	G	H		I
Item			Bid Quantity	Unit Price	Bid Value (D*E)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
Bid Item No.	Description	Unit of Measure									
Project B: 110-112 Lake Shore Drive Stormwater Improvements											
1	MOBILIZATION	JOB	1	\$ 5,000.00	\$ 5,000.00		\$ -		\$ -	0	\$ 5,000.00
2	TRAFFIC CONTROL	JOB	1	\$ 3,500.00	\$ 3,500.00		\$ -		\$ -	0	\$ 3,500.00
3	TEMPORARY DRIVE SURFACING (MAINTENANCE & REMOVAL)	JOB	1	\$ 4,000.00	\$ 4,000.00		\$ -		\$ -	0	\$ 4,000.00
4	EROSION CONTROL MAT	SF	400	\$ 1.60	\$ 640.00		\$ -		\$ -	0	\$ 640.00
5	REMOVE CONCRETE	SY	75	\$ 20.00	\$ 1,500.00		\$ -		\$ -	0	\$ 1,500.00
6	7" P.C. CONCRETE PAVING, NDOT TYPE 47B-3500	SY	70	\$ 54.00	\$ 3,780.00		\$ -		\$ -	0	\$ 3,780.00
7	2.5' P.C. CONCRETE DROP CURB & GUTTER (7" THICK), NDOT TYPE 47B-3500	SY	25	\$ 70.00	\$ 1,750.00		\$ -		\$ -	0	\$ 1,750.00
8	GRATE INLET	EA	2	\$ 6,850.00	\$ 13,700.00		\$ -		\$ -	0	\$ 13,700.00
9	DRIVE OVER GRATE INLET	EA	1	\$ 8,400.00	\$ 8,400.00		\$ -		\$ -	0	\$ 8,400.00
10	CONCRETE HEADWALL WITH 6" P.C. CONCRETE FLUME	EA	1	\$ 8,000.00	\$ 8,000.00		\$ -		\$ -	0	\$ 8,000.00
11	12" HDPE STORM SEWER	LF	220	\$ 32.00	\$ 7,040.00		\$ -		\$ -	0	\$ 7,040.00
12	CONNECT EXISTING PIPE TO STORM SEWER	EA	3	\$ 1,100.00	\$ 3,300.00		\$ -		\$ -	0	\$ 3,300.00
13	EARTHWORK, FINAL GRADING, BACKFILL, AND SHAPING	JOB	1	\$ 5,000.00	\$ 5,000.00		\$ -		\$ -	0	\$ 5,000.00
14	SOD DISTURBED AREAS	SF	2850	\$ 1.50	\$ 4,275.00		\$ -		\$ -	0	\$ 4,275.00
15	GRAVEL DISTURBED AREAS	JOB	1	\$ 1,500.00	\$ 1,500.00		\$ -		\$ -	0	\$ 1,500.00
Total Project B (Items 1-15)					\$ 71,385.00		\$ -		\$ -		\$ 71,385.00
Project C: 1670 EAST CALLE COLOMBO STORMWATER IMPROVEMENTS											
1	MOBILIZATION	JOB	1	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00		\$ 5,000.00	100	\$ -
2	TRAFFIC CONTROL	JOB	1	\$ 3,200.00	\$ 3,200.00	1	\$ 3,200.00		\$ 3,200.00	100	\$ -
3	CURB AND/OR GRATE INLET FILTER BMP	EA	1	\$ 200.00	\$ 200.00		\$ -		\$ -	0	\$ 200.00
4	REMOVE PAVING, INCLUDING SAWING	SY	400	\$ 15.00	\$ 6,000.00	538	\$ 8,070.00		\$ 8,070.00	135	\$ (2,070.00)
5	7" P.C. CONCRETE STREET PAVING, NDOT TYPE 47B-3500	SY	315	\$ 54.00	\$ 17,010.00	460	\$ 24,840.00		\$ 24,840.00	146	\$ (7,830.00)
6	6" P.C. CONCRETE DRIVEWAY PAVING, NDOT TYPE 47B-3500	SY	50	\$ 54.00	\$ 2,700.00	48	\$ 2,592.00		\$ 2,592.00	96	\$ 108.00
7	6" P.C. CONCRETE SIDEWALK PAVING, NDOT TYPE 47B-3500	SY	35	\$ 60.00	\$ 2,100.00	30	\$ 1,800.00		\$ 1,800.00	86	\$ 300.00
8	STORM SEWER JUNCTION BOX	EA	2	\$ 7,600.00	\$ 15,200.00	2	\$ 15,200.00		\$ 15,200.00	100	\$ -
9	15" RCP CLASS III STORM SEWER	LF	135	\$ 60.00	\$ 8,100.00	135	\$ 8,100.00		\$ 8,100.00	100	\$ -
10	6' OPEN THROAT INLET	EA	2	\$ 8,200.00	\$ 16,400.00	2	\$ 16,400.00		\$ 16,400.00	100	\$ -
11	ADJUST INLET TO GRADE	EA	1	\$ 1,500.00	\$ 1,500.00	1	\$ 1,500.00		\$ 1,500.00	100	\$ -
12	EARTHWORK, FINAL GRADING, BACKFILL, AND SHAPING	JOB	1	\$ 2,500.00	\$ 2,500.00	1	\$ 2,500.00		\$ 2,500.00	100	\$ -
13	SOD DISTURBED AREAS	SF	550	\$ 1.50	\$ 825.00		\$ -		\$ -	0	\$ 825.00
Total Project C (Items 1-13)					\$ 80,735.00		\$ 89,202.00		\$ 89,202.00		\$ (8,467.00)
GRAND TOTAL PROJECTS A THROUGH C					\$ 805,385.00		\$ 89,202.00		\$ 89,202.00		\$ 716,183.00



Contractor's Application and Certificate of Payment

100-150-57200-23046 - 247,559.30

		Contractor's Application for Payment No: 2 Final	
		Application Period: (From - to) 9/9/23 to 5/1/24	
To: City of Columbus (Owner)	From (Contractor): Gehring Construction & Ready Mix Co., Inc.	Contractor's Project No.:	
Project Name: Storm Drainage & Sidewalk Improvements 2023		Via (Consulting Engineer / Architect): City of Columbus	
Fiscal Year Budget Number: 200-200-57200-23021, 560-560-57300-23043, & 100-150-57200-23046			

Application For Payment

Field Order and Change Order Summary

Field (FO#) and Change Orders (CO#) Approved:		
Number	Additions	Deductions
FO #1	\$ 14,534.00	
TOTALS	\$ 14,534.00	\$ -
NET CHANGE	\$ 14,534.00	

1. ORIGINAL CONTRACT PRICE.....	\$	359,818.00
2. Net change by Field Order and Change Orders.....	\$	14,534.00
3. Current Contract Price (Line 1 ± 2).....	\$	374,352.00
4. TOTAL COMPLETED AND STORED TO DATE (Column H on Progress Estimate).....	\$	420,332.00
5. RETAINAGE: (Capped at 10% at 50% of Line 3) (When line 4 is over 50% of Line 3 do calculation of Line 3 x .5 x .1 to get Retainage)	\$	-
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5).....	\$	420,332.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	172,772.70
8. AMOUNT DUE THIS APPLICATION (Line 6 - Line 7).....	\$	247,559.30
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3- Line 6)..... (To double check Line 9 Take Column I + Line 5 should = Line 9 calculations)	\$	-

Contractor's Certification	
<p>The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.</p>	
Contractor: Gehring construction & Ready Mix Co., Inc.	
By: <i>Stephen Anderson</i>	Date: <i>5-1-24</i>
Printed/Typed Name: Stephen Anderson	

Payment of:	_____
	(Line 8 or other - attach explanation of the other amount)
is recommended by:	_____
	(Consulting Engineer/Architect) (Date)
Payment of:	\$ 247,559.30
	(Line 8 or other - attach explanation of the other amount)
is approved by:	<i>Richard J. Bogue</i> 5-13-2024
	(City Engineer) (Date)
Approved by:	_____
	Funding Agency (if applicable) (Date)

APPLICATION AND CERTIFICATE FOR PAYMENT

Containing Contractor's signed Certification is attached

Project Name: Storm Drainage & Sidewalk Improvements 2023				Contractor's Pay Application: 2 Final							
Application Period: (From - To) 9/9/23 to 5/1/24											
A Item			B	C	D	E	F	G	H		I
Bid Item No.	Description	Unit of Measure	Bid Quantity	Unit Price	Bid Value (B*C)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
PROJECT A: SECTION A: EAST PARK PAVING - 17TH STREET 16TH - 18TH AVENUE (CIP 23-021)											
1	Mobilization	JOB	1	\$ 2,000.00	\$ 2,000.00	1	\$ 2,000.00		\$ 2,000.00	100	\$ -
2	Traffic Control	JOB	1	\$ 1,500.00	\$ 1,500.00	1	\$ 1,500.00		\$ 1,500.00	100	\$ -
3	Hydroseed Disturbed Areas	JOB	1	\$ 4,000.00	\$ 4,000.00	1	\$ 4,000.00		\$ 4,000.00	100	\$ -
4	Remove Paving	SY	470	\$ 18.00	\$ 8,460.00	478	\$ 8,604.00		\$ 8,604.00	102	\$ (144.00)
5	4-inch P.C. Concrete Sidewalk Paving, NDOT Type 47B-3500	SY	22	\$ 54.00	\$ 1,188.00	26	\$ 1,404.00		\$ 1,404.00	118	\$ (216.00)
6	6-inch P.C. Concrete Drive Paving, NDOT Type 47B-3500	SY	282	\$ 72.00	\$ 20,304.00	282	\$ 20,304.00		\$ 20,304.00	100	\$ -
7	7-inch P.C. Concrete Street Paving, NDOT Type 47B-3500	SY	166	\$ 75.00	\$ 12,450.00	170	\$ 12,750.00		\$ 12,750.00	102	\$ (300.00)
PROJECT A: SECTION A: TOTAL (ITEMS 1 - 7)					\$ 49,902.00		\$ 50,562.00		\$ 50,562.00		\$ (660.00)
PROJECT A: SECTION B: EAST PARK STORM SEWER - 17TH STREET 16TH - 18TH AVENUE (CIP 23-043)											
1	Remove Grate Inlet	EA	2	\$ 1,200.00	\$ 2,400.00	2	\$ 2,400.00		\$ 2,400.00	100	\$ -
2	Remove and Reset Fence	JOB	1	\$ 800.00	\$ 800.00	1	\$ 800.00		\$ 800.00	100	\$ -
3	Remove and Reset Shed	JOB	1	\$ 1,500.00	\$ 1,500.00	1	\$ 1,500.00		\$ 1,500.00	100	\$ -
4	Remove Junction Box	EA	1	\$ 1,906.00	\$ 1,906.00	2	\$ 3,812.00		\$ 3,812.00	200	\$ (1,906.00)
5	Remove and Salvage Flared End Section	EA	1	\$ 670.00	\$ 670.00	1	\$ 670.00		\$ 670.00	100	\$ -
6	Remove Storm Sewer	LF	50	\$ 46.50	\$ 2,325.00	50	\$ 2,325.00		\$ 2,325.00	100	\$ -
7	Plug 12-inch Storm Sewer Pipe	EA	4	\$ 360.50	\$ 1,442.00	4	\$ 1,442.00		\$ 1,442.00	100	\$ -
8	18-inch HDPE Storm Sewer	LF	155	\$ 67.00	\$ 10,385.00	155	\$ 10,385.00		\$ 10,385.00	100	\$ -
9	18-inch HDPE Pipe Bend	EA	2	\$ 670.00	\$ 1,340.00	2	\$ 1,340.00		\$ 1,340.00	100	\$ -
10	18-inch RCP Class III Storm Sewer	LF	53	\$ 78.00	\$ 4,134.00	53	\$ 4,134.00		\$ 4,134.00	100	\$ -
11	18-inch Flared End Section	EA	1	\$ 1,391.00	\$ 1,391.00	1	\$ 1,391.00		\$ 1,391.00	100	\$ -
12	6-foot Open Throat Inlet	EA	2	\$ 7,500.00	\$ 15,000.00	2	\$ 15,000.00		\$ 15,000.00	100	\$ -
13	Adjust Water Shut-Off Valve to Grade	EA	1	\$ 500.00	\$ 500.00	1	\$ 500.00		\$ 500.00	100	\$ -
13	Final Grading, Backfill, and Shaping	JOB	1	\$ 3,000.00	\$ 3,000.00	1	\$ 3,000.00		\$ 3,000.00	100	\$ -
FO#1	Item 1, Rebuild Junction Box	EA		\$ 7,150.00	\$ -	1	\$ 7,150.00		\$ 7,150.00		\$ (7,150.00)
PROJECT A: SECTION B: TOTAL (ITEMS 1 - 14)					\$ 46,793.00		\$ 55,849.00		\$ 55,849.00		\$ (9,056.00)

Project Name: Storm Drainage & Sidewalk Improvements 2023					Contractor's Pay Application: 2 Final						
Application Period: (From - To) 9/9/23 to 5/1/24											
A			B	C	D	E	F	G	H		I
Item			Bid Quantity	Unit Price	Bid Value (B*C)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
Bid Item No.	Description	Unit of Measure									
PROJECT B: 19TH STREET SIDEWALK AND 3RD AVENUE TRAIL (CIP 23-046)											
1	Mobilization	JOB	1	\$ 7,500.00	\$ 7,500.00	1	\$ 7,500.00		\$ 7,500.00	100	\$ -
2	Traffic Control	JOB	1	\$ 2,000.00	\$ 2,000.00	1	\$ 2,000.00		\$ 2,000.00	100	\$ -
3	Pedestrian Control	JOB	1	\$ 1,500.00	\$ 1,500.00	1	\$ 1,500.00		\$ 1,500.00	100	\$ -
4	Hydroseed Disturbed Areas	ACRE	0.36	\$ 33,650.00	\$ 12,114.00	0.3	\$ 10,095.00		\$ 10,095.00	83	\$ 2,019.00
5	ADA Handicap Ramp Detectable Warning Panel	SF	40	\$ 40.00	\$ 1,600.00	72	\$ 2,880.00		\$ 2,880.00	180	\$ (1,280.00)
6	Remove Paving	SY	730	\$ 21.50	\$ 15,695.00	1,030	\$ 22,145.00		\$ 22,145.00	141	\$ (6,450.00)
7	Remove Inlet	EA	1	\$ 1,200.00	\$ 1,200.00	1	\$ 1,200.00		\$ 1,200.00	100	\$ -
8	4-inch P.C. Concrete Sidewalk Paving, NDOT Type 47B-3500	SY	800	\$ 60.00	\$ 48,000.00	822	\$ 49,320.00		\$ 49,320.00	103	\$ (1,320.00)
9	6-inch P.C. Concrete Sidewalk Paving, NDOT Type 47B-3500	SY	140	\$ 70.00	\$ 9,800.00	206	\$ 14,420.00		\$ 14,420.00	147	\$ (4,620.00)
10	6-inch P.C. Concrete Driveway Paving, NDOT Type 47B-3500	SY	165	\$ 70.00	\$ 11,550.00	215	\$ 15,050.00		\$ 15,050.00	130	\$ (3,500.00)
11	6-inch P.C. Concrete Trail Paving, NDOT Type 47B-3500	SY	780	\$ 70.00	\$ 54,600.00	679	\$ 47,530.00		\$ 47,530.00	87	\$ 7,070.00
12	6-inch P.C. Concrete Trail Paving Stamped, NDOT Type 47B-3500	SY	125	\$ 81.00	\$ 10,125.00	203	\$ 16,443.00		\$ 16,443.00	162	\$ (6,318.00)
13	8-inch P.C. Concrete Street Paving, NDOT Type 47B-3500	SY	105	\$ 85.00	\$ 8,925.00	506	\$ 43,010.00		\$ 43,010.00	482	\$ (34,085.00)
14	9-inch P.C. 1/4-inch Doweled Paving, NDOT Type 47B-3500	SY	17	\$ 90.00	\$ 1,530.00	70	\$ 6,300.00		\$ 6,300.00	412	\$ (4,770.00)
15	1.5-foot Concrete Header	LF	95	\$ 20.00	\$ 1,900.00	78	\$ 1,560.00		\$ 1,560.00	82	\$ 340.00
16	Crushed Rock Surfacing	JOB	1	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00		\$ 5,000.00	100	\$ -
17	Area Inlet	EA	1	\$ 6,700.00	\$ 6,700.00	1	\$ 6,700.00		\$ 6,700.00	100	\$ -
18	15-inch RCP Class III Storm Sewer	LF	50	\$ 77.00	\$ 3,850.00	50	\$ 3,850.00		\$ 3,850.00	100	\$ -
19	Storm Sewer Junction Box	EA	1	\$ 7,725.00	\$ 7,725.00	1	\$ 7,725.00		\$ 7,725.00	100	\$ -
20	Grate Inlet	EA	1	\$ 6,700.00	\$ 6,700.00	2	\$ 13,400.00		\$ 13,400.00	200	\$ (6,700.00)
21	Remove & Reset 18" Flared End Section	EA	1	\$ 875.00	\$ 875.00	1	\$ 875.00		\$ 875.00	100	\$ -
22	18-inch RCP Class III Storm Sewer	LF	3	\$ 78.00	\$ 234.00	3	\$ 234.00		\$ 234.00	100	\$ -
23	Adjust Water Valve to Grade	EA	11	\$ 600.00	\$ 6,600.00	9	\$ 5,400.00		\$ 5,400.00	82	\$ 1,200.00
24	Relocate Fire Hydrant and Adjust to Grade	EA	4	\$ 7,500.00	\$ 30,000.00	2	\$ 15,000.00		\$ 15,000.00	50	\$ 15,000.00
25	Pedestrian Crossing Sign with Telespar Post	EA	4	\$ 350.00	\$ 1,400.00	4	\$ 1,400.00		\$ 1,400.00	100	\$ -
26	Final Grading, Backfill, and Shaping	JOB	1	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00		\$ 6,000.00	100	\$ -
FO#1	Items 2-4, Additional work on Project B	JOB		\$ 7,384.00	\$ -	1	\$ 7,384.00		\$ 7,384.00		\$ (7,384.00)
PROJECT B TOTAL (ITEMS 1-26)						\$ 263,123.00		\$ 313,921.00		\$ 313,921.00	\$ (50,798.00)
GRAND TOTAL PROJECT A (SECTION A & B) AND PROJECT B						\$ 359,818.00		\$ 420,332.00		\$ 420,332.00	\$ (60,514.00)

CITY OF COLUMBUS, NEBRASKA

FIELD ORDER NO. 1

DATE: 5/1/24

PROJECT: Storm Drainage & Sidewalk Improvements 2023					
CONTRACTOR: Gehring Construction & Ready Mix Co., Inc.					
Description of field order change: City requested changes or changes needed during construction.					
Field Order Additional Quantities and Unit Prices:					
ITEM	DESCRIPTION	UNIT QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1	Project A, Section B: Rebuild Junction Box along 18 th Ave	1	EA	7150.00	7150.00
2	Project B: Add Trench Drain on 3 rd Ave, by Sleep Inn.	1	EA	500.00	500.00
3	Project B: Add Colored Concrete to Stamped Concrete.	203	SY	28.00	5684.00
4	Project B: Replace broken casting on Curb Inlet, corner of 19 th St. and 3 rd Ave.	1	EA	1200.00	1200.00
Total (Items 1-4)					\$ 14,534.00
Attachments: NA					

APPROVED

Richard J. Bogus
CITY ENGINEER

DATE: 5-13-2024

ACCEPTED

Stephen Anderson
CONTRACTOR (Authorized Signature)

Stephen Anderson
Type or Print Name

DATE: 5/1/24

4.E. Finance department report.

CASH SUMMARY BY FUND FOR CITY OF COLUMBUS
 FROM 04/01/2024 TO 04/30/2024
 FUND: ALL FUNDS
 CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 04/01/2024	Total Debits	Total Credits	Ending Balance 04/30/2024
100	GENERAL FUND	5,519,904.15	4,762,184.41	3,616,179.21	6,665,909.35
160	PLATTE CO LIBRARY SERVICE	96,833.12	1,189.28	631.59	97,390.81
175	ARP ACT FUNDS	866,427.34	10,641.31	5,651.27	871,417.38
189	PERPETUAL CARE	83,724.10	1,028.28	546.09	84,206.29
200	STREETS/ENGINEERING	(615,250.15)	444,623.99	269,086.48	(439,712.64)
205	AIRPORT	1,139,299.69	51,386.70	28,001.90	1,162,684.49
206	DOWNTOWN BID	82,704.64	3,607.43	3,039.45	83,272.62
210	SALES TAX	7,020,769.47	551,383.13	154,283.83	7,417,868.77
211	1/2 CENT SALES TAX	1,393,918.11	447,000.62	216,139.20	1,624,779.53
220	COMMUNICATIONS - E911	695,987.78	184,698.78	114,433.64	766,252.92
221	COMMUNICATIONS - WIRELESS E911	224,712.57	20,319.27	8,593.55	236,438.29
225	COMMUNICATIONS-EC-911 EQUIPMENT	(306,557.14)	0.00	1,970.67	(308,527.81)
240	HOUSING REHAB & LOANS	122,533.01	1,619.89	981.47	123,171.43
260	PROGRESS AND JOBS GROWTH	1,851,832.59	71,289.24	12,078.58	1,911,043.25
270	KENO	897,370.90	9,752.29	6,924.58	900,198.61
400	DEBT SERVICE FUND	(1,099,419.18)	2,716.46	0.00	(1,096,702.72)
480	COMMUNITY REDEVL AUTH	368,013.43	139,959.48	0.00	507,972.91
500	UTILITY SERVICE	17,575,090.08	888,891.38	362,785.88	18,101,195.58
520	WATER	13,158,664.62	456,955.43	293,470.97	13,322,149.08
530	LOUP DISTRIBUTION	1,783,756.90	21,907.81	11,634.56	1,794,030.15
560	STORMWATER UTILITY	1,324,743.84	51,284.70	19,016.84	1,357,011.70
570	SOLID WASTE DIVISION	3,740,749.43	258,773.17	157,717.69	3,841,804.91
600	HEALTH INSURANCE	2,670,036.81	65,434.76	92,244.70	2,643,226.87
710	FIRE PENSION	76,955.47	945.15	1,110.94	76,789.68
730	LICENSES TO SCHOOLS	12,170.00	2,750.00	100.00	14,820.00
740	LIBRARY FOUNDATION	761,071.19	0.00	0.00	761,071.19
745	LIBRARY ENDOWMENT	1,151,125.13	0.00	0.00	1,151,125.13
750	GERRARD PARK TRUST	150,928.70	0.00	0.00	150,928.70
999	PAYROLL CLEARING	(111,780.21)	810,168.08	672,478.57	25,909.30
	TOTAL - ALL FUNDS	60,636,316.39	9,260,511.04	6,049,101.66	63,847,725.77

4.F. Payroll and bills on file.

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 100 GENERAL ADMINISTRATION					
100-100-53200	PROFESSIONAL SERVICES	REMBOLT LUDTKE LLP	LABOR & EMPLOYMENT ISSUES	2,060.00	
100-100-53200	PROFESSIONAL SERVICES	SIPPLE, HANSEN, EMERSON,	LEGAL SERVICES	10,362.95	
100-100-53200-24041	PROFESSIONAL SERVICES	BAIRD HOLM LLP	WORKFORCE HOUSING PROJECT	4,495.50	
100-100-53200-CREAT	PROFESSIONAL SERVICES	FIRST NATIONAL BANK OMAHA	GO DADDY - .COM DOMAIN REGISTRATION	32.16	
100-100-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ZOOM - ZOOM ONE PRO ANNUAL MAY 1, 2024	593.58	
100-100-54310	BUILDING MAINTENANCE	CULLIGAN OF COLUMBUS	SALT	535.50	
100-100-54310	BUILDING MAINTENANCE	JACKSON SERVICES INC	MATS	129.52	
100-100-54310	BUILDING MAINTENANCE	MIDWEST ALARM SERVICES	FIRE ALARM MONITORING	540.00	
100-100-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	85.00	
100-100-55500-24041	PUBLICATIONS AND NOTICES	PLATTE COUNTY REGISTER OF	VITALITY VILLAGE	224.00	
100-100-55920	MISC FEES	PLATTE COUNTY REGISTER OF	RESOLUTION R24-40	28.00	
100-100-56010	SUPPLIES	EAKES OFFICE SOLUTIONS	PLATE 2X10 ACRYLIC	32.57	
100-100-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	WILKE LANDSCAPE - FLOWERS IN POTS	107.87	
100-100-56010	SUPPLIES	SHEVLIN SUPPLY	LINERS, BATH TISSUE, MULTI FOLD TOWELS,	252.65	
100-100-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	CHECKS 2,500	2,729.76	
100-100-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - DOUBLE MATTE INKJET MYLAR	226.90	
100-100-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL, WATER STATEMENTS	92.50	
100-100-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	2,514.68	
100-100-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	447.87	
100-100-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	145.04	
100-100-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26 - ELLEY COFF	380.04	
100-100-56250	REFUSE	PAPER TIGER SHREDDING	64 GALLON CONTAINER	35.00	
100-100-56250	REFUSE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	123.75	
100-100-56410	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	BHM WORLD HERALD SUSCRIPTION	49.98	
100-100-56620	EMERGENCY MANAGEMENT	BLACK HILLS ENERGY	NATURAL GAS	64.66	
100-100-56620	EMERGENCY MANAGEMENT	LOUP POWER DISTRICT	ELECTRICITY	376.59	
100-100-57200-20003	CAPITAL-LAND & BUILDINGS	JEO CONSULTING GROUP INC	FLOOD MITIGATION & RESILIENCY PLAN	4,875.00	
100-100-57510-19009	CAPITAL-EQUIPMENT	FIRST NATIONAL BANK OMAHA	PROVANTAGE - 6 HORIZONTAL POLE/WALL MOU	553.00	
100-100-57510-19009	CAPITAL-EQUIPMENT	RVW INC	T23607 NECOL - 2024 FIBER PROJECT	2,451.00	
100-100-57510-19009	CAPITAL-EQUIPMENT	SECURITY EQUIPMENT INC	PILLAR MOUNTED CAMERAS - PEDESTRIAN WAI	3,877.00	
100-100-57510-19009	CAPITAL-EQUIPMENT	SIRIUS COMPUTER SOLUTIONS	WIFI-BRADSHAW PARK, CENTENNIAL, PAWNEE	73,534.90	
Total For Dept 100 GENERAL ADMINISTRATION				111,956.97	
Dept 102 COLUMBUS AREA TRANSIT					
100-102-54310	BUILDING & GROUNDS MAINT	OLSON'S PEST TECHNICIANS	PEST CONTROL	55.00	
100-102-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MAT	50.16	
100-102-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	53.28	
100-102-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	6.81	
100-102-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	100.75	
100-102-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	18.58	
100-102-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	14.62	
100-102-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	42.86	
Total For Dept 102 COLUMBUS AREA TRANSIT				342.06	
Dept 103 COLUMBUS SENIOR CENTER					
100-103-52700-III-B	TRAINING AND TUITION	CENTRAL COMMUNITY COLLEGE	HEARTSAVER CPR, AED, FIRST AID - LASKA,	84.00	
100-103-52700-III-C	TRAINING AND TUITION	CENTRAL COMMUNITY COLLEGE	HEARTSAVER CPR, AED, FIRST AID - LASKA,	64.50	
100-103-52700-III-E	TRAINING AND TUITION	CENTRAL COMMUNITY COLLEGE	HEARTSAVER CPR, AED, FIRST AID - LASKA,	1.50	
100-103-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS CUSTOM EMBROIDERY	V-NECK TEE, FLEECE PULLOVER - LISS	42.50	
100-103-54510-III-B	BUILDING RENTAL/LEASE	COLUMBUS FAMILY RESOURCE	(MONTHLY LEASE PAYMENT	7,547.11	
100-103-54510-III-C	BUILDING RENTAL/LEASE	COLUMBUS FAMILY RESOURCE	(MONTHLY LEASE PAYMENT	3,390.73	
100-103-55900	MISCELLANEOUS	COMMONWEALTH ELECTRIC COMPANY	CHANGE OUT RECEPTACLE FOR MANCAVE AREA-	392.21	
100-103-56010-III-B	SUPPLIES	CULLIGAN OF COLUMBUS	EQUIPMENT - REVERSE OSMOSIS	32.75	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 103 COLUMBUS SENIOR CENTER					
100-103-56010-III-B	SUPPLIES	SYSCO LINCOLN	GROCERIES, CUPS, DISH DETERGENT	18.99	
100-103-56010-III-C	SUPPLIES	CULLIGAN OF COLUMBUS	EQUIPMENT - REVERSE OSMOSIS	32.75	
100-103-56010-III-C	SUPPLIES	EAKES OFFICE SOLUTIONS	ENVELOPES, HDM LABELS	161.94	
100-103-56010-III-C	SUPPLIES	SYSCO LINCOLN	GROCERIES, SERVING SUPPLIES	87.93	
100-103-56020-III-B	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	ENVELOPES, HDM LABELS	31.49	
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	SYSCO LINCOLN	GROCERIES, CUPS, DISH DETERGENT	244.53	
100-103-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	36.56	
100-103-56300-III-C	FOOD COSTS	SUPER SAVER	GROCERIES-PIES	77.06	
100-103-56300-III-C	FOOD COSTS	SYSCO LINCOLN	GROCERIES, COFFEE	11,893.08	
100-103-56400-III-B	PROGRAMS	SYSCO LINCOLN	GROCERIES, COFFEE	203.37	
100-103-56650-III-B	MEMBERSHIP DUES	NORTHEAST NEBRASKA AREA	FY2025 MATCHING FUNDS	12,026.00	
Total For Dept 103 COLUMBUS SENIOR CENTER				36,369.00	
Dept 104 CITY ADMINISTRATOR					
100-104-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	42.86	
Total For Dept 104 CITY ADMINISTRATOR				42.86	
Dept 105 FINANCE					
100-105-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS CUSTOM EMBROIDER\	FLEECE CREW - CAVANESS	70.00	
100-105-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	36.56	
100-105-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	128.58	
Total For Dept 105 FINANCE				235.14	
Dept 106 CITY CLERK					
100-106-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	CAPTUS - POLC MANAGEMENT	60.00	
100-106-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS CUSTOM EMBROIDER\	POLOS - KEYES	56.00	
100-106-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	29.25	
Total For Dept 106 CITY CLERK				145.25	
Dept 108 HUMAN RESOURCES					
100-108-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	106.87	
100-108-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	7.31	
Total For Dept 108 HUMAN RESOURCES				114.18	
Dept 110 POLICE					
100-110-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	FIREARMS TRAINING - RATH'S CAFE	649.32	
100-110-52700	TRAINING AND TUITION	STRECKER BRET	REIMBURSE - MEAL & FUEL	58.50	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	FIRST NATIONAL BANK OMAHA	4 IMPRINT - FLEXIBLE MAGNET	713.40	
100-110-52800	UNIFORMS	GALLS LLC	CARGO PANTS	514.59	
100-110-52810	UNIFORMS-QUARTERMASTER	FIRST NATIONAL BANK OMAHA	LAPG MEN'S OPERATOR TACTICAL POLO - UHI	58.37	
100-110-52810	UNIFORMS-QUARTERMASTER	GALLS LLC	SIDE ZIP BOOT, PERFORMANCE SHIRT - MOOF	433.76	
100-110-52810	UNIFORMS-QUARTERMASTER	GUNSLINGERS LLC	GLOCK 45 MOS HANDGUN - ROMSHEK QM	350.00	
100-110-52810	UNIFORMS-QUARTERMASTER	PERFORMANCE PRINTING INC	BUSINESS CARDS - WARREN QM	89.00	
100-110-52810	UNIFORMS-QUARTERMASTER	SCHREIBER, TARA	PATCHES SEWN ON UNIFORM - BALESTERI QM	36.00	
100-110-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	OVER THE PHONE INTERPRETATION	125.51	
100-110-53200	PROFESSIONAL SERVICES	PAPER TIGER SHREDDING	PURGE SERVICE	148.35	
100-110-53200	PROFESSIONAL SERVICES	PLATTE COUNTY	COUNTY ATTORNEY SERVICES	4,062.00	
100-110-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - MOUNTING KIT	152.00	
100-110-54330	VEHICLE MAINTENANCE	CNC REPAIR LLC	LOF, BATTERY VIN #8537	2,430.98	
100-110-54380	MAINTENANCE AGREEMENTS	OLSON'S PEST TECHNICIANS	PEST CONTROL	90.00	
100-110-54380	MAINTENANCE AGREEMENTS	TK ELEVATOR CORPORATION	MAINTENANCE INVOICE	248.20	
100-110-54530	VEHICLE TOWING	BEHLEN TOWING LLC	TOWING	600.00	
100-110-54530	VEHICLE TOWING	MIKE'S TOWING	TOWING	1,125.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 110 POLICE					
100-110-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	BUTTERFLY NET	29.90	
100-110-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - MEMO BOOK, 3 RING BINDERS, HP	336.26	
100-110-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PAPER	235.50	
100-110-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - MEMO BOOK, 3 RING BINDERS, HP	531.49	
100-110-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	9,472.00	
100-110-56150	D.A.R.E. EXPENSE	GODFATHER'S PIZZA	PIZZA - DARE	141.00	
100-110-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	146.05	
100-110-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	101.14	
100-110-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	3,183.52	
100-110-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	260.37	
100-110-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	413.16	
100-110-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE APR 06 - MAY 05	925.93	
100-110-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	40.00	
Total For Dept 110 POLICE				27,701.30	
Dept 120 FIRE					
100-120-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	HASTINGS FIRE-RESCUE - REGISTRATION FEE	930.84	
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	183.50	
100-120-52800	UNIFORMS	GALLS LLC	CAPTAIN POLOS	1,684.30	
100-120-52800	UNIFORMS	SHIRTS ARE US LLC	REPLACED PATCHES	18.00	
100-120-52900	EMPLOYEE HEALTH	OCCUPATIONAL HEALTH SERV	HEP C TITER, HIV TITER, HEPATITIS B VAC	134.50	
100-120-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - MOUNTING KIT	76.00	
100-120-54310	BUILDING MAINTENANCE	AIR VACUUM CORPORATION	4 STAGE FILTER PACKS, PREFILTERS	2,539.00	
100-120-54310	BUILDING MAINTENANCE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	53.12	
100-120-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	SHARPEN & BALANCE MOWER BLADE	28.50	
100-120-54330	VEHICLE MAINTENANCE	MENARDS	PEAK 50/50 GREEN	31.96	
100-120-54330	VEHICLE MAINTENANCE	ROSENBAUER MINNESOTA LLC	VOLTMETER GAUGE	125.26	
100-120-54380	MAINTENANCE AGREEMENTS	FIFTH SEASON INC	SPRING LAWN APPLICATION	93.37	
100-120-56020	OFFICE SUPPLIES	CAPITAL BUSINESS SYSTEMS	COPIER CONTRACT	31.27	
100-120-56030	CLEANING SUPPLIES/SERVICE	HADLEY-BRAITHWAIT COMPANY	TOILET PAPER, MULTIFOLD TOWELS	108.90	
100-120-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MOPS, MATS, POLISH TOWEL	98.40	
100-120-56050	FUEL	FIRST NATIONAL BANK OMAHA	FUEL RECEIPTS - TRIP TO MN TO PICK UP I	533.94	
100-120-56050	FUEL	MENARDS	50:1 FUEL PREMIX	134.58	
100-120-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	266.84	
100-120-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	239.96	
100-120-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,469.98	
100-120-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	251.60	
100-120-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	120.64	
100-120-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	613.70	
100-120-57510-24011	CAPITAL-EQUIPMENT	DANKO EMERGENCY EQUIPMENT	4 - VH BLACKINTON GOLD 2 LINE NAME BAR	81.00	
100-120-57520-24007	CAPITAL-VEHICLES	FIRST NATIONAL BANK OMAHA	COUNTRY INN & SUITES	323.74	
Total For Dept 120 FIRE				10,172.90	
Dept 121 RESCUE					
100-121-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	DOMINOS PIZZA	229.80	
100-121-52800	UNIFORMS	GALLS LLC	CAPTAIN POLOS	1,684.30	
100-121-52800	UNIFORMS	SHIRTS ARE US LLC	REPLACED PATCHES	18.00	
100-121-52900	EMPLOYEE HEALTH	OCCUPATIONAL HEALTH SERV	HEP C TITER, HIV TITER, HEPATITIS B VAC	134.50	
100-121-53200	PROFESSIONAL SERVICES	HOWERTER MD MARK S	EMERGENCY MEDICAL DIRECTOR	655.00	
100-121-54310	BUILDING MAINTENANCE	AIR VACUUM CORPORATION	4 STAGE FILTER PACKS, PREFILTERS	2,539.00	
100-121-54310	BUILDING MAINTENANCE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	53.13	
100-121-54380	MAINTENANCE AGREEMENTS	FIFTH SEASON INC	SPRING LAWN APPLICATION	93.38	
100-121-55930	REFUNDS	COLUMBUS CREDIT SERVICES	APRIL COLLECTIONS	1,049.59	

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 121 RESCUE					
100-121-56010	SUPPLIES	BOUND TREE MEDICAL LLC	BAYONET CONNECTOR, PALM ANEROID REPLACE	726.61	
100-121-56010	SUPPLIES	COLUMBUS COMMUNITY HOSPITAL	PHARMACY, IV SOLUTIONS, SUPPLIES	980.30	
100-121-56010	SUPPLIES	TELEFLEX LLC	25MM NEEDLES, EZ-IO POWER DRIVER	642.40	
100-121-56010	SUPPLIES	TOOLEY DRUG	GLUCOMETER STRIPS	35.09	
100-121-56020	OFFICE SUPPLIES	CAPITAL BUSINESS SYSTEMS	COPIER CONTRACT	31.27	
100-121-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MOPS, MATS, POLISH TOWEL	98.39	
100-121-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	266.84	
100-121-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	239.95	
100-121-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,469.96	
100-121-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	251.59	
100-121-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	120.64	
100-121-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	613.70	
Total For Dept 121 RESCUE				11,933.44	
Dept 125 VOLUNTEER FIRE DEPARTMENT					
100-125-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	HASTINGS FIRE-RESCUE - REGISTRATION FEE	730.84	
100-125-52700	TRAINING AND TUITION	RIVERSIDE PORTABLES LLC	PORTABLE RESTROOM - FIRE TRAINING TOWEL	105.00	
Total For Dept 125 VOLUNTEER FIRE DEPARTMENT				835.84	
Dept 130 LIBRARY					
100-130-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	MEALS - PLA COLUMBUS OH	635.18	
100-130-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS CUSTOM EMBROIDERY	MICROFLEECE JACKET	160.00	
100-130-53400-MOBIL	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - LAMINATING POUCHES, USB CABLE,	11.98	
100-130-53400-PCLAB	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	12 - DELL DUAL VESA MOUNTS	422.88	
100-130-53400-PCLAB	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - 2 - BLACK TONER CARTRIDGES	1,279.87	
100-130-54320-PATRN	EQUIPMENT MAINTENANCE	EAKES OFFICE SOLUTIONS	COPIER CONTRACT	340.59	
100-130-55400	ADVERTISING AND PROMOTION	FIRST NATIONAL BANK OMAHA	CONSTANT CONTACT	119.70	
100-130-56010-BUILD	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - LAMINATING POUCHES, USB CABLE,	8.33	
100-130-56010-BUILD	SUPPLIES	SHEVLIN SUPPLY	LINERS, BATH TISSUE, MULTI FOLD TOWELS,	252.65	
100-130-56010-MTRLS	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - CUSHOINED MAILERS, BUBBLE MAIL	107.33	
100-130-56010-STAFF	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - DUSTER REFILLS, SWIFFER KIT, E	21.93	
100-130-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - MONTHLY PLANNER	48.97	
100-130-56040-ILILO	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	LIBRARY/MEDIA MAIL	1,772.91	
100-130-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	8,386.56	
100-130-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	102.36	
100-130-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	42.86	
100-130-56250	REFUSE	WASTE CONNECTIONS OF NEBRASKA	GARBAGE SERVICE	123.75	
100-130-56400-ADSRP	PROGRAMS	FIRST NATIONAL BANK OMAHA	EL MEZCAL - GIFT CARD	241.05	
100-130-56400-ADULT	PROGRAMS	FIRST NATIONAL BANK OMAHA	WALMART - FRUIT SNACKS, GRANOLA BARS, E	80.50	
100-130-56400-CHILD	PROGRAMS	FIRST NATIONAL BANK OMAHA	EARL MAY - POTTING MIX	7.99	
100-130-56400-CHILD	PROGRAMS	HY-VEE INC	GROCERIES	79.90	
100-130-56400-YASCH	PROGRAMS	FIRST NATIONAL BANK OMAHA	HYVEE - CUPCAKES, WAXED APER, MUFFINS,	369.85	
100-130-56400-YASCH	PROGRAMS	HOBBY LOBBY	CARDS, JEWELRY MAKING, CRAFTS	47.52	
100-130-56400-YASRP	PROGRAMS	FIRST NATIONAL BANK OMAHA	AMAZON - M&M'S CANDY JAR	1,217.25	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	BLACKSTONE PUBLISHING	CDS	470.72	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	CENTER POINT LARGE PRINT	MATERIALS	142.62	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	AMAZON - LAMINATING POUCHES, USB CABLE,	7.99	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	GALE	MATERIALS	818.37	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	MIDWEST TAPE LLC	DVD'S	63.72	
100-130-56410-SUBSC	BOOKS AND PUBLICATIONS	MIDWEST TAPE LLC	DIGITAL AUDIOBOOK, BINGE PASS, COMICS,	2,213.18	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	AMAZON - DUSTER REFILLS, SWIFFER KIT, E	39.63	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	FIRST NATIONAL BANK OMAHA	ADOBE - CREATIVE CLOUD ALL APPS	34.99	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 130 LIBRARY					
Total For Dept 130 LIBRARY				19,673.13	
Dept 140 CEMETERY					
100-140-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	NON DOT COLLECTION & TESTING	67.00	
100-140-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	17.00	
100-140-53520	CONTRACT SERVICES	VAN DYKE CARROLL	OPEN/CLOSE CEMETERY GATES	146.50	
100-140-54310	BUILDING MAINTENANCE	PORT-A-JOHN	RESTROOM RENTAL - QUAIL RUN, VANBURG,	75.00	
100-140-54310	BUILDING MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	HYDRANT, PLUMBERS PUTTY, NIPPLE	100.97	
100-140-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	OIL 4 CYCLE, HYDRAULIC OIL	30.98	
100-140-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	FUEL FILTER	4.82	
100-140-54320	EQUIPMENT MAINTENANCE	JOHN DEERE FINANCIAL	PLATTE VALLEY EQUIPMENT - DRIVE	31.14	
100-140-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	REPAIR	45.00	
100-140-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	GATOR LINE, ENGINE OIL 2 CYCLE	112.93	
100-140-56080	PLANTS SOD SEED FLOWERS	MUELLER SPRINKLERS	HYDROSEED 15 PLOTS - COLUMBUS CEMETERY	150.00	
100-140-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	92.65	
100-140-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	7.31	
Total For Dept 140 CEMETERY				881.30	
Dept 145 COMMUNITY DEVELOPMENT					
100-145-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	POUCH, LAMINATING	83.48	
100-145-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	36.56	
100-145-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	214.30	
Total For Dept 145 COMMUNITY DEVELOPMENT				334.34	
Dept 150 PARKS					
100-150-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	NATL RECREATION & PARK ASSOC - STUDY GU	86.19	
100-150-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	DOT COLLECTION & TESTING	318.00	
100-150-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	564.00	
100-150-52800	UNIFORMS	ACE HARDWARE & GARDEN CNT	GLOVES	15.99	
100-150-52800	UNIFORMS	COLUMBUS SCREEN PRINTING	PARKS & REC CAPS	260.00	
100-150-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	103.89	
100-150-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - WATERPROOF CONNECTORS	135.04	
100-150-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	SANDDRUM, SANDER KIT	26.14	
100-150-54310	BUILDING MAINTENANCE	AMERICAN TIMBER & STEEL CC	21 - ROUND TURNED DOME TOP POST	1,033.15	
100-150-54310	BUILDING MAINTENANCE	CULLIGAN OF COLUMBUS	EQUIPMENT - POU COOLER	43.00	
100-150-54310	BUILDING MAINTENANCE	MENARDS	BALL VALVE, BRASS COUPLING, KITHCHEN F	63.47	
100-150-54310	BUILDING MAINTENANCE	NOVICKI FIRE PREVENTION SF	YEARLY INSPECTION	480.00	
100-150-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	CM SOCKET 1/2 DR	12.99	
100-150-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	1/2IN DR 30MM DW IMPACT SOCKET	55.68	
100-150-54320	EQUIPMENT MAINTENANCE	FIRST NATIONAL BANK OMAHA	AMAZON - MOWER BATTERY	369.44	
100-150-54320	EQUIPMENT MAINTENANCE	JOHN DEERE FINANCIAL	PLATTE VALLEY EQUIPMENT - ELECTRICAL	104.48	
100-150-54320	EQUIPMENT MAINTENANCE	MENARDS	TIRE CHUCK INFLATOR	8.99	
100-150-54320	EQUIPMENT MAINTENANCE	MUNDIL GREGORY	REIMBURSE FOR PART - WHEEL BEARING KIT	36.34	
100-150-54320	EQUIPMENT MAINTENANCE	NEBRASKA HARVESTORE SYSTEM	44 - HD CONV BRUSHES, BRISTLE POLY HD,	1,311.82	
100-150-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	SPINDLE NUT	5.48	
100-150-54330	VEHICLE MAINTENANCE	ARNOLD MOTOR SUPPLY	RAGS BX BLUE, OPTI-SORB	154.56	
100-150-54520	EQUIPMENT RENTAL/PURCHASE	SECURITY EQUIPMENT INC	PARKING LOT CAMERA REPLACEMENT - PAWNEE	1,827.50	
100-150-55400	ADVERTISING AND PROMOTION	FIRST NATIONAL BANK OMAHA	FACEBOOK ADS	97.53	
100-150-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	SPIRAL SCREW EXTRACTOR	98.68	
100-150-56010	SUPPLIES	CENTRAL VALLEY AG COOPERA	CORNERSTONE 5 PLUS	476.20	
100-150-56010	SUPPLIES	ELECTRICAL ENGINEERING &	LED PHOTO CONTROL, WIRECON, CLEAR LED F	161.69	
100-150-56010	SUPPLIES	GREAT PLAINS BUILDING SUPI	CREDIT - 50# ATHLETIC FIELD MARKER	839.84	
100-150-56010	SUPPLIES	HADLEY-BRAITHWAIT COMPANY	TOILET TISSUE, MULTIFOLD TOWELS	178.85	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
 EXP CHECK RUN DATES 05/21/2024 - 05/21/2024
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 150 PARKS					
100-150-56010	SUPPLIES	SHEVLIN SUPPLY	CENTER PULL TOWELS	216.90	
100-150-56040	POSTAGE AND FREIGHT	FIRST NATIONAL BANK OMAHA	THE UPS STORE - SHIPPING	113.33	
100-150-56080	PLANTS SOD SEED FLOWERS	WILKE LANDSCAPE CENTER	SCARLET OAK	239.94	
100-150-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	84.29	
100-150-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	29.86	
100-150-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	4,342.37	
100-150-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	29.25	
100-150-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	162.89	
100-150-56300	FOOD COSTS	FIRST NATIONAL BANK OMAHA	AMAZON - TOSTITOS, SEASON SALT, POPCORN	2,169.20	
100-150-56400	PROGRAMS	NARANS STEVE	CONCERT IN THE PARK SERIES	3,800.00	
100-150-56400	PROGRAMS	RITTER FRED	SOUND & LIGHTS FOR DANCE NIGHT IN THE S	350.00	
100-150-56400	PROGRAMS	WAITE, DANIELLE	ARCADE RADIO - JUNE 1ST 2024	2,500.00	
100-150-57200-23046	CAPITAL-LAND & BUILDINGS	GEHRING CONSTRUCTION &	STORM DRAINAGE & SIDEWALK IMPROVEMENTS	247,559.30	
100-150-57200-24013	CAPITAL-LAND & BUILDINGS	NOSWETT FENCING INC	INSTALLED CHAINLINK	3,829.00	
100-150-57200-24030	CAPITAL-LAND & BUILDINGS	BIERMAN CONTRACTING INC.	DESIGN FOR CENTENNIAL PARK RESTROOM & C	13,000.00	
100-150-57300-23012	CAPITAL-NEW CONSTRUCTION	BVH ARCHITECTURE	COLUMBUS MEMORIAL STADIUM RENOVATION	28,000.00	
100-150-57510-24016	CAPITAL-EQUIPMENT	TURFWERKS	JACOBSEN MOWER	126,391.80	
Total For Dept 150 PARKS				441,687.07	
Dept 151 PAWNEE PLUNGE WATER PARK					
100-151-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	NON DOT COLLECTION & TESTING	567.00	
100-151-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	646.00	
100-151-52800	UNIFORMS	THE LIFEGUARD STORE	RESUE TUBES, GOOGLES, SWIN BAR, WHISTLE	373.97	
100-151-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	75.00	
100-151-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - 8 CHANNEL WALL MOUNT ETHERNET	410.88	
100-151-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	COUPL HOSE BARB, HOSE CLAMP	75.14	
100-151-54310	BUILDING MAINTENANCE	FIRST NATIONAL BANK OMAHA	AMERICAN LOCKER	642.00	
100-151-54310	BUILDING MAINTENANCE	MENARDS	4 - 4 1/2" METAL CUTTING	60.15	
100-151-54310	BUILDING MAINTENANCE	RENSENHOUSE	VAPOR TITE FIXTURE	140.32	
100-151-54520	EQUIPMENT RENTAL/PURCHASE	FIRST NATIONAL BANK OMAHA	MYTCOAT OUTDOOR FURNITURE	3,866.00	
100-151-54520	EQUIPMENT RENTAL/PURCHASE	YANDA'S MUSIC & PRO AUDIO	INSTALLATION - AMPLIFIER, LOUDSPEAKERS	8,575.00	
100-151-56010	SUPPLIES	THE LIFEGUARD STORE	RESUE TUBES, GOOGLES, SWIN BAR, WHISTLE	734.90	
100-151-56030	CLEANING SUPPLIES/SERVICE	ACE HARDWARE & GARDEN CNT	GLASS CLEANER, MULCH	63.51	
100-151-56130	SUPPLIES FOR RESALE	THE LIFEGUARD STORE	RESUE TUBES, GOOGLES, SWIN BAR, WHISTLE	140.00	
100-151-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	80.60	
100-151-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,362.81	
100-151-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	97.12	
100-151-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	14.62	
Total For Dept 151 PAWNEE PLUNGE WATER PARK				17,925.02	
Dept 152 AQUATIC CENTER POOL					
100-152-53200	PROFESSIONAL SERVICES	JACKSON SERVICES INC	MATS	44.51	
100-152-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	63.00	
100-152-54310	BUILDING MAINTENANCE	MENARDS	16 - AIR FILTERS	127.84	
100-152-54320	EQUIPMENT MAINTENANCE	THE LIFEGUARD STORE	REMOTE FOR PAL	279.00	
100-152-54520	EQUIPMENT RENTAL/PURCHASE	THE LIFEGUARD STORE	RESUE TUBES, GOOGLES, SWIN BAR, WHISTLE	447.50	
100-152-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	514.91	
100-152-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	718.02	
100-152-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	4,794.40	
100-152-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	99.87	
100-152-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	14.62	
Total For Dept 152 AQUATIC CENTER POOL				7,103.67	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 155 VAN BERG GOLF COURSE					
100-155-51100	SALARIES AND WAGES	LOUP POWER DISTRICT	ELECTRICITY	25.81	
100-155-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	17.00	
100-155-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	MONTHLY COMMISSIONS - GREEN FEES & CARI	1,529.12	
100-155-53510	COMMISSION ON LIQUOR	DUNBAR DOUGLAS	LIQUOR COMMISSIONS	1,641.64	
100-155-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	MONTHLY CONTRACT	2,387.56	
100-155-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS - GREEN FEES & CARI	1,484.00	
100-155-53540	COMMISSION ON PASSES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS - GREEN FEES & CARI	553.99	
100-155-54490	IRRIGATION MAINTENANCE	KELLY SUPPLY COMPANY	PVC COUP	49.70	
100-155-54520	EQUIPMENT RENTAL/PURCHASE	PORT-A-JOHNS	RESTROOM RENTAL - QUAIL RUN, VANBURG,	300.00	
100-155-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	BUNGEE CORD	26.56	
100-155-56010	SUPPLIES	TRACTOR SUPPLY CREDIT PLAN	FUEL HOSE	39.99	
100-155-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	1,650.16	
100-155-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	72.67	
100-155-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	28.13	
100-155-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	633.68	
100-155-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	21.93	
Total For Dept 155 VAN BERG GOLF COURSE				10,461.94	
Dept 156 QUAIL RUN GOLF COURSE					
100-156-52710	EMPLOYEE RECRUITMENT/RETENTION	FIRST NATIONAL BANK OMAHA	UNIVERSITY OF NEBRASKA- GENERAL STANDAF	190.00	
100-156-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	102.00	
100-156-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - USB HUB	9.98	
100-156-53400	COMPUTER SUPPORT/MAINT	GOLFNOW	WEBSITE/EMAIL HOSTING	191.22	
100-156-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	MONTHLY COMMISSIONS - GREEN FEES & CARI	5,570.54	
100-156-53510	COMMISSION ON LIQUOR	DUNBAR DOUGLAS	LIQUOR COMMISSIONS	7,458.44	
100-156-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	MONTHLY CONTRACT	4,847.30	
100-156-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS - GREEN FEES & CARI	5,114.68	
100-156-53540	COMMISSION ON PASSES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS - GREEN FEES & CARI	3,139.25	
100-156-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	75.00	
100-156-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	PM DEX/MERC ATF	27.03	
100-156-54320	EQUIPMENT MAINTENANCE	LAKEVIEW SMALL ENGINE INC	FITTING FUEL	125.90	
100-156-54320	EQUIPMENT MAINTENANCE	MIDWEST TURF & IRRIGATION	BEARING - SEALED	296.92	
100-156-54320	EQUIPMENT MAINTENANCE	R & R PRODUCTS INC	PIN - LYNCH HEAVY DUTY, SPACER - CASTEF	435.60	
100-156-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	BELT, FILLER CAP	108.98	
100-156-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	2 - TIRES	493.00	
100-156-54520	EQUIPMENT RENTAL/PURCHASE	PORT-A-JOHNS	RESTROOM RENTAL - QUAIL RUN, VANBURG,	75.00	
100-156-55400	ADVERTISING AND PROMOTION	NORFOLK DAILY NEWS	ADVERTISING - GOLF PAGE	155.00	
100-156-55920	MISC FEES	THE GOLF SHOP	MONTHLY TERMINAL USAGE FEE APRIL 2024	2,813.69	
100-156-56010	SUPPLIES	JACKSON SERVICES INC	UNIFORMS	27.12	
100-156-56010	SUPPLIES	MENARDS	CABLE TIE, GORILLA TAPE, DRYWALL BAGS	42.56	
100-156-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	2,700.63	
100-156-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	72.13	
100-156-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	27.28	
100-156-56220	ELECTRICITY	JACKSON SERVICES INC	UNIFORMS	27.10	
100-156-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,523.65	
100-156-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	99.87	
100-156-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	58.49	
100-156-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	125.73	
Total For Dept 156 QUAIL RUN GOLF COURSE				35,934.09	
Total For Fund 100 GENERAL FUND				733,849.50	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	DOT COLLECTION & TESTING	226.00	
200-200-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	454.12	
200-200-53200	PROFESSIONAL SERVICES	MOMS & MOPS	CLEANING CENTRAL MAINTENANCE	93.34	
200-200-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - WIRELESS KEYBOARD & MOUSE	25.33	
200-200-54310	BUILDING MAINTENANCE	GEHRING CONSTRUCTION &	NDOR, POLARSET, HALF MOON STAKES, NOMAF	1,400.74	
200-200-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.33	
200-200-54310	BUILDING MAINTENANCE	OTTE ELECTRIC	INSTALL NEW LIGHT FIXTURES IN WASH BAY	994.67	
200-200-54320	EQUIPMENT MAINTENANCE	ALTEC INDUSTRIES INC	LEAK AT UPPER CONTROLS - VIN #5154	3,842.08	
200-200-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	HI-POWER II V-BELT	22.98	
200-200-54320	EQUIPMENT MAINTENANCE	FIRST NATIONAL BANK OMAHA	AMAZON - RUNNING BOARDS	149.99	
200-200-54320	EQUIPMENT MAINTENANCE	MACQUEEN EQUIPMENT	ASSY-DIRT SHOE	5,061.73	
200-200-54320	EQUIPMENT MAINTENANCE	PANEL BUILDERS PLUS INC	PLASTIC WELD - LARGE TANK	200.00	
200-200-54320	EQUIPMENT MAINTENANCE	SHERWIN-WILLIAMS CO	PARTS FOR PAINT MACHINE	296.00	
200-200-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	TIRE, TUBE, REPAIR	185.00	
200-200-54320	EQUIPMENT MAINTENANCE	TY'S OUTDOOR POWER & SERV	BEARING, RETAINER 3/4"	35.82	
200-200-54330	VEHICLE MAINTENANCE	RIVER VALLEY TIRE SERVICE	4 - GENERAL GRABBER APT	1,016.00	
200-200-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	TIRE, TUBE, REPAIR	15.00	
200-200-54450	STREET MAINTENANCE	GERHOLD CONCRETE COMPANY	1765 45TH AVE	623.52	
200-200-54460	LAND MAINTENANCE	CLAY HILLS AG	TRIUMPH RTU, PADLOCK, 2,4-D, HONCHO, PF	2,194.40	
200-200-54520	EQUIPMENT RENTAL/PURCHASE	OBRIST & CO INC	HAULING TO NORFOLK NNSWC	2,805.00	
200-200-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	NIPPLE, 90 DEGREE ELBOW	7.56	
200-200-56010	SUPPLIES	COLUMBUS STEEL SUPPLY	SHEET HR 11 GA 4' X 8'	237.60	
200-200-56010	SUPPLIES	EAKES OFFICE SOLUTIONS	TOWELS, BATH TISSUE, CENTER PULL TOWELS	111.05	
200-200-56010	SUPPLIES	FASTENAL COMPANY	3,000 - ORANGE 4X5 30"	471.03	
200-200-56010	SUPPLIES	GEHRING CONSTRUCTION &	CRUSHED CONCRETE	2,260.50	
200-200-56010	SUPPLIES	GREAT PLAINS BUILDING SUP	2 - 2X6-10 ACQ TREATED	21.34	
200-200-56010	SUPPLIES	MIDWEST COATINGS COMPANY	COLD MIX ASPHALT	5,311.80	
200-200-56010	SUPPLIES	T-BONE PD LLC	PROPANE	65.78	
200-200-56010	SUPPLIES	TRACTOR SUPPLY CREDIT PLAN	PLASTIC SCOOPS, GARDEN CULTIVATOR	99.96	
200-200-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	9,655.50	
200-200-56050	FUEL	T-BONE FUEL DELIVERY	FUEL	11,038.70	
200-200-56090	SMALL TOOLS	GEHRING CONSTRUCTION &	20X2X4 MAG SCREED	191.53	
200-200-56120	TRAFFIC SIGNS	MID-AMERICAN SIGNAL INC	600V WAVETRONIX MATRIX/ADVANCE CABLE	1,290.00	
200-200-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	68.21	
200-200-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	46.73	
200-200-56220	ELECTRICITY	CORNHUSKER PUBLIC POWER DI	ELECTRICITY	594.30	
200-200-56220	ELECTRICITY	LOUP POWER DISTRICT	REPAIRS TO CITY OWNED STREET LIGHTS	44,623.49	
200-200-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	29.25	
200-200-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	168.59	
200-200-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	47.75	
200-200-57200-24021	CAPITAL-LAND & BUILDINGS	SCHEMMER ASSOCIATES INC.	23RD ST WATER & SEWER CONSTRUCTION INSE	3,150.88	
200-200-57300-20070	CAPITAL-NEW CONSTRUCTION	UNION PACIFIC RAILROAD CO	PRELIMINARY ENGINEERING TO CONSTRUCT SI	2,989.40	
200-200-57300-20071	CAPITAL-NEW CONSTRUCTION	GEHRING CONSTRUCTION &	STORM DRAINAGE & CONCRETE IMPROVEMENTS	80,281.80	
Total For Dept 200 STREETS				182,422.80	
Dept 202 MECHANICS SHOP					
200-202-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	67.07	
200-202-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	SILICONE, USS HX CP	60.95	
200-202-56010	SUPPLIES	ISLAND SUPPLY WELDING CO.	WIRE 33LB SPOOL, GLOVES	93.39	
200-202-56010	SUPPLIES	O'REILLY AUTOMOTIVE INC	RIGHT STUFF	223.92	
200-202-56090	SMALL TOOLS	FIRST NATIONAL BANK OMAHA	AMAZON - REPAIR KIT OIL PUMP	85.99	
200-202-56130	SUPPLIES FOR RESALE	ACE HARDWARE & GARDEN CNT	MLW RECIP, DIAB RECIP	68.96	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 200 STREETS/ENGINEERING					
Dept 202 MECHANICS SHOP					
200-202-56130	SUPPLIES FOR RESALE	ADVANCE AUTO PARTS	ENGINE OIL FILTER	1,233.96	
200-202-56130	SUPPLIES FOR RESALE	ARNOLD MOTOR SUPPLY	HI-POWER II V-BELT	49.62	
200-202-56130	SUPPLIES FOR RESALE	CHROME N' STEEL TRUCK & TFC	CIRCUIT BREAKER/FUSE	147.00	
200-202-56130	SUPPLIES FOR RESALE	FIRST NATIONAL BANK OMAHA	AMAZON - RECOIL STARTER PULL CORD	22.91	
200-202-56130	SUPPLIES FOR RESALE	INTERSTATE BATTERY SYSTEM	BATTERIES	588.80	
200-202-56130	SUPPLIES FOR RESALE	LAWSON PRODUCTS	HEX CAP SCREWS, CROSS LINK PRIM WIRE	94.38	
200-202-56130	SUPPLIES FOR RESALE	O'REILLY AUTOMOTIVE INC	SEMI-MET PAD, BRAKE ROTOR	260.16	
200-202-56130	SUPPLIES FOR RESALE	SAPP BROS COLUMBUS INC	AMERIGUARD 15W-40 HD	1,065.00	
200-202-56130	SUPPLIES FOR RESALE	TOO FAST SUPPLY	FLANGE NUT, ALUM RIVETS	32.38	
Total For Dept 202 MECHANICS SHOP				4,094.49	
Total For Fund 200 STREETS/ENGINEERING				186,517.29	
Fund 205 AIRPORT					
Dept 205 AIRPORT					
205-205-53520	CONTRACT SERVICES	1200.AERO INC	SERVICE SUNSCRIPTION 5/01/2024 - 5/01/2	1,200.00	
205-205-54320	EQUIPMENT MAINTENANCE	CSH LLC	HYDRUALIC PARTS	281.96	
205-205-56010	SUPPLIES	MENARDS	SUMP PUMP, DISCHARGE HOSE, SCENT OIL, C	188.65	
205-205-56010	SUPPLIES	TRACTOR SUPPLY CREDIT PLAN	TORDON	23.99	
205-205-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - SCREEN PROTECTOR	7.99	
205-205-56030	CLEANING SUPPLIES/SERVICE	HEARTLAND OFFICE CLEANERS	MAY CLEANING SERVICE	250.00	
205-205-56070	FERTILIZER	CENTRAL VALLEY AG COOPERATI	AMS (BULK/TOTE), UREA	521.25	
205-205-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	777.58	
205-205-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	21.93	
205-205-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	85.72	
205-205-56260	UTILITIES - FSS BUILDING	LOUP POWER DISTRICT	ELECTRICITY	573.30	
205-205-56260	UTILITIES - FSS BUILDING	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	40.00	
Total For Dept 205 AIRPORT				3,972.37	
Total For Fund 205 AIRPORT				3,972.37	
Fund 206 DOWNTOWN BID					
Dept 206 DOWNTOWN BID					
206-206-53200	PROFESSIONAL SERVICES	FIRST NATIONAL BANK OMAHA	GO DADDY - .COM DOMAIN REGISTRATION	32.16	
206-206-53200	PROFESSIONAL SERVICES	LOCABLE	ANNUAL SUBSCRIPTION FEE, WEBSITE ASSIST	2,183.00	
Total For Dept 206 DOWNTOWN BID				2,215.16	
Total For Fund 206 DOWNTOWN BID				2,215.16	
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	APCO INTERNATIONAL - RECERTIFICATION LC	1,371.04	
220-220-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	44.00	
220-220-53200	PROFESSIONAL SERVICES	HOWERTER MD MARK S	EMERGENCY MEDICAL DIRECTOR - JCC	616.00	
220-220-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	OVER THE PHONE INTERPRETATION	116.07	
220-220-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - WIRELESS COMPUTER MOUSE	63.97	
220-220-56010	SUPPLIES	CULLIGAN OF COLUMBUS	EQUIPMENT - REVERSE OSMOSIS	32.00	
220-220-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - TRASH BAGS, SCOURING PAD	81.29	
220-220-56030	CLEANING SUPPLIES/SERVICE	HEARTLAND OFFICE CLEANERS	MAY CLEANING SERVICE	250.00	
220-220-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	573.30	
220-220-56240	TELEPHONE	CENTURY LINK	E911 PHONE CHARGES	930.00	
220-220-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	1,005.63	
220-220-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	7.31	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	122.88	
220-220-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	40.00	
220-220-57510-24028	CAPITAL-EQUIPMENT	RVW INC	T24521-PLATTE COUNTY TOWER FIBER PROJEC	2,340.44	
Total For Dept 220 E911				7,593.93	
Total For Fund 220 COMMUNICATIONS - E911				7,593.93	
Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHARING					
Dept 225 EC-911 EQUIPMENT SHARING					
225-225-56240	TELEPHONE	TELECOMMUNICATION SYSTEMS	MONTHLY CIRCUIT FEE, ANNUAL MAINTENANCE	1,970.67	
Total For Dept 225 EC-911 EQUIPMENT SHARING				1,970.67	
Total For Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHAF				1,970.67	
Fund 480 COMMUNITY REDEVL AUTH					
Dept 000					
480-000-21582	TIF PAY NEIGHBORHOOD BEAUT	GRANT RENSENHOUSE	23RD STREET CORRIDOR BEAUTIFICATION	3,672.00	
Total For Dept 000				3,672.00	
Total For Fund 480 COMMUNITY REDEVL AUTH				3,672.00	
Fund 500 UTILITY SERVICE					
Dept 000					
500-000-20100	CSX-1	BURROWS DARRELL	UB refund for account: 300-62080-01	142.04	
Total For Dept 000				142.04	
Dept 500 WASTEWATER COLLECTION					
500-500-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	280.04	
500-500-53200	PROFESSIONAL SERVICES	MOMS & MOPS	CLEANING CENTRAL MAINTENANCE	93.33	
500-500-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - WIRELESS KEYBOARD & MOUSE	63.33	
500-500-54310	BUILDING MAINTENANCE	GEHRING CONSTRUCTION &	NDOR, POLARSET, HALF MOON STAKES, NOMAE	1,400.74	
500-500-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	23.34	
500-500-54310	BUILDING MAINTENANCE	OTTE ELECTRIC	INSTALL NEW LIGHT FIXTURES IN WASH BAY	994.67	
500-500-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	TUBE - VINYL	41.70	
500-500-54320	EQUIPMENT MAINTENANCE	OTTE ELECTRIC	TROUBLE SHOOT WESTBROOK LIFT	229.57	
500-500-54320	EQUIPMENT MAINTENANCE	POWER TECH LLC	MINOR INSPECTION - PORTABLE G70	327.50	
500-500-54330	VEHICLE MAINTENANCE	ALL STAR AUTO GLASS	DOOR - #64	295.19	
500-500-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	NUTS, BOLTS, SCREWS	143.70	
500-500-54390	SYSTEM MAINTENANCE	ONE CALL CONCEPTS INC	LOCATE FEES	166.14	
500-500-56010	SUPPLIES	EAKES OFFICE SOLUTIONS	TOWELS, BATH TISSUE, CENTER PULL TOWELS	111.05	
500-500-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - MONEY ENVELOPES	22.99	
500-500-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL, WATER STATEMENTS	2,217.74	
500-500-56090	SMALL TOOLS	ACE HARDWARE & GARDEN CNT	BRUSH	6.99	
500-500-56090	SMALL TOOLS	GEHRING CONSTRUCTION &	20X2X4 MAG SCREED	95.77	
500-500-56220	ELECTRICITY	CORNHUSKER PUBLIC POWER DI	ELECTRICITY	303.43	
500-500-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	2,314.83	
500-500-56240	TELEPHONE	A TO Z MESSAGING	ANSWERING SERVICE	65.00	
500-500-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	33.49	
500-500-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	304.35	
500-500-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	20.00	
500-500-57300-20091	CAPITAL-NEW CONSTRUCTION	HDR ENGINEERING INC	LOST CREEK PARKWAY SEWER PROJECT	2,275.67	
Total For Dept 500 WASTEWATER COLLECTION				11,830.56	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 500 UTILITY SERVICE					
Dept 501 WASTEWATER TREATMENT FAC					
500-501-51100	SALARIES AND WAGES	MENARDS	SPRING WATER, PUFFS	23.43	
500-501-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	192.90	
500-501-54320	EQUIPMENT MAINTENANCE	MIDWEST READY MIX	BUCKET PINS, DOOR LOCK	239.10	
500-501-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	2 - TIRES	832.00	
500-501-54320	EQUIPMENT MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	GEAR LUBE, GREASE, UTILITY KNIFE	243.79	
500-501-55640	COMPLIANCE TESTING	MIDWEST LABORATORIES INC	TESTING & SUPPLIES	151.17	
500-501-55640	COMPLIANCE TESTING	PACE ANALYTICAL SERVICES I	WATER TESTING	1,146.40	
500-501-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	DUCT TAPE WOODGRAIN	4.99	
500-501-56010	SUPPLIES	KELLY SUPPLY COMPANY	2 - BRASS FIRE NOZZLE, 2 - FIRE HOSE NC	326.26	
500-501-56010	SUPPLIES	MENARDS	FEBREZE, GORILLA GLUE	51.90	
500-501-56010	SUPPLIES	NEBRASKA-IOWA INDUSTRIAL	SAFETY GLASSES, ABSORB PADS, KROIL LUBF	221.48	
500-501-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, BAR TOWELS, SHOP TOWELS	38.66	
500-501-56060	CHEMICALS	PETE LIEN & SONS INC.	QUICKLIME FINES	6,250.29	
500-501-56090	SMALL TOOLS	ARNOLD MOTOR SUPPLY	PLIER, SEAL PLLR	41.98	
500-501-56090	SMALL TOOLS	MENARDS	FACE TISSUE, SCREWDRIVER SET, METAL CUT	33.53	
500-501-56100	LABORATORY	METTLER-TOLEDO INC	FULL PREVENTIVE MAINTENANCE, BASIC TESI	743.94	
500-501-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	613.30	
500-501-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	293.79	
500-501-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	14,768.63	
500-501-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	106.87	
500-501-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	36.56	
500-501-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	85.72	
500-501-56650	MEMBERSHIP DUES	WATER ENVIRONMENT FEDERATI	MEMBERSHIP DUES - MARTIN EATON	85.00	
Total For Dept 501 WASTEWATER TREATMENT FAC				26,531.69	
Total For Fund 500 UTILITY SERVICE				38,504.29	
Fund 520 WATER					
Dept 520 WATER					
520-520-52700	TRAINING AND TUITION	TOBIASON TRENT	REIMBURSE MEAL - CLASS IN GRAND ISLAND	9.58	
520-520-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	DOT COLLECTION & TESTING	226.00	
520-520-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	299.25	
520-520-53200	PROFESSIONAL SERVICES	MOMS & MOPS	CLEANING CENTRAL MAINTENANCE	93.33	
520-520-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - WIRELESS KEYBOARD & MOUSE	63.32	
520-520-54310	BUILDING MAINTENANCE	GEHRING CONSTRUCTION &	NDOR, POLARSET, HALF MOON STAKES, NOMAF	1,400.76	
520-520-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.33	
520-520-54310	BUILDING MAINTENANCE	OTTE ELECTRIC	INSTALL NEW LIGHT FIXTURES IN WASH BAY	2,489.50	
520-520-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	PRIMER BULB	4.80	
520-520-54320	EQUIPMENT MAINTENANCE	POWER TECH LLC	MINOR INSPECTION - PORTABLE G70	327.50	
520-520-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	TAPE	32.71	
520-520-54390	SYSTEM MAINTENANCE	ARNOLD MOTOR SUPPLY	8 OZ VULCANIZING CEMET	8.14	
520-520-54390	SYSTEM MAINTENANCE	CORE & MAIN LP	RUBBER DROP-IN METER GASKETS	49.06	
520-520-54390	SYSTEM MAINTENANCE	GEHRING CONSTRUCTION &	3500# SG - 6.5 BAG MIX	380.75	
520-520-54390	SYSTEM MAINTENANCE	KELLY SUPPLY COMPANY	TEST COCK	56.56	
520-520-54390	SYSTEM MAINTENANCE	LINCOLN WINWATER WORKS	SST 14.38X6 DI FLG TAP SLV	5,400.91	
520-520-54390	SYSTEM MAINTENANCE	MUNICIPAL SUPPLY INC OF OM	10 - RANGER COUP	980.14	
520-520-54390	SYSTEM MAINTENANCE	ONE CALL CONCEPTS INC	LOCATE FEES	166.14	
520-520-54390	SYSTEM MAINTENANCE	USA BLUE BOOK	BYPASS CONTROL RELIEF VALVE	205.00	
520-520-54420	WELL MAINTENANCE	GRAINGER	SHUTTER	61.97	
520-520-54420	WELL MAINTENANCE	POWER TECH LLC	REPLACED EVAPORATOR - WELL PUMP 14	689.57	
520-520-56010	SUPPLIES	EAKES OFFICE SOLUTIONS	TOWELS, BATH TISSUE, CENTER PULL TOWELS	111.06	
520-520-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - MONEY ENVELOPES	23.00	
520-520-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL, WATER STATEMENTS	2,217.73	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
 EXP CHECK RUN DATES 05/21/2024 - 05/21/2024
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 520 WATER					
Dept 520 WATER					
520-520-56060	CHEMICALS	AQUA-PURE INC	MONTHLY SERVICE CONTRACT - NORTH & SOU	8,909.57	
520-520-56060	CHEMICALS	HAWKINS INC	CHEMICALS	3,238.50	
520-520-56090	SMALL TOOLS	GEHRING CONSTRUCTION &	20X2X4 MAG SCREED	95.76	
520-520-56130	SUPPLIES FOR RESALE	CORE & MAIN LP	RUBBER MTR WASHER	51.23	
520-520-56135	AMR RADIO EXPENSE	CORE & MAIN LP	54 - 510M S/POINT M2	10,191.46	
520-520-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	29.23	
520-520-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURE GAS	20.03	
520-520-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	14,928.19	
520-520-56240	TELEPHONE	A TO Z MESSAGING	ANSWERING SERVICE	65.00	
520-520-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	186.80	
520-520-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	55.43	
520-520-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	510.10	
520-520-56250	REFUSE	WASTE CONNECTIONS OF NEBR	GARBAGE SERVICE	20.00	
520-520-57200-22031	CAPITAL-LAND & BUILDINGS	HDR ENGINEERING INC	DESIGN & CONSTRUCTION PHASE LOST CREEK	5,081.73	
Total For Dept 520 WATER				58,698.14	
Total For Fund 520 WATER				58,698.14	
Fund 560 STORMWATER UTILITY					
Dept 560 STORMWATER UTILITY					
560-560-53400	COMPUTER SUPPORT/MAINT	VERIZON	GPS UNITS	91.70	
560-560-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	TRANSIT WORKS-MARKING PAINT	131.68	
560-560-57200-24037	CAPITAL-LAND & BUILDINGS	JEO CONSULTING GROUP INC	STORM WATER TREATMENT FACILITY BANK STU	2,162.50	
Total For Dept 560 STORMWATER UTILITY				2,385.88	
Total For Fund 560 STORMWATER UTILITY				2,385.88	
Fund 570 SOLID WASTE DIVISION					
Dept 570 TRANSFER STATION					
570-570-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	17.00	
570-570-52800	UNIFORMS	JACKSON SERVICES INC	MATS, ROLLER TOWELS, UNIFORMS	227.67	
570-570-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	55.00	
570-570-54310	BUILDING MAINTENANCE	MENARDS	48X64 VINYL, BALL VALVE	29.98	
570-570-54320	EQUIPMENT MAINTENANCE	NAPA AUTO PARTS OF COLUMBU	BATTERY CABLE LUG	8.58	
570-570-54320	EQUIPMENT MAINTENANCE	SAPP BROS COLUMBUS INC	AMERIGUARD HYDRAULIC	623.50	
570-570-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	TIRE	379.50	
570-570-54330	VEHICLE MAINTENANCE	BEHLEN TOWING LLC	TOWING - 2020 FREIGHTLINER VIN #9697	450.00	
570-570-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	4 - TIRE REPAIRS	103.00	
570-570-54330	VEHICLE MAINTENANCE	PYRAMID TARP & REPAIR LLC	46'8"X11'6" BLACK 18OZ	878.00	
570-570-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	5 - REPAIRS, 1 - USED TIRE	1,618.78	
570-570-56010	SUPPLIES	NAPA AUTO PARTS OF COLUMBU	CHUCK HD	57.98	
570-570-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	17,436.35	
570-570-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	647.92	
570-570-56240	TELEPHONE	GREAT PLAINS COMMUNICATION	PHONE/INTERNET CHARGES 05/16-06/15	21.93	
570-570-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAR 27 - APR 26	42.86	
Total For Dept 570 TRANSFER STATION				22,598.05	
Total For Fund 570 SOLID WASTE DIVISION				22,598.05	

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User: LAURA.RUPP
DB: Columbus

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
EXP CHECK RUN DATES 05/21/2024 - 05/21/2024
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
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Fund Totals:

Fund 100 GENERAL FUND	733,849.50
Fund 200 STREETS/ENGINEE	186,517.29
Fund 205 AIRPORT	3,972.37
Fund 206 DOWNTOWN BID	2,215.16
Fund 220 COMMUNICATIONS	7,593.93
Fund 225 COMMUNICATIONS-	1,970.67
Fund 480 COMMUNITY REDEV	3,672.00
Fund 500 UTILITY SERVICE	38,504.29
Fund 520 WATER	58,698.14
Fund 560 STORMWATER UTII	2,385.88
Fund 570 SOLID WASTE DIV	22,598.05

Total For All Funds:	<u>1,061,977.28</u>
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Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
100484	LOUP POWER DISTRICT	05/01/2024	05/21/2024	8,386.56	8,386.56	Open	N
100569	DUNBAR DOUGLAS	05/01/2024	05/21/2024	7,234.86	7,234.86	Open	N
100571	DUNBAR DOUGLAS	05/01/2024	05/21/2024	9,100.08	9,100.08	Open	N
100581	YANDA'S MUSIC & PRO AUDIO	04/08/2024	05/21/2024	8,575.00	8,575.00	Open	N
100623	AIR VACUUM CORPORATION	03/07/2024	05/21/2024	5,078.00	5,078.00	Open	N
100654	MIDWEST COATINGS COMPANY INC	02/05/2024	05/21/2024	5,311.80	5,311.80	Open	N
100673	SAPP BROS COLUMBUS INC	04/25/2024	05/21/2024	7,341.35	7,341.35	Open	N
100675	SAPP BROS COLUMBUS INC	04/19/2024	05/21/2024	5,032.00	5,032.00	Open	N
100678	SAPP BROS COLUMBUS INC	04/02/2024	05/21/2024	9,655.50	9,655.50	Open	N
100787	PETE LIEN & SONS INC.	05/08/2024	05/21/2024	6,250.29	6,250.29	Open	N
100947	AQUA-PURE INC	05/05/2024	05/21/2024	8,909.57	8,909.57	Open	N
100985	HDR ENGINEERING INC	05/08/2024	05/21/2024	5,081.73	5,081.73	Open	N

# of Invoices:	12	# Due:	12	Totals:	85,956.74	85,956.74
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00
Net of Invoices and Credit Memos:					<u>85,956.74</u>	<u>85,956.74</u>

--- TOTALS BY FUND ---

100 - GENERAL FUND	43,406.50	43,406.50
200 - STREETS/ENGINEERING	14,967.30	14,967.30
500 - UTILITY SERVICE	6,250.29	6,250.29
520 - WATER	13,991.30	13,991.30
570 - SOLID WASTE DIVISION	7,341.35	7,341.35

--- TOTALS BY DEPT/ACTIVITY ---

110 - POLICE	5,032.00	5,032.00
120 - FIRE	2,539.00	2,539.00
121 - RESCUE	2,539.00	2,539.00
130 - LIBRARY	8,386.56	8,386.56
151 - PAWNEE PLUNGE WATER PARK	8,575.00	8,575.00
155 - VAN BERG GOLF COURSE	4,029.20	4,029.20
156 - QUAIL RUN GOLF COURSE	12,305.74	12,305.74
200 - STREETS	14,967.30	14,967.30
501 - WASTEWATER TREATMENT FAC	6,250.29	6,250.29
520 - WATER	13,991.30	13,991.30
570 - TRANSFER STATION	7,341.35	7,341.35

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
11001 05/21/2024	1200.AERO INC INVOICE	1174	SERVICE SUNSCRIPTION 5/01/2024 - 5/01/2025	1,200.00	
			Total:	1,200.00	
			Net of 1 Invoices / 0 Checks	1,200.00	
02057 05/21/2024	A TO Z MESSAGING INVOICE	18252	ANSWERING SERVICE	130.00	
			Total:	130.00	
			Net of 1 Invoices / 0 Checks	130.00	
00116 05/21/2024	ACE HARDWARE & GARDEN CNT INVOICE	203313/5	SPIRAL SCREW EXTRACTOR	13.99	
05/21/2024	INVOICE	203456/5	BUNGEE CORD	7.98	
05/21/2024	INVOICE	203495/5	GLASS CLEANER, MULCH	63.51	
05/21/2024	INVOICE	203494/5	BUTTERFLY NET	29.90	
05/21/2024	INVOICE	203477/5	MLW RECIP, DIAB RECIP	68.96	
05/21/2024	INVOICE	203471/5	SANDDRUM, SANDER KIT	6.58	
05/21/2024	INVOICE	203461/5	BRUSH	6.99	
05/21/2024	INVOICE	203502/5	WIRE BRUSH, SCREWDRIVER, SAND DRUM, CHEM GL	19.56	
05/21/2024	INVOICE	203564/5	PRIMER BULB	4.80	
05/21/2024	INVOICE	203553/5	GLOVES	15.99	
05/21/2024	INVOICE	203552/5	TARP STRAP	7.77	
05/21/2024	INVOICE	203515/5	OIL 4 CYCLE, HYDRAULIC OIL	30.98	
05/21/2024	INVOICE	203509/5	SHARPEN & BALANCE MOWER BLADE	28.50	
05/21/2024	INVOICE	203578/5	GATOR LINE, ENGINE OIL 2 CYCLE	33.97	
05/21/2024	INVOICE	203577/5	CM SOCKET, NUTS, BOLTS, SCREWS	10.89	
05/21/2024	INVOICE	203661/5	TAPE	11.94	
05/21/2024	INVOICE	203414/5	REACHER, PICKUP TOOL, FLEX GLUE, RAIN GAUGE	78.96	
05/21/2024	INVOICE	203403/5	TUBE - VINYL	41.70	
05/21/2024	INVOICE	203391/5	PAINT PEN	19.98	
05/21/2024	INVOICE	203384/5	NUTS, BOLTS, SCREWS, TACKY RED GREASE	19.10	
05/21/2024	INVOICE	203369/5	COUPL HOSE BARB, HOSE CLAMP	10.38	
05/21/2024	INVOICE	203368/5	DUCT TAPE	5.59	
05/21/2024	INVOICE	203359/5	NUTS, BOLTS, SCREWS	13.75	
05/21/2024	INVOICE	203353/5	FENDER WASH, HX PPBL CONSCR	71.48	
05/21/2024	INVOICE	203352/5	COUPLE BRS	7.59	
05/21/2024	INVOICE	203320/5	DIAB RECIP CARB 9"	12.99	
05/21/2024	INVOICE	203284/5	CM SOCKET 1/2 DR	12.99	
05/21/2024	INVOICE	203279/5	DUCT TAPE WOODGRAIN	4.99	
05/21/2024	INVOICE	203276/5	BIT DRILL, COMPOSITE SHIMS	20.77	
05/21/2024	INVOICE	203275/5	SILICONE, USS HX CP	60.95	
05/21/2024	INVOICE	203263/5	NIPPLE, 90 DEGREE ELBOW	4.18	
05/21/2024	INVOICE	203259/5	COUPLER/PLUG SET	17.18	
05/21/2024	INVOICE	203253/5	90D ELBOW INSERT, NIPPLE	3.38	
05/21/2024	INVOICE	203239/5	WEED KILLER	39.99	
05/21/2024	INVOICE	203238/5	RFTR SQUARE, DECK SCREW, IBEAM LEVEL	58.47	
05/21/2024	INVOICE	203579/5	ELEC TAPE, PAINTER TAPE, SPRAY PAINT	26.95	
			Total:	893.68	
			Net of 36 Invoices / 0 Checks	893.68	
00180 05/21/2024	ADVANCE AUTO PARTS INVOICE	5606412364676	ENGINE OIL FILTER	8.38	
05/21/2024	INVOICE	5606412464712	STARTER	273.11	
05/21/2024	INVOICE	5606412364690	CREDIT - TURBO	(410.00)	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	5606412864801	CREDIT - STARTER PIGTAIL	(28.99)	
05/21/2024	INVOICE	5606412864792	STARTER PIGTAIL	28.99	
05/21/2024	INVOICE	5606413164892	BELTS	31.66	
05/21/2024	INVOICE	5606412364689	TURBO	981.00	
05/21/2024	INVOICE	5606409363802	LEVELING SYSTEM	349.81	
Total:				1,233.96	
Net of 8 Invoices / 0 Checks				1,233.96	
10681	AIR VACUUM CORPORATION				
05/21/2024	INVOICE	15873	4 STAGE FILTER PACKS, PREFILTERS	5,078.00	
Total:				5,078.00	
Net of 1 Invoices / 0 Checks				5,078.00	
01321	ALL STAR AUTO GLASS				
05/21/2024	INVOICE	WAS1043050	DOOR - #64	295.19	
Total:				295.19	
Net of 1 Invoices / 0 Checks				295.19	
00559	ALTEC INDUSTRIES INC				
05/21/2024	INVOICE	51414840	LEAK AT UPPER CONTROLS - VIN #5154	3,842.08	
Total:				3,842.08	
Net of 1 Invoices / 0 Checks				3,842.08	
02932	AMERICAN TIMBER & STEEL CO INC				
05/21/2024	INVOICE	159761	21 - ROUND TURNED DOME TOP POST	1,033.15	
Total:				1,033.15	
Net of 1 Invoices / 0 Checks				1,033.15	
00587	AQUA-PURE INC				
05/21/2024	INVOICE	COLNE2405	MONTHLY SERVICE CONTRACT - NORTH & SOUTH WE:	8,909.57	
Total:				8,909.57	
Net of 1 Invoices / 0 Checks				8,909.57	
10561	ARNOLD MOTOR SUPPLY				
05/21/2024	INVOICE	78NV106673	RAGS BX BLUE, OPTI-SORB	154.56	
05/21/2024	INVOICE	78NV106229	FUEL FILTER	3.21	
05/21/2024	INVOICE	78NV106439	FUEL LINE	1.61	
05/21/2024	INVOICE	78NV104804	HI-POWER II V-BELT	34.70	
05/21/2024	INVOICE	78NV104354	PLIER, SEAL PLLR	41.98	
05/21/2024	INVOICE	78NV104790	HI-POWER II V-BELT	14.92	
05/21/2024	INVOICE	78NV105889	1/2IN DR 30MM DW IMPACT SOCKET	13.79	
05/21/2024	INVOICE	78NV101552	STD HEATER HOSE	2.91	
05/21/2024	INVOICE	78NV105942	PLIER	32.99	
05/21/2024	INVOICE	78NV106104	BLEEDER SCREW	5.99	
05/21/2024	INVOICE	78NV105617	8 OZ VULCANIZING CEMET	8.14	
05/21/2024	INVOICE	78NV105763	PM DEX/MERC ATF	27.03	
05/21/2024	INVOICE	78NV106213	HI-POWER II V-BELT	22.98	
Total:				364.81	
Net of 13 Invoices / 0 Checks				364.81	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
02344 05/21/2024	BAIRD HOLM LLP INVOICE	315760	WORKFORCE HOUSING PROJECT	4,495.50	
			Total:	4,495.50	
			Net of 1 Invoices / 0 Checks	4,495.50	
00461 05/21/2024	BEHLEN TOWING LLC INVOICE	33451	TOWING	150.00	
05/21/2024	INVOICE	33460	TOWING	150.00	
05/21/2024	INVOICE	33307	TOWING	150.00	
05/21/2024	INVOICE	33475	TOWING	150.00	
05/21/2024	INVOICE	33222	TOWING - 2020 FREIGHTLINER VIN #9697	450.00	
			Total:	1,050.00	
			Net of 5 Invoices / 0 Checks	1,050.00	
00969 05/21/2024	BIERMAN CONTRACTING INC. INVOICE	246274	DESIGN FOR CENTENNIAL PARK RESTROOM & CONCE:	13,000.00	
			Total:	13,000.00	
			Net of 1 Invoices / 0 Checks	13,000.00	
03256 05/21/2024	BLACK HILLS ENERGY INVOICE	6007 1329 48 MAY	2NATURAL GAS	613.30	
05/21/2024	INVOICE	8429 6210 02 MAY	2NATURAL GAS	514.91	
05/21/2024	INVOICE	0815 1921 72 MAY	2NATURAL GAS	362.27	
05/21/2024	INVOICE	0778 7198 98 MAY	2NATURAL GAS	171.41	
05/21/2024	INVOICE	1450 5796 12 MAY	2NATURAL GAS	102.18	
05/21/2024	INVOICE	6310 3990 85 MAY	2NATURAL GAS	97.44	
05/21/2024	INVOICE	6942 7542 63 MAY	2NATURAL GAS	80.60	
05/21/2024	INVOICE	4447 5106 07 MAY	2NATURAL GAS	77.59	
05/21/2024	INVOICE	5431 5180 01 MAY	2NATURAL GAS	72.67	
05/21/2024	INVOICE	5048 9157 09 MAY	2NATURAL GAS	72.13	
05/21/2024	INVOICE	5915 3548 20 MAY	2NATURAL GAS	64.66	
05/21/2024	INVOICE	7504 0422 35 MAY	2NATURAL GAS	53.28	
05/21/2024	INVOICE	5317 1214 84 MAY	2NATURAL GAS	50.57	
			Total:	2,333.01	
			Net of 13 Invoices / 0 Checks	2,333.01	
00917 05/21/2024	BLACKSTONE PUBLISHING INVOICE	2152652	CDS	125.54	
05/21/2024	INVOICE	2153210	CD	36.00	
05/21/2024	INVOICE	2153200	CD'S	309.18	
			Total:	470.72	
			Net of 3 Invoices / 0 Checks	470.72	
00240 05/21/2024	BOUND TREE MEDICAL LLC INVOICE	85327542	BAYONET CONNECTOR, PALM ANEROID REPLACEMENT	305.83	
05/21/2024	INVOICE	85341093	ALCOHOL PREP PADS, REPLACEMENT GUAGE, BLADE	420.78	
			Total:	726.61	
			Net of 2 Invoices / 0 Checks	726.61	
MISC	BURROWS DARRELL				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	05/07/2024	UB refund for account: 300-62080-01	22.33	
			Total:	22.33	
			Net of 1 Invoices / 0 Checks	22.33	
10547 05/21/2024	BVH ARCHITECTURE INVOICE	46014	COLUMBUS MEMORIAL STADIUM RENOVATION	28,000.00	
			Total:	28,000.00	
			Net of 1 Invoices / 0 Checks	28,000.00	
02979 05/21/2024	CAPITAL BUSINESS SYSTEMS INVOICE	1394927	COPIER CONTRACT	62.54	
			Total:	62.54	
			Net of 1 Invoices / 0 Checks	62.54	
10604 05/21/2024	CASEY'S MAIL SERVICE LLC INVOICE	3737	LIBRARY/MEDIA MAIL	877.97	
05/21/2024	INVOICE	3666	LIBRARY/MEDIA MAIL	894.94	
05/21/2024	INVOICE	3724	DAILY MAIL, WATER STATEMENTS	4,527.97	
			Total:	6,300.88	
			Net of 3 Invoices / 0 Checks	6,300.88	
00060 05/21/2024	CDW GOVERNMENT INVOICE	RB35572	12 - DELL DUAL VESA MOUNTS	422.88	
			Total:	422.88	
			Net of 1 Invoices / 0 Checks	422.88	
01209 05/21/2024	CENTER POINT LARGE PRINT INVOICE	2090991	MATERIALS	142.62	
			Total:	142.62	
			Net of 1 Invoices / 0 Checks	142.62	
03136 05/21/2024	CENTRAL COMMUNITY COLLEGE INVOICE	001990888	HEARTSAVER CPR, AED, FIRST AID - LASKA, ROSI	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	
00293 05/21/2024	CENTRAL VALLEY AG COOPERATIVE INVOICE	2553556	AMS (BULK/TOTE), UREA	521.25	
05/21/2024	INVOICE	2237920	CORNERSTONE 5 PLUS	476.20	
			Total:	997.45	
			Net of 2 Invoices / 0 Checks	997.45	
01148 05/21/2024	CENTURY LINK INVOICE	402D33-0443 MAY 20E911	PHONE CHARGES	930.00	
			Total:	930.00	
			Net of 1 Invoices / 0 Checks	930.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
10642	CHROME N' STEEL TRUCK & TRAILER LLC				
05/21/2024	INVOICE	8158	CIRCUIT BREAKER/FUSE	30.00	
05/21/2024	INVOICE	8212	OIL FILTER, KIT-FILTER	117.00	
			Total:	147.00	
			Net of 2 Invoices / 0 Checks	147.00	
10398	CLAY HILLS AG				
05/21/2024	INVOICE	134232	TRIUMPH RTU, PADLOCK, 2,4-D, HONCHO, PRAMITV	2,194.40	
			Total:	2,194.40	
			Net of 1 Invoices / 0 Checks	2,194.40	
02542	CNC REPAIR LLC				
05/21/2024	INVOICE	9634	LOF, BATTERY VIN #8537	90.09	
05/21/2024	INVOICE	9662	LOF, BRAKE PADS & ROTORS UNIT #190	431.64	
05/21/2024	INVOICE	9670	LOF, AIR FILTER VIN #8538	62.75	
05/21/2024	INVOICE	9678	LOF VIN #7738	45.09	
05/21/2024	INVOICE	9691	LOF, EVAP PURGE SOLENOID VIN #7839	279.52	
05/21/2024	INVOICE	9697	REMOVE AWD DISCONNECT MOTOR VIN #5404	1,335.93	
05/21/2024	INVOICE	9741	LOF VIN #7208	48.72	
05/21/2024	INVOICE	9749	LOF VIN #7979	48.09	
05/21/2024	INVOICE	9753	LOF VIN #6545	44.15	
05/21/2024	INVOICE	9791	BATTERY VIN #6647	45.00	
			Total:	2,430.98	
			Net of 10 Invoices / 0 Checks	2,430.98	
03141	COLUMBUS COMMUNITY HOSPITAL				
05/21/2024	INVOICE	1000274	PHARMACY, IV SOLUTIONS, SUPPLIES	980.30	
			Total:	980.30	
			Net of 1 Invoices / 0 Checks	980.30	
10768	COLUMBUS CREDIT SERVICES				
05/21/2024	INVOICE	ACCTY150 APRIL 24	APRIL COLLECTIONS	1,049.59	
			Total:	1,049.59	
			Net of 1 Invoices / 0 Checks	1,049.59	
00036	COLUMBUS CUSTOM EMBROIDERY				
05/21/2024	INVOICE	E44441	POLOS - KEYES	56.00	
05/21/2024	INVOICE	E43978	FLEECE CREW - CAVANESS	70.00	
05/21/2024	INVOICE	E44745	MICROFLEECE JACKET	44.00	
05/21/2024	INVOICE	E44943	CARDIGAN - APRIL RIVERA	39.00	
05/21/2024	INVOICE	E44368	V-NECK TEE, FLEECE PULLOVER - LISS	42.50	
05/21/2024	INVOICE	E44411	THERMA-FIT FULL ZIP FLEECE	77.00	
			Total:	328.50	
			Net of 6 Invoices / 0 Checks	328.50	
01638	COLUMBUS FAMILY RESOURCE CTR				
05/21/2024	INVOICE	MONTHLY	MONTHLY LEASE PAYMENT	10,937.84	
			Total:	10,937.84	
			Net of 1 Invoices / 0 Checks	10,937.84	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00127 05/21/2024	COLUMBUS SCREEN PRINTING INVOICE	035922	PARKS & REC CAPS	260.00	
			Total:	260.00	
			Net of 1 Invoices / 0 Checks	260.00	
03142 05/21/2024	COLUMBUS STEEL SUPPLY INVOICE	148171	SHEET HR 11 GA 4' X 8'	237.60	
			Total:	237.60	
			Net of 1 Invoices / 0 Checks	237.60	
03143 05/21/2024	COLUMBUS TIRE & SERVICE INVOICE	1-29592	4 - TIRE REPAIRS	103.00	
			Total:	103.00	
			Net of 1 Invoices / 0 Checks	103.00	
01250 05/21/2024	COMMONWEALTH ELECTRIC COMPANY INVOICE	76361	CHANGE OUT RECEPTACLE FOR MANCAVE AREA-ARPA	392.21	
			Total:	392.21	
			Net of 1 Invoices / 0 Checks	392.21	
02718 05/21/2024	CORE & MAIN LP INVOICE	U876360	RUBBER MTR WASHER	51.23	
05/21/2024	INVOICE	U835215	RUBBER DROP-IN METER GASKETS	49.06	
05/21/2024	INVOICE	U830792	54 - 510M S/POINT M2	10,191.46	
			Total:	10,291.75	
			Net of 3 Invoices / 0 Checks	10,291.75	
03147 05/21/2024	CORNHUSKER PUBLIC POWER DIST INVOICE	415030001 MAY 24	ELECTRICITY	92.07	
05/21/2024	INVOICE	415030005 MAY 24	ELECTRICITY	37.33	
05/21/2024	INVOICE	415030006 MAY 24	ELECTRICITY	183.95	
05/21/2024	INVOICE	415030007 MAY 24	ELECTRICITY	254.70	
05/21/2024	INVOICE	415030008 MAY 24	ELECTRICITY	174.03	
05/21/2024	INVOICE	415030009 MAY 24	ELECTRICITY	155.65	
			Total:	897.73	
			Net of 6 Invoices / 0 Checks	897.73	
11064 05/21/2024	CSH LLC INVOICE	4776	HYDRUALIC PARTS	281.96	
			Total:	281.96	
			Net of 1 Invoices / 0 Checks	281.96	
03149 05/21/2024	CULLIGAN OF COLUMBUS INVOICE	284215	SALT	535.50	
05/21/2024	INVOICE	284023	EQUIPMENT - POU COOLER	43.00	
05/21/2024	INVOICE	284055	EQUIPMENT - REVERSE OSMOSIS	32.00	
05/21/2024	INVOICE	284061	EQUIPMENT - REVERSE OSMOSIS	65.50	
			Total:	676.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 4 Invoices / 0 Checks	676.00	
00270 05/21/2024	DANKO EMERGENCY EQUIPMENT INVOICE	135310	4 - VH BLACKINTON GOLD 2 LINE NAME BAR	81.00	
			Total:	81.00	
			Net of 1 Invoices / 0 Checks	81.00	
00374 05/21/2024	DUNBAR DOUGLAS INVOICE	5.01.2024	MONTHLY CONTRACT	7,234.86	
05/21/2024	INVOICE	5.01.2024	MONTHLY COMMISSIONS - GREEN FEES & CART REN'	17,391.58	
05/21/2024	INVOICE	5.01.2024	LIQUOR COMMISSIONS	9,100.08	
			Total:	33,726.52	
			Net of 3 Invoices / 0 Checks	33,726.52	
03158 05/21/2024	EAKES OFFICE SOLUTIONS INVOICE	8927121-0	CHECKS 2,500	284.28	
05/21/2024	INVOICE	8926770-0	PLATE 2X10 ACRYLIC	15.25	
05/21/2024	INVOICE	8936406-0	ADD ROLL	20.74	
05/21/2024	INVOICE	8936405-0	MARKER	9.56	
05/21/2024	INVOICE	8936404-0	POUCH, LAMINATING	62.79	
05/21/2024	INVOICE	8935001-0	ENVELOPES, HDM LABELS	193.43	
05/21/2024	INVOICE	INV550924	COPIER CONTRACT	340.59	
05/21/2024	INVOICE	INV550882	COPIER CONTRACT	2,179.68	
05/21/2024	INVOICE	8932552-0	PAPER	235.50	
05/21/2024	INVOICE	8932551-0	PAPER	235.50	
05/21/2024	INVOICE	8931923-0	TOWELS, BATH TISSUE, CENTER PULL TOWELS	333.16	
05/21/2024	INVOICE	8931922-0	NAPKINS	17.32	
05/21/2024	INVOICE	8931921-0	PAPER	20.69	
			Total:	3,948.49	
			Net of 13 Invoices / 0 Checks	3,948.49	
03161 05/21/2024	ELECTRICAL ENGINEERING & INVOICE	8555828-00	LED PHOTO CONTROL, WIRECON, CLEAR LED FILAM	161.69	
			Total:	161.69	
			Net of 1 Invoices / 0 Checks	161.69	
03165 05/21/2024	FASTENAL COMPANY INVOICE	NECOL254315	3,000 - ORANGE 4X5 30"	471.03	
			Total:	471.03	
			Net of 1 Invoices / 0 Checks	471.03	
00334 05/21/2024	FIFTH SEASON INC INVOICE	15588	SPRING LAWN APPLICATION	186.75	
			Total:	186.75	
			Net of 1 Invoices / 0 Checks	186.75	
00242 05/21/2024	FIRST NATIONAL BANK OMAHA INVOICE	INV254958110	ZOOM - ZOOM ONE PRO ANNUAL MAY 1, 2024 - AP	158.90	
05/21/2024	INVOICE	ZYNCFK49N42	UNIVERSITY OF NEBRASKA- GENERAL STANDARDS, (190.00	
05/21/2024	INVOICE	1074927	APCO INTERNATIONAL - RECERTIFICATION LOVELL	30.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	3492	NE SECRETARY OF STATE - NOTARY RENEWAL PENS:	30.00	
05/21/2024	INVOICE	113-8905223-931542	AMAZON - TRASH BAGS, SCOURING PAD	29.87	
05/21/2024	INVOICE	113-5155117-218504	AMAZON - WIRELESS COMPUTER MOUSE	63.97	
05/21/2024	INVOICE	152445	TRANSIT WORKS-MARKING PAINT	131.68	
05/21/2024	INVOICE	CPDQM09-4165	LAPG MEN'S OPERATOR TACTICAL POLO - UHL QM	58.37	
05/21/2024	INVOICE	113-0510986-364583	AMAZON - GLADE SPRAY REFILL	26.43	
05/21/2024	INVOICE	113-6639514-495541	AMAZON - GLADE AUTOMATIC SPRAY AIR FRESHENER	24.99	
05/21/2024	INVOICE	1077055	APCO INTERNATIONAL - ONLINE MEMBER JODI HEF'	466.00	
05/21/2024	INVOICE	CD-LF-E8FE	A-K CONSULTING - 2 DAY PEER SUPPORT TRAINING	300.00	
05/21/2024	INVOICE	423598	HOLIDAY INN	493.80	
05/21/2024	INVOICE	124	CUNNINGHAM'S	51.24	
05/21/2024	INVOICE	77000	WILKE LANDSCAPE - FLOWERS IN POTS	107.87	
05/21/2024	INVOICE	5012024BHM	BHM WORLD HERALD SUSCRPTION	34.99	
05/21/2024	INVOICE	4.10.2024	FIREARMS TRAINING - RATH'S CAFE	30.33	
05/21/2024	INVOICE	4.08.2024	MEALS - LEFESAVER'S CONFERENCE	76.23	
05/21/2024	INVOICE	572812261180620	INSTITUTE FOR INTERGOVERNMENTAL RESEARCH	85.00	
05/21/2024	INVOICE	113-3730069-498823	AMAZON - MEMO BOOK, 3 RING BINDERS, HP INK,	99.96	
05/21/2024	INVOICE	5921292	OFFICESUPPLY.COM - CD-R RECORDABLE DISC, DVD	106.13	
05/21/2024	INVOICE	5927673	OFFICESUPPLY.COM - USB FLASH DRIVE, 9 VOLT 1	114.88	
05/21/2024	INVOICE	27115864	4 IMPRINT - FLEXIBLE MAGNET	713.40	
05/21/2024	INVOICE	113-6613765-398423	AMAZON - DOG TRAINING LEASH	27.99	
05/21/2024	INVOICE	W111289	EVIDENT - LARGE RIFLE BOXES	286.00	
05/21/2024	INVOICE	113-1854027-876344	AMAZON - DRY ERASE MARKERS, DRY ERASE BOARD,	115.81	
05/21/2024	INVOICE	113-00018857	COLUMBUS TELEGRAM SUBSCRIPTION	14.99	
05/21/2024	INVOICE	KEYES2404101429441	CAPTUS - POLC MANAGEMENT	60.00	
05/21/2024	INVOICE	4.15.2024	MEALS - NLETC FIREARMS TRAINING	196.74	
05/21/2024	INVOICE	4.10.2024	MEALS - TRAINING IN BENNINGTON NE	82.02	
05/21/2024	INVOICE	89215	PRI MANAGEMENT GROUP - WEBINAR	179.00	
05/21/2024	INVOICE	600673	DOMINOS PIZZA	229.80	
05/21/2024	INVOICE	1833-9503	HASTINGS FIRE-RESCUE - REGISTRATION FEES	300.00	
05/21/2024	INVOICE	328	COUNTRY INN & SUITES	104.66	
05/21/2024	INVOICE	228	COUNTRY INN & SUITES	104.66	
05/21/2024	INVOICE	338	COUNTRY INN & SUITES	114.42	
05/21/2024	INVOICE	2285714	FUEL RECEIPTS - TRIP TO MN TO PICK UP LADDER	533.94	
05/21/2024	INVOICE	9710830502	SIXT.COM - RENTAL CAR	765.72	
05/21/2024	INVOICE	2AJAXD	SOUTHWEST	595.96	
05/21/2024	INVOICE	111-8069478-224185	AMAZON - 2 - BLACK TONER CARTRIDGES	361.12	
05/21/2024	INVOICE	684766	HYVEE - CUPCAKES, WAXED APER, MUFFINS, CHIP:	155.64	
05/21/2024	INVOICE	113-4581418-433624	AMAZON - M&M'S CANDY JAR	58.60	
05/21/2024	INVOICE	00032539	EARL MAY - POTTING MIX	7.99	
05/21/2024	INVOICE	114-2434203-393941	AMAZON - MONTHLY PLANNER	16.98	
05/21/2024	INVOICE	00774	WALMART - FRUIT SNACKS, GRANOLA BARS, BAG B	80.50	
05/21/2024	INVOICE	112-6549355-267544	AMAZON - BOBA PARTY SET, FLYING DISC, COTTO	93.01	
05/21/2024	INVOICE	112-7272613-181542	AMAZON - THE COLLECTION NINTENDO SWITCH	29.80	
05/21/2024	INVOICE	60	EL MEZCAL - GIFT CARD	31.05	
05/21/2024	INVOICE	111-2143622-381143	AMAZON - CUSHIONED MAILERS, BUBBLE MAILERS	78.22	
05/21/2024	INVOICE	111-7356968-600506	AMAZON - PACKAGING TAPE	29.11	
05/21/2024	INVOICE	3566	BARBARA JEAN'S - GIFT CARD	30.00	
05/21/2024	INVOICE	866104	BEAUTIFULLY BAKED - GIFT CARD	30.00	
05/21/2024	INVOICE	9594	CATO - GIFT CARD	30.00	
05/21/2024	INVOICE	001629	COLUMBUS AREA CHILDREN'S MUSEUM - GIFT CARD	30.00	
05/21/2024	INVOICE	554443	DUSTERS - GIFT CARD	30.00	
05/21/2024	INVOICE	19514963	PIZZA RANCH - GIFT CARD	30.00	
05/21/2024	INVOICE	156869	THE DOWNTOWN MUG - GIFT CARD	30.00	
05/21/2024	INVOICE	4.29.2024	CONSTANT CONTACT	119.70	
05/21/2024	INVOICE	4.09.2024	MEALS - PLA COLUMBUS OH	24.72	
05/21/2024	INVOICE	113-2899866-215303	AMAZON - CERAMIC COASTERS, TARGET GAME, FOAI	565.77	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	8100108817704633	MICHAELS - FOAM SHEET, CARDSTOCK, MINI WOOD	169.69	
05/21/2024	INVOICE	730760898	FUN EXPRESS - MOD PODGE, RING TOSS GAME, YO	330.18	
05/21/2024	INVOICE	113-5512151-092504	AMAZON - DUSTER REFILLS, SWIFFER KIT, BOOKS	61.56	
05/21/2024	INVOICE	3F2AM7	SOUTHWEST	610.46	
05/21/2024	INVOICE	112-7949153-503062	AMAZON - NINTENDO SWITCH GAMES	184.41	
05/21/2024	INVOICE	AD02346100000EUS	ADOBE - CREATIVE CLOUD ALL APPS	34.99	
05/21/2024	INVOICE	113-6621585-864426	AMAZON - LAMINATING POUCHES, USB CABLE, NOVI	60.29	
05/21/2024	INVOICE	112-8230510-131946	AMAZON - TOSTITOS, SEASON SALT, POPCORN OIL	530.94	
05/21/2024	INVOICE	56498	MYTCOAT OUTDOOR FURNITURE	3,310.00	
05/21/2024	INVOICE	112-3267999-688504	AMAZON - JALAPENO CHEESE	94.95	
05/21/2024	INVOICE	112-4404818-287866	AMAZON - FOIL SHEETS, STARTER MOTOR, POCORN	261.29	
05/21/2024	INVOICE	57718	AMERICAN LOCKER	167.00	
05/21/2024	INVOICE	112-5497320-663942	AMAZON - MOWER BATTERY	107.99	
05/21/2024	INVOICE	112-04008358677833	AMAZON - BATTERY CHARGER	20.99	
05/21/2024	INVOICE	112-8525708-756821	AMAZON - SEAL, OIL-DRIVEN SHAFT	12.95	
05/21/2024	INVOICE	112-6988784-682820	AMAZON - GEARCASE SEAL	22.99	
05/21/2024	INVOICE	112-6802397-959064	AMAZON - NACHO TRAYS	59.96	
05/21/2024	INVOICE	7443764505737743	FACEBOOK ADS	97.53	
05/21/2024	INVOICE	000971	FLOWRIDER - SIGNAGE PACKAGE	475.00	
05/21/2024	INVOICE	10167257425	SAM'S CLUB - CONCESSIONS CANDY	1,222.06	
05/21/2024	INVOICE	05124	FLOWRIDER - PARK BOARDS	556.00	
05/21/2024	INVOICE	0000259099	NEVCO SPORTS	204.52	
05/21/2024	INVOICE	305345	NATL RECREATION & PARK ASSOC - STUDY GUIDE	86.19	
05/21/2024	INVOICE	758474990002	THE UPS STORE - SHIPPING	113.33	
05/21/2024	INVOICE	112-8969738-190026	AMAZON - RECOIL STARTER PULL CORD	22.91	
05/21/2024	INVOICE	112-8526634-131700	AMAZON - WIRELESS KEYBOARD & MOUSE	75.99	
05/21/2024	INVOICE	112-5049266-322744	AMAZON - DOUBLE MATTE INKJET MYLAR	209.00	
05/21/2024	INVOICE	INUS0225029	FARONICS - DEEP FREEZE ENT MAINTENANCE RENEI	918.75	
05/21/2024	INVOICE	112-0159408-122184	AMAZON - AAA BATTERIES	17.90	
05/21/2024	INVOICE	112-6050911-245221	AMAZON - WIRELESS KEYBOARD & MOUSE	75.99	
05/21/2024	INVOICE	112-6019764-708105	AMAZON - MONEY ENVELOPES	45.99	
05/21/2024	INVOICE	112-8407138-893865	AMAZON - 8 CHANNEL WALL MOUNT ETHERNET PROT	238.58	
05/21/2024	INVOICE	112-1101658-042020	AMAZON - WALL MOUNT 4 CHANNEL NETWORK SURGE	133.31	
05/21/2024	INVOICE	112-7097619-635223	AMAZON - MOUNTING KIT	152.00	
05/21/2024	INVOICE	112-0750643-079384	AMAZON - SCREEN PROTECTOR	7.99	
05/21/2024	INVOICE	112-7247693-131224	AMAZON - RACK SHELF	29.69	
05/21/2024	INVOICE	112-4129492-696820	AMAZON - MOUNTING KIT	76.00	
05/21/2024	INVOICE	112-0226891-180026	AMAZON - USB HUB	9.98	
05/21/2024	INVOICE	112-2750840-224021	AMAZON - WALL MOUNT FOR COMPUTER	38.99	
05/21/2024	INVOICE	112-7979284-005861	AMAZON - 2 - BLACK TONER CARTRIDGE	116.98	
05/21/2024	INVOICE	112-7611228-753381	AMAZON - WIRELESS LAPEL MICROPHONE	25.99	
05/21/2024	INVOICE	112-3177936-537860	AMAZON - WATERPROOF CONNECTORS	34.27	
05/21/2024	INVOICE	112-6508979-009940	AMAZON - CANON EOS REBEL DSLR CAMERA	379.00	
05/21/2024	INVOICE	9678599	PROVANTAGE - 6 HORIZONTAL POLE/WALL MOUNTIN	553.00	
05/21/2024	INVOICE	112-1083287-851223	AMAZON - WATERPROOF CONNECTORS	100.77	
05/21/2024	INVOICE	112-5526605-237145	AMAZON - RUNNING BOARDS	149.99	
05/21/2024	INVOICE	112-5340464-616585	AMAZON - REPAIR KIT OIL PUMP	85.99	
05/21/2024	INVOICE	3022832514	GO DADDY - .COM DOMAIN REGISTRATION	595.62	
05/21/2024	INVOICE	3022832514R	REFUND - GO DADDY	(575.28)	
05/21/2024	INVOICE	3022876918	GO DADDY - MISCELLANEOUS CHARGE	43.98	
				<hr/>	
				Total:	21,356.61
				Net of 110 Invoices / 0 Checks	21,356.61
00169	FRONTIER				
05/21/2024	INVOICE	30818801750912722	PHONE/INTERNET/FAX LINES	2,629.46	
05/21/2024	INVOICE	30818802060523942	E911 PHONE CHARGES 4/30/24 TO 5/29/24	303.58	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	2,933.04	
			Net of 2 Invoices / 0 Checks	2,933.04	
00459	GALE				
05/21/2024	INVOICE	84136982	MATERIALS	308.62	
05/21/2024	INVOICE	84221700	MATERIALS	53.98	
05/21/2024	INVOICE	84226678	MATERIALS	75.17	
05/21/2024	INVOICE	84234714	MATERIALS	95.98	
05/21/2024	INVOICE	84240583	MATERIALS	24.80	
05/21/2024	INVOICE	84240647	MATERIALS	24.69	
05/21/2024	INVOICE	84204116	MATERIALS	235.13	
			Total:	818.37	
			Net of 7 Invoices / 0 Checks	818.37	
03172	GALLS LLC				
05/21/2024	INVOICE	027822366	CAPTAIN POLOS	502.62	
05/21/2024	INVOICE	027834183	CARGO PANTS	386.55	
05/21/2024	INVOICE	027881210	PDU CLASS B SHIRTS	128.04	
05/21/2024	INVOICE	027726749	NAME STRIPS	14.30	
05/21/2024	INVOICE	027781413	COLUMBUS FIRE DEPT MXC	543.00	
05/21/2024	INVOICE	027549490	LEATHER BELT, CARGO PANTS	552.24	
05/21/2024	INVOICE	027549479	NEW EMPLOYEE UNIFORMS	1,661.88	
05/21/2024	INVOICE	027808614	SIDE ZIP BOOT, PERFORMANCE SHIRT - MOORE QM	228.79	
05/21/2024	INVOICE	027710569	ALPHAFORCE OXFORD SHOES - CIBORON QM	130.00	
05/21/2024	INVOICE	027698935	3 UNIFORM POLOS - BALESTERI QM	74.97	
05/21/2024	INVOICE	027822365	NEW EMPLOYEE UNIFORM	94.56	
			Total:	4,316.95	
			Net of 11 Invoices / 0 Checks	4,316.95	
03174	GEHRING CONSTRUCTION &				
05/21/2024	INVOICE	1	STORM DRAINAGE & CONCRETE IMPROVEMENTS 2024	80,281.80	
05/21/2024	INVOICE	2 FINAL	STORM DRAINAGE & SIDEWALK IMPROVEMENTS 2023	247,559.30	
05/21/2024	INVOICE	76419	NDOR, POLARSET, HALF MOON STAKES, NOMAFLEX	4,202.24	
05/21/2024	INVOICE	76353	CRUSHED CONCRETE	2,215.50	
05/21/2024	INVOICE	76382	20" SONOTUBE	45.00	
05/21/2024	INVOICE	76282	20X2X4 MAG SCREED	383.06	
05/21/2024	INVOICE	76284	3500# SG - 6.5 BAG MIX	68.25	
05/21/2024	INVOICE	76285	CITY SHOP ON 19TH STREET	312.50	
			Total:	335,067.65	
			Net of 8 Invoices / 0 Checks	335,067.65	
03178	GERHOLD CONCRETE COMPANY				
05/21/2024	INVOICE	453299	1765 45TH AVE	623.52	
			Total:	623.52	
			Net of 1 Invoices / 0 Checks	623.52	
00056	GODFATHER'S PIZZA				
05/21/2024	INVOICE	6446	PIZZA - DARE	141.00	
			Total:	141.00	
			Net of 1 Invoices / 0 Checks	141.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
10401 05/21/2024	GOLFNOW INVOICE	INV00090831	WEBSITE/EMAIL HOSTING	191.22	
			Total:	191.22	
			Net of 1 Invoices / 0 Checks	191.22	
01373 05/21/2024	GRAINGER INVOICE	9108227266	SHUTTER	61.97	
			Total:	61.97	
			Net of 1 Invoices / 0 Checks	61.97	
02594 05/21/2024	GREAT PLAINS BUILDING SUPPLY INVOICE	2405-526398	2 - 2X6-10 ACQ TREATED	21.34	
05/21/2024	INVOICE	2405-526595	CREDIT - 50# ATHLETIC FIELD MARKER	(14.48)	
05/21/2024	INVOICE	2405-526594	17 - 50# ATHLETIC FIELD MARKER	246.16	
05/21/2024	INVOICE	2405-526593	42 - 50# ATHLETIC FIELD MARKER	608.16	
			Total:	861.18	
			Net of 4 Invoices / 0 Checks	861.18	
02075 05/21/2024	GREAT PLAINS COMMUNICATIONS INVOICE	139461 4025648127	PHONE/INTERNET CHARGES 05/16-06/15	1,414.82	
			Total:	1,414.82	
			Net of 1 Invoices / 0 Checks	1,414.82	
02904 05/21/2024	GUNSLINGERS LLC INVOICE	23709	GLOCK 45 MOS HANDGUN - ROMSHEK QM	350.00	
			Total:	350.00	
			Net of 1 Invoices / 0 Checks	350.00	
03183 05/21/2024	HADLEY-BRAITHWAIT COMPANY INVOICE	231577	TOILET PAPER, MULTIFOLD TOWELS	108.90	
05/21/2024	INVOICE	231556	TOILET TISSUE, MULTIFOLD TOWELS	178.85	
			Total:	287.75	
			Net of 2 Invoices / 0 Checks	287.75	
00272 05/21/2024	HAWKINS INC INVOICE	6743040	CHEMICALS	3,238.50	
			Total:	3,238.50	
			Net of 1 Invoices / 0 Checks	3,238.50	
03185 05/21/2024	HDR ENGINEERING INC INVOICE	1200616626	LOST CREEK PARKWAY SEWER PROJECT	2,275.67	
05/21/2024	INVOICE	1200616630	DESIGN & CONSTRUCTION PHASE LOST CREEK PRKW	5,081.73	
			Total:	7,357.40	
			Net of 2 Invoices / 0 Checks	7,357.40	
01424 05/21/2024	HEARTLAND NATURAL GAS LLC INVOICE	135110	NATURE GAS	66.76	
05/21/2024	INVOICE	135108	NATURE GAS	6.81	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	135109	NATURE GAS	718.02	
05/21/2024	INVOICE	135098	NATURE GAS	74.16	
05/21/2024	INVOICE	135100	NATURE GAS	27.28	
05/21/2024	INVOICE	135097	NATURE GAS	479.91	
05/21/2024	INVOICE	135105	NATURE GAS	146.05	
05/21/2024	INVOICE	135104	NATURE GAS	147.74	
05/21/2024	INVOICE	135099	NATURE GAS	35.81	
05/21/2024	INVOICE	135103	NATURE GAS	15.64	
05/21/2024	INVOICE	135102	NATURE GAS	28.13	
05/21/2024	INVOICE	135101	NATURE GAS	5.39	
Total:				1,751.70	
Net of 12 Invoices / 0 Checks				1,751.70	
10975	HEARTLAND OFFICE CLEANERS				
05/21/2024	INVOICE	22245	MAY CLEANING SERVICE	500.00	
Total:				500.00	
Net of 1 Invoices / 0 Checks				500.00	
01724	HOBBY LOBBY				
05/21/2024	INVOICE	130747331	CARDS, JEWELRY MAKING, CRAFTS	15.56	
05/21/2024	INVOICE	130796378	TOYS & HOBBIES, FRAMES, ART	31.96	
Total:				47.52	
Net of 2 Invoices / 0 Checks				47.52	
00403	HOWERTER MD MARK S				
05/21/2024	INVOICE	MONTHLY	EMERGENCY MEDICAL DIRECTOR - JCC	616.00	
05/21/2024	INVOICE	MONTHLY	EMERGENCY MEDICAL DIRECTOR	655.00	
Total:				1,271.00	
Net of 2 Invoices / 0 Checks				1,271.00	
03192	HY-VEE INC				
05/21/2024	INVOICE	5890552931	GROCERIES	38.57	
05/21/2024	INVOICE	5891070466	FOAM CUPS, DAWN, MOTHERS OTG CIRCUS	41.33	
Total:				79.90	
Net of 2 Invoices / 0 Checks				79.90	
02554	INTERSTATE BATTERY SYSTEM				
05/21/2024	INVOICE	360002352	BATTERIES	588.80	
Total:				588.80	
Net of 1 Invoices / 0 Checks				588.80	
02609	ISLAND SUPPLY WELDING CO.				
05/21/2024	INVOICE	316516	WIRE 33LB SPOOL, GLOVES	93.39	
Total:				93.39	
Net of 1 Invoices / 0 Checks				93.39	
03199	JACKSON SERVICES INC				
05/21/2024	INVOICE	5293778	UNIFORMS	237.66	
05/21/2024	INVOICE	5291819	MAT	25.37	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	5291818	UNIFORMS	76.10	
05/21/2024	INVOICE	5291817	UNIFORMS	26.12	
05/21/2024	INVOICE	5292815	MATS	44.51	
05/21/2024	INVOICE	5301282	MATS, ROLLER TOWELS, UNIFORMS	142.34	
05/21/2024	INVOICE	5299630	MOPS, MATS, POLISH TOWEL	56.91	
05/21/2024	INVOICE	5299629	UNIFORMS	27.10	
05/21/2024	INVOICE	5299628	MATS, BAR TOWELS, SHOP TOWELS	35.59	
05/21/2024	INVOICE	5299627	UNIFORMS	96.44	
05/21/2024	INVOICE	5299619	UNIFORMS	140.01	
05/21/2024	INVOICE	5296983	MATS, MOPS, POLISH TOWELS, WINDSHIELD WIPES	139.88	
05/21/2024	INVOICE	5296253	UNIFORMS	85.33	
05/21/2024	INVOICE	5293789	UNIFORMS	27.12	
05/21/2024	INVOICE	5293787	UNIFORMS	96.46	
05/21/2024	INVOICE	5293788	MAT	3.07	
05/21/2024	INVOICE	5293779	UNIFORMS	140.03	
05/21/2024	INVOICE	5272502	UNIFORMS	25.65	
05/21/2024	INVOICE	5287380	UNIFORMS	25.68	
05/21/2024	INVOICE	5272504	MAT	24.79	
05/21/2024	INVOICE	5287374	MATS	63.89	
05/21/2024	INVOICE	5272503	UNIFORMS	73.52	
05/21/2024	INVOICE	5287381	UNIFORMS	73.55	
05/21/2024	INVOICE	5297659	UNIFORMS	26.44	
05/21/2024	INVOICE	5297660	UNIFORMS	76.08	
05/21/2024	INVOICE	5297651	MATS	65.63	
05/21/2024	INVOICE	5299618	MATS, SHOP TOWELS, UNIFORMS	283.53	
Total:				2,138.80	
Net of 27 Invoices / 0 Checks				2,138.80	
00532	JEO CONSULTING GROUP INC				
05/21/2024	INVOICE	150264	FLOOD MITIGATION & RESILIENCY PLAN	4,875.00	
05/21/2024	INVOICE	150379	STORM WATER TREATMENT FACILITY BANK STUDY 20	2,162.50	
Total:				7,037.50	
Net of 2 Invoices / 0 Checks				7,037.50	
00523	JOHN DEERE FINANCIAL				
05/21/2024	INVOICE	4264081	PLATTE VALLEY EQUIPMENT - DRIVE	31.14	
05/21/2024	INVOICE	4246143	PLATTE VALLEY EQUIPMENT - ELECTRICAL	104.48	
Total:				135.62	
Net of 2 Invoices / 0 Checks				135.62	
03202	KELLY SUPPLY COMPANY				
05/21/2024	INVOICE	S12294764-0	TEST COCK	54.69	
05/21/2024	INVOICE	S12294850-0	PVC COUP	49.70	
05/21/2024	INVOICE	S12294622-0	2 - BRASS FIRE NOZZLE, 2 - FIRE HOSE NOZZLE	326.26	
05/21/2024	INVOICE	S12294660-0	FF GASKET	1.87	
Total:				432.52	
Net of 4 Invoices / 0 Checks				432.52	
00012	LAKEVIEW SMALL ENGINE INC				
05/21/2024	INVOICE	053288	FITTING FUEL	6.90	
05/21/2024	INVOICE	053278	CARBURETOR	59.50	
05/21/2024	INVOICE	053313	CARBURETOR	59.50	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	125.90	
			Net of 3 Invoices / 0 Checks	125.90	
02236	LANGUAGE LINE SERVICES INC				
05/21/2024	INVOICE	11288652	OVER THE PHONE INTERPRETATION	125.51	
05/21/2024	INVOICE	11277961	OVER THE PHONE INTERPRETATION	116.07	
			Total:	241.58	
			Net of 2 Invoices / 0 Checks	241.58	
02596	LAWSON PRODUCTS				
05/21/2024	INVOICE	9311506807	HEX CAP SCREWS, CROSS LINK PRIM WIRE	94.38	
			Total:	94.38	
			Net of 1 Invoices / 0 Checks	94.38	
MISC	LEFFLER GWENYTH				
05/21/2024	INVOICE	05/07/2024	UB refund for account: 100-04450-09	80.95	
			Total:	80.95	
			Net of 1 Invoices / 0 Checks	80.95	
00822	LINCOLN WINWATER WORKS				
05/21/2024	INVOICE	10168903	SST 14.38X6 DI FLG TAP SLV	1,272.00	
05/21/2024	INVOICE	10168902	2-1/2 MALE NST	103.88	
05/21/2024	INVOICE	10100902	VALVE BOX BOTTOM SECTION	88.47	
05/21/2024	INVOICE	10137201	REPAIR BANDS	1,498.56	
05/21/2024	INVOICE	10089802	SAMPLING STATION - ECLIPSE EX COLD CLIM	2,438.00	
			Total:	5,400.91	
			Net of 5 Invoices / 0 Checks	5,400.91	
11121	LOCABLE				
05/21/2024	INVOICE	0013914	ANNUAL SUBSCRIPTION FEE, WEBSITE ASSISTANCE	2,183.00	
			Total:	2,183.00	
			Net of 1 Invoices / 0 Checks	2,183.00	
03214	LOUP POWER DISTRICT				
05/21/2024	INVOICE	400067 MAY 24	REPAIRS TO CITY OWNED STREET LIGHTS	13,408.91	
05/21/2024	INVOICE	169035 MAY 24	ELECTRICITY	31.23	
05/21/2024	INVOICE	169014 MAY 24	ELECTRICITY	57.12	
05/21/2024	INVOICE	400098 MAY 24	ELECTRICITY	100.00	
05/21/2024	INVOICE	400100 MAY 24	ELECTRICITY	44.97	
05/21/2024	INVOICE	400101 MAY 24	ELECTRICITY	37.50	
05/21/2024	INVOICE	169004 MAY 24	ELECTRICITY	1,008.28	
05/21/2024	INVOICE	169005 MAY 24	ELECTRICITY	48.43	
05/21/2024	INVOICE	169009 MAY 24	ELECTRICITY	27.51	
05/21/2024	INVOICE	169016 MAY 24	ELECTRICITY	262.08	
05/21/2024	INVOICE	169017 MAY 24	ELECTRICITY	25.00	
05/21/2024	INVOICE	169018 MAY 24	ELECTRICITY	3.08	
05/21/2024	INVOICE	169019 MAY 24	ELECTRICITY	69.82	
05/21/2024	INVOICE	169020 MAY 24	ELECTRICITY	5.86	
05/21/2024	INVOICE	169022 MAY 24	ELECTRICITY	25.51	
05/21/2024	INVOICE	169023 MAY 24	ELECTRICITY	271.18	
05/21/2024	INVOICE	169024 MAY 24	ELECTRICITY	55.68	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	169026 MAY 24	ELECTRICITY	85.60	
05/21/2024	INVOICE	169027 MAY 24	ELECTRICITY	12.91	
05/21/2024	INVOICE	169028 MAY 24	ELECTRICITY	579.12	
05/21/2024	INVOICE	169029 MAY 24	ELECTRICITY	956.85	
05/21/2024	INVOICE	169030 MAY 24	ELECTRICITY	184.09	
05/21/2024	INVOICE	169031 MAY 24	ELECTRICITY	72.35	
05/21/2024	INVOICE	169033 MAY 24	ELECTRICITY	35.56	
05/21/2024	INVOICE	169036 MAY 24	ELECTRICITY	171.63	
05/21/2024	INVOICE	169038 MAY 24	ELECTRICITY	4,794.40	
05/21/2024	INVOICE	169039 MAY 24	ELECTRICITY	25.00	
05/21/2024	INVOICE	169041 MAY 24	ELECTRICITY	32.07	
05/21/2024	INVOICE	169043 MAY 24	ELECTRICITY	36.11	
05/21/2024	INVOICE	169044 MAY 24	ELECTRICITY	36.82	
05/21/2024	INVOICE	169045 MAY 24	ELECTRICITY	37.73	
05/21/2024	INVOICE	169048 MAY 24	ELECTRICITY	31.87	
05/21/2024	INVOICE	169050 MAY 24	ELECTRICITY	190.15	
05/21/2024	INVOICE	169051 MAY 24	ELECTRICITY	25.51	
05/21/2024	INVOICE	169053 MAY 24	ELECTRICITY	38.21	
05/21/2024	INVOICE	169055 MAY 24	ELECTRICITY	25.61	
05/21/2024	INVOICE	169056 MAY 24	ELECTRICITY	38.13	
05/21/2024	INVOICE	169057 MAY 24	ELECTRICITY	25.51	
05/21/2024	INVOICE	169058 MAY 24	ELECTRICITY	35.20	
05/21/2024	INVOICE	169060 MAY 24	ELECTRICITY	28.03	
05/21/2024	INVOICE	169061 MAY 24	ELECTRICITY	31.87	
05/21/2024	INVOICE	169062 MAY 24	ELECTRICITY	159.65	
05/21/2024	INVOICE	169064 MAY 24	ELECTRICITY	32.17	
05/21/2024	INVOICE	169065 MAY 24	ELECTRICITY	647.92	
05/21/2024	INVOICE	169066 MAY 24	ELECTRICITY	41.87	
05/21/2024	INVOICE	169069 MAY 24	ELECTRICITY	64.37	
05/21/2024	INVOICE	169072 MAY 24	ELECTRICITY	250.00	
05/21/2024	INVOICE	169073 MAY 24	ELECTRICITY	36.21	
05/21/2024	INVOICE	169074 MAY 24	ELECTRICITY	30.35	
05/21/2024	INVOICE	169077 MAY 24	ELECTRICITY	25.81	
05/21/2024	INVOICE	169080 MAY 24	ELECTRICITY	124.66	
05/21/2024	INVOICE	169081 MAY 24	ELECTRICITY	35.20	
05/21/2024	INVOICE	169082 MAY 24	ELECTRICITY	105.98	
05/21/2024	INVOICE	169083 MAY 24	ELECTRICITY	451.60	
05/21/2024	INVOICE	169084 MAY 24	ELECTRICITY	1,861.73	
05/21/2024	INVOICE	169085 MAY 24	ELECTRICITY	2,460.80	
05/21/2024	INVOICE	169086 MAY 24	ELECTRICITY	1,511.50	
05/21/2024	INVOICE	169087 MAY 24	ELECTRICITY	107.76	
05/21/2024	INVOICE	169089 MAY 24	ELECTRICITY	32.68	
05/21/2024	INVOICE	169090 MAY 24	ELECTRICITY	34.60	
05/21/2024	INVOICE	169091 MAY 24	ELECTRICITY	59.42	
05/21/2024	INVOICE	169092 MAY 24	ELECTRICITY	148.51	
05/21/2024	INVOICE	169093 MAY 24	ELECTRICITY	70.78	
05/21/2024	INVOICE	169094 MAY 24	ELECTRICITY	50.32	
05/21/2024	INVOICE	169096 MAY 24	ELECTRICITY	462.91	
05/21/2024	INVOICE	169097 MAY 24	ELECTRICITY	29.24	
05/21/2024	INVOICE	169098 MAY 24	ELECTRICITY	36.54	
05/21/2024	INVOICE	169099 MAY 24	ELECTRICITY	25.40	
05/21/2024	INVOICE	169107 MAY 24	ELECTRICITY	84.09	
05/21/2024	INVOICE	169112 MAY 24	ELECTRICITY	100.75	
05/21/2024	INVOICE	169116 MAY 24	ELECTRICITY	44.22	
05/21/2024	INVOICE	169118 MAY 24	ELECTRICITY	40.25	
05/21/2024	INVOICE	169120 MAY 24	ELECTRICITY	2,999.36	
05/21/2024	INVOICE	169121 MAY 24	ELECTRICITY	4,459.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	169122 MAY 24	ELECTRICITY	2,773.68	
05/21/2024	INVOICE	169123 MAY 24	ELECTRICITY	49.04	
05/21/2024	INVOICE	169124 MAY 24	ELECTRICITY	62.67	
05/21/2024	INVOICE	169125 MAY 24	ELECTRICITY	47.20	
05/21/2024	INVOICE	169126 MAY 24	ELECTRICITY	87.62	
05/21/2024	INVOICE	169127 MAY 24	ELECTRICITY	47.30	
05/21/2024	INVOICE	169130 MAY 24	ELECTRICITY	38.51	
05/21/2024	INVOICE	169131 MAY 24	ELECTRICITY	4.15	
05/21/2024	INVOICE	169132 MAY 24	ELECTRICITY	57.12	
05/21/2024	INVOICE	169133 MAY 24	ELECTRICITY	8,386.56	
05/21/2024	INVOICE	169135 MAY 24	ELECTRICITY	2,514.68	
05/21/2024	INVOICE	169136 MAY 24	ELECTRICITY	59.24	
05/21/2024	INVOICE	169137 MAY 24	ELECTRICITY	80.85	
05/21/2024	INVOICE	169138 MAY 24	ELECTRICITY	69.64	
05/21/2024	INVOICE	400001 MAY 24	ELECTRICITY	938.65	
05/21/2024	INVOICE	400002 MAY 24	ELECTRICITY	730.56	
05/21/2024	INVOICE	400003 MAY 24	ELECTRICITY	271.85	
05/21/2024	INVOICE	400004 MAY 24	ELECTRICITY	261.73	
05/21/2024	INVOICE	400005 MAY 24	ELECTRICITY	25.00	
05/21/2024	INVOICE	400006 MAY 24	ELECTRICITY	25.51	
05/21/2024	INVOICE	400008 MAY 24	ELECTRICITY	25.81	
05/21/2024	INVOICE	400009 MAY 24	ELECTRICITY	49.24	
05/21/2024	INVOICE	400010 MAY 24	ELECTRICITY	44.09	
05/21/2024	INVOICE	400011 MAY 24	ELECTRICITY	27.63	
05/21/2024	INVOICE	400012 MAY 24	ELECTRICITY	30.05	
05/21/2024	INVOICE	400013 MAY 24	ELECTRICITY	35.50	
05/21/2024	INVOICE	400015 MAY 24	ELECTRICITY	343.29	
05/21/2024	INVOICE	400016 MAY 24	ELECTRICITY	59.01	
05/21/2024	INVOICE	400017 MAY 24	ELECTRICITY	43.38	
05/21/2024	INVOICE	400018 MAY 24	ELECTRICITY	42.17	
05/21/2024	INVOICE	400019 MAY 24	ELECTRICITY	161.85	
05/21/2024	INVOICE	400020 MAY 24	ELECTRICITY	1,681.68	
05/21/2024	INVOICE	400023 MAY 24	ELECTRICITY	303.77	
05/21/2024	INVOICE	400024 MAY 24	ELECTRICITY	25.71	
05/21/2024	INVOICE	400025 MAY 24	ELECTRICITY	60.96	
05/21/2024	INVOICE	400026 MAY 24	ELECTRICITY	36.62	
05/21/2024	INVOICE	400028 MAY 24	ELECTRICITY	145.47	
05/21/2024	INVOICE	400029 MAY 24	ELECTRICITY	81.94	
05/21/2024	INVOICE	400030 MAY 24	ELECTRICITY	56.31	
05/21/2024	INVOICE	400031 MAY 24	ELECTRICITY	96.19	
05/21/2024	INVOICE	400032 MAY 24	ELECTRICITY	100.88	
05/21/2024	INVOICE	400033 MAY 24	ELECTRICITY	110.20	
05/21/2024	INVOICE	400034 MAY 24	ELECTRICITY	25.40	
05/21/2024	INVOICE	400036 MAY 24	ELECTRICITY	1,308.66	
05/21/2024	INVOICE	400037 MAY 24	ELECTRICITY	42.27	
05/21/2024	INVOICE	400039 MAY 24	ELECTRICITY	71.14	
05/21/2024	INVOICE	400040 MAY 24	ELECTRICITY	28,432.50	
05/21/2024	INVOICE	400041 MAY 24	ELECTRICITY	150.78	
05/21/2024	INVOICE	400042 MAY 24	ELECTRICITY	32.37	
05/21/2024	INVOICE	400044 MAY 24	ELECTRICITY	40.78	
05/21/2024	INVOICE	400046 MAY 24	ELECTRICITY	26.38	
05/21/2024	INVOICE	400047 MAY 24	ELECTRICITY	276.49	
05/21/2024	INVOICE	400048 MAY 24	ELECTRICITY	132.04	
05/21/2024	INVOICE	400049 MAY 24	ELECTRICITY	114.26	
05/21/2024	INVOICE	400051 MAY 24	ELECTRICITY	25.00	
05/21/2024	INVOICE	400052 MAY 24	ELECTRICITY	31.16	
05/21/2024	INVOICE	400055 MAY 24	ELECTRICITY	25.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	400057 MAY 24	ELECTRICITY	90.63	
05/21/2024	INVOICE	400059 MAY 24	ELECTRICITY	160.64	
05/21/2024	INVOICE	400060 MAY 24	ELECTRICITY	10,309.63	
05/21/2024	INVOICE	400061 MAY 24	ELECTRICITY	34.39	
05/21/2024	INVOICE	400062 MAY 24	ELECTRICITY	34.09	
05/21/2024	INVOICE	400063 MAY 24	ELECTRICITY	35.91	
05/21/2024	INVOICE	400065 MAY 24	ELECTRICITY	3,631.98	
05/21/2024	INVOICE	400068 MAY 24	ELECTRICITY	61.76	
05/21/2024	INVOICE	400069 MAY 24	ELECTRICITY	36.11	
05/21/2024	INVOICE	400070 MAY 24	ELECTRICITY	1,362.81	
05/21/2024	INVOICE	400071 MAY 24	ELECTRICITY	38.43	
05/21/2024	INVOICE	400072 MAY 24	ELECTRICITY	25.00	
05/21/2024	INVOICE	400073 MAY 24	ELECTRICITY	38.94	
05/21/2024	INVOICE	400075 MAY 24	ELECTRICITY	32.78	
05/21/2024	INVOICE	400076 MAY 24	ELECTRICITY	32.47	
05/21/2024	INVOICE	400077 MAY 24	ELECTRICITY	29.04	
05/21/2024	INVOICE	400079 MAY 24	ELECTRICITY	207.88	
05/21/2024	INVOICE	400081 MAY 24	ELECTRICITY	192.83	
05/21/2024	INVOICE	400083 MAY 24	ELECTRICITY	60.15	
05/21/2024	INVOICE	400084 MAY 24	ELECTRICITY	66.11	
05/21/2024	INVOICE	400085 MAY 24	ELECTRICITY	30.45	
05/21/2024	INVOICE	400088 MAY 24	ELECTRICITY	35.61	
05/21/2024	INVOICE	400089 MAY 24	ELECTRICITY	130.42	
05/21/2024	INVOICE	400090 MAY 24	ELECTRICITY	60.02	
05/21/2024	INVOICE	400091 MAY 24	ELECTRICITY	203.72	
05/21/2024	INVOICE	400092 MAY 24	ELECTRICITY	28.23	
05/21/2024	INVOICE	400093 MAY 24	ELECTRICITY	37.42	
05/21/2024	INVOICE	400094 MAY 24	ELECTRICITY	133.04	
05/21/2024	INVOICE	400095 MAY 24	ELECTRICITY	97.35	
05/21/2024	INVOICE	400096 MAY 24	ELECTRICITY	1,146.60	
05/21/2024	INVOICE	400097 MAY 24	ELECTRICITY	296.01	
05/21/2024	INVOICE	400099 MAY 24	ELECTRICITY	338.52	
Total:				109,484.65	
Net of 163 Invoices / 0 Checks				109,484.65	
02806	MACQUEEN EQUIPMENT				
05/21/2024	INVOICE	P12896	ASSY-DIRT SHOE	540.29	
05/21/2024	INVOICE	P12890	BROOM STRIP, S/B SEG HD 4 PK, BELT-CHEVRON	3,961.59	
05/21/2024	INVOICE	P12905	ASSY - DIRT SHOE	559.85	
Total:				5,061.73	
Net of 3 Invoices / 0 Checks				5,061.73	
03220	MENARDS				
05/21/2024	INVOICE	6120	4 - 4 1/2" METAL CUTTING	7.96	
05/21/2024	INVOICE	6021	FEBREZE, GORILLA GLUE	31.32	
05/21/2024	INVOICE	5926	TIRE CHUCK INFLATOR	8.99	
05/21/2024	INVOICE	5862	SUMP PUMP, DISCHARGE HOSE, SCENT OIL, GLADE	188.65	
05/21/2024	INVOICE	5879	PEAK 50/50 GREEN	31.96	
05/21/2024	INVOICE	5960	WD-40, TAPCON	38.21	
05/21/2024	INVOICE	6030	50:1 FUEL PREMIX	134.58	
05/21/2024	INVOICE	5770	SPRING WATER, PUFFS	23.43	
05/21/2024	INVOICE	5684	HOOK RAIL	13.98	
05/21/2024	INVOICE	5705	CABLE TIE, GORILLA TAPE, DRYWALL BAGS	42.56	
05/21/2024	INVOICE	5616	FACE TISSUE, SCREWDRIVER SET, METAL CUTTING,	54.11	
05/21/2024	INVOICE	5624	48X64 VINYL, BALL VALVE	29.98	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	5625	BALL VALVE, BRASS COUPLING, KITHCHEN FAUCET	63.47	
05/21/2024	INVOICE	5507	16 - AIR FILTERS	127.84	
			Total:	797.04	
			Net of 14 Invoices / 0 Checks	797.04	
00282	METTLER-TOLEDO INC				
05/21/2024	INVOICE	655295093	FULL PREVENTIVE MAINTENANCE, BASIC TEST REP	743.94	
			Total:	743.94	
			Net of 1 Invoices / 0 Checks	743.94	
02517	MID-AMERICAN SIGNAL INC				
05/21/2024	INVOICE	24-349	600V WAVETRONIX MATRIX/ADVANCE CABLE	1,290.00	
			Total:	1,290.00	
			Net of 1 Invoices / 0 Checks	1,290.00	
10309	MIDWEST ALARM SERVICES				
05/21/2024	INVOICE	450551	FIRE ALARM MONITORING	540.00	
			Total:	540.00	
			Net of 1 Invoices / 0 Checks	540.00	
10893	MIDWEST COATINGS COMPANY INC				
05/21/2024	INVOICE	12850	COLD MIX ASPHALT	5,311.80	
			Total:	5,311.80	
			Net of 1 Invoices / 0 Checks	5,311.80	
03224	MIDWEST LABORATORIES INC				
05/21/2024	INVOICE	1183285	TESTING & SUPPLIES	151.17	
			Total:	151.17	
			Net of 1 Invoices / 0 Checks	151.17	
01345	MIDWEST READY MIX				
05/21/2024	INVOICE	91805	BUCKET PINS, DOOR LOCK	239.10	
			Total:	239.10	
			Net of 1 Invoices / 0 Checks	239.10	
00487	MIDWEST TAPE LLC				
05/21/2024	INVOICE	505272785	DIGITAL AUDIOBOOK, BINGE PASS, COMICS, EBOO	1,114.93	
05/21/2024	INVOICE	505412911	DIGITAL AUDIOBOOK, BINGE PASS, COMICS, EBOO	1,098.25	
05/21/2024	INVOICE	505457183	DVD'S	63.72	
			Total:	2,276.90	
			Net of 3 Invoices / 0 Checks	2,276.90	
03227	MIDWEST TURF & IRRIGATION				
05/21/2024	INVOICE	3930301-00	BEARING - SEALED	176.31	
05/21/2024	INVOICE	3929512-00	HYD HOSE ASM	120.61	
			Total:	296.92	
			Net of 2 Invoices / 0 Checks	296.92	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00463	MIKE'S TOWING				
05/21/2024	INVOICE	40219	TOWING	150.00	
05/21/2024	INVOICE	40227	TOWING	225.00	
05/21/2024	INVOICE	40228	TOWING	150.00	
05/21/2024	INVOICE	40134	TOWING	150.00	
05/21/2024	INVOICE	40136	TOWING	150.00	
05/21/2024	INVOICE	40237	TOWING	150.00	
05/21/2024	INVOICE	40238	TOWING	150.00	
			Total:	1,125.00	
			Net of 7 Invoices / 0 Checks	1,125.00	
10752	MOMS & MOPS				
05/21/2024	INVOICE	5.03.2024	CLEANING CENTRAL MAINTENANCE	280.00	
			Total:	280.00	
			Net of 1 Invoices / 0 Checks	280.00	
00153	MUELLER SPRINKLERS				
05/21/2024	INVOICE	391814	HYDROSEED 15 PLOTS - COLUMBUS CEMETERY	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	
01980	MUNDIL GREGORY				
05/21/2024	INVOICE	5.09.2024	REIMBURSE FOR PART - WHEEL BEARING KIT	36.34	
			Total:	36.34	
			Net of 1 Invoices / 0 Checks	36.34	
02299	MUNICIPAL SUPPLY INC OF OMAHA				
05/21/2024	INVOICE	0906246-IN	10 - RANGER COUP	980.14	
			Total:	980.14	
			Net of 1 Invoices / 0 Checks	980.14	
10225	NAPA AUTO PARTS OF COLUMBUS				
05/21/2024	INVOICE	745844	CHUCK HD	57.98	
05/21/2024	INVOICE	746027	BATTERY CABLE LUG	8.58	
			Total:	66.56	
			Net of 2 Invoices / 0 Checks	66.56	
10877	NARANS STEVE				
05/21/2024	INVOICE	110	CONCERT IN THE PARK SERIES	3,800.00	
			Total:	3,800.00	
			Net of 1 Invoices / 0 Checks	3,800.00	
00239	NEBRASKA HARVESTORE SYSTEMS				
05/21/2024	INVOICE	20542	44 - HD CONV BRUSHES, BRISTLE POLY HD, HOSE	1,311.82	
			Total:	1,311.82	
			Net of 1 Invoices / 0 Checks	1,311.82	
00600	NEBRASKA-IOWA INDUSTRIAL				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	6285967	SAFETY GLASSES, ABSORB PADS, KROIL LUBRICAN'	221.48	
			Total:	221.48	
			Net of 1 Invoices / 0 Checks	221.48	
00070 05/21/2024	NORFOLK DAILY NEWS INVOICE	26983	ADVERTISING - GOLF PAGE	155.00	
			Total:	155.00	
			Net of 1 Invoices / 0 Checks	155.00	
03244 05/21/2024	NORTHEAST NEBRASKA AREA INVOICE	FY2025	FY2025 MATCHING FUNDS	12,026.00	
			Total:	12,026.00	
			Net of 1 Invoices / 0 Checks	12,026.00	
00350 05/21/2024	NOSWETT FENCING INC INVOICE	15314	INSTALLED CHAINLINK	3,829.00	
			Total:	3,829.00	
			Net of 1 Invoices / 0 Checks	3,829.00	
03248 05/21/2024	NOVICKI FIRE PREVENTION SERVC INVOICE	081-24	YEARLY INSPECTION	480.00	
			Total:	480.00	
			Net of 1 Invoices / 0 Checks	480.00	
00358 05/21/2024	OBRIST & CO INC INVOICE	15310	HAULING TO NORFOLK NNSWC	2,805.00	
			Total:	2,805.00	
			Net of 1 Invoices / 0 Checks	2,805.00	
03249 05/21/2024	OCCUPATIONAL HEALTH SERV INVOICE	5813	HEP C TITER, HIV TITER, HEPATITIS B VACCINA'	269.00	
05/21/2024	INVOICE	5790	DOT COLLECTION & TESTING	636.00	
05/21/2024	INVOICE	5814	NON DOT COLLECTION & TESTING	768.00	
			Total:	1,673.00	
			Net of 3 Invoices / 0 Checks	1,673.00	
02852 05/21/2024	OLSON'S PEST TECHNICIANS INVOICE	349772	PEST CONTROL	85.00	
05/21/2024	INVOICE	349773	PEST CONTROL	55.00	
05/21/2024	INVOICE	349774	PEST CONTROL	90.00	
05/21/2024	INVOICE	349775	PEST CONTROL	60.00	
05/21/2024	INVOICE	349776	PEST CONTROL	55.00	
05/21/2024	INVOICE	351528	PEST CONTROL	75.00	
05/21/2024	INVOICE	351526	PEST CONTROL	63.00	
05/21/2024	INVOICE	351527	PEST CONTROL	75.00	
			Total:	558.00	
			Net of 8 Invoices / 0 Checks	558.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01451 05/21/2024	ONE CALL CONCEPTS INC INVOICE	4040126	LOCATE FEES	332.28	
			Total:	332.28	
			Net of 1 Invoices / 0 Checks	332.28	
01307 05/21/2024	ONE SOURCE INVOICE	2022153217	BACKGROUND CHECKS	802.50	
05/21/2024	INVOICE	2022149059	BACKGROUND CHECKS	343.00	
05/21/2024	INVOICE	2022153218	BACKGROUND CHECKS	445.00	
			Total:	1,590.50	
			Net of 3 Invoices / 0 Checks	1,590.50	
00176 05/21/2024	O'REILLY AUTOMOTIVE INC INVOICE	0681-278351	SPINDLE NUT	5.48	
05/21/2024	INVOICE	0681-278573	RIGHT STUFF	159.94	
05/21/2024	INVOICE	0681-278353	RIGHT STUFF	31.99	
05/21/2024	INVOICE	0681-278574	SEMI-MET PAD, BRAKE ROTOR	265.34	
05/21/2024	INVOICE	0681-278352	RIGHT STUFF	31.99	
05/21/2024	INVOICE	0681-265677	RETURN - WIPER BLADE	(11.97)	
05/21/2024	INVOICE	0681-275759	ATO FUSE	5.29	
05/21/2024	INVOICE	0681-278856	25ML SYRINGE	10.49	
05/21/2024	INVOICE	0681-278666	CREDIT - OIL FILL PLUG	(8.99)	
			Total:	489.56	
			Net of 9 Invoices / 0 Checks	489.56	
01350 05/21/2024	OTTE ELECTRIC INVOICE	12715	INSTALL NEW LIGHT FIXTURES IN WASH BAY	2,984.00	
05/21/2024	INVOICE	12506	INSTALL RECEPTACLES AT NORTH WATER PLANT	718.63	
05/21/2024	INVOICE	12505	INSTALL RECEPTACLES AT SOUTH WATER PLANT	776.21	
05/21/2024	INVOICE	12502	TROUBLE SHOOT WESTBROOK LIFT	142.70	
05/21/2024	INVOICE	12498	REPLACE CORD END & RECEPTACLE FOR BLOWER 3RI	86.87	
			Total:	4,708.41	
			Net of 5 Invoices / 0 Checks	4,708.41	
03010 05/21/2024	PACE ANALYTICAL SERVICES LLC INVOICE	2460205688	WATER TESTING	1,146.40	
			Total:	1,146.40	
			Net of 1 Invoices / 0 Checks	1,146.40	
02052 05/21/2024	PANEL BUILDERS PLUS INC INVOICE	2109	PLASTIC WELD - LARGE TANK	200.00	
			Total:	200.00	
			Net of 1 Invoices / 0 Checks	200.00	
10411 05/21/2024	PAPER TIGER SHREDDING INVOICE	198282	64 GALLON CONTAINER	35.00	
05/21/2024	INVOICE	198317	PURGE SERVICE	148.35	
			Total:	183.35	
			Net of 2 Invoices / 0 Checks	183.35	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01869 05/21/2024	PERFORMANCE PRINTING INC INVOICE	29338	BUSINESS CARDS - WARREN QM	89.00	
			Total:	89.00	
			Net of 1 Invoices / 0 Checks	89.00	
00345 05/21/2024	PETE LIEN & SONS INC. INVOICE	CD99169563	QUICKLIME FINES	6,250.29	
			Total:	6,250.29	
			Net of 1 Invoices / 0 Checks	6,250.29	
00155 05/21/2024	PLATTE COUNTY INVOICE	MONTHLY	COUNTY ATTORNEY SERVICES	4,062.00	
			Total:	4,062.00	
			Net of 1 Invoices / 0 Checks	4,062.00	
00758 05/21/2024	PLATTE COUNTY REGISTER OF INVOICE	4.16.2024	RESOLUTION R24-40	28.00	
05/21/2024	INVOICE	5.08.2024	VITALITY VILLAGE	184.00	
05/21/2024	INVOICE	5.06.2024	ORDINANCE NO 24-09	40.00	
			Total:	252.00	
			Net of 3 Invoices / 0 Checks	252.00	
10445 05/21/2024	PORT-A-JOHNS INVOICE	24-1636	RESTROOM RENTAL - QUAIL RUN, VANBURG, CEME'	450.00	
			Total:	450.00	
			Net of 1 Invoices / 0 Checks	450.00	
02926 05/21/2024	POWER TECH LLC INVOICE	W78720	REPLACED EVAPORATOR - WELL PUMP 14	689.57	
05/21/2024	INVOICE	W78711	MINOR INSPECTION - PORTABLE G70	655.00	
			Total:	1,344.57	
			Net of 2 Invoices / 0 Checks	1,344.57	
02977 05/21/2024	PYRAMID TARP & REPAIR LLC INVOICE	2117	46'8"X11'6" BLACK 180Z	878.00	
			Total:	878.00	
			Net of 1 Invoices / 0 Checks	878.00	
00138 05/21/2024	R & R PRODUCTS INC INVOICE	CD2903238	PIN - LYNCH HEAVY DUTY, SPACER - CASTER WHEI	52.20	
05/21/2024	INVOICE	CD2903098	4 - WHEEL - ASSY FOAM FILLED	383.40	
			Total:	435.60	
			Net of 2 Invoices / 0 Checks	435.60	
03264 05/21/2024	REARDON LAWN & GARDEN INC INVOICE	9634	BELT, FILLER CAP	108.98	
			Total:	108.98	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	108.98	
00161 05/21/2024	REMBOLT LUDTKE LLP INVOICE	180	LABOR & EMPLOYMENT ISSUES	2,060.00	
			Total:	2,060.00	
			Net of 1 Invoices / 0 Checks	2,060.00	
03163 05/21/2024 05/21/2024	RENSENHOUSE INVOICE INVOICE	1145-1020969 232216-2	VAPOR TITE FIXTURE 23RD STREET CORRIDOR BEAUTIFICATION	140.32 3,672.00	
			Total:	3,812.32	
			Net of 2 Invoices / 0 Checks	3,812.32	
02280 05/21/2024	RITTER FRED INVOICE	5.09.2024	SOUND & LIGHTS FOR DANCE NIGHT IN THE SQUAR	350.00	
			Total:	350.00	
			Net of 1 Invoices / 0 Checks	350.00	
10619 05/21/2024	RIVER VALLEY TIRE SERVICE LLC INVOICE	882276	4 - GENERAL GRABBER APT	1,016.00	
			Total:	1,016.00	
			Net of 1 Invoices / 0 Checks	1,016.00	
10872 05/21/2024	RIVERSIDE PORTABLES LLC INVOICE	14805	PORTABLE RESTROOM - FIRE TRAINING TOWER	105.00	
			Total:	105.00	
			Net of 1 Invoices / 0 Checks	105.00	
01624 05/21/2024	ROSENBAUER MINNESOTA LLC INVOICE	0000064098	VOLTMETER GAUGE	125.26	
			Total:	125.26	
			Net of 1 Invoices / 0 Checks	125.26	
01596 05/21/2024 05/21/2024	RVW INC INVOICE INVOICE	14213 14212	T23607 NECOL - 2024 FIBER PROJECT T24521-PLATTE COUNTY TOWER FIBER PROJECT	2,451.00 2,340.44	
			Total:	4,791.44	
			Net of 2 Invoices / 0 Checks	4,791.44	
03270 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024	SAPP BROS COLUMBUS INC INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE	IN4419307 IN4439033 IN4426738 IN4435231 IN4421634 IN4438814 IN4420943 IN4422970 IN4430462	AMERIGUARD 15W-40 HD FUEL FUEL FUEL MAG 1 75W-140 AMERIGUARD HYDRAULIC FUEL FUEL FUEL FUEL	852.50 7,341.35 4,440.00 5,032.00 212.50 623.50 9,655.50 10,095.00 2,700.63	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	IN4436355	FUEL	1,650.16	
			Total:	42,603.14	
			Net of 10 Invoices / 0 Checks	42,603.14	
02805 05/21/2024	SCHEMMER ASSOCIATES INC. INVOICE	09071.001-7	23RD ST WATER & SEWER CONSTRUCTION INSPECTIO	3,150.88	
			Total:	3,150.88	
			Net of 1 Invoices / 0 Checks	3,150.88	
10381 05/21/2024	SCHREIBER, TARA INVOICE	24DBAL1	PATCHES SEWN ON UNIFORM - BALESTERI QM	36.00	
			Total:	36.00	
			Net of 1 Invoices / 0 Checks	36.00	
03275 05/21/2024 05/21/2024	SECURITY EQUIPMENT INC INVOICE INVOICE	858863 858516	PARKING LOT CAMERA REPLACEMENT - PAWNEE PARI PILLAR MOUNTED CAMERAS - PEDESTRIAN WALKING	1,827.50 3,877.00	
			Total:	5,704.50	
			Net of 2 Invoices / 0 Checks	5,704.50	
MISC 05/21/2024	SERC LLC INVOICE	05/13/2024	UB refund for account: 300-59905-00	38.76	
			Total:	38.76	
			Net of 1 Invoices / 0 Checks	38.76	
03276 05/21/2024	SHERWIN-WILLIAMS CO INVOICE	4220-7	PARTS FOR PAINT MACHINE	296.00	
			Total:	296.00	
			Net of 1 Invoices / 0 Checks	296.00	
01090 05/21/2024 05/21/2024 05/21/2024	SHEVLIN SUPPLY INVOICE INVOICE INVOICE	7421 7420 7416	LINERS, BATH TISSUE, MULTI FOLD TOWELS, HANI LINERS, BATH TISSUE, MULTI FOLD TOWELS, HANI CENTER PULL TOWELS	252.65 252.65 216.90	
			Total:	722.20	
			Net of 3 Invoices / 0 Checks	722.20	
11134 05/21/2024	SHIRTS ARE US LLC INVOICE	494	REPLACED PATCHES	36.00	
			Total:	36.00	
			Net of 1 Invoices / 0 Checks	36.00	
03277 05/21/2024	SIPPLE, HANSEN, EMERSON, INVOICE	1-00M APR 24	LEGAL SERVICES	10,362.95	
			Total:	10,362.95	
			Net of 1 Invoices / 0 Checks	10,362.95	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01394 05/21/2024	SIRIUS COMPUTER SOLUTIONS INC. INVOICE	INV-001007833	WIFI-BRADSHAW PARK, CENTENNIAL, PAWNEE PLUN	73,534.90	
			Total:	73,534.90	
			Net of 1 Invoices / 0 Checks	73,534.90	
00089 05/21/2024	STRECKER BRET INVOICE	5.01.2024	REIMBURSE - MEAL & FUEL	58.50	
			Total:	58.50	
			Net of 1 Invoices / 0 Checks	58.50	
00105 05/21/2024	SUPER SAVER INVOICE	125708	GROCERIES-PIES	7.38	
05/21/2024	INVOICE	125638	GROCERIES	41.22	
05/21/2024	INVOICE	125773	GROCERIES	28.46	
			Total:	77.06	
			Net of 3 Invoices / 0 Checks	77.06	
00110 05/21/2024	SYSCO LINCOLN INVOICE	561596001	GROCERIES, COFFEE	821.56	
05/21/2024	INVOICE	561604759	REFUND - MILK DAMAGED ON TRUCK	(16.67)	
05/21/2024	INVOICE	16177901P	REFUND-COLESLAW RETURNED	(58.95)	
05/21/2024	INVOICE	561590688	GROCERIES, SERVING SUPPLIES	2,856.69	
05/21/2024	INVOICE	561601882	GROCERIES	1,280.13	
05/21/2024	INVOICE	561576158	GROCERIES, COFFEE	2,549.84	
05/21/2024	INVOICE	561613651	GROCERIES, CUPS, DISH DETERGENT	2,293.27	
05/21/2024	INVOICE	561626371	GROCERIES, COFFEE, TO GO LIDS	2,722.03	
			Total:	12,447.90	
			Net of 8 Invoices / 0 Checks	12,447.90	
00313 05/21/2024	T-BONE FUEL DELIVERY INVOICE	2708	FUEL	11,038.70	
			Total:	11,038.70	
			Net of 1 Invoices / 0 Checks	11,038.70	
10997 05/21/2024	T-BONE PD LLC INVOICE	5856	PROPANE	65.78	
			Total:	65.78	
			Net of 1 Invoices / 0 Checks	65.78	
02743 05/21/2024	TELECOMMUNICATION SYSTEMS INC. INVOICE	04INV-000044511	MONTHLY CIRCUIT FEE, ANNUAL MAINTENANCE & M	1,970.67	
			Total:	1,970.67	
			Net of 1 Invoices / 0 Checks	1,970.67	
10237 05/21/2024	TELEFLEX LLC INVOICE	9508414004	25MM NEEDLES, EZ-IO POWER DRIVER	642.40	
			Total:	642.40	
			Net of 1 Invoices / 0 Checks	642.40	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
10987 05/21/2024	THE GOLF SHOP INVOICE	242	MONTHLY TERMINAL USAGE FEE APRIL 2024	2,813.69	
			Total:	2,813.69	
			Net of 1 Invoices / 0 Checks	2,813.69	
10326 05/21/2024 05/21/2024	THE LIFEGUARD STORE INVOICE INVOICE	INV001407227 INV001406752	RESUE TUBES, GOOGLES, SWIN BAR, WHISTLES, Li REMOTE FOR PAL	1,696.37 279.00	
			Total:	1,975.37	
			Net of 2 Invoices / 0 Checks	1,975.37	
03128 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024 05/21/2024	TIRE OUTLET INC INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE	239844 239788 239909 239704 239947 239839 239688 239877 240110	5 - REPAIRS, 1 - USED TIRE 4 - USED TRUCK TIRES 2 - USED TRUCK TIRES REPAIR TIRE 2 - TIRES TIRE 2 - TIRES TIRE, TUBE, REPAIR	350.00 600.00 300.00 45.00 379.50 493.00 368.78 832.00 200.00	
			Total:	3,568.28	
			Net of 9 Invoices / 0 Checks	3,568.28	
10589 05/21/2024	TK ELEVATOR CORPORATION INVOICE	1000604610	MAINTENANCE INVOICE	248.20	
			Total:	248.20	
			Net of 1 Invoices / 0 Checks	248.20	
00547 05/21/2024	TOBIASON TRENT INVOICE	4.23.2024	REIMBURSE MEAL - CLASS IN GRAND ISLAND	9.58	
			Total:	9.58	
			Net of 1 Invoices / 0 Checks	9.58	
10588 05/21/2024 05/21/2024	TOO FAST SUPPLY INVOICE INVOICE	431608 431609	FLANGE NUT, ALUM RIVETS POWERSTUD	26.00 6.38	
			Total:	32.38	
			Net of 2 Invoices / 0 Checks	32.38	
01564 05/21/2024	TOOLEY DRUG INVOICE	01188518	GLUCOMETER STRIPS	35.09	
			Total:	35.09	
			Net of 1 Invoices / 0 Checks	35.09	
03283 05/21/2024 05/21/2024 05/21/2024	TRACTOR SUPPLY CREDIT PLAN INVOICE INVOICE INVOICE	341739 341854 344180	GEAR LUBE, GREASE, UTILITY KNIFE FUEL HOSE HYDRANT, PLUMBERS PUTTY, NIPPLE	243.79 39.99 100.97	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/21/2024	INVOICE	622114	PLASTIC SCOOPS, GARDEN CULTIVATOR	99.96	
05/21/2024	INVOICE	341926	TORDON	23.99	
			Total:	508.70	
			Net of 5 Invoices / 0 Checks	508.70	
00357	TURFWERKS				
05/21/2024	INVOICE	JE17072	JACOBSEN MOWER	126,391.80	
			Total:	126,391.80	
			Net of 1 Invoices / 0 Checks	126,391.80	
10298	TY'S OUTDOOR POWER & SERVICE				
05/21/2024	INVOICE	279998	BEARING, RETAINER 3/4"	35.82	
			Total:	35.82	
			Net of 1 Invoices / 0 Checks	35.82	
00289	UNION PACIFIC RAILROAD CO				
05/21/2024	INVOICE	90134823	PRELIMINARY ENGINEERING TO CONSTRACT SIDEWA:	2,989.40	
			Total:	2,989.40	
			Net of 1 Invoices / 0 Checks	2,989.40	
03294	USA BLUE BOOK				
05/21/2024	INVOICE	INV00353353	BYPASS CONTROL RELIEF VALVE	205.00	
			Total:	205.00	
			Net of 1 Invoices / 0 Checks	205.00	
10948	VAN DYKE CARROLL				
05/21/2024	INVOICE	5.01.2024	OPEN/CLOSE CEMETERY GATES	146.50	
			Total:	146.50	
			Net of 1 Invoices / 0 Checks	146.50	
10961	VERIZON				
05/21/2024	INVOICE	372000063871	GPS UNITS	45.85	
05/21/2024	INVOICE	621000056419	GPS UNITS	45.85	
			Total:	91.70	
			Net of 2 Invoices / 0 Checks	91.70	
01181	VERIZON WIRELESS				
05/21/2024	INVOICE	9962711768	CELL PHONE MAR 27 - APR 26 - ELLEY COFFIN	42.86	
05/21/2024	INVOICE	9962711769	CELL PHONE MAR 27 - APR 26	80.02	
05/21/2024	INVOICE	9962659108	CELL PHONE MAR 27 - APR 26	1,227.40	
05/21/2024	INVOICE	9963385664	CELL PHONE APR 06 - MAY 05	840.21	
05/21/2024	INVOICE	9962711767	CELL PHONE MAR 27 - APR 26	2,423.18	
			Total:	4,613.67	
			Net of 5 Invoices / 0 Checks	4,613.67	
10654	WAITE, DANIELLE				
05/21/2024	INVOICE	5.21.2024	ARCADE RADIO - JUNE 1ST 2024	2,500.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	2,500.00	
			Net of 1 Invoices / 0 Checks	2,500.00	
03154 05/21/2024	WASTE CONNECTIONS OF NEBRASKA INVOICE	6940189T054	GARBAGE SERVICE	561.50	
			Total:	561.50	
			Net of 1 Invoices / 0 Checks	561.50	
03301 05/21/2024	WATER ENVIRONMENT FEDERATION INVOICE	01816555	MEMBERSHIP DUES - MARTIN EATON	85.00	
			Total:	85.00	
			Net of 1 Invoices / 0 Checks	85.00	
03303 05/21/2024	WILKE LANDSCAPE CENTER INVOICE	78414	SCARLET OAK	239.94	
			Total:	239.94	
			Net of 1 Invoices / 0 Checks	239.94	
11085 05/21/2024	YANDA'S MUSIC & PRO AUDIO INVOICE	696832	INSTALLATION - AMPLIFIER, LOUDSPEAKERS	8,575.00	
			Total:	8,575.00	
			Net of 1 Invoices / 0 Checks	8,575.00	
			invoices and 0 checks for 163 vendors:	1,061,977.28	

5. APPROVAL OF MINUTES - Included in Consent Agenda

6. SPECIAL PRESENTATIONS - None

7. PUBLIC HEARINGS

7.A. Public hearing - Application from Faricuba LLC dba Faricuba for Class IB liquor license at 1520 17 Street and Richard Salvador Barredo as manager.

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

You are hereby notified that a public hearing before the city council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a retail liquor license for Faricuba LLC dba Faricuba, 1520 17 St, Columbus, NE, and at said time and place you may appear and be heard.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish 05:09:24
Two Affidavits of Publication



COLUMBUS POLICE DEPARTMENT

2330 14th Street • Columbus, Nebraska 68601 • Phone (402) 564-3201 • Fax (402) 562-7325

TO: HONORABLE MAYOR AND CITY COUNCIL
CITY OF COLUMBUS

FROM: CHARLES L. SHERER, CHIEF OF POLICE 

DATE: MAY 20, 2024

SUBJECT: FARICUBA, LLC
1520 17TH STREET
COLUMBUS, NEBRASKA

LIQUOR MANAGER: RICHARD SALVADOR BARREDO

Faricuba is a restaurant in Columbus.

- A. The adequacy of existing law enforcement resources and services in the area:

There are adequate law enforcement resources and services in the area.
- B. The recommendation of the police department or any other law enforcement agency:

The Columbus Police Department has no recommendation.
- C. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking:

There seems to be no traffic or parking problems. There will be adequate parking within their parking lot.
- D. Zoning restrictions and the local governing body's zoning and land-use policies:

The area is zoned for business.

- E. Sanitation or sanitary conditions on or about the proposed licensed premises:

Sanitation or sanitary conditions are in order.

- F. The existence of a citizen's protest or opposition to the application:

There is no known citizen protest or opposition to the application.

- G. The existing population and projected growth within the jurisdiction of the local governing body and within the area to be served:

There is normal projected population growth within the jurisdiction of the local governing body and within the area to be served.

- H. The existing liquor licenses, the class of each such license, and the distance and times of travel between establishments issued such licenses:

There are two liquor licenses in the near vicinity of this location. One is at La Poplar which is 8 blocks away or a ten minute walk. The other is at Family Dollar which is 0.7 miles away or a 15 minute walk.

- I. Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located:

The proposed license is compatible with this area.

- J. Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in section 53-101.01:

The type of business and activity proposed will be consistent with public intent.

- K. Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with section 53-102:

There is no evidence shown that the applicant will not ensure that all alcoholic beverages will be handled by persons in accordance with section 53-102.

- L. Whether the applicant has taken every reasonable precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic

liquor shall be displayed and kept in and sold from an area which is reasonably secured:

There is no evidence that the applicant will not take every reasonable precaution to prevent shoplifting and the area is reasonably secured.

- M. Whether the applicant is fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of, and rules and regulations adopted and promulgated pursuant to the act:

There is no evidence showing that the applicant is not fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of, and rules and regulations adopted and promulgated pursuant to the act.

- N. Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of, and rules and regulations adopted promulgated pursuant to the act:

There is no evidence shown that the applicant will not demonstrate that the type of management and control over the licensed premises and will ensure that the licensee can conform to all the provisions and requirements of, and rules and regulations adopted promulgated pursuant to the act.

- O. The background information of the applicant established by information contained in the public records of the commission and investigations conducted by law enforcement agencies:

The background information does not reveal any felony arrests or violations of the applicant.

- P. Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, and other governmental board or agency of the local governing body, and other governmental unit, or any court of law:

There is no evidence of discrimination involving the applicant.

- Q. Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the commission or local body or the employees of the commission or local governing body in regards to the license application or liquor investigations. The applicant

shall be required to cooperate in providing a full disclosure to the investigation agents of the local governing body.

The applicant and applicant's representatives have not suppressed or provided inaccurate information to the local governing body.

- R. Proximity of and impact on schools, hospitals, libraries, parks, and other public institutions:

There does not appear that there will be any impact on local schools, libraries, parks, and other public institutions.

- S. Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance:

Activities will not create unreasonable noise.

- T. Compliance with state laws, liquor rules and regulations and municipal ordinances and regulations and whether or not the applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor:

There is no evidence to show that the applicant has forfeited bond to appear in court for violating any liquor law or ordinance relating to alcoholic liquor.

LIQUOR APPLICATION REPORTS
ENGINEER'S REPORT

DATE: April 29, 2024

DUE DATE: May 13, 2024

Applicant

Faricuba, LLC dba Faricuba

Address

1520 17th Street, Columbus, NE 68601

Legal Description

W200' of S100' Lot 12 Blk 1 Columbus Indsite

IS (x) IS NOT () WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY

**IF NOT, DO NOT PROCEED - NOTIFY THE MUNICIPAL CLERK'S OFFICE
AND RETURN THIS FORM**

Requested License or Action: Class IB

Existing Zoning: B-1

Existing Land Use: Commercial

Adjacent Land Use and Zoning:

North: M-H

South: R-2

East: M-H

West: R-1

General Neighborhood/Area Land Uses: Business/Residential

Designation of Adjacent Street (Local, Collector, Minor or Major Arterial, Expressway): Local

Speed Limit: 30 mph

Average Daily Traffic Count: 3,260 (2021 ADT)



Richard J. Bogus, P.E.
City Engineer

APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License
Class: IB

License Number:

126236

RECEIVED

JAN 10 2024

NEBRASKA LIQUOR
CONTROL COMMISSION

Office Use Only

NEW REPLACING _____ TOP Yes / No

Hot List Yes / No

Initial: HY

PLEASE READ CAREFULLY

See directions on the next page. Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

APPLICANT NAME ~~Richard Salvador Barredo~~ Faricuba LLC

TRADE (DBA) NAME FARICUBA LLC

PREVIOUS TRADE (DBA) NAME FARICUBA LLC

CONTACT NAME AND PHONE NUMBER Fabianne Araujo Garcia

CONTACT EMAIL ADDRESS fabianne@yahoo.es

Office use only

PAYMENT TYPE Payport

AMOUNT \$400. RCPT

RECEIVED: 1/8/24

DATE DEPOSITED _____



2400003645

DIRECTIONS

Each item must be included with your application

1. Application fee of \$400 (nonrefundable), please pay online thru our PAYPORT system or enclose payment made payable to the Nebraska Liquor Control Commission
2. Enclose the appropriate application forms
 - Individual License (Form 104)
 - Partnership License (Form 105)
 - Corporate License (Form 101 & Form 103)
 - Limited Liability Company (LLC) (Form 102 & Form 103)Corporation or Limited Liability Company (LLC) must be active with the Nebraska Secretary of State
3. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See Applicant Guidelines for further assistance
4. Form 147 - Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures".
5. If purchasing an already licensed business; include Form 125—Temporary Operating Permit (TOP)
 - a. Form 125 must be signed by the seller (current licensee) and the buyer (applicant)
 - b. Provide a copy of the business purchase agreement from the seller (current licensee sells "the business currently licensed" to applicant)
 - c. Provide a copy of alcohol inventory being purchased (must include quantity, brand name and container size)
 - d. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
6. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
7. If building is being leased, send a copy of signed lease in the name of the applicant. Lease term must run through the license year being applied for.
8. Submit a copy of your business plan.

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)
CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31
ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30

- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY**
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE**
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES _____ NO
 - D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY**
 - F BOTTLE CLUB,
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES _____ NO
 - J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
 - Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
 - Class G Growler endorsement (Submit Form 165) – Class C licenses only
- **Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES _____ NO _____

ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert FORM 104)
- Partnership License (requires insert FORM 105)
- Corporate License (requires FORM 101 & FORM 103)
- Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Name N/A Phone Number _____

Firm Name _____

Email address _____

Should we contact you with any questions on the application? YES _____ NO _____

PREMISES INFORMATION

Trade Name (doing business as) FARICUBA LLC

Street Address 1520 17th St

City Columbus County Platte - 10 Zip Code 68601-3510

Premises Telephone number 786 368 0506

Business e-mail address fabianne@yahoos.es

Is this location inside the city/village corporate limits YES X NO _____

MAILING ADDRESS (where you want to receive mail from the Commission)

Check if same as premises

Name Richard Salvador Barredo

Street Address 1520 17th St.

City Columbus State NE Zip Code 68601-3510

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM OF THE AREA TO BE LICENSED
DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS
PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)
INDICATE THE DIRECTION OF NORTH

Building length 80.0 x width 73.5 in feet

Is there a basement? Yes _____ No X If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes _____ No X If yes, length _____ x width _____ in feet+

*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing

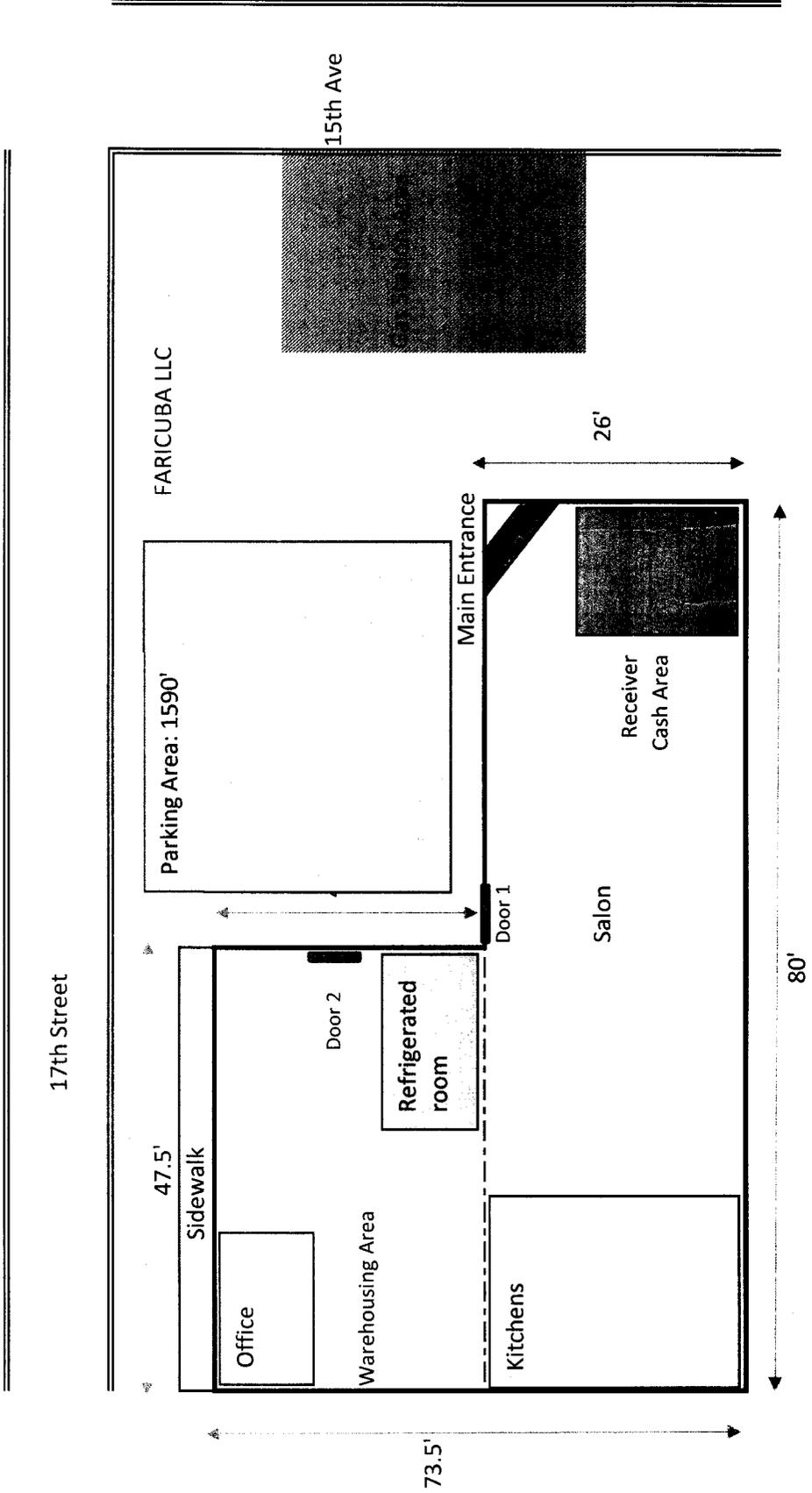
Number of floors of the building 1

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

One storey Building Approx 80 x 73

FARICUBA LLC.

DIAGRAM OF AREA TO BE LICENSED



APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

2. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, provide business name and license number _____

3. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number _____

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes

a) Attach temporary operating permit (TOP) (Form 125)

a) Submit a copy of the business purchase agreement _____

b) Include a list of alcohol being purchased, list the name brand, container size and how many _____

c) Submit a list of the furniture, fixtures and equipment _____

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

_____ YES NO

If yes, list the lender(s) _____

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

_____ YES NO

If yes, explain. (all involved persons must be disclosed on application)

No silent partners 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1,100)

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

_____ YES NO

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

_____ YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Nebraska Revised Statute 53-177(1) **AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS**

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

_____ YES NO

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.
a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

Wells Fargo Bank

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

None

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
None		

Experience

Applicant Name/Job Title	Date of Employment	Name & Location of Business
Manager of FARICUBA LLC	07/18/2023	Columbus, Nebraska

13. If the property is owned, submit a copy of the deed or proof of ownership. If leased, submit a copy of the lease covering the entire license year.

Documents must be in the name of applicant as owner or lessee

X Lease expiration date _____
 _____ Deed
 _____ Purchase Agreement

14. When do you intend to open for business? This Business is open from : _____

15. What will be the main nature of business? Restaurant and Cafeteria _____

16. What are the anticipated hours of operation? 7:00 am to 10:00 pm _____

17. List the principal residence(s) for the past 10 years for **ALL** persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS					
APPLICANT CITY & STATE	YEAR		SPOUSE CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Norfolk, Nebraska	2017	2024	N/A		
Hialeah, Florida	2007	2017	N/A		

If necessary, attach a separate sheet

**PERSONAL OATH AND CONSENT OF INVESTIGATION
SIGNATURE PAGE – PLEASE READ CAREFULLY**

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

***Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

**Must be signed by all applicant(s) and spouse(s) owning more than 25%
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**



Signature of **APPLICANT**

Richard Salvador Barredo

Printed Name of **APPLICANT**

Signature of **SPOUSE**

N/A

Printed Name of **SPOUSE**



Signature of **APPLICANT**

Fabianne Araujo Garcia

Printed Name of **APPLICANT**

Signature of **SPOUSE**

N/A

Printed Name of **SPOUSE**

Nebraska Secretary of State

Fri Jan 12 09:08:24 2024



Principal Office Address

No address on file

Registered Agent and Office Address

FABIANNE ARAUJO GARCIA
901 SYRACUSE AVE. APT. 9
NORFOLK, NE 68701

Designated Office Address

901 SYRACUSE AVE. APT. 9
NORFOLK, NE 68701

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Jul 18 2023

Next Report Due Date

Jan 01 2025

Filed Documents

Filed documents for FARICUBA, LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Certificate of Organization	Jul 18 2023	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now

Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

Online Certificate of Good Standing with Electronic Validation

\$6.50

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

Purchase Now

Certificate of Good Standing - USPS Mail Delivery

\$10.00

This is a paper certificate mailed to you from the Secretary of State's office within 2-3 business days.

[Continue to Order](#)

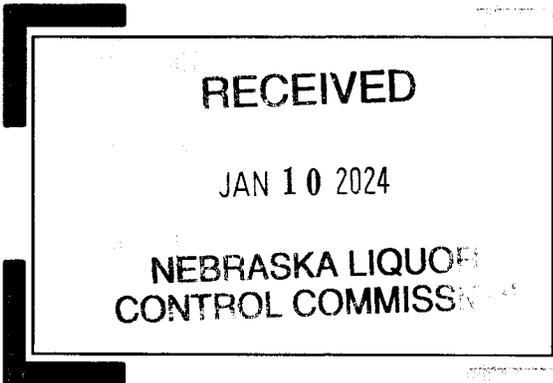
[↑ Back to Top](#)

LIMITED LIABILITY COMPANY (LLC)

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License
Class: _____

License Number: _____



INSTRUCTIONS

1. All members and spouses must be listed
2. Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the application
3. Managing/Contact member and all members holding over 25% interest and their spouses must submit fingerprints. See Form 147 for further information
4. Attach copy of Articles of Organization

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

FARICUBA LLC

Name of Registered Agent: **RICHARD SALVADOR BARREDO**

LLC Address: **1520 17th St.**

City: **Columbus** State: **NE** Zip Code: **68601-3510**

LLC Phone Number: **786 368 0506** LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: **Salvador Barredo** First Name: **Richard** MI: _____

Home Address: **901 Syracuse Ave Apt. 9** City: **Norfolk**

State: **NE** Zip Code: **68701-2410** Home Phone Number: **786 368 0506**

Signature of Managing/Contact Member

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: **SALVADOR BARREDO** First Name: **Richard** MI: _____

[Redacted]

Spouse Full Name (indicate N/A if single): N/A

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 50%

Last Name: **ARAUJO GARCIA** First Name: **FABIANNE** MI: _____

[Redacted]

Spouse Full Name (indicate N/A if single): N/A

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 50%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company owned 100% by another corporation/LLC?

YES NO

If yes, Form 185 is required

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES NO

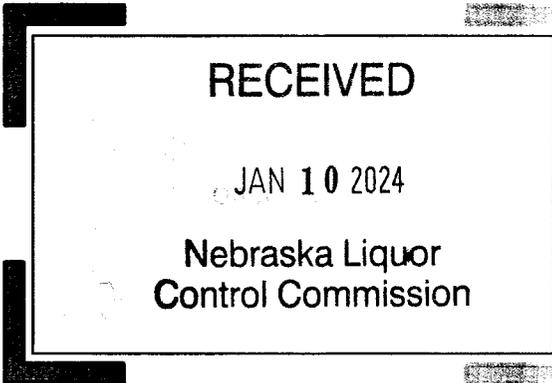
If yes, provide the Federal ID #. _____

MANAGER APPLICATION FORM 103

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License
Class: _____

License Number: _____



MANAGER MUST:

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a **member or corporate officer**
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate, US Passport, naturalization papers OR legal resident documentation
- Be a resident of the state of Nebraska and if an US citizen be a registered voter in the State of Nebraska
- Spouse who **will** participate in the business, the **spouse must meet the same requirements as the manager applicant:**

Spouse who **will not** participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: FARICUBA LLC

PREMISES INFORMATION

Premises Trade Name/DBA: FARICUBA LLC

Premises Street Address: 1520 17th St.

City: Columbus County: Platte Zip Code: 68601

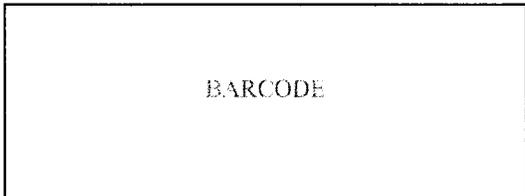
Premises Phone Number: 786 368 0506

Premises Email address: fabianne@yaho.es

A handwritten signature in black ink, appearing to read "Fabianne".

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



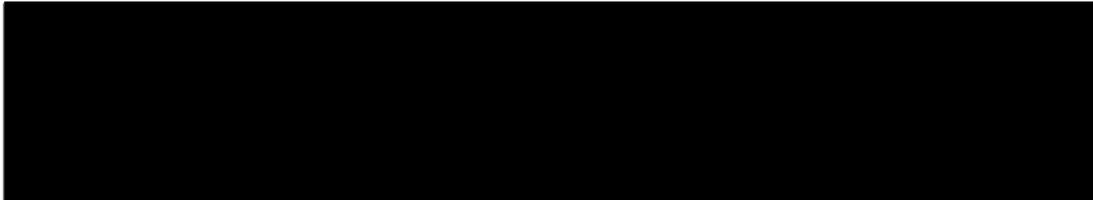
MANAGER INFORMATION

Last Name: Salvador Barredo First Name: Richard MI: _____

Home Address: 901 Syracuse Ave Apt. 9

City: Norfolk County: Madison Zip Code: 68701-2410

Home Phone Number: 786 514 3680



Email address: fabianne@yaho.es

Are you married? If yes, complete spouse's information (Even if a spouse's information has been submitted)

YES NO

Spouse's information

Spouses Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____

Driver's License Number: _____

Date of Birth: _____ Place of Birth: _____

APPLICANT & SPOUSE MUST LIST RESIDENCE (Last 10) YEARS
APPLICANT

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Norfolk, Nebraska	2017	2024			
Hialeah, Florida	2007	2017			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
01/23	02/23	Cargill Meat Solutions, Schuyler	Yerandy	
10/22	01/2023	Great Dane	Mike	

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
None		

*For list of NLCC Certified Training Programs see [training](#)

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Richard Salvador Barredo	07/18/2023	FARICUBA LLC.
Manager		

5. Have you enclosed Form 147 regarding fingerprints?

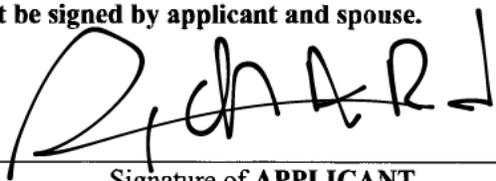
YES NO

PERSONAL OATH AND CONSENT OF INVESTIGATION
SIGNATURE PAGE – PLEASE READ CAREFULLY

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

***Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*

Must be signed by applicant and spouse.



Signature of **APPLICANT**

Richard Salvador Barredo

Printed Name of **APPLICANT**

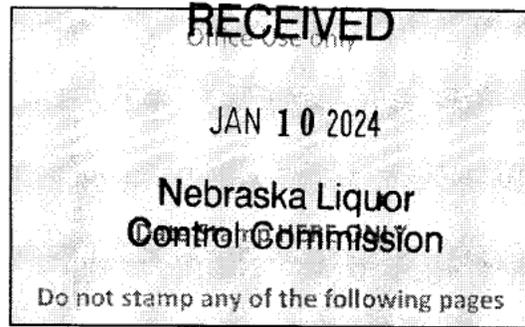
Signature of **SPOUSE**

N/A

Printed Name of **SPOUSE**

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **\$45.25 per person** **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the **NSP PayPort** online system at www.ne.gov/go/nsp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name FARICUBA

Name of Person Being Fingerprinted: RICHARD SALVADOR BARRERO

Date fingerprints were taken: 12-21-23

Location where fingerprints were taken: Norfolk Police Division

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Richard

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED



[Back to Lookup](#) / [Registrant Detail](#)

Richard Salvador Barredo

Political Party
Republican

Precinct
Norfolk 1-3

Election Details

05/14/2024 2024 Primary Election

We did not find an absentee or provisional ballot associated with this election (may not be available after certification). Note: This website does not track the status of a traditional ballot voted at the polls. If you voted a traditional ballot at the polls, your ballot was accepted and counted.

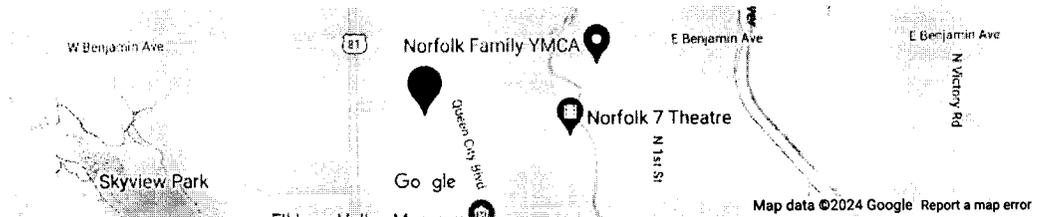
Polling Location

St. Paul Lutheran Church (Pct 03)

📍 1100 Georgia Avenue Norfolk, NE 68701

Voters will need to park on the north side of the church. Entrance to vote is located on the west side under the driveway canopy.

[View larger map](#)



Ballot Styles

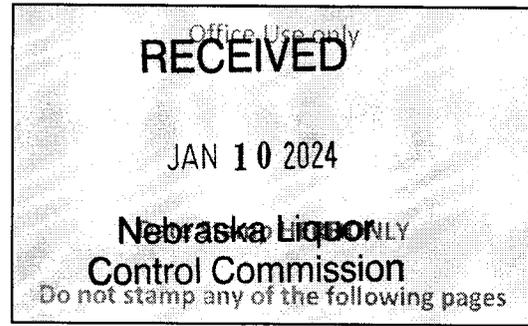
- 03.01 -DEM
- 03.01 -LIB
- 03.01 -LMN
- 03.01 -NONP
- 03.01 -REP

Districts

Show ▾

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **\$45.25 per person** **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the **NSP PayPort** online system at www.ne.gov/go/ntp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name Faricuba
Name of Person Being Fingerprinted: Fabianna Arriaga Garcia

Date fingerprints were taken: 12-21-23
Location where fingerprints were taken: Norfolk Police Division
How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

FAG
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED



[Back to Lookup](#) / [Registrant Detail](#)

Fabianne Zulema Araujo Garcia

Political Party
Republican

Precinct
Norfolk 1-3

Election Details

05/14/2024 2024 Primary Election

We did not find an absentee or provisional ballot associated with this election (may not be available after certification). Note: This website does not track the status of a traditional ballot voted at the polls. If you voted a traditional ballot at the polls, your ballot was accepted and counted.

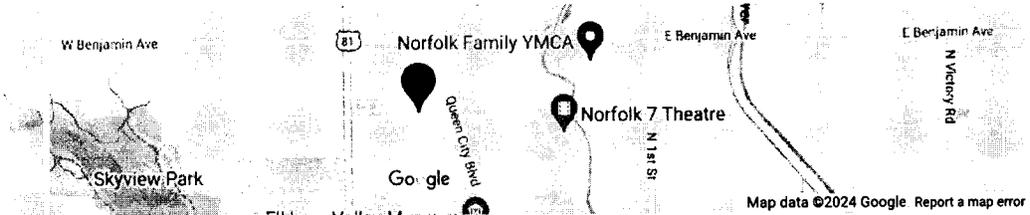
Polling Location

St. Paul Lutheran Church (Pct 03)

📍 1100 Georgia Avenue Norfolk, NE 68701

Voters will need to park on the north side of the church. Entrance to vote is located on the west side under the driveway canopy.

[View larger map](#)



Ballot Styles

- 03.01 -DEM
- 03.01 -LIB
- 03.01 -LMN
- 03.01 -NONP
- 03.01 -REP

Districts

Show ▾

Application for Liquor License

FARICUBA LLC

We, the applied, are citizens of the United States, and our voting center is in the Madison County Courthouse. Address: 1313 N Main St. Madison. NE 68748

Currently, we do not have the electoral card.

Richard Salvador Barredo

A handwritten signature in black ink, appearing to read 'Richard Salvador Barredo', written in a cursive style.

Fabianne Araujo Garcia

A handwritten signature in black ink, appearing to read 'Fabianne Araujo Garcia', written in a cursive style.

RENTAL LEASE AGREEMENT

Lance Lehr referred to as LANDLORD, and Farcuba LLO referred to as TENANT

LANDLORD rents the following premises to TENANT under the terms of this agreement

1520 17th Street Columbus, Nebraska 68601

beginning on November 2023 and continuing on a five year lease

TENANT shall pay rental in the amount of \$1400 (one thousand four hundred dollars) per month in advance and without demand or set off.

The premises shall be solely used by TENANT as a residence and TENANT shall not engage in any hazardous activity which may increase the fire hazard on the premises.

The TENANT has examined the premises, and that they are in good order and condition.

TENANT shall not assign or sublease the premises unless prior written approval is granted by the LANDLORD. TENANT further agrees to not make any alterations to the building or premises without the prior written consent of the LANDLORD. This includes putting holes in the wall, painting, and any other cosmetic changes. TENANT shall not abandon the premises. In the event that the TENANT is absent from the premises for more than 30 days, or in the event the TENANT explicitly abandons the premises, the LANDLORD shall have the option to re-rent the premises, or deem the action to be an anticipatory repudiation of the contract and bring an action for any rental unpaid for the entire term.

All necessary utility services shall be the responsibility of the TENANT. The TENANT shall take care of all snow removal and lawn cutting. The TENANT shall occupy the premises in accordance with all laws and regulations pertaining thereto. TENANT shall return the premises to the LANDLORD at the termination of tenancy in the same condition as received. The TENANT shall not flush anything down the toilets or drains that will cause sewer system problems. If problems arise and it is found that something was flushed that should not have been, the repairs will be the TENANT's financial responsibility. There are 2 restrooms.

TENANT has a trampoline that may be in use on the property. LANDLORD will not be responsible for any injury that comes from use of said trampoline and it is to be tied down so that the wind does not blow it off of the property.

TENANT will obtain and keep a rental insurance policy for the entirety of this rental agreement. LANDLORD is to receive a copy of said insurance policy. This insurance will be put in place to ensure the coverage of TENANT's property if something were to happen to the property.

TENANT is allowed to have 0 pets that they have gotten approved by LANDLORD.

This lease shall terminate in the event that the premises are destroyed, other than negligence of the TENANT, or upon taking of the property under legal authority of eminent domain.

In all other regards, this lease shall be subject to the terms of the landlord and tenant law related to dwellings of the State of NE.

Dated: 10-23-23

Lance Lehr
Lance Lehr

Richard Salvador
Richard Salvador

Fabianna Araujo
Fabianna Araujo

RESIDENTIAL LEASE AGREEMENT

This Residential Lease Agreement ("Agreement") made this October 25, 2023 is between Lance Lehr ("Landlord") with a mailing address of 4018 S 9th Street, City of Columbus, State of Nebraska AND Faricuba LLC ("Tenant(s)").

Landlord and Tenant are each referred to herein as a "Party" and, collectively, as the "Parties."

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual promises and agreements contained herein, the Tenant agrees to lease the Premises from the Landlord under the following terms and conditions:

1. Property: The Landlord agrees to lease the described property below to the Tenant:

- a.) Mailing Address: 1520 17th Street Columbus, NE 68601
- b.) Residence Type: Apartment House Condo Other: Resturant
- c.) Bedroom(s): 0
- d.) Bathroom(s): 2

The aforementioned property shall be leased wholly by the Tenant ("Premises").

2. Term: This Agreement shall be considered a: (check one)

- **Fixed Lease.** The Tenant shall be allowed to occupy the Premises starting on November 1, 2023 and end on November 1, 2024 ("Lease Term"). At the end of the Lease Term and no renewal is made, the Tenant: (check one)

- May continue to lease the Premises under the same terms of this Agreement under a month-to-month arrangement.
- Must vacate the Premises.

- **Month-to-Month Lease.** The Tenant shall be allowed to occupy the Premises on a month-to-month arrangement starting on _____, 20____ and ending upon notice of ____ days from either Party to the other Party ("Lease Term").

3. Rent: The Tenant shall pay the Landlord, in equal monthly installments, \$1400.00 ("Rent"). The Rent shall be due on the 1 of every month ("Due Date") and paid under the following instructions: Bring to T-Bone Truck Stop or given to Bailey Lehr.

4. Security Deposit: As part of this Agreement: (check one)

- The Landlord requires a payment in the amount of \$1500 ("Security Deposit") for the faithful performance of the Tenant under the terms and conditions of this Agreement. Payment of the Security Deposit is required by the Tenant upon the execution of this Agreement. The Security Deposit shall be returned to the Tenant within 15 days after the end of the Lease Term less any itemized deductions. This Security Deposit shall not be credited towards any Rent unless the Landlord gives their written consent.

- The Landlord does not require a Security Deposit as part of this Agreement.

5. Utilities: The Landlord shall provide the following utilities and services to the Tenant:
The garbage and internet bill will be paid.

Any other utilities or services not mentioned will be the responsibility of the Tenant.

6. Occupants: The Premises is to be occupied strictly as a residential dwelling with the following individual(s) in addition to the Tenant: (check one)

- _____ ("Occupant(s)")

- There are no Occupant(s).

7. Purpose: The Tenant and Occupant(s) may only use the Premises as: (check one)

- A residential dwelling only.

- A residential dwelling and: _____

8. Furnishings: The Premises is: (check one)

- To be furnished with the following items:

Fully functioning kitchen.

- Not furnished.

9. Appliances: The Landlord shall: (check one)

- Provide the following appliances: A fully functioning kitchen.

- Not provide any appliances.

10. Non-Sufficient Funds (NSF Checks): If the Tenant pays the Rent with a check that is not honored due to insufficient funds (NSF): (check one)

- There shall be a fee of \$100 per incident.

- There shall be no fee.

11. Late Fee: If Rent is not paid on the Due Date: (check one)

- There shall be a penalty of \$25 due as One (1) Time Payment Every Day Rent is Late.
Rent is considered late when it has not been paid within 2 day(s) after the Due Date.

- There shall be No Late Fee if Rent is late.

12. First (1st) Month's Rent: The Tenant is required to pay the first (1st) month's rent: (check one)

- Upon the execution of this Agreement.

- Upon the first (1st) day of the Lease Term.

13. Pre-Payment: The Tenant shall: (check one)

- Pre-Pay Rent in the amount of \$_____ for the term starting on _____, 20____ and ending on _____, 20____. The Pre-Payment of Rent shall be due upon the execution of this Agreement.

- Not be required to Pre-Pay Rent.

14. Proration Period: The Tenant: (check one)

- Shall take possession of the Premises before the start of the Lease Term on _____, 20____ and agrees to pay \$_____ for the proration period. The proration rate is calculated by the monthly Rent on a daily basis which shall be paid by the Tenant upon the execution of this Agreement.

- Shall not be taking possession of the Premises before the Lease Term.

15. Move-In Inspection: Before, at the time of the Tenant accepting possession, or shortly thereafter, the Landlord and Tenant: (check one)

- Agree to inspect the Premises and write any present damages or needed repairs on a move-in checklist.

- Shall not inspect the Premises or complete a move-in checklist.

16. Parking: The Landlord: (check one)

- Shall provide 15 parking space(s) to the Tenant for a fee of \$0 to be paid at the execution of this Agreement on a monthly basis in addition to the rent. The parking space(s) are described as: _____.

- Shall NOT provide parking.

17. Sale of Property: If the Premises is sold, the Tenant is to be notified of the new Owner, and if there is a new Manager, their contact details for repairs and maintenance shall be forwarded. If the Premises is conveyed to another party, the new owner: (check one)

- Has the right to terminate this Agreement by providing 15 days' notice to the Tenant.

- Does not have the right to terminate this Agreement.

18. Early Termination: The Tenant: (check one)

- Shall have the right to terminate this Agreement at any time by providing at least ___ days' written notice to the Landlord along with an early termination fee of \$_____ (US Dollars). During the notice period for termination the Tenant will remain responsible for the payment of rent.

- Shall not have the right to terminate this Agreement.

19. Smoking Policy: Smoking on the Premises is: (check one)

- Permitted ONLY in the following areas: _____.

- Prohibited on the Premises and Common Areas.

20. Pets: The Tenant: (check one)

- Shall have the right to have ___ pet(s) on the Premises consisting of _____ [Types of Pets Allowed] that are not to weigh over ___ pounds. For the right to have pet(s) on the Premises the Landlord shall charge a fee of \$_____ that is non-refundable refundable unless there are damages related to the pet. The Tenant is responsible for all damage that any pet causes, regardless of ownership of said pet and agrees to restore the Premises to its original condition at their expense.

- Shall not have the right to have pets on the Premises or in the common areas.

21. Waterbeds: The Tenant: (check one)

- Shall have the right to use a waterbed on the Premises.

- Shall not have the right to use a waterbed on the Premises.

22. Notices: Any notice to be sent by the Landlord or the Tenant to each other shall use the following addresses:

Landlord's / Agent's Address:

4018 S 9th Street Columbus, NE 68601 _____.

Tenant's Mailing Address: (check one)

- The Premises.

- Other. _____.

23. Agent / Manager: (check one)

- The Landlord does have a manager on the Premises that can be contacted for any maintenance or repair at:

Name: _____

Telephone (____) _____ - _____ E-Mail _____

- The Landlord does not have a manager on the Premises although the Landlord can be contacted for any maintenance or repair at:

Telephone (402) 270 - 2215 E-Mail baileylehr@hotmail.com

24. Possession: Tenant has examined the condition of the Premises and by taking possession acknowledges that they have accepted the Premises in good order and in its current condition except as herein otherwise stated. Failure of the Landlord to deliver possession of the Premises at the start of the Lease Term to the Tenant shall terminate this Agreement at the option of the Tenant. Furthermore, under such failure to deliver possession by the Landlord, and if the Tenant cancels this Agreement, the Security Deposit (if any) shall be returned to the Tenant along with any other pre-paid rent, fees, including if the Tenant paid a fee during the application process before the execution of this Agreement.

25. Access: Upon the beginning of the Proration Period or the start of the Lease Term, whichever is earlier, the Landlord agrees to give access to the Tenant in the form of keys, fobs, cards, or any type of keyless security entry as needed to enter the common areas and the Premises. Duplicate copies of the access provided may only be authorized under the consent of the Landlord and, if any replacements are needed, the Landlord may provide them for a fee. At the end of this Agreement all access provided to the Tenant shall be returned to the Landlord or a fee will be charged to the Tenant or the fee will be subtracted from the Security Deposit.

26. Subletting: The Tenant shall not be able to sublet the Premises without the written consent from the Landlord. The consent by the Landlord to one subtenant shall not be deemed to be consent to any subsequent subtenant.

27. Abandonment: If the Tenant vacates or abandons the Premises for a time-period that is the minimum set by State law or seven (7) days, whichever is less, the Landlord shall have the right to terminate this Agreement immediately and remove all belongings including any personal property off of the Premises. If the Tenant vacates or abandons the Premises, the Landlord shall immediately have the right to terminate this Agreement.

28. Assignment: Tenant shall not assign this Lease without the prior written consent of the Landlord. The consent by the Landlord to one assignment shall not be deemed to be consent to any subsequent assignment.

29. Right of Entry: The Landlord shall have the right to enter the Premises during normal working hours by providing at least twenty-four (24) hours' notice in order for inspection, make necessary repairs, alterations or improvements, to supply services as agreed or for any reasonable purpose. The Landlord may exhibit the Premises to prospective purchasers, mortgagees, or lessees upon reasonable notice.

30. Maintenance, Repairs, or Alterations: The Tenant shall, at their own expense and at all times, maintain premises in a clean and sanitary manner, and shall surrender the same at termination hereof, in as good condition as received, normal wear and tear excepted. The Tenant may not make any alterations to the leased premises without the consent in writing of the Landlord. The Landlord shall be responsible for repairs to the interior and exterior of the building. If the Premises includes a washer, dryer, freezer, dehumidifier unit and/or air conditioning unit, the Landlord makes no warranty as to the repair or replacement of units if one or all shall fail to

operate. The Landlord will place fresh batteries in all battery-operated smoke detectors when the Tenant moves into the premises. After the initial placement of the fresh batteries it is the responsibility of the Tenant to replace batteries when needed. A monthly "cursory" inspection may be required for all fire extinguishers to make sure they are fully charged.

31. Noise / Waste: The Tenant agrees not to commit waste on the premises, maintain, or permit to be maintained, a nuisance thereon, or use, or permit the premises to be used, in an unlawful manner. The Tenant further agrees to abide by any and all local, county, and State noise ordinances.

32. Guests: There shall be no other persons living on the Premises other than the Tenant and any Occupant(s). Guests of the Tenant are allowed for periods not lasting for more than 48 hours unless otherwise approved by the Landlord in writing.

33. Compliance With Law: The Tenant agrees that during the term of the Agreement, to promptly comply with any present and future laws, ordinances, orders, rules, regulations, and requirements of the Federal, State, County, City, and Municipal government or any of their departments, bureaus, boards, commissions and officials thereof with respect to the premises, or the use or occupancy thereof, whether said compliance shall be ordered or directed to or against the Tenant, the Landlord, or both.

34. Default: If the Tenant fails to comply with any of the financial or material provisions of this Agreement, or of any present rules and regulations or any that may be hereafter prescribed by the Landlord, or materially fails to comply with any duties imposed on the Tenant by statute or State laws, within the time period after delivery of written notice by the Landlord specifying the non-compliance and indicating the intention of the Landlord to terminate the Agreement by reason thereof, the Landlord may terminate this Agreement. If the Tenant fails to pay rent when due and the default continues for the time-period specified in the written notice thereafter, the Landlord may, at their option, declare the entire balance (compiling all months applicable to this Agreement) of rent payable hereunder to be immediately due and payable and may exercise any and all rights and remedies available to the Landlord at law or in equity and may immediately terminate this Agreement.

The Tenant will be in default if: (a) Tenant does not pay rent or other amounts that are owed; (b) Tenant, their guests, or the Occupant(s) violate this Agreement, rules, or fire, safety, health, or criminal laws, regardless of whether arrest or conviction occurs; (c) Tenant abandons the Premises; (d) Tenant gives incorrect or false information in the rental application; (e) Tenant, or any Occupant(s) is arrested, convicted, or given deferred adjudication for a criminal offense involving actual or potential physical harm to a person, or involving possession, manufacture, or delivery of a controlled substance, marijuana, or drug paraphernalia under state statute; (f) any illegal drugs or paraphernalia are found in the Premises or on the person of the Tenant, guests, or Occupant(s) while on the Premises and/or; (g) as otherwise allowed by law.

35. Multiple Tenant or Occupant(s): Each individual that is considered a Tenant is jointly and individually liable for all of this Agreement's obligations, including but not limited to rent monies. If any Tenant, guest, or Occupant(s) violates this Agreement, the Tenant is considered to have violated this Agreement. Landlord's requests and notices to the Tenant or any of the Occupant(s) of legal age constitutes notice to the Tenant. Notices and requests from the Tenant or any one of the Occupant(s) (including repair requests and entry permissions) constitutes notice from the Tenant. In eviction suits, the Tenant is considered the agent of the Premise for the service of process.

36. Disputes: If a dispute arises during or after the term of this Agreement between the Landlord and Tenant, they shall agree to hold negotiations amongst themselves, in "good faith", before any litigation.

37. Severability: If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

38. Surrender of Premises: The Tenant has surrendered the Premises when (a) the move-out date has passed, and no one is living in the Premise within the Landlord's reasonable judgment; or (b) Access to the Premise have been turned in to Landlord – whichever comes first. Upon the expiration of the term hereof, the Tenant shall surrender the Premise in better or equal condition as it were at the commencement of this Agreement, reasonable use, wear and tear thereof, and damages by the elements excepted.

39. Retaliation: The Landlord is prohibited from making any type of retaliatory acts against the Tenant including but not limited to restricting access to the Premises, decreasing or cancelling services or utilities, failure to repair appliances or fixtures, or any other type of act that could be considered unjustified.

40. Waiver: A Waiver by the Landlord for a breach of any covenant or duty by the Tenant, under this Agreement is not a waiver for a breach of any other covenant or duty by the Tenant, or of any subsequent breach of the same covenant or duty. No provision of this Agreement shall be considered waived unless such a waiver shall be expressed in writing as a formal amendment to this Agreement and executed by the Tenant and Landlord.

41. Equal Housing: If the Tenant possesses any mental or physical impairment, the Landlord shall provide reasonable modifications to the Premises unless the modifications would be too difficult or expensive for the Landlord to provide. Any impairment(s) of the Tenant are encouraged to be provided and presented to the Landlord in writing in order to seek the most appropriate route for providing the modifications to the Premises.

42. Hazardous Materials: The Tenant agrees to not possess any type of personal property that could be considered a fire hazard such as a substance having flammable or explosive characteristics on the Premises. Items that are prohibited to be brought into the Premises, other than for everyday cooking or the need of an appliance, includes but is not limited to gas (compressed), gasoline, fuel, propane, kerosene, motor oil, fireworks, or any other related content in the form of a liquid, solid, or gas.

43. Indemnification: The Landlord shall not be liable for any damage or injury to the Tenant, or any other person, or to any property, occurring on the Premises, or any part thereof, or in common areas thereof, and the Tenant agrees to hold the Landlord harmless from any claims or damages unless caused solely by the Landlord's negligence. It is recommended that renter's insurance be purchased at the Tenant's expense.

44. Covenants: The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, and assigns of the parties hereto, and all covenants are to be construed as conditions of this Agreement.

45. Premises Deemed Uninhabitable: If the Premises is deemed uninhabitable due to damage beyond reasonable repair the Tenant will be able to terminate this Agreement by written notice to

the Landlord. If said damage was due to the negligence of the Tenant, the Tenant shall be liable to the Landlord for all repairs and for the loss of income due to restoring the Premises back to a livable condition in addition to any other losses that can be proved by the Landlord.

46. Leas Paint: (check one)

- The Premises was built prior to 1978 and there is an attachment titled the 'Lead-Based Paint Disclosure' that must be initialed and signed by the Landlord and Tenant.

- The Premises was not built prior to 1978.

47. Governing Law: This Agreement is to be governed under the laws of the State where the Premises is located.

48. Additional Terms & Conditions: _____

49. Entire Agreement: This Agreement contains all the terms agreed to by the parties relating to its subject matter including any attachments or addendums. This Agreement replaces all previous discussions, understandings, and oral agreements. The Landlord and Tenant agree to the terms and conditions and shall be bound until the end of the Lease Term.

Landlord's Signature Lance Lehr Date: 10-25-23

Print Name: Lance Lehr

Tenant's Signature _____ Date: 10-25-23

Print Name: Richard

Tenant's Signature Fabianne Date: 10-25-23

Print Name: Fabianne

Agent's Signature Bailey Lehr Date: 10-25-23

Print Name: Bailey Lehr

FARICUBA LLC.

BUSINESS PLAN

Year 2023 - 2024

	Description	Star	Finished	Observations
1	LLC Constitution	6/1/2023	7/18/2023	
2	Process licenses and permits	7/18/2023		In progress
3	Hiring of an accounting advisor	9/1/2023	9/1/2023	
4	Registration in Nebraska Revenue Department	9/1/2023	9/15/2023	
5	Monthly Sales Tax Declarations	10/1/2023		In progress
6	Locate and rent the place to develop the activity	9/1/2023	11/1/2023	
7	Locate and select merchandise suppliers	9/1/2023		In progress
8	Cleaning and conditioning of the rented premises	11/1/2023	11/15/2023	
9	Hiring of electricity, water and internet services	11/1/2023	11/15/2023	
10	Cafeteria opening	11/30/2023		
11	Hiring of the service provider and card payments service	11/5/2023	11/20/2023	
12	Buying cooking equipment and accessories	11/1/2023		In progress
13	Start of remodeling and painting of the premises	12/20/2023		In progress
14	License application for the sale of alcoholic beverages	1/5/2024		In progress
15	Purchase of furniture for the restaurant	2/15/2024		Pending
16	Restaurant service opening	2/20/2024		Pending
17	Rehabilitation of the office area and warehouse	3/15/2024		Pending
18	Other tasks pending project			

7.B. Public hearing - Application from Columbus Petroleum LLC dba NP Mart 26 for Class D liquor license at 771 33 Avenue and Anne Gordon as manager.

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

You are hereby notified that a public hearing before the city council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a retail liquor license for Columbus Petroleum LLC dba NP Mart 26, 771 33 Avenue, Columbus, NE, and at said time and place you may appear and be heard.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish 05:09:24
Two Affidavits of Publication



COLUMBUS POLICE DEPARTMENT

2330 14th Street • Columbus, Nebraska 68601 • Phone (402) 564-3201 • Fax (402) 562-7325

TO: HONORABLE MAYOR AND CITY COUNCIL
CITY OF COLUMBUS

FROM: CHARLES L. SHERER, CHIEF OF POLICE 

DATE: MAY 6, 2024

SUBJECT: NP MART 26
771 33RD AVENUE
COLUMBUS, NEBRASKA

LIQUOR MANAGERS: ANNE GORDON

NP Mart is a gas station/convenience store in Columbus.

A. The adequacy of existing law enforcement resources and services in the area:

There are adequate law enforcement resources and services in the area.

B. The recommendation of the police department or any other law enforcement agency:

The Columbus Police Department has no recommendation.

C. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking:

There is heavy motor vehicle traffic at this location. There seems to be no traffic or parking problems. There will be adequate parking within their parking lot.

D. Zoning restrictions and the local governing body's zoning and land-use policies:

The area is zoned for business.

- E. Sanitation or sanitary conditions on or about the proposed licensed premises:

Sanitation or sanitary conditions are in order.

- F. The existence of a citizen's protest or opposition to the application:

There is no known citizen protest or opposition to the application.

- G. The existing population and projected growth within the jurisdiction of the local governing body and within the area to be served:

There is normal projected population growth within the jurisdiction of the local governing body and within the area to be served.

- H. The existing liquor licenses, the class of each such license, and the distance and times of travel between establishments issued such licenses:

There are two liquor licenses in the near vicinity of this location. One is at Kat's Car Wash & Gas which is across the street. The other is Godfather's Pizza which is next door to Kat's Car Wash & Gas. There is also Pawnee Bar which is 0.1 miles away or a 3 minute walk, Columbian Club is 0.2 miles or a 4 minute walk, and Van Berg Golf Course which is 0.7 miles away or a 15 minute walk.

- I. Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located:

The proposed license is compatible with this area.

- J. Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in section 53-101.01:

The type of business and activity proposed will be consistent with public intent.

- K. Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with section 53-102:

There is no evidence shown that the applicant will not ensure that all alcoholic beverages will be handled by persons in accordance with section 53-102.

- L. Whether the applicant has taken every reasonable precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area which is reasonably secured:

There is no evidence that the applicant will not take every reasonable precaution to prevent shoplifting and the area is reasonably secured.

- M. Whether the applicant is fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of, and rules and regulations adopted and promulgated pursuant to the act:

There is no evidence showing that the applicant is not fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of, and rules and regulations adopted and promulgated pursuant to the act.

- N. Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of, and rules and regulations adopted promulgated pursuant to the act:

There is no evidence shown that the applicant will not demonstrate that the type of management and control over the licensed premises and will ensure that the licensee can conform to all the provisions and requirements of, and rules and regulations adopted promulgated pursuant to the act.

- O. The background information of the applicant established by information contained in the public records of the commission and investigations conducted by law enforcement agencies:

The background information does not reveal any felony arrests or violations of the applicant.

- P. Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, and other governmental board or agency of the local governing body, and other governmental unit, or any court of law:

There is no evidence of discrimination involving the applicant.

- Q. Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the commission or local body or the employees of the commission or local governing body in

regards to the license application or liquor investigations. The applicant shall be required to cooperate in providing a full disclosure to the investigation agents of the local governing body.

The applicant and applicant's representatives have not suppressed or provided inaccurate information to the local governing body.

- R. Proximity of and impact on schools, hospitals, libraries, parks, and other public institutions:

There does not appear that there will be any impact on local schools, libraries, parks, and other public institutions.

- S. Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance:

Activities will not create unreasonable noise.

- T. Compliance with state laws, liquor rules and regulations and municipal ordinances and regulations and whether or not the applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor:

There is no evidence to show that the applicant has forfeited bond to appear in court for violating any liquor law or ordinance relating to alcoholic liquor.

LIQUOR APPLICATION REPORTS
ENGINEER'S REPORT

DATE: April 29, 2024

DUE DATE: May 13, 2024

Applicant

Columbus Petroleum LLC dba NP Mart 26

Address

771 33rd Avenue, Columbus, NE 68601

Legal Description

Lot 2 Blk 3 Speice O L 4 Columbus

IS (x) IS NOT () WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY

**IF NOT, DO NOT PROCEED - NOTIFY THE MUNICIPAL CLERK'S OFFICE
AND RETURN THIS FORM**

Requested License or Action: Class D

Existing Zoning: B-2

Existing Land Use: Commercial

Adjacent Land Use and Zoning:

North: B-2

South: B-2

East: B-2

West: B-2

General Neighborhood/Area Land Uses: Business/Commercial

Designation of Adjacent Street (Local, Collector, Minor or Major Arterial, Expressway): Expressway
33rd Avenue Hwy 81/30 (Westside) 67'

Speed Limit: 35 mph

Average Daily Traffic Count: 23,720 (2021 ADT)



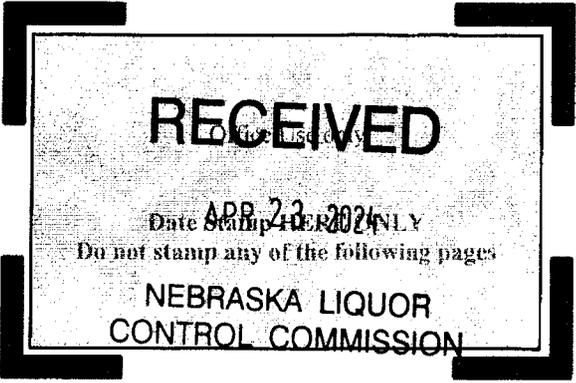
Richard J. Bogus, P.E.
City Engineer

APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License Class: D

License Number:
126411



Office Use Only

NEW/ REPLACING 123104 TOP Yes No

Hot List Yes / No / Initial: HY

PLEASE READ CAREFULLY

See directions on the next page. Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

APPLICANT NAME Columbus Petroleum, LLC

TRADE (DBA) NAME NP Mart 24

PREVIOUS TRADE (DBA) NAME N/A

CONTACT NAME AND PHONE NUMBER Arshad Nazir 414-910-9300

CONTACT EMAIL ADDRESS ranaarshadwi@yahoo.com

Office use only

PAYMENT TYPE Paypost

AMOUNT 9400 - RCPT

RECEIVED: 4/23/24

DATE DEPOSITED _____



DIRECTIONS

Each item must be included with your application

1. Application fee of \$400 (nonrefundable), please pay online thru our PAYPORT system or enclose payment made payable to the Nebraska Liquor Control Commission
2. Enclose the appropriate application forms
 - Individual License (Form 104)
 - Partnership License (Form 105)
 - Corporate License (Form 101 & Form 103)
 - Limited Liability Company (LLC) (Form 102 & Form 103)Corporation or Limited Liability Company (LLC) must be active with the Nebraska Secretary of State
3. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. If permanent resident include Employment Authorization Card or Permanent Resident Card
 - c. See Applicant Guidelines for further assistance
4. Form 147 - Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures".
5. If purchasing an already licensed business; include Form 125—Temporary Operating Permit (TOP)
 - a. Form 125 must be signed by the seller (current licensee) and the buyer (applicant)
 - b. Provide a copy of the business purchase agreement from the seller (current licensee sells "the business currently licensed" to applicant)
 - c. Provide a copy of alcohol inventory being purchased (must include quantity, brand name and container size)
 - d. Enclose a list of the assets being purchased (furniture, fixtures and equipment)
6. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
7. If building is being leased, send a copy of signed lease in the name of the applicant. Lease term must run through the license year being applied for.
8. Submit a copy of your business plan.

CLASS OF LICENSE FOR WHICH CARRYING ON BUSINESS MADE ANTIQUITIES
CHECK DESIRED CLASS

RETAIL LICENSE(S) Application Fee \$400 (non-refundable)
CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31
ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY**
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE**
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES NO
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY**
- F BOTTLE CLUB,
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES NO
- J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
- Class G Growler endorsement (Submit Form 165) – Class C licenses only

**Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES NO

ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert FORM 104)
- Partnership License (requires insert FORM 105)
- Corporate License (requires FORM 101 & FORM 103)
- Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

NAME OF ATTORNEY FOR FIRM ASSOCIATED WITH APPLICATION (if applicable)

Name Sean Kelley Phone Number 402-397-1898

Firm Name Kelley Plucker LLC

Email address sean@kelleyplucker.com / nikki@kelleyplucker.com

Should we contact you with any questions on the application? YES NO

PREMISES INFORMATION

Trade Name (doing business as) NP Mart 26
Street Address 771 33rd Ave
City Columbus County Platte Zip Code 68601-6427
Premises Telephone number TBD
Business e-mail address ranaarshadwi@yahoo.com
Is this location inside the city/village corporate limits YES X NO

MAILING ADDRESS (where you want to receive mail from the commission)

Check if same as premises

Name NP Mart's
Street Address 3024 Ames Avenue
City Omaha State NE Zip Code 68111-2459

DESCRIPTION AND DIMENSIONS OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM OF THE AREA TO BE LICENSED
DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS
PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)
INDICATE THE DIRECTION OF NORTH

Building length 50' x width 36' in feet
Is there a basement? Yes No X If yes, length x width in feet
Is there an outdoor area? Yes No X If yes, length x width in feet+
*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing
Number of floors of the building 1

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET



APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Arshad Nazir	12/2014	Omaha NE	speeding	fine
	11/2014	Omaha NE	speeding	fine
	5/2017	Omaha NE	speeding	fine
	3/2019	Omaha NE	improper lane change	fine
	minor traffic violations in IA			
Nabila Arshad	9/2019	Omaha NE	speeding	fine

2. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, provide business name and license number Parkview Express D-123104

3. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number _____

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes

- a) Attach temporary operating permit (TOP) (Form 125)
 - a) Submit a copy of the business purchase agreement _____
 - b) Include a list of alcohol being purchased, list the name brand, container size and how many _____
 - c) Submit a list of the furniture, fixtures and equipment _____

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) American National Bank

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (all involved persons must be disclosed on application)

No silent partners 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1,100)

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Nebraska Revised Statute 53-177(1) AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

YES NO

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.
a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

American National Bank a) Arshad Nazir

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

see attached list

License Holder	Location	License Number
Rana Petroleum, LLC	Omaha NE	121104
MSM Petroleum, LLC	Omaha NE	106718
Rana Property, LLC	Omaha NE	122216
MS Petroleum, LLC	Omaha NE	122146
Mukarab Petroleum, LLC	Omaha NE	123735
Mailka Petroleum, LLC	Omaha NE	123827
JR Convenience, LLC	Omaha NE	123317
Mekal Petroleum, LLC	Wahoo NE	122944
Shemaz Petroleum, LLC	Lincoln NE	123318
Shahmeer Petroleum, LLC	Omaha NE	124426
Rahama Petroleum, LLC	Omaha NE	124721
23rd Street Petroleum, LLC	Fremont NE	125011
Bell Street Petroleum, LLC	Fremont NE	125012
Nebraska City Petroleum, LLC	Nebraska City NE	125013
Arlington Petroleum, LLC	Arlington NE	125098
Valley Petroleum LLC	Valley NE	125126
Omaha Ave Petroleum	Omaha NE	125438
30th Street Petroleum LLC	Omaha NE	125363
West Norfolk LLC	Norfolk NE	125436
East Norfolk LLC	Norfolk NE	125437
Midtown Petroleum LLC	Omaha, NE	126180
Hurtington Petroleum LLC	Hartington, NE	126331
Kidan Petroleum, LLC	Omaha, NE	126346

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

Experience

Applicant Name/Job Title	Date of Employment	Name & Location of Business
Arshad Nazir- OWNER	2019-present	NP Marts - Omaha, Wahoo, Fremont, Lincoln, Valley, NE City, Arlington, Norfolk

13. If the property is owned, submit a copy of the deed or proof of ownership. If leased, submit a copy of the lease covering the entire license year.

Documents must be in the name of applicant as owner or lessee

Lease expiration date _____
 Deed _____
 Purchase Agreement

14. When do you intend to open for business? upon issuance of license

15. What will be the main nature of business? convenience store / gas station

16. What are the anticipated hours of operation? 24 hours

17. List the principal residence(s) for the past 10 years for ALL persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS					
APPLICANT CITY & STATE	YEAR		SPOUSE CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Papillion, NE	2019	2024	same		
Omaha, NE	2015	2019	↓		
Lincoln, NE	2014	2015			

If necessary, attach a separate sheet

SIGNATURE PAGE - PLEASE READ CAREFULLY

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

**Must be signed by all applicant(s) and spouse(s) owning more than 25%
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**

ARSHAD

Signature of APPLICANT

ARSHAD NAZIR

Printed Name of APPLICANT

Nabila Deef

Signature of SPOUSE

Nabila ARSHAD

Printed Name of SPOUSE

Signature of APPLICANT

Printed Name of APPLICANT

Signature of SPOUSE

Printed Name of SPOUSE

Nebraska Secretary of State

COLUMBUS PETROLEUM LLC

Thu Apr 25 09:45:14 2024

SOS Account Number

2403074979

Status

Active

Principal Office Address

No address on file

Registered Agent and Office Address

ARSHAD NAZIR

3024 AMES AVENUE

OMAHA, NE 68111

Designated Office Address

3024 AMES AVENUE

OMAHA, NE 68111

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Mar 11 2024

Next Report Due Date

Jan 01 2025

Filed Documents

Filed documents for COLUMBUS PETROLEUM LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Document	Date Filed	Price	
Certificate of Organization	Mar 11 2024	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now

Good Standing Documents

- If you need your Certificate of Good Standing Apostilled or Authenticated for use in another country, you must contact the Nebraska Secretary of State's office directly for information and instructions. Documents obtained from this site cannot be Apostilled or Authenticated.

Online Certificate of Good Standing with Electronic Validation
\$6.50

This certificate is available for immediate viewing/printing from your desktop. A Verification ID is provided on the certificate to validate authenticity online at the Secretary of State's website.

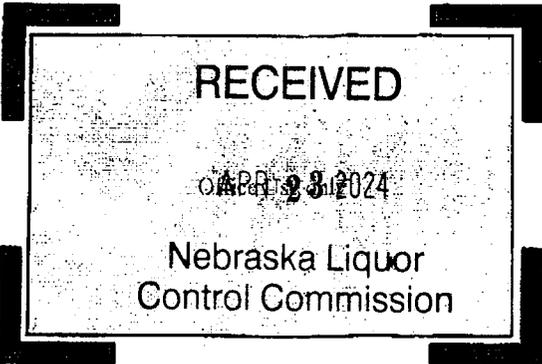
[Purchase Now](#)

LIMITED LIABILITY COMPANY (LLC)

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License
Class: _____

License Number: _____



INSTRUCTIONS

1. All members and spouses must be listed
2. Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the application
3. Managing/Contact member and all members holding over 25% interest and their spouses must submit fingerprints. See Form 147 for further information
4. Attach copy of Articles of Organization

~~Name of Limited Liability Company that will hold license as listed on the Articles of Organization~~

Columbus Petroleum, LLC

Name of Registered Agent: Arshad Nazir

LLC Address: 3024 Ames Avenue

City: Omaha State: NE Zip Code: 68111

LLC Phone Number: 414-916-9300 LLC Fax Number: _____

~~Name of Managing/Contact Member~~

Name and information of contact member must be listed on following page

Last Name: Nazir First Name: Arshad MI: _____

Home Address: 7906 Shadow Lake Dr. City: Papillion

State: NE Zip Code: 68046 Home Phone Number: 414-916-9300

Signature of Managing/Contact Member

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: NAZIR First Name: Arshad MI: _____

Spouse Full Name (indicate N/A if single): Nabila Arshad

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

~~Is the applying Limited Liability Company owned 100% by another corporation/LLC?~~

YES NO

If yes, Form 185 is required

~~Indicate the company's tax year with the IRS. (Example: January through December)~~

Starting Date: January Ending Date: December

~~Is this a Non-Profit Corporation?~~

YES NO

If yes, provide the Federal ID #. _____

Certificate of Organization

Name of Business-

Columbus Petroleum, LLC

Designated Office-

3024 Ames Avenue Omaha, Nebraska, 68111

Principal Office-

3024 Ames Avenue Omaha, Nebraska, 68111

Name and Address of Agent-

Arshad Nazir

3024 Ames Avenue Omaha, Nebraska, 68111

Contact Telephone Number: 414-916-9300

Nature of Business: Convenience Store

Signatures



Arshad Nazir

**MANAGER APPLICATION
FORM 103**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

License
Class: _____

License Number: _____



MANAGER MUST:

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a **member or corporate officer**
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate, US Passport, naturalization papers OR legal resident documentation
- Be a resident of the state of Nebraska and if an US citizen be a registered voter in the State of Nebraska
- Spouse who **will** participate in the business, the **spouse must meet the same requirements as the manager applicant:**

Spouse who **will not** participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

SIGNATURE REQUIRED BY CORPORATE OFFICER/ MANAGING MEMBER

Name of Corporation/LLC: Columbus Petroleum, LLC

SIGNATURE REQUIRED BY APPLICANT

Premises Trade Name/DBA: NP Mart 210

Premises Street Address: 771 33rd Ave

City: Columbus County: Platte Zip Code: 68401

Premises Phone Number: TBD

Premises Email address: ranaarshadwi@yahoo.com

SIGNATURE REQUIRED BY CORPORATE OFFICER/ MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



MANAGER INFORMATION

Last Name: Gordon First Name: Anne MI: F

Home Address: 3907 N 47th Avenue

City: Omaha County: Douglas Zip Code: 68104

Home Phone Number: 402-210-8949



Email address: petro.mart@yahoo.com

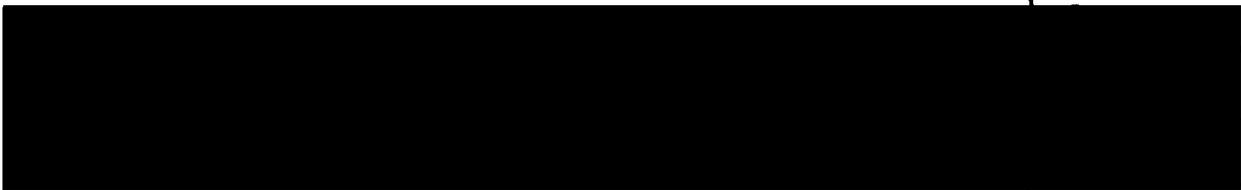
Are you married? (Yes, complete spouse information; if no, no spousal affidavit is required)

YES

NO

Spouse information

Spouses Last Name: Gordon First Name: William MI: H



APPLICANT & SPOUSE MUST DISCLOSE IDENICITY FOR THE PAST TEN (10) YEARS

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
<u>Omaha, NE</u>	<u>2014</u>	<u>2024</u>	<u>same</u>		

MANAGERS LIST FROM EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2015	present	NP Mart	Arshad Nazir	414-911-9300
2008	2015	Howells Service	Gary Olson	402-451-1150

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Anne Gordon	5/2016	Omaha NE	improper turn	fine
	5/2018	Council Bluffs IA	running red light	fine
William Gordon	7/2003	Omaha NE	domestic child neglect	probation

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

NP Markets & Chubbos
(see attached list)

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Anne Gordon	10/2022	NE Alcohol Server/Seller Certification

*For list of NLCC Certified Training Programs see [training](#)

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed Form 147 regarding fingerprints?

YES NO



SIGNATURE PAGE - PLEASE READ CAREFULLY

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Must be signed by applicant and spouse.

Anne Gordon
Signature of **APPLICANT**

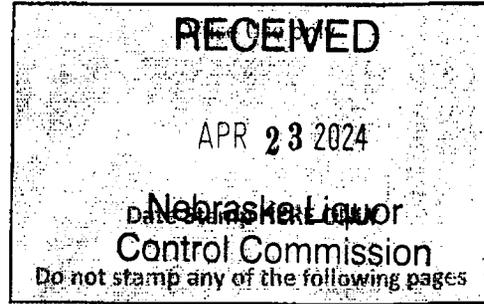
William Gordon
Signature of **SPOUSE**

Anne Frances Gordon
Printed Name of **APPLICANT**

William Gordon
Printed Name of **SPOUSE**

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:
DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of **\$45.25 per person** **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/nsp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****

The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name NP Mart 26

Name of Person Being Fingerprinted: Arshad Nazir

Date fingerprints were taken: _____

Location where fingerprints were taken: NSP

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

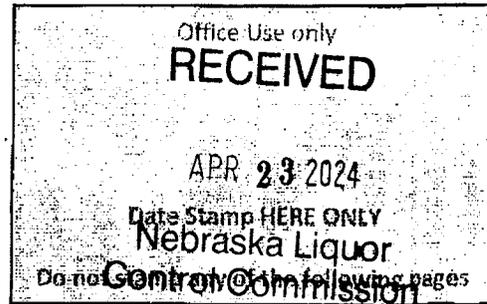
My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Arshad Nazir

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

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The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521

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Applicant(s) will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants;
Fingerprint cards should be submitted with the application.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.

****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name NP MART 2U

Name of Person Being Fingerprinted: Nabila Arshad

Date fingerprints were taken: NSP

Location where fingerprints were taken: _____

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

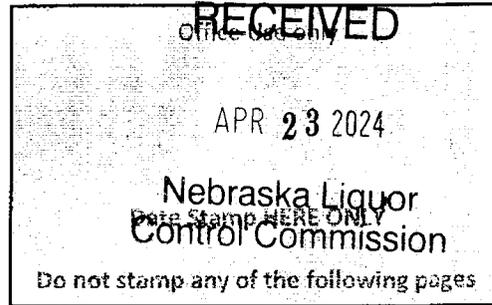
My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Nabila Arshad

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

**PRIVACY ACT STATEMENT/
SUBMISSION OF FINGERPRINTS /
PAYMENT OF FEES TO NSP-CID**

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PO BOX 95046
LINCOLN, NE 68509-5046
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DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

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It is recommended to make payment through the NSP PayPort online system at www.ne.gov/go/osp
Or a check made payable to **NSP** can be mailed directly to the following address:
*****Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License*****
The Nebraska State Patrol – CID Division
4600 Innovation Drive
Lincoln, NE 68521
- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
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****Please Submit this form with your completed application to the Liquor Control Commission****

Trade Name NP Mart 2U

Name of Person Being Fingerprinted: Anne Gordon

Date fingerprints were taken: 11/17/23

Location where fingerprints were taken: NSP

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Anne Gordon

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED



[Back to Lookup](#) / [Registrant Detail](#)

Anne F Gordon

Political Party
Democratic

Precinct
02-28

Election Details

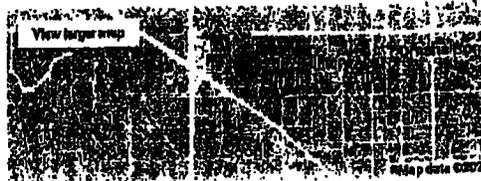
05/11/2021 Omaha City General

We did not find an absentee or provisional ballot associated with the selected election. This website does not track the status of a traditional ballot voted at the polls. If you voted a traditional ballot at the polls, your ballot has been accepted and counted.

Polling Location

Benson Park Pavilion

7002 Military Avenue Omaha, NE 68104



Ballot Styles

066

Districts

Show

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HOSPITALITYEXAM.COM
Affordable Certifications for Hospitality Professionals

Exam.com

Certificate of Completion

This is to certify that

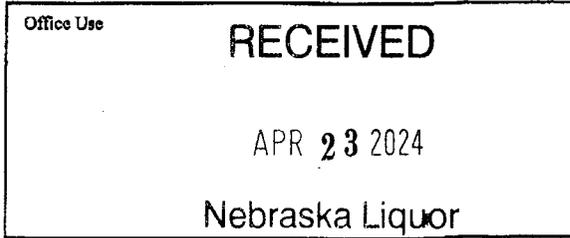
Anne Gordon

has successfully completed the following
HOSPITALITYEXAM.COM course and exam:
Course Name: Nebraska Alcoholic Beverage Control

Expiry Date: 06/29/23
Exam ID: 12345678
Course ID: 12345678
Exam Date: 06/29/23

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.loc.nebraska.gov



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. The penalty guideline for violation of this affidavit is cancellation of the liquor license.

I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If, it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke the liquor license.

William Gordon
Signature of **NON-PARTICIPATING SPOUSE**

William Gordon
Print Name

Anne Gordon
Signature of **APPLICANT**

Anne Gordon
Print Name

State of Nebraska, County of Douglas

The foregoing instrument was acknowledged before me
this 4-19-24 (date)

by William Gordon
Name of person acknowledged
(Individual signing document)

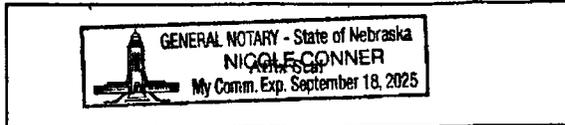
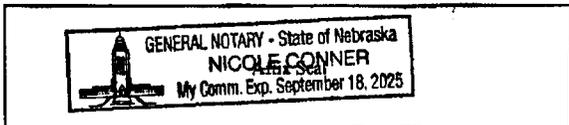
State of Nebraska, County of Douglas

The foregoing instrument was acknowledged before me
this 4-19-24 (date)

by Anne Gordon
Name of person acknowledged
(Individual signing document)

Nicole Conner
Notary Public Signature

Nicole Conner
Notary Public Signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.



THIS IS A LEGALLY BINDING AGREEMENT. IF NOT UNDERSTOOD, SEEK LEGAL ADVICE. The REALTOR® negotiating this Agreement is a member of the Nebraska REALTORS® Association and as such is governed by its Code of Ethics and Rules and Regulations.



COMMERCIAL PURCHASE AGREEMENT

C.S. Nelson Co. Real Estate, 2055 33rd Avenue, Columbus, NE 68601 April 3, 2024 (Firm and address) (date)

Agency Confirmation: The following agency relationship(s) are hereby confirmed for this transaction.

Agent: Jeff Gokie of C.S. Nelson Co. Real Estate, (company) (402) 270-2304 (agent's cell)

Is the agent of: [X] Seller exclusively [] Buyer exclusively [] both the Buyer and Seller (Limited Dual Agent)

Agent: N/A of (company) (agent's cell)

Is the agent of: [] Seller exclusively [] Buyer exclusively [] both the Buyer and Seller (Limited Dual Agent)

The undersigned, as Buyer, agrees to purchase the following property on the following terms:

- 1. Address: 771 33rd Avenue, Columbus, NE 68601
2. Legal Description: Lot 2, Block 3, Spacie Outlot 4, Columbus, Platte County, Nebraska (Property)

3. Personal Property. [X] If checked, the purchase price includes all furniture and furnishings and any other personal property owned by Seller and used in the operation of the property per attached signed inventory, receipt of which is hereby acknowledged. The inventory is hereby made an integral part of this Agreement upon its execution by both parties. Said personal property is to be transferred by Bill of Sale in favor of Buyer at closing.

Including all fixtures and equipment permanently attached to Property owned by Seller provided Seller has a marketable title in fee simple. The only personal property included is as follows: See attachment "A" and attachment "B".

4. Price. Buyer agrees to pay \$ 775,000.00, allocated \$--- for land and buildings and \$--- for the personal property, on the following terms: an earnest money deposit of \$ 10,000.00 at this time as shown by the receipt herein. If paid by check, it will be cashed. If the selling broker is other than the listing broker the earnest money will be transferred to the listing broker upon acceptance. All monies shall be deposited in a trust account, to be held until the time of closing or until transferred to an escrow agent by Agreement of Buyer and Seller. Balance to be paid as shown in the following Paragraph(s) # B

A. Cash at Closing - No Financing Being Required: Balance of \$ shall be paid in cash, or by certified or cashier's check at time of closing. Buyer to provide Seller a letter from a government regulated depository showing evidence of said funds within 10 calendar days of acceptance of this offer or this offer shall be null and void with the earnest money forfeited to the Seller.

B. Conditional Upon Loan: Balance of \$ 765,000.00 shall be paid in cash, or certified or cashier's check at time of delivery of deed, contingent upon Buyer's ability to obtain a loan, to be secured by first mortgage or deed of trust, on above described Property in the amount of \$ 581,250.00 on the following terms: initial interest not exceeding 8.000 % per annum; amortized over not less than 20 years; points not to exceed ---. Loan origination and all service fees shall be

Page 1 of 7

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Seller: JG, Buyer: AN, Date: 4-3-24, Date: 04/03/24

paid by Buyer. Buyer agrees to make application for the loan within 7 days of acceptance of this offer, sign all papers, pay all costs, except as provided herein, and to establish escrow reserves for taxes and insurance if required by Lender. If processing of the application has not been completed by the lending agency by the closing date stated elsewhere in this Agreement, such time limit shall be automatically extended until the lending agency has, in the normal course of its business, advised either approval or rejection. Seller may cancel this Agreement any time after 60 days unless Buyer shall have previously provided to Seller a copy of Buyer's written, non-contingent loan approval from a government regulated lender.

5. **Title.** Seller agrees to convey marketable title to Buyer by warranty deed or _____ free and clear of all liens, encumbrances, special assessments levied or assessed and subject to all easements and restrictions or covenants now of record. Buyer shall be furnished a current title insurance commitment before closing and a title insurance policy insuring good and marketable title. The cost of the title insurance shall be paid as follows:

- Title Insurance policy paid by: (select one) Seller Buyer Divided equally
- Lenders Policy paid by: (select one) Seller Buyer Divided equally
- Endorsements paid by: (select one) Seller Buyer Divided equally

6. **Real Estate Taxes/Prorations.** Seller shall pay all taxes to and including December 31, 2023 (date). Taxes for the calendar year 2024, together with interest, rents, prepaid services, and other expenses of the property, if any, shall be prorated to the date of possession/closing. Taxes shall be prorated on the basis of the county assessor's valuation at the date of closing and the most recently certified mill levy.

7. **Compliance with Law.** Seller shall comply with all federal, state and local laws applicable to the sale or transfer of the property, including but not limited to installing smoke detectors or providing inspections.

8. **Maintenance/Repairs/Replacements, Cost to Seller.** Seller agrees to maintain the property in its condition on the date hereof until initial delivery of possession which maintenance shall include, but not be limited to, the building, lawn, parking lot, heating, air conditioning, water heater, sewer, plumbing, electrical system, and any appliances.

9. **Due Diligence.** This agreement is contingent upon Buyers satisfaction of the property after the opportunity for inspections. Buyer, or any designee, at Buyer's expense (or as otherwise agreed), shall have the right to any inspections desired of the real estate and personal property to be sold hereunder on or before June 20, 2024 (date) (the "inspection deadline"). Buyer shall give written notice to the Seller of any unsatisfactory conditions of the property or rescission of this agreement on or before 5 days after the inspection deadline (the "rescission deadline"). If the Buyer fails to notify the Seller of any unsatisfactory conditions or rescission by such deadline, Buyer agrees to accept the property in its condition on the inspection deadline. If such a notice of unsatisfactory condition is received by the Seller as set forth above, this Agreement shall terminate 14 days after the rescission deadline (the "settlement deadline") unless Seller and Buyer have agreed to a settlement in writing or Buyer has waived such condition in writing.

If checked, Buyer requests a termite and wood destroying insect inspection of the property and all buildings thereon at Buyer's expense. Should evidence of termites or wood destroying insects be found, the property shall be treated at Seller's expense by a commercially licensed applicator who has met the certification requirement of the Nebraska Pesticide Act for treatment of termites and wood destroying insects. Buyer agrees to accept the treated property. If visible evidence of previously treated infestation, which is now inactive, is found, treatment shall not be required. Should damage from such insects be found, the damage shall be corrected at Seller's expense. However, if the cost required for repairs exceeds 1% of the purchase price, either Seller or Buyer may rescind this Agreement.

10. **Utilities.** Seller agrees to have the following utilities turned on, if not currently on, for inspections and/or appraisal.

- Electric Gas Water Other _____

11. **Access to Property.** Seller shall provide reasonable access to Buyer, Buyer's inspectors or agents to timely fulfill this Agreement and to representatives of Buyer's Lender to accommodate financing.

12. **Condition of Property.** Seller represents (1) that to the best of Seller's knowledge, there are no defects in the property that are not readily ascertainable and which significantly affect the desirability or value of the property, or which the Seller has not disclosed to Buyer in writing dated _____ and (2) that Seller has no notice of violations of any local state or federal laws, rules and regulations relating to the property.

If checked, a disclosure is attached.

Seller: SIB / _____ Buyer: AN / _____
Date: 4-3-24 Date: 04/03/24

13. **Risk of Loss.** Risk of loss or damage to Property, prior to closing date, shall be the responsibility of Seller. If, prior to closing, the Property is materially damaged by fire, explosion or any other cause, Buyer shall have the right: i) to require the premises to be restored to the condition at execution hereof; ii) to adjust the price to the value subject to the damage; or iii) to rescind this Agreement.

14. **Possession and Closing.** Closing of the sale shall be on on or before 7/10/24 (date) or within - - - days after loan approval, whichever shall last occur. Possession of Property shall be given on upon closing (date) but not before closing. This Agreement shall in no manner be construed to convey Property or to give any right of possession. Buyer shall have the right to make a final inspection of Property prior to closing to ascertain that all conditions of this Agreement have been met. Time is of the essence in this Agreement.

15. **Escrow Closing.** Buyer and Seller agree that the closing of the sale may be handled by an escrow agent. If so, the listing broker is authorized to transfer to the escrow agent the earnest money, other trust funds received by the listing broker and all documents and other items received by the listing broker in connection with the sale. After the transfer, the listing broker shall have no further responsibility or liability to Buyer or Seller to account for funds or preparation of documents in connection with the closing of the sale. Escrow agent will not be required to disburse funds or deliver or record any documents until it has received certified funds or other good, sufficient and collected funds, and all conditions, terms and provisions of this Agreement have been satisfied, performed and met. Escrow Agent shall be Nebraska Title Company (Title Company) and escrow closing charges shall be paid as follows: divided equally.

16. **Rescission, Termination or Default.** If Buyer fails to consummate this purchase according to the terms of this Agreement, Seller may, at Seller's option, retain the earnest money as liquidated damages for such failure, or utilize such other legal remedies as are available to Seller by reason of such failure. If this Agreement is rescinded or terminated by either party without fault as allowed hereby, each party shall bear his or her costs and the earnest money shall be refunded.

17. **Foreign Investment and Real Property Tax Act (FIRPTA).** The Foreign Investment and Real Property Tax Act requires a Buyer of real property to withhold ten percent (10%) of the sale price and to deposit that amount with the Internal Revenue Service upon closing, if the Seller is a foreign person, foreign corporation or partnership, or non-resident alien, unless the property qualifies for an exemption under the Act. Unless it is established that the transaction is exempt because the purchase price is \$300,000 or less and the Buyer intends to use the property as his primary residence, Seller agrees to: (a) Provide Broker with a Non-Foreign Seller Affidavit (PPC Form 101-V) stating under penalty of perjury that Seller is not a foreign person; or (b) Provide Broker with a Certificate from the Internal Revenue Service establishing that no federal income tax withholding is required; or (c) Subparagraphs (a) or (b) to be provided to Buyer within --- days of acceptance or Seller consents to withholding ten percent (10%) from the sale proceeds, to be deposited with the Internal Revenue Service.

18. **Tax Deferred Exchange.** In the event the Seller wishes to enter into a tax deferred exchange for the real property described herein, or if Buyer wishes to enter into a tax deferred exchange with respect to property owned by him in connection with this transaction, each of the parties agrees to cooperate with the other party in connection with such exchange, including the execution of such documents as may be reasonably necessary to effectuate the same. Provided that: (a) The other party shall not be obligated to delay the closing, (b) All additional costs in connection with the exchange should be borne by the party requesting the exchange, and (c) The other party shall not be obligated to execute any note, contract, deed, or other document providing for any personal liability which would survive the exchange, nor shall the other party be obligated to take title to any property other than the property described in this Agreement. The other party shall be indemnified and held harmless against any liability which arises or is claimed to have arisen on account of the acquisition of the exchange property.

19. **Rights of Persons in Possession.** If checked, this property is sold subject to the rights of persons in possession. Rents shall be prorated to date of closing. Security deposits, advance rentals or considerations involving future lease credits shall be credited to Buyer. Buyer acknowledges that trade fixtures located in the premises may belong to tenants and may be removed upon the conclusion of the tenancy.

If checked, purchase is subject to Buyer's inspection and approval of the leases which shall be treated as an inspection above. Promptly after execution hereof, Seller shall provide Buyer with copies of all leases and rental Agreements, notices to or from tenants, claims made to or by tenants, a statement of rents owing and damage or security deposits held and a summary of all oral agreements with tenants which affect the operation or ownership of the premises. Seller shall warrant the foregoing disclosures as true and correct.

Seller agrees that no changes in the existing leases or rental Agreements shall be made nor new leases or rental Agreements entered into nor shall any substantial repairs or alterations be commenced without the express written consent of the Buyer. Buyers' obligations hereunder are conditioned upon receipt at closing of an estoppel certificate from each tenant acknowledging that the lease or rental Agreement is in effect, that no lessor default exists, and stating the amount of any prepaid rent or deposits.

Seller: SL Buyer: AN
Date: 7/3/24 Date: 07/03/24

20. **Income/Expense.** If checked, the purchase is subject to Buyer's inspection and approval of the operating statement of the premises. Promptly after execution hereof Seller shall provide a statement of rental income and expenses for the premises which Seller shall warrant as true and correct. Such inspection shall be treated as an inspection above. Buyer agrees to keep such statement confidential. Buyer agrees to use such statement only for the purpose of analysis of a purchase of the premises.

21. **Service Contracts.** Seller agrees to provide to Buyer a copy of any service and/or equipment contracts with respect to the property which extend beyond closing. Buyer agrees to assume such contracts.

22. **Environmental.** If checked, the purchase is contingent upon the satisfactory environmental quality of the Property. On or before the inspection deadline, Buyer may request a Phase I environmental review at Buyer's expense which shall be promptly ordered by Buyer or Buyer's Agent. If the results raise a question of environmental quality, Buyer may request further study and delay closing as necessary, accept the property as is or rescind the Agreement. If further study is requested, Buyer shall have ten days after receipt of the study results to accept the property as is or rescind this Agreement. Copies of all requests for environmental investigation and the results thereof shall be provided to both Buyer and Seller. If the environmental investigation is not completed by June 14, 2024 (date), either party may rescind this Agreement.

23. **Use.** If checked, Buyer intends to use the premises for a specific purpose. Buyer may rescind this Agreement on or before the rescission deadline if Buyer determines that zoning or land use restriction prohibits such intended use. The purpose is as follows:

24. **Acceptance Date.** This offer is null and void if not accepted by Seller on or before April 4, 2024 (date) at 5:00 o'clock p.m.

25. **Counterparts, E-Mail and Fax Transmission:** This Agreement may be executed in one or more counterparts, each of which is deemed to be an original hereof, and all of which shall together constitute one and the same instrument. The facsimile or e-mail transmission of a signed copy hereof or any counter offer to the other party or their agent with confirmation of transmission shall constitute delivery. The parties agree to confirm delivery by mail or personal delivery of a signed copy to the other party or their agent.

26. **Other Provisions.** Earnest money shall be delivered by Buyer to Nebraska Title Company within 72 hours of formal acceptance by Seller.

27. **Addenda.** The attached addenda shall be made a part of the Purchase Agreement. (List Addenda) Addendum No. 1 hereto and by this reference incorporated herein.

(Seller SYB / _____) (Buyer AN / _____)

28. **Mediation and Arbitration.** [If checked]

(a) **Disputes.** The term "Dispute" shall include, without limitation, any controversy, complaint, dispute, claim or disagreement relating to or arising out of the brokerage relationship or the construction, interpretation, enforcement, or breach of the terms of this Agreement or any actions of the parties or their agents in the sale and purchase of the described property including claims of misrepresentation and claims under §21-2120 (Seller Property Condition Disclosure) of the Nebraska Revised Statutes.

(b) **Mediation.** In the event of any Dispute, any party to the Dispute may seek non-binding mediation in an attempt to resolve the Dispute by giving 15 days written notice of a request for such mediation to all other parties to the Dispute. The request for mediation must be made within 360 days after the party making the request knew, or exercising reasonable diligence and care, should have known, of the Dispute. In no case shall such request be made after the statute of limitations on a civil suit based on the Dispute would have run. Such mediation shall be held in Nebraska. Such mediation may be administered by the American Arbitration Association and shall be conducted according to the American Arbitration Association's Commercial Rules-Real Estate Industry Arbitration Rules (Including a Mediation Alternative) or such other mediation service versed in real estate practices of the locality.

(c) **Arbitration.** Any Dispute that is not resolved by informal settlement or mediation shall be resolved exclusively by binding arbitration. Such arbitration shall be held in Nebraska. Such arbitration may be administered by the American Arbitration Association or such other arbitration provider agreed to by the parties. It shall be conducted according to the American Arbitration Association's Commercial Rules-Real Estate Industry Arbitration Rules (Including a Mediation Alternative). The arbitrator(s) shall apply Nebraska substantive and procedural law to the arbitration proceeding. Arbitration shall be commenced by written demand made by any one or more of the parties to the Dispute given to all other parties to the Dispute. The demand for arbitration must be in

Seller: SYB / _____ Buyer: AN / _____
Date: 4.3.24 Date: 04/23/24

writing and must be given by personal delivery or certified mail, return receipt requested, within 360 days after the party making the demand knew, or exercising reasonable diligence and care, should have known, of the Dispute. Notwithstanding the previous sentence, in the case that the parties unsuccessfully attempt mediation to resolve a Dispute, the demand for arbitration shall be made within 60 days of the final mediation session. However, in no case shall such demand be made after the statute of limitations on a civil suit based on the Dispute would have run. The prevailing party shall be entitled to costs and fees of the arbitration and, in the discretion of the arbitrator who shall take into account the relative merits of the opponent's case, the arbiter may award attorney's fees to the prevailing party. In determining prevailing party, prevailing party shall be that party for whom the result most closely, in the arbiter's opinion, resembles that party's last offer for settlement of the controversy.

(d) **Provisional Remedies.** The filing of a judicial action to enable the reporting of a notice of pending action, for order of attachment, receivership, injunction, or other like provisional remedies, shall not constitute a waiver of mediation or arbitration under this provision, nor shall it constitute a breach of the duty to arbitrate.

(e) **Exclusions.** The terms of paragraph 28 shall not apply to:

- (1) Any complaint of violation of the Code of Ethics of the National Association of REALTORS®;
- (2) Foreclosure or other action or proceeding to enforce a deed of trust, mortgage or land contract; or
- (3) The filing or enforcement of a construction or similar lien including a commercial broker's lien.
- (4) An action filed and held in "Small Claims Court" as defined in Neb. Rev. Stat. 25-2801 to 25-2804, provided, however, any attempt to transfer a matter filed in small claims court to county court shall be subject to paragraph 28.

(f) **Waiver.** BY SIGNING THIS PURCHASE AGREEMENT, THE PARTIES AGREE THAT EVERY DISPUTE DESCRIBED ABOVE THAT IS NOT RESOLVED BY INFORMAL SETTLEMENT OR MEDIATION WILL BE DECIDED EXCLUSIVELY BY ARBITRATION AND THAT ANY ARBITRATION DECISION WILL BE FINAL AND BINDING. THE PARTIES AGREE THAT THEY WILL RECEIVE ALL THE RIGHTS AND BENEFITS OF ARBITRATION, BUT ARE GIVING UP RIGHTS THEY MIGHT HAVE TO LITIGATE THOSE CLAIMS AND DISPUTES IN A COURT OR JURY TRIAL, OR TO PARTICIPATE AS A REPRESENTATIVE OR MEMBER OF ANY CLASS OF CLAIMANTS IN CONNECTION WITH ANY SUCH DISPUTES. NO PARTY TO THIS AGREEMENT SHALL BE ENTITLED TO JOIN OR CONSOLIDATE DISPUTES BY OR AGAINST OTHERS IN ANY ARBITRATION, OR TO INCLUDE IN ANY ARBITRATION ANY DISPUTE AS A REPRESENTATIVE OR MEMBER OF A CLASS, OR TO ACT IN ANY ARBITRATION IN THE INTEREST OF THE GENERAL PUBLIC OR IN ANY PRIVATE ATTORNEY GENERAL CAPACITY.

29. **Entire Agreement.** This document contains the entire Agreement of the parties and supersedes all prior Agreements or representations oral or written with respect to the Property which are not expressly set forth herein or incorporated herein by reference. This Agreement may be modified only by a writing signed and dated by both parties. All express representations and warranties shall survive closing. Both parties acknowledge that they have not relied on any statements of the real estate agent or broker which are not herein expressed except _____

30. **Authority to Sign.** The undersigned Seller(s) and Buyer(s) each represent and warrant that they are duly empowered and/or authorized, whether individually, on behalf of any entity or as a fiduciary, to enter into this Purchase Agreement and create a valid and binding contract. Seller represents all parties required to transfer title to the Property are parties to this contract.

IF PARAGRAPH 28 IS CHECKED, THIS CONTRACT CONTAINS AN ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES

BUYER Arshad Nazir (Managing Mbr) DATE 04/03/24

BUYER _____ DATE _____

ADDRESS 3024 Ames Avenue, Omaha NE ZIP 68111 PHONE (414) 916-9300

NAMES FOR DEED: Columbus Petroleum LLC

Check one: JTWROS Tenants in common Other LLC

Check one: Husband and Wife Single Person Other _____

Page 5 of 7
© 2018 Nebraska REALTORS® Association
Seller: SB Buyer: AN
Date: 4.3.24 Date: 04/03/24
Arshad Nazir

RECEIPT FOR EARNEST MONEY

RECEIVED FROM: Columbus Petroleum, LLC the sum of \$10,000.00 by
[X] check [] cash [] other Shall be delivered to Nebr. Title Co. by Buyer to apply to the purchase price of the
Property on terms and conditions as stated. In the event this offer is not accepted by the Seller of the Property within the time specified
the earnest money shall be refunded.

C.S. Nelson Co. Real Estate REALTOR® By: Jeffery L. Gokie

Complete only one of A, B or C below:

A: Acceptance of All Terms: Seller accepts all of the terms of the above Agreement and agrees to perform all of its terms.

IF PARAGRAPH 28 IS CHECKED, THIS CONTRACT CONTAINS AN ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES

Seller [Signature] Date 4.5.24

Seller _____ Date _____

B. Counter Offer #1 By Seller: In response to the above Purchase Agreement dated _____ for the sale of the Property,
all of the terms and conditions of the Purchase Agreement are accepted and shall remain the same with the exception of the following:

This Counter Offer shall expire _____ (date), at _____ o'clock _____ (hour in the time zone of the office
of the Seller's agent) and be automatically null and void unless, prior to the time of expiration, Buyer's written acceptance is delivered to
the Seller's Limited Agent or their Broker's office or the Seller.

If this Counter Offer is accepted, the Purchase Agreement as amended by this Counter Offer shall become a contract between the parties.

Seller reserves the right to withdraw this Counter Offer prior to acceptance. Withdrawal shall be complete if verbal notification of
withdrawal is made to the Buyer's Agent or Broker of the Buyer's Agent or Buyer before the delivery of Buyer's written acceptance.

Seller _____ Date _____ Seller _____ Date _____

[] accept [] reject this Counter Offer _____ (date), at _____ o'clock _____

Buyer _____ Date _____ Buyer _____ Date _____

C. Rejection: The foregoing offer is rejected

Seller _____ Date _____ Seller _____ Date _____

Seller: [Signature] Buyer: AN
Date: 4.5.24 Date: 04/03/24
Ashraf Nazir

Attachment "A" to Purchase Agreement Dated April 3, 2024

Equipment Included with Purchase:

Quantity	Description
2	Bennett Blender Pumps (new)
2	Gilbarco Blender Pumps (in storage)
2	Xerox 10,000 Gallon Fiberglass All Fuel Tank
1	Ruby 2 Cash Register
1	Commander Point of Sale System
1	Tidel Timed Safe
1	Cooler - 26'x10' 9 door w/led lighting
2	Cooler - 4', 2 door Hussman HGM2BS
1	Cooler - 6-1/2' 3 door
1	Large Scotsman Ice Machine
1	4', 2 shelf Stainless Steel worktable
1	6'x4' Freezer Chest (about 24 cubic foot)
1	Microwave
1	APW Wyatt Hot Dog Warmer
1	Donut Holder
2	Warming Container "Ready to Go", 2 shelf
1	Alibi Security Monitoring System
1	Nacho Machine
1	Hot Dog Roller/Grill
	All counters & shelving

Equipment Leased to Business and not part of the Purchase Agreement

Quantity	Description
1	North Star 4" Freezer - Ice Cream Machine
1	Hershey's Hot Chocolate/Latte Machine
1	LaRue Coffee Brewers
1	Coca Cola Machine
1	Red Bull Dispenser
1	Dr. Pepper 1-Door Cooler
1	Jolly Rancher 2 Flavor Slushy Machine
1	ATM Machine
1	B-Bangl Stand up Cooler, 1 door
1	Retail Artic Ice Container (outside)
1	Live Bait Cooler
4	Skills Game
4	Gaming Chairs
1	Ice Coffee Machine



Attachment "B" to Purchase Agreement Dated April 3, 2024

A) Prior to date of closing, Buyer, with Seller's cooperation, will conduct an inventory of all products including but not limited to fuel and convenience store merchandise. It is understood between the parties that:

- 1) All gas and cigarettes will be purchased by the Buyer at Seller's wholesale price.
- 2) All other convenience store items including but not limited to Liquor/Beer, soda, chips, candy, vaping products, THC, etc. will be purchased by the Buyer at 73% of retail pricing.
- 3) All lottery tickets are responsibility of Seller and are not part of this transaction.

It is understood between the Buyer and Seller that the total cost of the items referenced in A1 and A2 above is in addition to the purchase price referenced in paragraph 4 of the purchase agreement.

B) Purchase and closing is conditioned upon the following:

- 1) All fuel lines and tanks passing leak tests.
- 2) Phase 1 Environmental Inspection (Paragraph #22 of Purchase Agreement) with the outcome satisfactory to the Buyer
- 3) Buyers' ability to obtain all required licenses and permits from city and state prior to closing.



ADDENDUM NUMBER 1 TO COMMERCIAL PURCHASE AGREEMENT

This Addendum is made a part of and in addition to that certain Commercial Purchase Agreement between Steven Blohm ("Blohm"), and SPSASA LLC, a Nebraska limited liability company ("SPSASA"), sometimes collectively referred to as Seller ("Seller") and Columbus Petroleum, LLC, a Nebraska limited liability company ("Buyer") dated ~~March 30~~ ^{April 3}, 2024 ("Purchase Agreement").

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1. Delete existing Paragraph 2 of the Purchase Agreement and replace with the following:
 2. Legal Description: Lot 2, Block 3, Speice's Subdivision of Outlot 4, Columbus, Platte County, Nebraska.

2. Amend existing Paragraph 4 of the Purchase Agreement to provide that the Purchase Price is \$775,000, plus the cost of the inventory to be determined as set forth on Attachment B to said Purchase Agreement. Also amend paragraph 4 with regard to the payment of the earnest money deposit to provide that Buyer will deposit a \$10,000.00 earnest money deposit with Nebraska Title Company within three (3) business days of the execution of the Purchase Agreement.

3. Delete existing Paragraph 21 of said Purchase Agreement and replace with the following:
 - 2) Service Contracts: Buyer shall not assume any service contracts, including but not limited to any contracts or skill gaming contracts.

4. Add the following provisions to Paragraph B on Attachment B to the Purchase Agreement:
 - 4) Liquor License. Buyer shall, at Buyer's expense, obtain a class D liquor license (the "Liquor License") from the Nebraska Liquor Control Commission (the "Commission"). If Buyer is unable to secure a Liquor License from the Commission within 90 days after the Effective Date, Buyer shall have the right to terminate this Agreement or waive such condition by written notice to Seller. In the event the Buyer elects to terminate this Agreement, Buyer shall be entitled to a refund of the Deposit and the parties shall be discharged from all further obligations or liabilities under this Agreement.

 - 5) Damage to Property. If, prior to the Closing Date, any material part of the Purchased Assets is damaged by fire or any other cause or activity, Seller shall forthwith give Buyer written notice thereof and Buyer may, at its option, terminate this Agreement by written notice of such election, given to Seller not later than ten (10) days after receipt of Seller's notice and upon giving such notice, both

AN SB

parties shall be fully discharged from all duties hereunder and all obligations hereof, except that the Deposit shall be promptly returned to Buyer. However, if Buyer shall not so elect, or if an immaterial part of the Purchased Assets is damaged, then Seller hereby assigns to Buyer all of its right, title and interest in and to any and all insurance proceeds payable by reason of such destruction or damage to the Purchased Assets and Seller hereby agrees to pay to Buyer a sum equal to the deductible amount provided in such policies to the extent necessary to correct such damage.

6) Acceptability to Counsel for Buyer. All actions, proceedings, agreements and instruments required to carry out this Agreement or incidental hereto and other related legal matters shall have been approved by counsel for Buyer, if any.

7) Tax Clearance Letter. Buyer shall receive from the Nebraska Tax Commissioner a letter setting forth that all sales taxes have been paid by Seller by and through the date of Closing or a certificate stating that no amount is due.

5. Add the following as Additional Provisions to the Purchase Agreement:

31. Allocation of Purchase Price. The parties shall, within thirty (30) days of the Effective Date of this Agreement, agree on an allocation of the Purchase Price. After the Closing, the parties shall make consistent use of the agreed upon allocation of the Purchase Price for all tax purposes and in all filings, declarations and reports with the IRS in respect thereof, including the reports required to be filed under Section 1060 of the Code. The parties shall file IRS Form 8594 with their respective US Federal Income Tax Returns in accordance with this Section 31. In any proceedings related to the determination of any tax, neither the Buyer nor the Seller shall contend or represent that such allocation is not a correct allocation.

32. Seller's Representations and Warranties. The Seller represents and warrants to the Buyer as follows:

32.1 Title to Purchased Assets. The Seller has good and marketable title to the Real and Personal Property (collectively referred to as "Property" and "Purchased Assets") being sold, will transfer good and marketable title in the Property to the Buyer, in each case free and clear of all security interests, liens, charges, claims and other encumbrances of any kind other than the Permitted Exceptions.

32.2 Personal Property. All of the tangible personal property, other than inventory, owned by the Seller or leased by the Seller pursuant to any lease is in reasonable working order and condition, ordinary wear and tear excepted.

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32.3 Compliance with Law/Licenses. To Seller' knowledge, the assets being purchased and the operation of the business are in compliance in all material respects with all applicable laws, statutes, ordinances, rules, regulations, permits, licenses and authorizations including without limitation those concerning labor and employment. The Seller has not received any notice that any governmental authority intends to cancel, terminate or not renew any such permit, license or authorization.

32.4 Litigation and Orders. There is no action, suit, proceeding or investigation in any court or before any arbitrator or government agency or instrumentality pending or, to the knowledge of the Seller, threatened against or affecting the Seller, any of the purchased assets or the business. There are no judgments, orders, writs, injunctions or decrees binding upon or applicable to the Seller, and the Seller is not in violation of any of the foregoing.

32.5 Taxes. There are no liens for taxes upon any of the Purchased Assets, except liens arising by law for taxes not yet due and payable. There are no examinations in progress or claims against the Seller for taxes (including without limitation penalties and interest) for any period or periods and no notice of any claim for taxes, whether pending or threatened, has been received.

32.6 Adequacy of Purchased Assets. The Purchased Assets constitute all of the assets held for use or used in connection with the business as currently conducted and the Purchased Assets are adequate to enable the Buyer to conduct, after the Closing, the business as currently conducted by the Seller.

32.7 Environmental. Seller has no knowledge of any recognizable environmental conditions affecting the Real Property or any Hazardous Substances or Regulated Substances being released or disposed at, onto or from the Real Property in violation of applicable environmental law (collectively "Environmental Laws") during Seller's ownership, possession or control of the Real Property.

32.8 Brokers. Seller is represented by C.S. Nelson Co. Seller shall be responsible for any and all commissions owing out of this transaction and shall indemnify and hold Buyer harmless from any claim for the same.

32.9 Condition of Inventory. All inventory shall be in a sellable or useable condition, which shall not include any obsolete, damaged or spoiled inventory. Seller and Buyer shall mutually agree as to whether any inventory is in a useable condition.

AN gk

32.10 Operation of Business. Seller will continue to operate its business in the normal course through the Closing Date.

33. Miscellaneous.

33.1. Expenses and Taxes. Except as otherwise stated herein and whether or not the transactions herein contemplated shall be consummated, the Buyer, and the Seller will each pay their own fees, expenses and disbursements incurred in connection with the subject matter of this Agreement, including all costs and expenses incurred in the performance and compliance with all conditions to be performed by each such party under this Agreement.

33.2. Notices. All notices required or permitted hereunder shall be in writing and shall be deemed to have been duly given: (a) as of the date delivered if delivered personally, by courier or by courier service; or (b) three business days after deposit in the United States mail, registered or certified mail, postage prepaid, return receipt requested, to the parties at the following addresses:

If to the Buyer:

Columbus Petroleum, LLC
Attn: Arshad Nazir
3024 Ames Avenue
Omaha, NE 68111

With a copy to:

Myron J. Kaplan, Esq.
McGill, Gotsdiner, Workman & Lepp, PC, LLO
11404 West Dodge Road, Suite 500
Omaha, NE 68154

If to the Seller:

Steven J. Blohm
771 3rd Avenue
Columbus, NE 68601

or to such other address or number as any party hereto shall specify for itself by notice given pursuant to this Section 33.2 from time to time; *provided, however;* that notices of any change in an address or number shall not be effective until receipt.

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33.3. Severability. In the event that any of the provisions contained in this Agreement shall, for any reason, be declared or held to be unreasonable, unlawful, unenforceable or otherwise invalid in any respect, such term or provision shall be deemed modified to the extent necessary to make it enforceable, and in no event shall such declaration or holding affect the validity of any other provision of this Agreement, all of which provisions shall continue in effect in accordance with their terms.

33.4. Interpretation. The representations, warranties, agreements and covenants of the parties made in the Purchase Agreement or any of the documents which transfer title to the Purchased Assets shall survive the consummation of the transactions contemplated hereby and the consummation of such transactions shall not be deemed a waiver of a breach of or inaccuracy in any representation, warranty, agreement or covenant or of any party's rights and remedies with regard thereto. No specific representation, warranty agreement or covenant contained herein shall limit the applicability of a more general representation, warranty, agreement or covenant contained.

33.5. Exercise of Rights and Remedies. No delay or omission in the exercise of any right, power or remedy accruing to any party as a result of any breach or default by any other party under this Agreement shall impair any such right, power or remedy, nor shall it be construed as a waiver of or acquiescence in any such breach or default, or of any similar breach or default occurring later; nor shall any waiver of any single breach or default be deemed a waiver of any other breach or default occurring before or after that waiver.

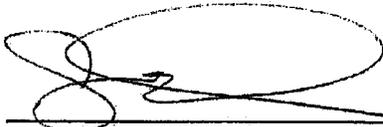
33.6. Remedies Cumulative. No right, remedy or election given by any term of this Agreement shall be deemed exclusive but each shall be cumulative with all other rights, remedies and elections available at law or in equity.

33.7. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Nebraska, without giving effect to the principles of conflict of laws thereof.

33.8. No Third Party Beneficiaries. This Agreement is solely for the benefit of the parties and, to the extent provided herein, their successors, heirs, personal representatives and permitted assigns, and no provision of this Agreement shall be deemed to confer upon other third parties any remedy, claim liability, reimbursement, cause of action or other right.

33.9. Counterparts and Signature. This Agreement may be executed in any number of counterparts or using separate signature pages. Each such executed counterpart and each counterpart to which such signature pages are attached will be deemed to be an original instrument, and all such counterparts together will constitute one and the same instrument. The signatures required for execution may be transmitted by facsimile or electronically and said facsimile or electronic signature shall be deemed an original and shall be effective upon receipt, and may be admitted in evidence and shall fully bind the party and person making such signature.

33.10 Public Announcements. Neither Seller nor Buyer will make any public announcement about the transactions contemplated by this Agreement prior to Closing without the approval of the other party.



Steven Blohm

SPSASA LLC, dba Parkview Express

By:
Its:



Arshad Nazir

COLUMBUS PETROLEUM, LLC

By:



Arshad Nazir, Manager

AN

BUSINESS PLAN
FOR
COLUMBUS PETROLEUM, LLC

The applicant, COLUMBUS PETROLEUM, LLC will operate a convenience store and gas station. Additionally, the business plans to have managerial supervision during all open hours. Finally, sufficient staff will be a constant requirement.

Hiland, Brenda

From: Nyhoff, Shannon on behalf of LCC Front Desk
Sent: Tuesday, April 23, 2024 10:14 AM
To: Hiland, Brenda
Subject: FW: Columbus Petroleum LLC
Attachments: LIQUOR LICENSE APPLICATION - NP MART 26.pdf

From: Nikki Conner <nikki@kellyplucker.com>
Sent: Tuesday, April 23, 2024 8:42 AM
To: LCC Front Desk <LCC.frontdesk@nebraska.gov>
Cc: Sean Kelley <sean@kellyplucker.com>
Subject: Columbus Petroleum LLC

Good morning! Please see the attached application for Columbus Petroleum, LLC. The receipt for the application fee is below. Please let us know if you need anything else. Thanks!

Nikki Conner
KELLEY PLUCKER, LLC
2804 South 87th Avenue, Omaha, NE 68124
(402) 397-1898 | Fax (402) 397-1293
625 South 14th Street Suite 200, Lincoln, NE 68508

From: nebraska <NoReplyOTC@egov.com>
Sent: Tuesday, April 23, 2024 8:36 AM
To: Nikki Conner <nikki@kellyplucker.com>
Subject: Nebraska Liquor Control Commission - Receipt

PURCHASE RECEIPT
Nebraska Liquor Control Commission
P.O. Box 95046
Lincoln NE 68509-5046
(402)471-4881
brenda.hiland@nebraska.gov
OTC Local Ref ID: 94800146
4/23/2024 08:35 AM

Status: **APPROVED**
Customer Name: Kelley Plucker LLC
Account Number: ****1078
Routing Number: 104901678

Items	Quantity	TPE Order ID	Total Amount
-------	----------	--------------	--------------

Retail Liquor License (Class A, B, C, D, I, J, AB, AD, IB) 1 84256702 \$400.00

Applicant Name:: **Columbus Petroleum LLC**

Trade Name (DBA):: **NP Mart 26**

Address:: **771 33rd Avenue**

City:: **Columbus**

State:: **NE**

Zip Code:: **68601**

Phone Number:: **4023971898**

Email Address:: **nikki@kelleyplucker.com**

Total remitted to the Nebraska Liquor Control Commission \$400.00

Total Amount Charged \$401.75

I authorize "" to electronically debit my account.

Customer Copy

7.C. Public hearing - Application from Williams and Son House Movers, Inc. to move garage from 3670 26 Avenue to 2625 38 Street and request to exceed 18 feet height limitation as loaded height of building will be 20 feet. (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the City Council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a permit to move a garage from 3670 26 Ave to 2625 38 St on May 28, 2024, at 10 a.m. and at said time and place you may appear and be heard. The public hearing will also include a request to exceed the 18 ft height limit as the loaded height of the building will be 24 ft. Moving route is north on 26 Ave to 38 St then one-half block west.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish: 05:09:24
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: May 6, 2024
FROM: Andy Woehrer, Chief Building and Code Official
TO: Tara Vasicek, City Administrator
RE: Williams Movers Company to move a garage from 3670 26th Ave to 2625 38th Street.

RECOMMENDATION:

I recommend approval of the permit to move a garage from 3670 26th Ave to 2625 38th Street. The garage has been inspected and is suitable for moving.

DISCUSSION:

We have received an application from Williams Movers Company to move a garage from 3670 26th Ave to 2625 38th Street. The garage will be going to a location that fits the neighborhood and is in conformance with the Columbus Land Development Ordinance. A building permit application has been received and is under review.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

By: Andy J. Woehrer

Approved By: [Signature]

CITY OF COLUMBUS APPLICATION FOR BUILDING MOVING

A PERMIT IS HEREBY REQUESTED TO MOVE THE FOLLOWING BUILDING OR STRUCTURE OUT OF, WITHIN OR THROUGH THE CITY OF COLUMBUS, IN ACCORDANCE WITH TITLE V, CHAPTER 9 OF THE COLUMBUS CITY CODE. ANY CHANGES FROM THE APPROVED MOVING DATE AND TIME MUST BE SUBMITTED IN WRITING TO THE BUILDING OFFICIAL.

BUILDING MOVER AND EQUIPMENT

NAME Alan Williams
ADDRESS 10160 N Liberty Ave
CITY Jarvis STATE Ne. ZIP 68955
TELEPHONE 402-461-1590
LICENSED: YES NO INSURED: YES NO
(Per Section 6-9-5 of Columbus City Code)
TYPE OF EQUIPMENT TO BE USED IN MOVING: Truck + trailer

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

BUILDING TO BE MOVED

DESCRIPTION OF THE BUILDING: Yellow 3 car Garage 402-910-0119
CURRENT ADDRESS OF BUILDING: 3670 - 26th AVE Columbus, NE
LEGAL DESCRIPTION: LOT NO. _____ BLOCK NO. _____ ADDITION/SUBDIVISION 2
FLOOR AREA (Sq. Feet): 1,024 sq ft

A photograph of the building is required.

LOCATION TO BE MOVED TO

ADDRESS: 2625 - 38th Street Columbus NE
LEGAL DESCRIPTION: LOT NO. _____ BLOCK NO. _____ ADDITION/SUBDIVISION See attached
LOT SIZE: _____ x _____ = 0.00 SQUARE FEET
NUMBER OF STORIES WHEN COMPLETED: (one)
PROPOSED USE OF THE BUILDING AT THE NEW SITE: (Garage)

BUILDING OWNER

NAME Joseph Svasek
ADDRESS 2625 - 38th Street
CITY Columbus STATE NE ZIP 68601
TELEPHONE 402-942-3471
CERTIFICATE OF INSURANCE: YES NO

cns_storage@hotmail.com
Kevin Lewandowski

TR 1.03 AC IN N 1/2 NE NW 18-17-1E
Land in City Limits Columbus
Parcel ID: 710017150

see over



Ⓞ Regarding 114.18 Size of Bldg : Limitation

We are requesting to exceed the moving building height limitation of 18'.

The garage to be moved has a 6/12 pitch making the peak rather tall while on moving wheels... height will likely be 22'-24'. The side eve height of the garage is less than 9'. The overall garage design with a hip style will be in our favor as we move it between trees and the tall street powerlines.



NE

Northwest corner of NW 1/4 Section 18
Township 17 North, Range 1 East of the
6th P.M., Platte County, Nebraska

DESCRIPTION

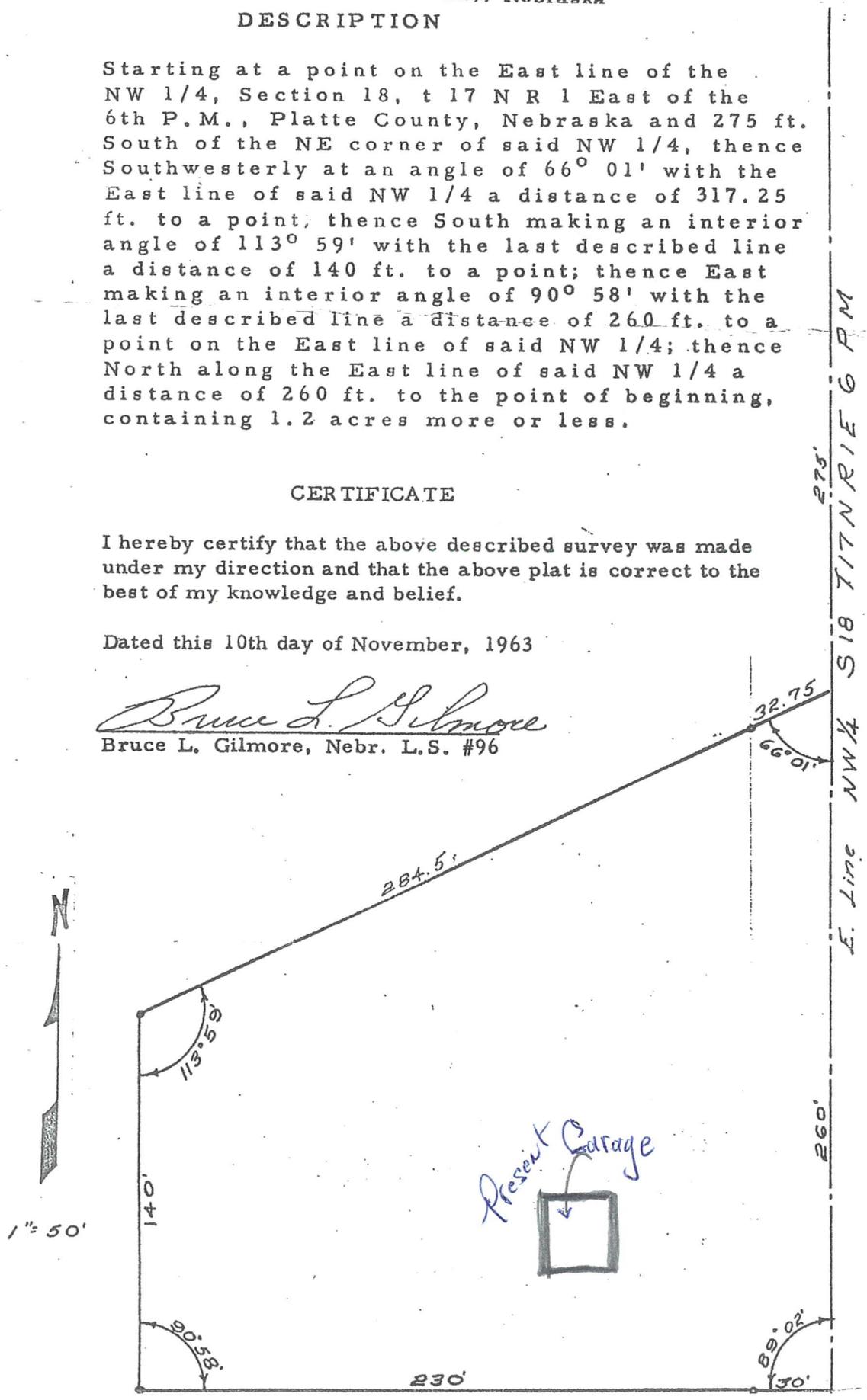
Starting at a point on the East line of the NW 1/4, Section 18, T 17 N R 1 East of the 6th P.M., Platte County, Nebraska and 275 ft. South of the NE corner of said NW 1/4, thence Southwesterly at an angle of $66^{\circ} 01'$ with the East line of said NW 1/4 a distance of 317.25 ft. to a point; thence South making an interior angle of $113^{\circ} 59'$ with the last described line a distance of 140 ft. to a point; thence East making an interior angle of $90^{\circ} 58'$ with the last described line a distance of 260 ft. to a point on the East line of said NW 1/4; thence North along the East line of said NW 1/4 a distance of 260 ft. to the point of beginning, containing 1.2 acres more or less.

CERTIFICATE

I hereby certify that the above described survey was made under my direction and that the above plat is correct to the best of my knowledge and belief.

Dated this 10th day of November, 1963

Bruce L. Gilmore
Bruce L. Gilmore, Nebr. L.S. #96



Parcel ID: 710017136

Map Number LAN-CIT-00-0000-00413

State Geo Code 2405-00-0-10980-000-0413

Cadastral # 6-128

Images Photo #1 Sketch #1

Current Owner: SVASEK/JOSEPH J & MIRANDA S CECH 2625 38 ST COLUMBUS, NE 68601

Situs Address: 2625 38 ST COLUMBUS

Tax District: 1

School District: COLUMBUS 1, 71-0001

Account Type: Residential

Legal Description: A TR IN N1/2 NE NW 18-17-1E 1.58 AC LAND IN CITY LIMITS COLUMBUS

Lot Width: N/A

Lot Depth: N/A

Total Lot Size: 1.00 sq ft

Garage
Destination
New Owner

Seller:

LEWANDOWSKI CENTRAL NEBRASKA
STORAGE LLC
PO BOX 1231
COLUMBUS, NE 68602-1231

Kevin Lewandowski

0000 *Aug 28th 2023* 0-M+

7,199.52 +
4,334.87 +
2,834.35 +
189.08 +

0004 *\$* 14,557.82M+
pd/c

0000 0-M+

Tax Year 2022
Statement 00001462

Platte County
County Treasurer

Receipt 202134169
Payment Date 08/28/2023

ID Number	Taxing District	Tax Rate	Taxable Value	Exempt Value
0710017150	1	1.88947800	317,950	0

Real Estate

TR 1.03 AC IN N1/2 NE NW 18-17-1E LAND
IN CITY LIMITS COLUMBUS

3670 26 AVE COLUMBUS NE 68601

Yellow Garage

LEWANDOWSKI CENTRAL NEBRASKA
STORAGE LLC
PO BOX 1231
COLUMBUS, NE 68602-1231

Taxes Due 12/31/2022
Delinquent
→ 1st Half 05/01/2023
2nd Half 09/01/2023

Tax Before Credits 6,007.60
Tax Credits 338.90
Late Filing Fee 0.00
Total Tax Due 5,668.70

Receipt void until final payment
of any check or draft tendered.

1st Half	2nd Half	Full	Installment
	X		2,834.35
			Interest 0.00
			Advertising 0.00
			Other 0.00

RECEIPT

T
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R

C
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P
Y

14,557.82 Check #6203

YB CK PD COUNTER

ybrito

Total Collected
2,834.35
Paid In Full



EVOKE INSURANCE SOLUTIONS LLC
915 23rd St Ste 200
Columbus NE 68601

New Garage owner

** Property Insurance*

Information as of December 27, 2023

Policyholder(s)
Joseph Svasek

Page 1 of 2

Policy number
283 274 253

Household number
283 274 253



JOSEPH SVASEK
2625 38TH ST
COLUMBUS NE 68601-3839

Your Encompass agency is
EVOKE INSURANCE SOLUTIONS LLC
(402) 562-4004

This mailing reflects the recent changes that have been made to your Encompass Policy, effective 12/21/2023. As requested, the following changes have been made:

2625 38th Street, Changed an Interested Party

Your coverages, limits, and costs are listed on the enclosed Declarations Page.

Please review this information. If you have any questions, if the information is not accurate or if you would like to discuss your insurance policy, please call us immediately at (402) 562-4004 or call Encompass Customer Service at (800) 262-9262.

Thank you again for choosing our agency. Our experienced team is committed to providing you great service to help meet your unique insurance needs. We appreciate your business.

Sincerely,

EVOKE INSURANCE SOLUTIONS LLC

Your Encompass Independent Agency

EX171

Ed. 04-18



Homeowners Policy Declarations



Your policy effective date is September 2, 2023

Summary

Policyholder/Named Insured: Joseph Svasek	Policy number: 283 274 253	Household number: 283 274 253
Mailing address: 2625 38th Street Columbus NE 68601	Policy period: Beginning September 2, 2023 through September 2, 2024 at 12:01 a.m. standard time	24-hour claim reporting: (800) 588-7400
Insurance provided by: Encompass Indemnity Company 2775 Sanders Rd. Northbrook, IL 60062-6127	Policyholder since: September 2023	Agent: EVOKE INSURANCE SOLUTIONS LLC 915 23rd St Ste 200 Columbus NE 68601 (402) 562-4004 Producer Code: 550-125858-0000

Total Premium for the policy period

Premium for property insured	\$3,897.08
Total	\$3,897.08

If you do not pay the minimum amount due shown on your billing statement by its due date, you may be charged a late fee of \$10.00.

For any insurance need, or questions on your policy, contact your independent agent, whose name and number are shown on the first page of this Policy Declarations.

Discounts and Charges

2625 38th Street discounts and charges that have been applied:

- Claim Free Discount
- Fire Alarm Discount (local, smoke detectors, dead bolt locks, fire extinguisher)

Insured property details

Please review and verify the information regarding your insured property. Please refer to the Estimated Home Replacement Cost Important Notice (EX188) for additional coverage information. Contact us if you have any changes.

Location of property insured: 2625 38th Street, Columbus, NE 68601

This dwelling includes the following:

- Occupied by 1 family
- Constructed of frame

Dwelling Style:

Built in 1900; 1 family; 3404 sq. ft.; 2 stories

Foundation:

Excavated crawl space, 100%

Attached structures:

Wood deck, 360 sq. ft.

Closed breezeway, 396 sq. ft.

Closed porch, 264 sq. ft.

3.5-car attached garage, 1

(continued)



Homeowners Policy Declarations

Policy number: **283 274 253**

Household number: **283 274 253**

Policy effective date: September 2, 2023



Coverage Detail for 2625 38th Street, Columbus, NE 68601 (continued)

Coverage	Limits of Liability	Applicable Deductible(s)	Premium
Building Structure Reimbursement Extended Limits	Not purchased*		
Other Structures Protection	\$67,000	<ul style="list-style-type: none"> ▪ \$3,350 Windstorm and Hail ▪ \$1,000 All other perils 	Included
Personal Property Protection	\$335,000	<ul style="list-style-type: none"> ▪ \$3,350 Windstorm and Hail ▪ \$1,000 All other perils 	Included
Additional Living Expense	Up to 12 months not to exceed \$134,000		Included
Fair Rental Income	Not purchased*		
Family Liability Protection	\$300,000 each occurrence		Included
Guest Medical Protection	\$1,000 each person		Included
Roof Surfaces Extended Coverage	Per endorsement		Included
Water Back-Up	\$5,000	<ul style="list-style-type: none"> ▪ \$500 Water Back-Up 	\$70.00
Building Materials Theft	Not purchased*		
Building Codes	Not purchased*		
Loss Assessments	\$1,000 each occurrence		\$5.00
Open Peril for Contents	Not purchased*		
Personal Injury Liability	\$300,000 per occurrence \$600,000 total aggregate limit		\$6.00
Home Sharing	Not purchased*		
Identity Theft Expenses	Not purchased*		
Electronic Data Recovery	Not purchased*		
Home Day Care	Not purchased*		
Toy Vehicle and Golf Cart	Not purchased*		
Yard and Garden	Not purchased*		
Fire Department Charges	\$500 each occurrence		Included
Country Endorsement	Not purchased*		
Scheduled Personal Property	Not purchased*		
Total Residence Premium			\$3,897.08

*** This coverage can provide you with valuable protection. To help you stay current with your insurance needs, contact your Independent Agent to discuss available coverage options and other products and services that can help protect you.**



Homeowners Policy Declarations

Policy number: **283 274 253**
Household number: **283 274 253**
Policy effective date: September 2, 2023



Important payment and coverage information (continued)

► Some or all of the information on your Policy Declarations is used in the rating of your policy or it could affect your eligibility for certain coverages. Please notify us immediately if you believe that any information on your Policy Declarations is incorrect. We will make corrections once you have notified us, and any resulting rate adjustments, will be made only for the current policy period or for future policy periods. Please also notify us immediately if you believe any coverages are not listed or are inaccurately listed.

Nebraska required communications

► Credit information was used to determine the premium charged on this policy.

Encompass Indemnity Company's Secretary and President have signed this policy with legal authority at Northbrook, Illinois.

Patrick Macellaro
President

Rhonda S. Ferguson
Secretary



N



County government ...

38th St

38th St

Central Nebraska Storage

2625 38th St Building

2956

Central NE Storage

Kids Express

2611

26th Ave

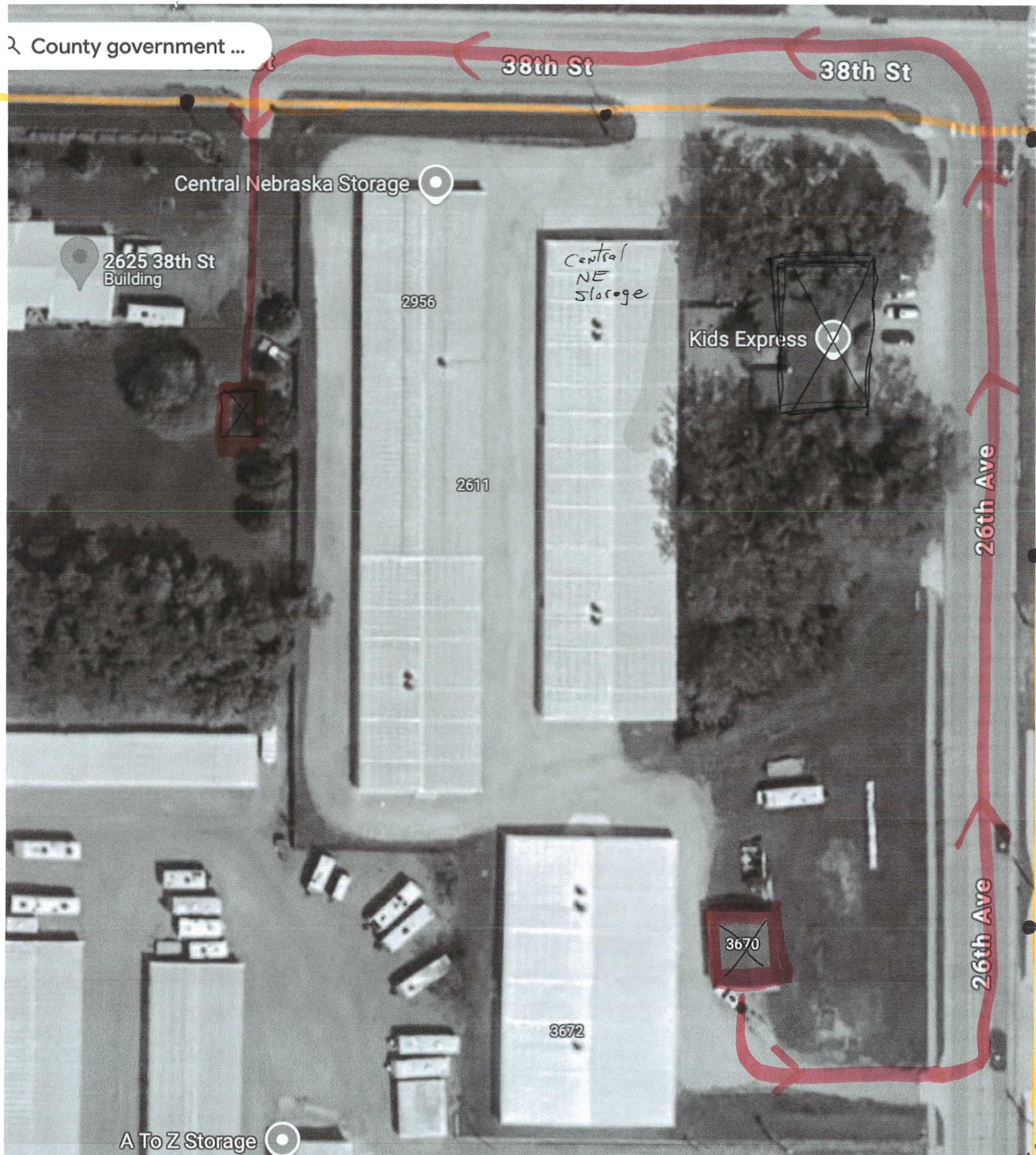
26th Ave

3670

3672

A To Z Storage

Gas + Power Lines



Google Maps 2639 38th St

Columbus, Nebraska

 Google Street View

Aug 2022

[See more dates](#)

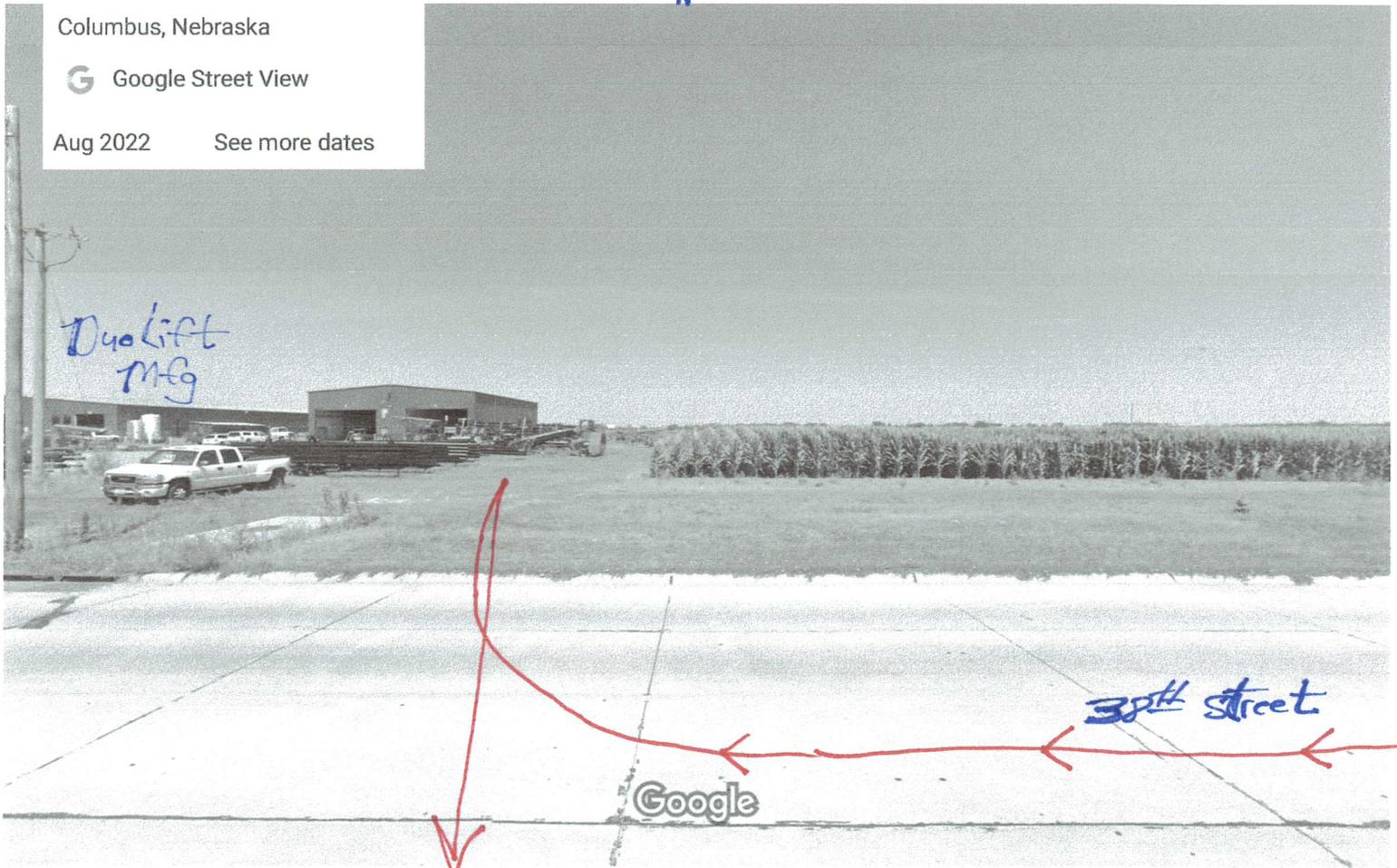
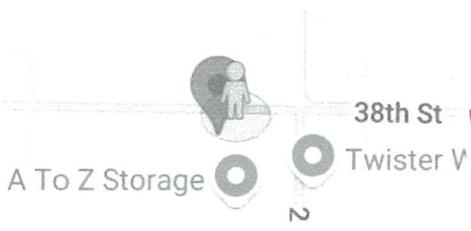


Image capture: Aug 2022 © 2024 Google



S.

Google Maps 2639 38th St

S.

Columbus, Nebraska

Google Street View

Aug 2022

See more dates

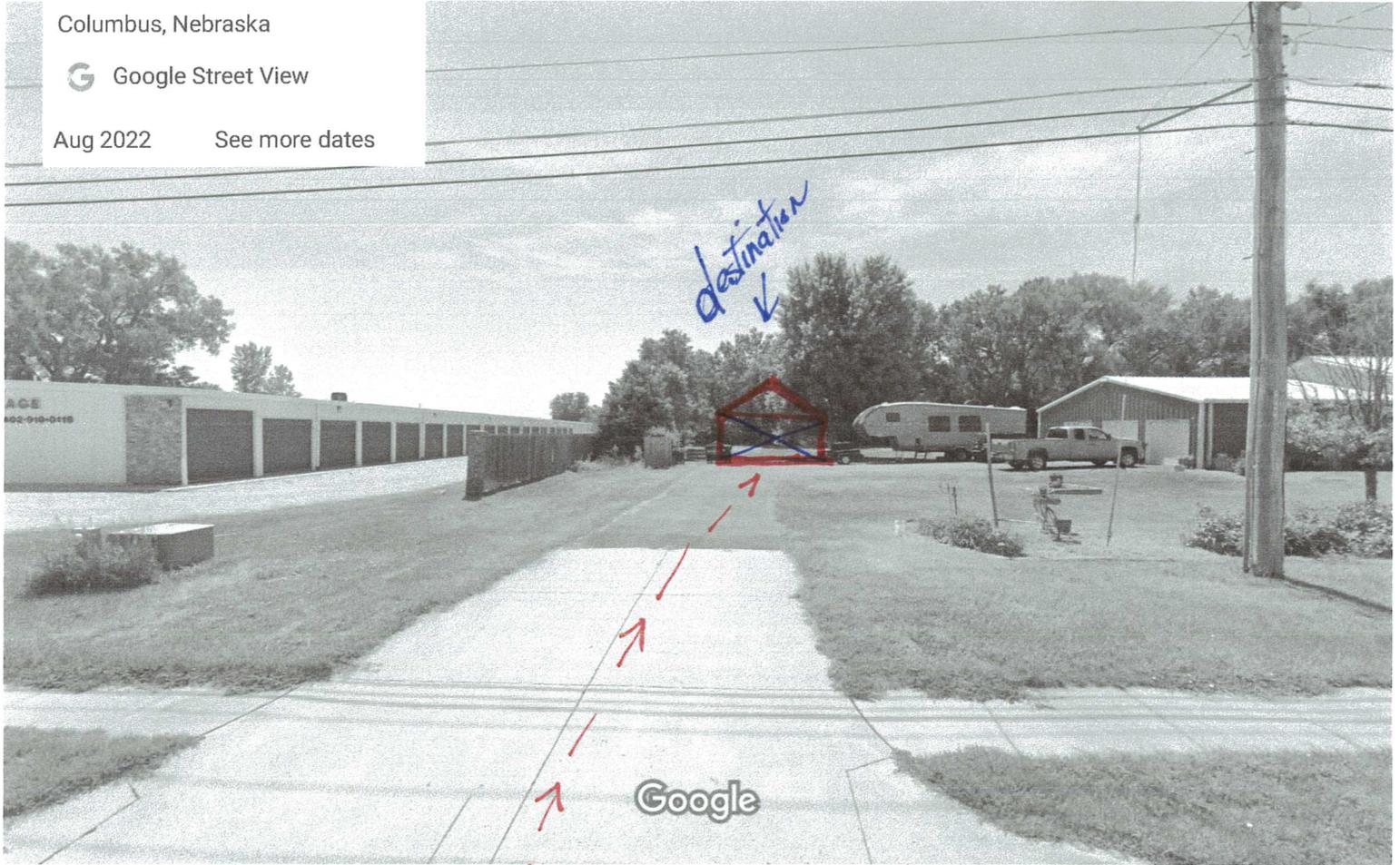
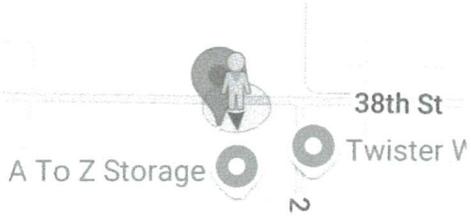


Image capture: Aug 2022 © 2024 Google





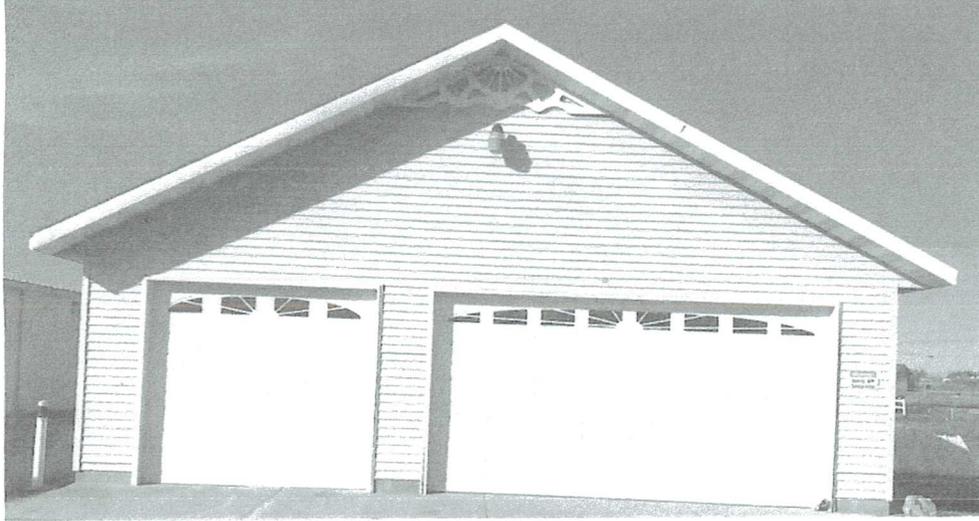
This garage (to be moved) will be placed on a 30' lowboy trailer. It will be moved using a typical semi-tractor. The mover thinks he will be able to back the garage up the resident's driveway to its final destination. His goal is to back the trailer up into the driveway using the street area. He also mentioned that he may need to put his semi-tractor on the grassy area across the street (Duo Lift's grass area beside the street) to straighten the tractor and trailer some, before entering the neighbor's driveway. Duo Lift secretary Donna and owner Jim Hellbusch have been notified of the slim possibility of this happening. Kevin will have a longer discussion with Jim regarding this proposal later this week once Jim is back in town.

You can see the attached drawings to better understand.
Jim has been a wonderful neighbor that I have known for 28 years.

Kevin Lewandowski
Central Nebraska Storage (garage seller)

April 22, 2024

11



This garage (to be moved in late May 2024) will be placed on a 30' lowboy trailer. It will be professionally moved using a typical semi-tractor. The mover thinks he will be able to back the garage up the resident's driveway to its final destination. His goal is to back the trailer up into the driveway using the street area. He has also mentioned that he may need to put his semi-tractor on the grassy area across the street (Duo Lift's grass area beside the street) to straighten the tractor and trailer some, before backing into the neighbor's driveway.

I have discussed this proposal with Jim Hellbusch. He as owner understands that there is a slim possibility of this happening. If there is any dirt or ground leveling needed, Kevin will level it back to normal.

Duo Lift Mfg Owner : Allowed per discussion with Jim Hellbusch owner.

Kevin Lewandowski, Central Nebraska Storage (owner and garage seller)

April 24, 2024 *KL*

KL

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

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

NOTICE ALONG MOVING ROUTE

Prior to the actual move of a building, the applicant for such moving permit shall provide notice to all property owners or occupants along the moving route. Said notice shall be personally delivered to each property owner or occupant or left at their place of business or residence along the route at least twenty-four (24) hours, but not more than seventy-two (72) hours, before the move takes place. The notice to said business or residence shall provide that electrical power may be affected by the building move. The notice shall contain the name, address and telephone number of the following: the building owner, the building mover, and the electrical power company involved. The notice shall also set forth the date of the move and a time frame within which the move is to take place.

The applicant shall be responsible for filing with the City Clerk an Affidavit of Moving Notice Compliance. Said Affidavit shall be filed before the move commences and shall verify that the notice requirement of this section has been complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's Office.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS CORRECT AND THAT I AGREE TO ABIDE BY ANY AND ALL PROVISIONS MADE BY AUTHORIZED CITY OFFICIALS OR BOARDS OR ORDINANCES OF THE CITY OF COLUMBUS, UPON WHICH THIS APPLICATION IS BASED.

DATE April 18, 2024

X Joseph [Signature]
OWNER OF BUILDING

(Joe)

FEES _____

X Al Williams
BUILDING MOVER

(Williams Movers)

RECEIPT NO. _____

BUILDING INSPECTION

BUILDING INSPECTED BY: Ken [Signature] 4-19-24

CONDITION SATISFACTORY FOR MOVING: YES NO

BUILDING INSPECTOR

PLANNING COMMISSION APPROVED DENIED DATE _____
CITY COUNCIL APPROVED DENIED DATE _____
PERMIT NO. ISSUED _____
WORK COMPLETED DATE: _____

MOVING DATE

DATE: (May 22, 2024) TIME WHICH THE BUILDING WILL BE MOVED: (Likely - 10:00 AM)
LENGTH OF TIME REQUIRED FOR MOVING: 1-2 Hrs

ROUTE (Attach map): See attached →

HEIGHT & WIDTH

HEIGHT (When Loaded): 21'-22' FEET 1 INCHES

Should the building in its height exceed 18 feet, a request to allow the same shall be submitted along with the application for moving permit setting forth the height of the loaded building. The notices required under Section 5-9-9 shall include the proposed request to exceed the height limitation and shall set forth the loaded height of the building to be moved. After public hearings before each such body, the Planning Commission and City Council shall take such action as set forth in Section 5-9-8. The Planning Commission and the Mayor and City Council shall take into consideration those factors set forth in Sections 5-9-14 and 5-9-15 of the Building Moving Ordinance.

WIDTH (Including any ^(Eves) overhang or extension): 35' FEET 0 INCHES
MAX

The maximum width is the narrowest street or road width on the designated route. The street or road width shall be defined as the maintained surface.

In addition, the following documents must accompany this application:

- 1. A signed statement from electric, telephone and cable companies and also from any railroad, telegraph or other utility company that has lines crossing the proposed route that said move meets with their approval. If said move will interfere with said utility company, the signed statement must contain the nature and duration of the interference, the portions of the City to be affected and whether said utility company has approved the move.
- 2. Certification from the Police Chief or designee that he or his designee has reviewed the date, time, and route along with any recommendations for the move.
- 3. Verification that the Building Official has inspected the building to determine the feasibility of moving it and compliance with the Building Moving and Building Code once relocated, and that following such inspection he has approved the building for the move subject to a list of what, if any, changes, alterations or corrections need to be made to the building once relocated. The building permit obtained for said relocated building shall require said list of changes, alterations or corrections to be complied with.
Andy W.
- 4. Verification that the Building Official has ascertained that the size, condition, proposed use and proposed construction alternations are in accordance with the Zoning Regulations of the City. *ete Boschers*
- 5. Verification that a building permit has been applied for and approved for the relocated building.
- 6. Proof that the insurance required under the Building Moving Code has been obtained.
by new owner.



7. A signed statement from a tree service insured and registered with the City of Columbus as provide in Section 9-2-2(J) of the Columbus City Code stating that any needed trimming of trees or shrubbery will not damage or otherwise disturb said trees or shrubbery.

Randy Johnson Nebraska tree works

3-19-2024

The application shall be submitted to the City Clerk along with the required fee at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The City Clerk shall then schedule the application for public hearing before the Planning Commission and before the City Council. The Building Official will report on the application for a moving permit to the Planning Commission, which shall investigate the matter. The Planning Commission, following ten days notice as required by the Notice provisions set forth in Section 5-9-9 of Columbus City Code, shall hold a public hearing and following such public hearing, shall recommend to the City Council the granting or denial of the permit. The City Council, after the ten day notice and publication requirements of Section 5-9-9 of Columbus City Code have been complied with, shall hold a public hearing thereon, and following such public hearing shall grant or deny the permit.

NOTIFICATIONS AS REQUIRED

NOTIFICATION ACKNOWLEDGED BY:

DATE

TELEPHONE: <u>see attachment</u>	
ELECTRICAL: <u>Sales Cooper</u>	<u>4-22-24</u>
CABLE TV: <u>See attachment</u>	
NATURAL GAS: <u>See attachment</u>	
POLICE DEPARTMENT: <u>Scott Hays</u>	
STREET DEPARTMENT: <u>Elite Borders</u>	<u>Apr 19, 2024</u>
FIRE DEPARTMENT: <u>see attachment</u> NA	NA
COUNTY HIGHWAY DEPARTMENT IF APPLICABLE: NA	NA
RAILROAD OR OTHER UTILITY THAT HAS LINES CROSSING THE PROPOSED ROUTE: NA	NA

REQUIRED HEARING NOTICE AND PUBLICATION

Prior to consideration of a building moving application by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. Posted Notice: Notices shall be posted in a conspicuous place on or near the property to which said house or building is to be moved (unless it is being moved outside the City) and on or near the building to be moved at least ten (10) days prior to the date of such public hearing. Each notice shall not be less than eighteen inches (18") in height and twenty-four inches (24") in width, with black letters of not less than one and one-half inches (1 1/2") in height on yellow or white background. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for anyone 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 the ten-day period of time and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.

2. Notice by Publication: At least ten days before the date of the hearing the City Clerk, at the expense of the applicant, shall have published in a daily newspaper having a general circulation in the City of Columbus a notice of the time, place and subject matter of such hearing. Said notice shall also contain the designated moving route.



This garage will be professionally moved to Joe Svasek's residence 4 houses down the street in late May 2024. The mover will be able to back the garage up the resident's driveway to its final destination.

I have been notified and understand this garage moving plan. I understand that there are no serious moving problems.

X *Atah Jure* (Asst. Fire Chief)
Columbus

Kevin Lewandowski, Central Nebraska Storage (garage seller)
Joe Svasek (new garage owner, garage destination: 2625 38th Street)

April 24, 2024

< Voicemail

*From:
Street
Dept. of
Columbus*

Clete Borchers Curb Cut-...



home

April 24, 2024 at 3:10 PM

0:00

-0:32



Transcription (low confidence)

"Yes Kevin here this is ^{Clete} complete with the street department and I looked at your map out and I drove over there and looked at stuff in the I've seen nothing that would be a problem with the cities you know as long as the fiber wires and all that do you talk with them people in loop you said you have so but yeah we have nothing you must have trouble getting around the corner you know there's nothing overhead that problem with us all right for moving the garage at this okey-doke all right have a good day.."

Was this transcription useful or not useful?



Favorites



Recents



Contacts



Keypad



Voicemail



1731 Windhoek Dr
Lincoln, NE 68512

Date:4/29/2024

SHUT OFF FORM

Contractor: City of Columbus

Re: Verification from Black Hills Energy that meter has been shut off and service lines have been abandoned for the premise or premises listed below:

3670 26th Ave, Columbus, NE

If you have questions regarding this shut off and abandonment of this service line, please call:

Heather Bearup 402-858-3590

ALLO

Judith Vasquez-Gamboa <Judith.Vasquez-Gamboa@allofiber.com>

Apr 29/2024 10:48 AM

To: CNS_STORAGE@HOTMAIL.COM <CNS_STORAGE@HOTMAIL.COM>

HI KEVIN,

THANK YOU FOR CONTACTING ALLO FIBER TO LET US KNOW YOU WILL BE MOVING A GARAGE OFF OF THE PROPERTY. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT ME AT (866)4812556.
HAVE A GREAT DAY.

THANK YOU,



Judy Vasquez-Gamboa
Customer Experience Specialist I

[ALLO Fiber](#)

judith.vasquez-gamboa@allofiber.com



3670 26th Ave Columbus NE 68601

Merrick, Kenneth T <Kenneth.Merrick@charter.com>

3670 26th Ave Columbus NE 68601

To: cns_storage@hotmail.com <cns_storage@hotmail.com>

Kevin,

Thank you for contacting us to let us know you are moving your garage to the above referenced address. Currently, that address is not serviceable. Please contact me if you need services at the above referenced address so we can conduct a site survey.

Should you have any questions or need additional information, please do not hesitate to contact me.

Thank you,



K Todd Merrick | Business Sales Representative | 315.849.0617
Kenneth.merrick@charter.com

The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited.

Joe Svasek is the new owner of the 3 car yellow garage.
He purchased it from me the Owner and Manager of Central Nebraska Storage. He is my neighbor to the west side of my business on 38th Street.

On **May 22, 2024 (likely AM)** A professional house mover company will lift and move the yellow garage to Joe's backyard at his home.

The plan is to raise the garage 1-2 feet off the ground and move it crossing two parking lots: Sheryl's business: Kid's Express (on the corner of 26th Ave and 38th Street) and my business: Central Nebraska Storage.
The final destination will be Joe's backyard (2625 - 38th Street)

It has been proposed that by traveling through both parking lots, that power wires would not need to be raised, and the idea of traveling on 38th Street would not be used.

KL I have read and understand the garage moving plan above.
I give permission to allow the travel of Joe's yellow garage to pass through my North parking lot from the East to West, even through my front grass area.

Signature X Kevin Lewandowski Date April 19, 2024

Kevin Lewandowski, Central Nebraska Storage

Thank you,

Joe Svasek (new garage owner)
Kevin Lewandowski (garage seller)

K

Duo-Lift Mfg (James and Connie Hellbusch)
2810 38th Street

Scott and Patricia Engel
2809 38th Street

Brian Blair
2805 36th Street

CMM Properties LLC (Sheryl Mueller)
3790 26th Ave

Central NE Storage (Kevin Lewandowski)
POB 123

All Columbus, NE 68601

Dear Neighbor,

April 25, 2024

Good morning, my name is Joe Svasek and my wife is Miranda Cech. We live at 2625 38th Street. We recently purchased a yellow garage from Central NE Storage. You are receiving this letter as part of the application process we are completing to obtain a moving permit to eventually move the garage to our property.

On May 13th, the City Planning Commission meets at 6:00PM to listen to our moving proposal. On May 20th, the City Council meets at 6:00PM to approve our moving application. Both meetings are located at the new Columbus Community Building (Community Room) 2500 14th Street. If you have any questions, you can call me. You may also attend these meetings, as they are open to the public.

The yellow garage is presently located at 2670 26th Ave and it will be moved to our yard by professional movers, the last week of May 2024.

Present address: (Garage) 3670 26th Ave
Legal Description: (Garage) TR 1.03AC IN N1/2 NE NW 18-17-1E
Land in City Limits Columbus

Destination address: 2625 38th Street
Legal Description: A TR IN N1/2 NE NW 18-17-1E 1.58 AC
Land in City Limits Columbus

Thank you for your time,
Joe Svasek and Miranda Cech

Joe and Miranda (new owners) 402-942-3471
Kevin (Central NE Storage - seller) 402-910-0119

7.D. (Not a Public hearing) - Application from Bosselman Pump & Pantry, Inc., Craig M. Foreman, Benjamin A. Foreman, and J.L.O. Properties LLC for preliminary plat of West Oak 1st Subdivision (west side of 63rd Avenue north of Howard Boulevard). (Planning Commission recommends approval.)

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: West Oak 1st Subdivision – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of West Oak 1st Subdivision as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

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

DISCUSSION:

The subdivision is due to the required relocation of the roundabout in 63rd Avenue resulting in the need to revise adjacent lots in West Oak Addition, Lots 3, 4 and 5. The subdivision consists of 3 lots which were resized. The property is already within the city limits.

FISCAL IMPACT:

None.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Weeber

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: 3/25/2024

NAME OF SUBDIVISION: West Oak 1st Subdivision

NAME OF PROPERTY OWNER: Bosselman Pump & Pantry, Inc. and Craig Foreman

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Craig Foreman

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 3558 38th Avenue, Columbus, NE 68601

PHONE NUMBER: 402-564-2775

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: craig@foremanlumber.com

NUMBER OF LOTS IN SUBDIVISION: 3

ADDRESS OF SUBDIVISION: Lots 3, 4, and 5, West Oak Addition, Columbus

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



Owner or Owner's Representative

Josiah Nelson ddlawgroup.com

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

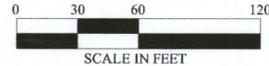
Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

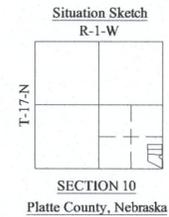
PRELIMINARY PLAT
WEST OAK 1st SUBDIVISION
 A Subdivision of Lots 3, 4, and 5 and Vacated
 Right-of-Way in West Oak Addition to the City of
 Columbus, Platte County, Nebraska.



Drawn By: LRR
 Date: March 15, 2024
 Scale: 1"=60'
 Project Number: S-071-168



- Zone B2**
- 10' Front Setback
 - 10' Street Side Setback
 - 0' Side Setback
 - 20' Rear Setback



OWNERS:
 Bosselman Pump & Pantry, Inc.
 P.O. Box 4905
 Grand Island, NE 68802
 308-218-2401

Craig Foreman
 3558 38th Avenue
 Columbus, NE 68601
 402-564-2775

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

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

FIELD NOTES
 A) Northwest Corner, South 1/2, Southwest 1/4, Section 11, T17N, R1W :
 Found 1" Iron Pipe as recorded by Thomas A. Tremel, LS#455, October 26, 2021.
 55.84' NW to PK Nail w/ Plastic Disc in Power Pole.
 56.38' SW to PK Nail w/ Plastic Disc in Power Pole.
 52.27' SE to PK Nail w/ Plastic Disc in Telephone Pedestal Post.
 On range of Power Poles and Fence, West.
 On centerline of 63rd Avenue, North-South.

B) Southeast Corner, Section 10, T17N, R1W: Found 5/8" Rebar with Aluminum Cap as recorded by Thomas A. Tremel, LS#455, February 17, 2020.
 34.92' ENE to PK Nail with Plastic Disc in Power Pole.
 80.22' NE to "X" Nails in Light Pole.
 39.02' NW to "X" Nails in Power Pole.
 38.66' WNW to "X" Nails in top of 27" RCP.
 57.0' SW to the Centerline of the North Band Lane of Hwy. #81.
 On range of Power Poles, East.
 On Centerline of 63rd Avenue, North.

LEGAL DESCRIPTION
 Lots 3, 4, and 5, West Oak Addition to the City of Columbus, Platte County, Nebraska,
 AND
 Vacated 63rd Avenue Right-of-Way in West Oak Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:
 Beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'17" E, 145.57 feet; thence N 65°12'23" W, 106.77 feet; thence N 02°11'48" W, 53.01 feet; thence N 62°55'15" E to the Point of Beginning, containing 9,446.45 square feet, more or less.

EASEMENT OF INGRESS & EGRESS
 An easement of ingress and egress located in Lots 1, 2, and 3, Block A, West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska,
 more particularly described as follows:

Commencing at the Northeast corner of Lot 3, Block A, West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°34'53" W on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence S 88°34'53" W on said North line, 24.00 feet; thence S 02°16'09" E and parallel to the East line of said Lot 3, 46.14 feet; thence S 06°36'58" W, 51.81 feet to a point of curvature; thence Southwesterly on a 82.200 foot radius curve to the right, 135.34 feet of which said curve has a chord bearing of S 36°30'15" W, 125.25 feet; thence Southwesterly on a 82.200 foot radius curve to the left, 110.67 feet of which said curve has a chord bearing of S 36°36'51" W, 102.46 feet; thence S 01°25'25" E, 88.92 feet; thence N 88°34'35" E, 90.73 feet; thence N 02°11'48" W on the West Right-of-Way line of 63rd Avenue, 53.01 feet; thence S 88°34'35" W, 58.02 feet; thence N 01°25'25" W, 36.12 feet to a point of curvature; thence Northeasterly on a 54.00 foot radius curve to the right, 0.63 feet of which said curve has a chord bearing of N 36°31'36" E, 62.59 feet; thence Northeasterly on a 132.00 foot radius curve to the left, 178.65 feet of which said curve has a chord bearing of N 36°30'15" E, 165.33 feet; thence N 02°16'09" W and parallel to the East line of said Lot 3, 96.98 feet to the Point of Beginning.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 15, 2024; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz
 Terry L. Schulz, State of Nebraska, R.L.S. #550 Date 4-29-2024



OWNERS
 We, Craig M. Foreman, Benjamin A. Foreman, J.L.O. Properties, LLC, and Bosselman Pump & Pantry, Inc., a Nebraska Corporation, the owners of the tracts of land described on this plat, have caused the boundary of this tract to be changed. Said tract shall hereinafter be known as West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska.

Craig M. Foreman *Benjamin A. Foreman* *J.L.O. Properties, LLC* *Bosselman Pump & Pantry, Inc.*
 Craig M. Foreman Benjamin A. Foreman J.L.O. Properties, LLC Bosselman Pump & Pantry, Inc.
 a Nebraska Corporation

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 30th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Craig M. Foreman, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: April 18, 2027
Tori Muller
 Notary Public
 TORI MULLER
 General Notary - State of Nebraska
 My Commission Expires Apr 18, 2027

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 30th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Benjamin A. Foreman, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: April 18, 2027
Tori Muller
 Notary Public
 TORI MULLER
 General Notary - State of Nebraska
 My Commission Expires Apr 18, 2027

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 30th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared John Obrist, member of J.L.O. Properties, LLC to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: April 18, 2027
Tori Muller
 Notary Public
 TORI MULLER
 General Notary - State of Nebraska
 My Commission Expires Apr 18, 2027

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 7th day of MAY, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared CHARLES D. BOSSELMAN JR., member of Bosselman Pump & Pantry, Inc., a Nebraska Corporation to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: July 31, 2026
Raynela J. Karlin
 Notary Public
 GENERAL NOTARY - State of Nebraska
 RAYNELDA J. KARLIN
 My Comm. Exp. July 31, 2026

COLUMBUS NEBRASKA PLANNING COMMISSION
 This Preliminary Plat of WEST OAK 1ST SUBDIVISION to the City of Columbus, Nebraska, approved by the
 Planning Commission this _____ day of _____, 2024.

Chairman _____

COLUMBUS NEBRASKA CITY COUNCIL
 This Preliminary Plat of WEST OAK 1ST SUBDIVISION to the City of Columbus, Nebraska, approved by
 the City Council this _____ day of _____, 2024.

Mayor _____

City Clerk _____



Ingress/Egress Easement Segment Data	
S1	46.14' S 02°16'09" E
S2	51.81' S 06°36'58" W
S3	RAD.= 100.00', ARC= 135.34', CHORD= S 36°30'15" W, 125.25'
S4	RAD.= 82.00', ARC= 110.67', CHORD= S 3°36'51" W, 102.46'
S5	88.92' S 01°25'25" E
S6	90.73' N 88°34'35" E
S7	58.02' S 88°34'35" W
S8	36.12' N 01°25'25" W
S9	RAD.= 50.00', ARC= 67.63', CHORD= N 36°31'36" E, 62.59'
S10	RAD.= 132.00', ARC= 178.65', CHORD= N 36°30'15" E, 165.33'
S11	96.98' N 02°16'09" W

LEGEND

- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" L.B. w/Cap)
- M Measured Distance
- R Recorded Distance (LDB) Lynn D. Birkel, LS#497 dated October 24, 2022.
- Fire Hydrant
- ⊗ Water Valve
- ⋄ Guy Anchor
- ☀ Light Pole
- Manhole
- Power Pole
- Sign
- ⊞ Telephone Pedestal
- S — Existing Sanitary Sewer Main
- T — Telephone Line
- OHP — Overhead Power Line
- UGP — Underground Power Line
- W — Existing Water Main
- — Existing Storm Sewer
- - - Easement Line

B) Southeast Corner, Section 10, T17N, R1W

7.E. Public hearing - Application from Bosselman Pump & Pantry, Inc., Craig M. Foreman, Benjamin A. Foreman, and J.L.O. Properties LLC for final plat and development agreement of West Oak 1st Subdivision (west side of 63rd Avenue north of Howard Boulevard). (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of West Oak 1st Subdivision, Lots 3, 4, and 5, West Oak Addition to the City of Columbus, Platte County, Nebraska, AND Vacated 63rd Avenue Right-of-Way in West Oak Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'17" E, 145.57 feet; thence N 65°12'23" W, 106.77 feet; thence N 02°11'48" W, 53.01 feet; thence N 62°55'15" E to the Point of Beginning, containing 9,446.45 square feet, more or less. EASEMENT OF INGRESS & EGRESS: An easement of ingress and egress located on Lots 1, 2, and 3, Block A, West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of Lot 3, Block A, West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°34'53" W on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence S 88°34'53" W on said North line, 24.00 feet; thence S 02°16'09" E and parallel to the East line of said Lot 3, 46.14 feet; thence S 06°36'58" W, 51.81 feet to a point of curvature; thence Southwesterly on a 100.00 foot radius curve to the right, 135.34 feet of which said curve has a chord bearing of S 36°30'15" W, 125.25 feet; thence Southwesterly on a 82.00 foot radius curve to the left, 110.67 feet of which said curve has a chord bearing of S 36°36'51" W, 102.46 feet; thence S 01°25'25" E, 88.92 feet; thence N 88°34'35" E, 90.73 feet; thence N 02°11'48" W on the West Right-of-Way line of 63rd Avenue, 53.01 feet; thence S 88°34'35" W, 58.02 feet; thence N 01°25'25" W, 36.12 feet to a point of curvature; thence Northeasterly on a 50.00 foot radius curve to the right, 67.63 feet of which said curve has a chord bearing of N 36°31'36" E, 62.59 feet; thence Northeasterly on a 132.00 foot radius curve to the left, 178.65 feet of which said curve has chord bearing of N 36°30'15" E, 165.33 feet; thence N 02°16'09" W and parallel to the East line of said Lot 3, 96.98 feet to the Point of Beginning (west side of 63rd Ave north of Howard Blvd) and at said time and place you may appear and be heard.

City of Columbus, NE

Shuraya Frauendorfer, City Clerk

Publish: 05:09:24

Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: West Oak 1st Subdivision – Preliminary and Final Plats

RECOMMENDATION:

I recommend the approval of the Preliminary Plat of West Oak 1st Subdivision as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

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

DISCUSSION:

The subdivision is due to the required relocation of the roundabout in 63rd Avenue resulting in the need to revise adjacent lots in West Oak Addition, Lots 3, 4 and 5. The subdivision consists of 3 lots which were resized. The property is already within the city limits.

FISCAL IMPACT:

None.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Weeber

SIGNATURE:

By: Richard J. Bogus

Approved By: 

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

DATE: 3/25/2024

NAME OF SUBDIVISION: West Oak 1st Subdivision

NAME OF PROPERTY OWNER: Bosselman Pump & Pantry, Inc. and Craig Foreman

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Craig Foreman

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 3558 38th Avenue, Columbus, NE 68601

PHONE NUMBER: 402-564-2775

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: craig@foremanlumber.com

NUMBER OF LOTS IN SUBDIVISION: 3

ADDRESS OF SUBDIVISION: Lots 3, 4, and 5, West Oak Addition, Columbus

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



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

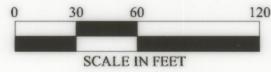
Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

FINAL PLAT
WEST OAK 1st SUBDIVISION
 A Subdivision of Lots 3, 4, and 5 and Vacated
 Right-of-Way in West Oak Addition to the City of
 Columbus, Platte County, Nebraska.



Drawn By: LRR
 Date: March 15, 2024
 Scale: 1"=60'
 Project Number: S-071-168



- Zone B2**
- 10' Front Setback
 - 10' Street Side Setback
 - 0' Side Setback
 - 20' Rear Setback



SECTION 10
Platte County, Nebraska

LEGEND

- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- M Measured Distance
- R Recorded Distance (LDB) Lynn D. Birkel, LS#497 dated October 24, 2022.

OWNERS:
 Bosselman Pump & Pantry, Inc.
 P.O. Box 4905
 Grand Island, NE 68802
 308-218-2401

Craig Foreman
 3558 38th Avenue
 Columbus, NE 68601
 402-564-2775

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

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

Ingress/Egress Easement Segment Data

Segment	Description
S1	46.14' S 02°16'09" E
S2	51.81' S 06°36'58" W
S3	RAD. = 100.00', ARC = 135.34', CHORD = S 36°30'15" W, 125.25'
S4	RAD. = 82.00', ARC = 110.67', CHORD = S 36°36'51" W, 102.46'
S5	88.92' S 01°25'25" E
S6	90.73' N 88°34'35" E
S7	58.02' S 88°34'35" W
S8	36.12' N 01°25'25" W
S9	RAD. = 50.00', ARC = 67.63', CHORD = N 36°31'36" E, 62.59'
S10	RAD. = 132.00', ARC = 178.65', CHORD = N 36°30'15" E, 165.33'
S11	96.98' N 02°16'09" W

FIELD NOTES

A) Northeast Corner, Southeast 1/4, Southeast 1/4, Section 10, T17N, R1W:
 Found 1" Iron Pipe as recorded by Thomas A. Tremel, LS#455, October 26, 2021.
 55.84' NW to PK Nail w/ Plastic Disc in Power Pole.
 56.38' SW to PK Nail w/ Plastic Disc in Power Pole.
 52.27' SE to PK Nail in Telephone Pedestal Guard Post.
 On range of Power Poles and Fence, West.
 On centerline of 63rd Avenue, North-South.

B) Southeast Corner, Section 10, T17N, R1W: Found 5/8" Rebar with Aluminum Cap as recorded by Thomas A. Tremel, LS#455, February 17, 2020.
 34.92' ENE to PK Nail with Plastic Disc in Power Pole.
 80.22' NE to "X" Nails in Light Pole.
 39.02' NW to "X" Nails in Power Pole.
 38.66' WNW to "X" Nails in top of 27" RCP.
 57.0' SW to the Centerline of the North Bound Lane of Hwy. #81.
 On range of Power Poles, East.
 On Centerline of 63rd Avenue, North.

LEGAL DESCRIPTION

Lots 3, 4, and 5, West Oak Addition to the City of Columbus, Platte County, Nebraska, AND Vacated 63rd Avenue Right-of-Way in West Oak Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'17" E, 145.57 feet; thence N 65°12'23" W, 106.77 feet; thence N 02°11'48" W, 53.01 feet; thence N 62°55'15" E to the Point of Beginning, containing 9,446.45 square feet, more or less.

EASEMENT OF INGRESS & EGRESS

An easement of ingress and egress located on Lot 1, 2, and 3, Block A, West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of Lot 3, Block A, West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska; thence S 88°34'53" W / on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence S 88°34'53" W on said North line, 24.00 feet; thence S 02°16'09" E and parallel to the East line of said Lot 3, 46.14 feet; thence S 06°36'58" W, 51.81 feet to a point of curvature; thence Southwesterly on a 100.00 foot radius curve to the right, 135.34 feet of which said curve has a chord bearing of S 36°30'15" W, 125.25 feet; thence Southwesterly on a 82.00 foot radius curve to the left, 110.67 feet of which said curve has a chord bearing of S 36°36'51" W, 102.46 feet; thence S 01°25'25" E, 88.92 feet; thence N 88°34'35" E, 90.73 feet; thence N 02°11'48" W on the West Right-of-Way line of 63rd Avenue, 53.01 feet; thence S 88°34'35" W, 58.02 feet; thence N 01°25'25" W, 36.12 feet to a point of curvature; thence Northeasterly on a 50.00 foot radius curve to the right, 67.63 feet of which said curve has a chord bearing of N 36°31'36" E, 62.59 feet; thence Northeasterly on a 132.00 foot radius curve to the left, 178.65 feet of which said curve has a chord bearing of N 36°30'15" E, 165.33 feet; thence N 02°16'09" W and parallel to the East line of said Lot 3, 96.98 feet to the Point of Beginning.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 15, 2024, also that all dimensions are in feet and are correct to the best of my knowledge and belief.

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

4-29-2024
 Date



DEDICATION

We, Craig M. Foreman, Benjamin A. Foreman, J.L.O. Properties, LLC, and Bosselman Pump & Pantry, Inc., a Nebraska Corporation, owners of the described property, WEST OAK 1ST SUBDIVISION, hereby dedicate the streets, avenues, roads and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. Said tract of land shall hereinafter be known as WEST OAK 1ST SUBDIVISION, of Lot 3, 4, and 5, Block A, and vacated right-of-way all in Avishbones Addition to the City of Columbus, Platte County, Nebraska.

Craig M. Foreman, Benjamin A. Foreman, J.L.O. Properties, LLC, Bosselman Pump & Pantry, Inc. a Nebraska Corporation

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 30th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Craig M. Foreman, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: April 18, 2027

Tori Muller
 Notary Public

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 30th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Benjamin A. Foreman, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: April 18, 2027

Tori Muller
 Notary Public

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 30th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared John Obrist, member of J.L.O. Properties, LLC to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: April 18, 2027

Tori Muller
 Notary Public

STATE OF NEBRASKA) ss
 COUNTY OF PLATTE)

On this 7th day of May, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Charles O. Bosselman Jr., member of Bosselman Pump & Pantry, Inc., a Nebraska Corporation to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

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

My Commission expires: July 31, 2026

Raynela J. Karlin
 Notary Public

COLUMBUS, NEBRASKA SCHOOL BOARD
 This Final Plat of WEST OAK 1ST ADDITION to the City of Columbus, Nebraska, is approved by the

Columbus Public Schools on this 7th day of May, 2024.

School Superintendent

COLUMBUS NEBRASKA PLANNING COMMISSION
 This Final Plat of WEST OAK 1ST SUBDIVISION to the City of Columbus, Nebraska, approved by the

Planning Commission this ___ day of ___, 2024.

Chairman

COLUMBUS NEBRASKA CITY COUNCIL
 This Final Plat of WEST OAK 1ST SUBDIVISION to the City of Columbus, Nebraska, approved by

Resolution ___ by the City Council this ___ day of ___, 2024.

Mayor

City Clerk



B) Southeast Corner, Section 10, T17N, R1W

7.E.1. Resolution No. R24-56 approving final plat and development agreement.

DRAFT

RESOLUTION NO. R24-56

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA ACCEPTING THE DEED OF DEDICATION AND APPROVING THE PLAT OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT: LOTS 3, 4, AND 5, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, AND VACATED 63RD AVENUE RIGHT-OF-WAY IN WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK A, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 02°13'17" E, 145.57 FEET; THENCE N 65°12'23" W, 106.77 FEET; THENCE N 02°11'48" W, 53.01 FEET; THENCE N 62°55'15" E TO THE POINT OF BEGINNING, CONTAINING 9,446.45 SQUARE FEET, MORE OR LESS HEREINAFTER TO BE KNOWN AS WEST OAK 1ST SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, A SUBDIVISION OF LOTS 3, 4, AND 5 AND VACATED RIGHT-OF-WAY IN WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; AND APPROVING THE WEST OAK 1ST SUBDIVISION DEVELOPMENT AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN THE SAME.

WHEREAS, Bosselman Pump & Pantry, Inc. is the owner of Lots 4 and 5 of the following described real estate and Craig M. Foreman, Benjamin A. Foreman, and J.L.O. Properties, LLC are the owners of Lot 3 of the following described real estate:

Lots 3, 4, and 5, West Oak Addition to the City of Columbus, Platte County, Nebraska,

AND

Vacated 63rd Avenue Right-of-Way in West Oak Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'17" E, 145.57 feet; thence N 65°12'23" W, 106.77 feet; thence N 02°11'48" W, 53.01 feet; thence N 62°55'15" E to the Point of Beginning, containing 9,446.45 square feet, more or less, all of which is presently platted and within the boundaries of and within the zoning jurisdiction of the City of Columbus, Nebraska; and

WHEREAS, said owners have subdivided out said land into lots, blocks and avenues together with appropriate easement areas for utilities, public trails, existing power lines and ingress and egress to, from and across the lots under the name of "West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska, a Subdivision of Lots 3, 4, and 5 and Vacated Right-of-Way in West Oak Addition to the City of Columbus, Platte County, Nebraska"; and,

WHEREAS, said owners have caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing any and all lots, blocks and avenues

and easements belonging to such subdivision, a Plat of which bearing the date of April 29, 2024 and certified by Terry L. Schulz, Registered Land Surveyor, #550, is hereto attached; and

WHEREAS, said owners have executed an instrument of dedication to the avenue, public trail, existing power line easements and utility easements shown on said Plat and have executed an instrument of dedication to the current and subsequent owners of lots in said Subdivision for a perpetual ingress and egress area over and across the lots in said Subdivision, all of the foregoing being described and designated on said on the Plat; and

WHEREAS, the area is platted as "B-2" (General Commercial District) according to the zoning regulations of the City of Columbus, Nebraska; and,

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

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

WHEREAS, after public hearing, the Planning Commission recommended approval of the plat of the West Oak 1st Subdivision; and,

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

WHEREAS, the Mayor and City Council have held a public hearing on the approval of the Final Plat of said Subdivision; and following such public hearing, and having heard all persons appearing at such hearing approved said Final Plat.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Columbus, Nebraska, that the Deed of Dedication for West Oak 1st Subdivision be and the same is hereby accepted and the Plat and the Development Agreement for said subdivision be and the same are hereby approved as provided by law; that the Mayor and Clerk be and hereby are authorized and instructed to endorse such approval upon said original plat and that the area carry the classification heretofore assigned it as "B-2" (General Commercial District) according to the Zoning Regulations of the City of Columbus, Nebraska; that the West Oak 1st Subdivision Development Agreement attached hereto as Exhibit "A" is hereby approved and accepted, and the Mayor and Clerk be and hereby are authorized and instructed to sign the Development Agreement.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED this _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Please return to:
Josiah Nelson
Dvorak Law Group, LLC
9500 W. Dodge Rd., Ste. 100
Omaha, NE 68114

WEST OAK 1ST SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on [] day of [], 2024 by and between Bosselman Pump & Pantry, Inc., Craig M. Foreman, Benjamin A. Foreman, and J.L.O. Properties, LLC LLC (hereinafter referred to collectively as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City").

WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as West Oak 1st Subdivision to the City of Columbus, Platte County, Nebraska, (hereinafter referred to as the "Area to be Developed") within the City's zoning and platting jurisdiction; and,

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

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

WHEREAS, this Development Agreement involves certain lots within the tract of land previously platted as West Oak Addition and governed by the West Oak Addition Development Agreement; and

WHEREAS, the Subdivider herein desires to ratify and confirm the terms and provisions contained in said West Oak Addition Development Agreement and said prior

agreement along with the within agreement shall be applicable to the West Oak 1st Subdivision.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

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

“Property benefited” shall mean property within the Area to be Developed (Exhibit “A”), which will comprise_____acres of property.

SECTION I

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

- A. No vehicular access will be provided directly from 63rd Avenue and must access 63rd Avenue from the roundabout at a pre-approved distance from the end of said roundabout.

The lots created by West Oak 1st Subdivision shall remain under the same obligation associated with and pursuant to the West Oak Addition Development Agreement and Deed of Dedication.

SECTION II

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

SECTION III

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

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

have exclusive control over connections to its sewers whether inside or outside the boundaries of the Area to be Developed.

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

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

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

SECTION IV

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

SECTION V

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

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

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

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

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

SECTION VI

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

SECTION VII

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

SECTION VIII

Subdivider ratifies and confirms the terms and provisions contained in the West Oak Addition Development Agreement and the parties herein acknowledge that said prior agreement remains applicable to the West Oak 1st Subdivision and is not superseded or otherwise altered by operation of the agreement herein.

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

ATTEST:

CITY OF COLUMBUS

CITY CLERK

MAYOR

Date

APPROVED AS TO FORM

CITY ATTORNEY

SUBDIVIDER

Bosselman Pump & Pantry, Inc.

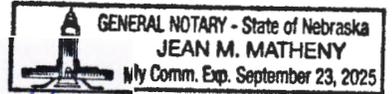
Brian Fausch
Brian Fausch, Chief Strategic Officer

Dated this 15th day of May, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF ~~PLATTE~~ Hall)

On this 15th day of May, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Brian Fausch, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

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



Jean M Matheny
Notary Public

(My commission expires: 9-23-2024)

SUBDIVIDER

Craig M. Foreman

Dated this ____ day of _____, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this ____ day of _____, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Craig M. Foreman, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

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

Notary Public

(My commission expires: _____)

SUBDIVIDER

Bosselman Pump & Pantry, Inc.

Randy L. Gard, Chief Operations Officer

Dated this ____ day of _____, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

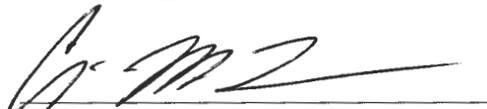
On this ____ day of _____, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act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

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

Notary Public

(My commission expires: _____)

SUBDIVIDER



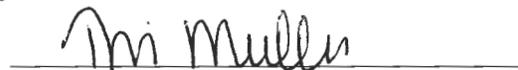
Craig M. Foreman

Dated this 15th day of May, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 15th day of May, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Craig M. Foreman, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

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



Notary Public

(My commission expires: Apr 18, 2027)

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

SUBDIVIDER

Benjamin A. Foreman
Benjamin A. Foreman

Dated this 15th day of May, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 15th day of May, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Benjamin A. Foreman, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

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

Tori Muller
Notary Public

(My commission expires: Apr 18, 2027)

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

SUBDIVIDER

J.L.O. Properties, LLC

John L. Obrist Jr
Name: John L. Obrist Jr
Title: Member

Dated this ____ day of _____, 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 15th day of May, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared John L. Obrist Jr, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said limited liability company.

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

Tori Muller
Notary Public

(My commission expires: Apr 18, 2027)

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

After recording, please return to:

JOSIAH D. NELSON
DVORAK LAW GROUP, LLC
9500 WEST DODGE ROAD, SUITE 100
OMAHA, NE 68114
(402) 933-2472
EMAIL: jnelson@ddlawgroup.com

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Bosselman Pump & Pantry, Inc., a Nebraska corporation, the owner of Lots 4 and 5 of the following described real estate, and Craig M. Foreman, Benjamin A. Foreman, and J.L.O. Properties, LLC, a Nebraska limited liability company, the owners of Lot 3 of the following described real estate:

LOTS 3, 4, AND 5, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA,
AND
VACATED 63RD AVENUE RIGHT-OF-WAY IN WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK A, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 02°13'17" E, 145.57 FEET; THENCE N 65°12'23" W, 106.77 FEET; THENCE N 02°11'48" W, 53.01 FEET; THENCE N 62°55'15" E TO THE POINT OF BEGINNING, CONTAINING 9,446.45 SQUARE FEET, MORE OR LESS;

have caused the above described real estate to be laid out into lots, blocks and streets and easement areas under the name of West Oak 1st Subdivision, a subdivision of Lots 3, 4, and 5 and Vacated Right-of-Way in West Oak Addition to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing any and all lots, blocks and streets and easements belonging to such Subdivision, a Plat of which bearing the date of April 29, 2024, and certified by Terry L. Schulz, Registered Land Surveyor, #550, is hereto attached.

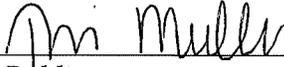
Said owners hereby dedicate to the use and benefit of the public the area shown on the plat which provides the connection between 63rd Avenue and the "Ingress/Egress Easement" (roundabout) and further dedicates to the use and benefit of the public a perpetual easement for the following labeled easements appearing on said Plat: "20' Public Trail Easement", "10.0' Trail Easement", the "10' Power Line Easement", "24.0' Ingress/Egress Easement", and including all Utility Easements for the installation of public utilities and maintenance thereof over and across the lots as set out in said Plat.

Said owners further dedicate to the current and subsequent owners of the lots described and shown on said Plat, their successors and assigns, and said lot owners, guests, licensees and invitees a perpetual easement for ingress and egress over, along and across the permanent Ingress/Egress Easement shown of said Plat and more specifically described as follow, to wit:


Craig M. Foreman

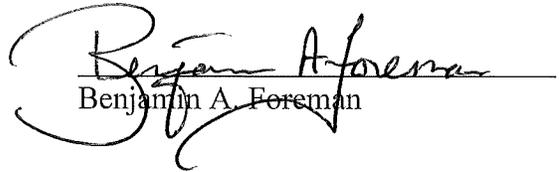
STATE OF NEBRASKA)
: ss.
COUNTY OF PLATTE)

On this 15th day of May, 2024, before me, the undersigned, a Notary Public in and for said County, personally came Craig M. Foreman to me personally known to be the identical person whose name is affixed to the above instrument and acknowledged the execution thereof to be his voluntary act and deed.


Notary Public.

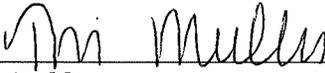
(SEAL)

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027


Benjamin A. Foreman

STATE OF NEBRASKA)
: ss.
COUNTY OF PLATTE)

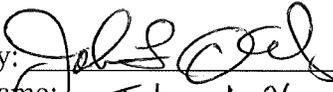
On this 15th day of May, 2024, before me, the undersigned, a Notary Public in and for said County, personally came Benjamin A. Foreman to me personally known to be the identical person whose name is affixed to the above instrument and acknowledged the execution thereof to be his voluntary act and deed.


Notary Public.

(SEAL)

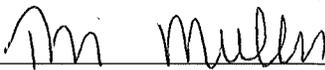
TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

J.L.O. PROPERTIES, LLC

By: 
Name: John L. Oberst Jr
Title: member

STATE OF NEBRASKA)
: ss.
COUNTY OF PLATTE)

On this 15th day of May, 2024, before me, the undersigned, a Notary Public in and for said County, personally came John L. Oberst, as member of J.L.O. Properties, LLC, to me personally known to be the identical person whose name is affixed to the above instrument and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said limited liability company.


Notary Public.

(SEAL)

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

7.F. Public hearing - Application from Convergence LLC for final plat and development agreement of Wishbones 1st Subdivision (east side of 63rd Avenue north of Howard Boulevard). (Planning Commission recommends approval.)

*This public hearing will be continued to the June 3, 2024, meeting.

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Wishbones 1st Subdivision, Outlot B, Outlot C, and Outlot G of Wishbones Addition to the City of Columbus, Platte County, Nebraska (east side of 63rd Ave north of Howard Blvd) and at said time and place you may appear and be heard.

City of Columbus, NE

Shuraya Frauendorfer, City Clerk

Publish: 05:09:24

Two Affidavits of Publication

Frauendorfer, Shuraya

From: Bogus, Richard
Sent: Thursday, May 16, 2024 8:04 AM
To: Frauendorfer, Shuraya
Cc: Renee Whiting
Subject: Fwd: Wishbones 1st Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Please continue this hearing to next meeting.

Rick

From: "Bikus, Christopher M." <Chris.Bikus@kutakrock.com>
Subject: Wishbones 1st Subdivision
Date: 16 May 2024 06:56
To: "Bogus, Richard" <rick.bogus@columbusne.us>, "Whiting, Renee" <Renee.Whiting@columbusne.us>, "Leanne R. Ritter" <lritter@acesne.com>, "John Zwingman (jzwingman@acesne.com)" <jzwingman@acesne.com>
Cc: "Gene Schumacher" <gschum@1492law.com>, "Vasicek, Tara" <Tara.Vasicek@columbusne.us>

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

Thanks Rick – I am still coordinating comments on the documents. I should have them to you next week.

CMB

From: Bogus, Richard <rick.bogus@columbusne.us>
Sent: Wednesday, May 15, 2024 5:01 PM
To: Whiting, Renee <Renee.Whiting@columbusne.us>; Bikus, Christopher M. <Chris.Bikus@kutakrock.com>; Leanne R. Ritter <lritter@acesne.com>; John Zwingman (jzwingman@acesne.com) <jzwingman@acesne.com>
Cc: Gene Schumacher <gschum@1492law.com>; Vasicek, Tara <Tara.Vasicek@columbusne.us>
Subject: RE: Wishbones 1st Subdivision

[CAUTION - EXTERNAL SENDER]

Chris:

I just talked to Gene Schumacher, and we do not have the information requested and required as noted in the email below. Therefore, we will be continuing the public hearing to the June 3rd, 6:00 p.m. City Council meeting.

Rick

Richard J. Bogus, P.E.
Columbus City Engineer
Engineering Department 402-562-4309
2500 14th Street Suite 3;, P.O. Box 1677
Columbus, NE 68602-1677

From: Whiting, Renee <Renee.Whiting@columbusne.us>

Sent: Monday, May 13, 2024 9:16 AM

To: chris.bikus@kutakrock.com; Leanne R. Ritter <lritter@acesne.com>; John Zwingman (jzwingman@acesne.com) <jzwingman@acesne.com>

Cc: Bogus, Richard <rick.bogus@columbusne.us>; Gene Schumacher <gschum@1492law.com>

Subject: Wishbones 1st Subdivision

Good Morning Everyone,

A reminder we will need the following documents before the end of day on Wednesday.

Resolution – email in word format

Development agreement – Signed & original dropped off at City Hall

Deed of Dedication – Signed & original dropped off at City Hall

Thank you,

Renee Whiting

Engineering Admin Specialist

City of Columbus

2500 14th Street, Suite 3

PO Box 1677

Columbus, NE 68602-1677

Direct Telephone: 402-562-4309

E-Mail: Renee.Whiting@columbusne.us

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message.

Thank you.

7.G. Public hearing - Application from Columbus Realty Holdings LLC for final plat and development agreement of Super Saver Subdivision (northwest corner of 23rd Street and 33rd Avenue). (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Super Saver Subdivision, A TRACT OF LAND CONSISTING OF PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SE1/4, SEC. 13-T17N-R1W; THENCE ON AN ASSUMED BEARING S88°08'06"W A DISTANCE OF 37.00 FEET; THENCE S01°51'54"E A DISTANCE OF 882.39 FEET TO THE POINT OF BEGINNING; THENCE S01°01'53"W A DISTANCE OF 39.83 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N89°16'10"E A DISTANCE OF 4.89 FEET; THENCE S00°56'07"W A DISTANCE OF 134.71 FEET; THENCE S01°51'51"E A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET; THENCE S01°57'20"E A DISTANCE OF 49.96 FEET; THENCE S44°08'11"W A DISTANCE OF 5.23 FEET; THENCE S44°08'11"W A DISTANCE OF 18.46 FEET; THENCE S43°41'26"W A DISTANCE OF 40.41 FEET; THENCE S88°52'27"W A DISTANCE OF 5.90 FEET; THENCE S88°15'11"W A DISTANCE OF 112.19 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°06'44"W A DISTANCE OF 147.79 FEET; THENCE N01°55'13"W A DISTANCE OF 329.16 FEET; THENCE S87°32'14"W A DISTANCE OF 133.55 FEET; THENCE S87°32'14"W A DISTANCE OF 126.55 FEET; THENCE N01°48'57"W A DISTANCE OF 269.17 FEET; THENCE N88°12'58"E A DISTANCE OF 29.85 FEET; THENCE N01°47'13"W A DISTANCE OF 163.72 FEET; THENCE N88°20'50"E A DISTANCE OF 50.00 FEET; THENCE N01°39'11"W A DISTANCE OF 40.00 FEET; THENCE N88°20'48"E A DISTANCE OF 291.74 FEET; THENCE S01°47'57"E A DISTANCE OF 88.00 FEET; THENCE S01°55'17"E A DISTANCE OF 59.88 FEET; THENCE N88°17'55"E A DISTANCE OF 140.00 FEET; THENCE S01°54'29"E A DISTANCE OF 244.51 FEET; THENCE N88°23'40"E A DISTANCE OF 110.79 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 329,996.67 SQUARE FEET OR 7.58 ACRES (northwest corner of 23rd St and 33rd Ave) and at said time and place you may appear and be heard.

City of Columbus, NE

Shuraya Frauendorfer, City Clerk

Publish: 05:09:24

Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Super Saver Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Super Saver Subdivision as it is consistent with the Preliminary Plat and all documents have been received. The Preliminary Plat was approved by the Planning Commission on April 8th, 2024, and City Council on April 15th, 2024.

DISCUSSION:

The addition consists of 2 commercial lots including a grocery store, concrete parking, water main to loop to the city system, sanitary sewer services, and storm water system. The storm water runoff on the site is designed to not increase the peak flow from the pre-demolition peak flow. The plat and Development Agreement include a Right-of-Way Easement on 25th Street for location and usage of the building loading dock. The property is already in the corporate limits.

The Subdivider proposes to phase construction to allow the new building to be complete and open prior to closing the demolishing the existing store building.

The Subdivider proposes a future convenience store in the southeast area of the property.

FISCAL IMPACT:

Minor costs utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woschke

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

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



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

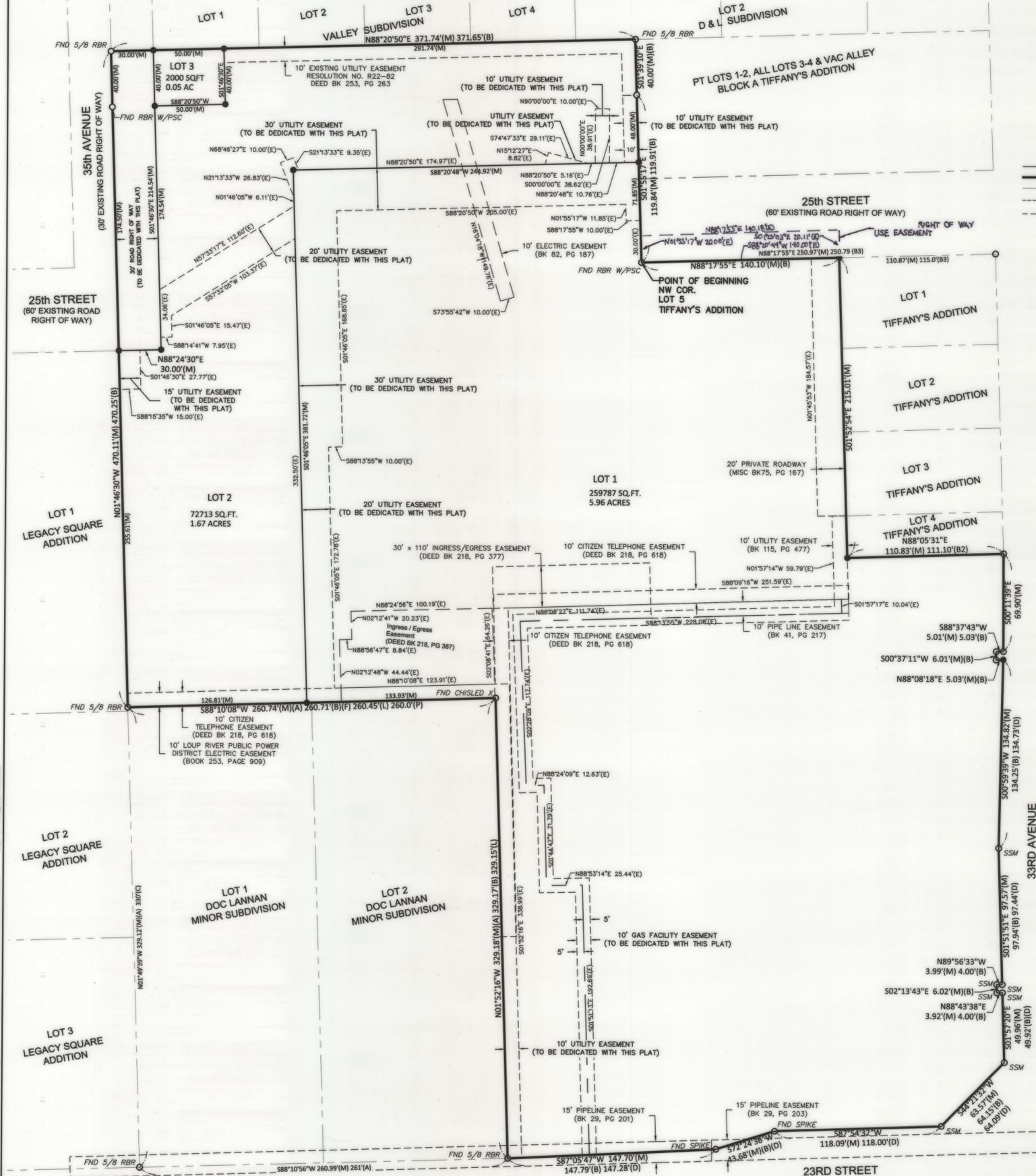
COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

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

SUPER SAVER SUBDIVISION

A REPLAT OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION
COLUMBUS, PLATTE COUNTY, NEBRASKA
FINAL PLAT



- LEGEND**
- FOUND CORNER (REBAR w/PLASTIC CAP UNLESS NOTED)
 - SET CORNER
 - SECTION LINE
 - PROPERTY LINE
 - LOT PROPERTY LINE
 - - - - - EXISTING EASEMENT LINE
 - - - - - NEW EASEMENT LINE
 - M MEASURED DISTANCE
 - B RECORDED DISTANCE B.D. BENCK, LS #536, 1/24/2013
 - B1 RECORDED DISTANCE B.D. BENCK, LS #536, 6/28/2006
 - B2 RECORDED DISTANCE B.D. BENCK, LS #536, 6/28/2006
 - B3 RECORDED DISTANCE B.D. BENCK, LS #536, 9/18/1996
 - D DEEDED DISTANCE BOOK 213, PAGE 731
 - F RECORDED DISTANCE L.A. VAN FLEET, LS #505, 9/15/1998
 - L PLATTED DISTANCE DOC LANNAN MINOR SUB.
 - A RECORDED DISTANCE J.J. ANDRIST, LS #630, 4/29/2016
 - C RECORDED DISTANCE R. CLARK 8/25/1994
 - SSM SURVEY MONUMENT



LEGAL DESCRIPTION

A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E, ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°51'51"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°57'20"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 49.96 FEET; THENCE S44°21'32"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 63.57 FEET; THENCE S87°54'32"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 118.09 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°05'47"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 147.70 FEET TO THE SOUTHEAST CORNER OF LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE N01°52'16"W, ALONG THE EAST LINE OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 329.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE S88°10'08"W, ALONG THE NORTH LINE OF SAID DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 260.74 FEET TO THE NORTHWEST CORNER OF LOT 1, DOC LANNAN MINOR SUBDIVISION ALSO BEING A POINT ON THE EAST LINE OF LOT 1, LEGACY SQUARE ADDITION; THENCE N01°46'30"W, ALONG SAID EAST LINE OF LOT 1, LEGACY SQUARE ADDITION, A DISTANCE OF 470.11 FEET TO THE SOUTHWEST CORNER OF VALLEY SUBDIVISION; THENCE N88°20'50"E, ALONG SAID SOUTH LINE OF VALLEY SUBDIVISION, A DISTANCE OF 371.74 FEET; THENCE S01°39'10"E A DISTANCE OF 40.00 FEET; THENCE S01°55'17"E A DISTANCE OF 119.84 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 340924.88 SQUARE FEET OR 7.827 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON MAY 8TH, 2024, I, JAI JASON ANDRIST, A NEBRASKA REGISTERED LAND SURVEYOR NO. 630, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT; THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION; THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYOR'S REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY.

Jai Jason Andrist
JAI JASON ANDRIST, REGISTERED LAND SURVEYOR NUMBER LS#630

PLANNING COMMISSION

THIS FINAL PLAT OF SUPER SAVER SUBDIVISION, A REPLAT OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION, CITY OF COLUMBUS, NEBRASKA, APPROVED BY THE CITY OF COLUMBUS

THIS _____ DAY OF _____, 2024.

CHAIRMAN _____

CITY COUNCIL APPROVAL

STATE OF NEBRASKA SS
COUNTY OF PLATTE
CITY OF COLUMBUS

THE FOREGOING PLAT APPROVED BY THE CITY OF COUNCIL OF COLUMBUS, NEBRASKA BY RESOLUTION NO. _____ DULY PASSED BY THE CITY COUNCIL ON THIS _____ DAY OF _____, 2024.

MAYOR CITY OF COLUMBUS _____

CITY CLERK _____

SCHOOL DISTRICT

STATE OF NEBRASKA SS
COUNTY OF PLATTE
CITY OF COLUMBUS

THIS ABOVE PLAT APPROVED BY SCHOOL DISTRICT NO. 001, PLATTE COUNTY, NEBRASKA THIS 9th DAY OF May, 2024.

ATTEST

Christy
SECRETARY

Tom Luff
SUPERINTENDENT

OWNERS: COLUMBUS REALTY HOLDINGS, LLC
SUBDIVIDER: COLUMBUS REALTY HOLDINGS, LLC
SURVEYOR: OLSSON
ENGINEER: OLSSON
NUMBER OF LOTS: 3

olsson

Engineering - Nebraska COA #CA-0638
201 East 2nd Street
Grand Island, NE 68801 TEL 308.384.8750 www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

FINAL PLAT
SUPER SAVER SUBDIVISION

A REPLAT OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION

COLUMBUS, NEBRASKA

2024

drawn by: LJV
checked by: JJA
approved by: BD
CAVCE by: JJA
project no.: 021-08889
drawing no.:
date: 05/03/2024

SHEET
1 of 1

DWG: F:\2021\08501-09000\021-08889\40-Design\Survey\SRVY\Sheets\V_FPLAT_02108889.dwg
DATE: May 08, 2024 3:15pm
USER: jfinez
XREFS: V_XRWAY_MOD_02108889 C_PBASE_02108889

7.G.1. Resolution No. R24-57 approving final plat and development agreement.

DRAFT

RESOLUTION NO. R24-57

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E , ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°59'39"W, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 134.82 FEET; THENCE S01°51'51"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°57'20"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 49.96 FEET; THENCE S44°21'32"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 63.57 FEET; THENCE S87°54'32"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 118.09 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°05'47"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 147.70 FEET TO THE SOUTHEAST CORNER OF LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE N01°52'16"W, ALONG THE EAST LINE OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 329.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE S88°10'08"W, ALONG THE NORTH LINE OF SAID DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 260.74 FEET TO THE NORTHWEST CORNER OF LOT 1, DOC LANNAN MINOR SUBDIVISION ALSO BEING A POINT ON THE EAST LINE OF LOT 1, LEGACY SQUARE ADDITION; THENCE N01°46'30"W, ALONG SAID EAST LINE OF LOT 1, LEGACY SQUARE ADDITION, A DISTANCE OF 470.11 FEET TO THE SOUTHWEST CORNER OF VALLEY

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WHEREAS, Columbus Realty Holdings LLC, a Nebraska limited liability company, is the owner of the real estate described as:

A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E , ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°59'39"W, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 134.82 FEET; THENCE S01°51'51"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99

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

WHEREAS, said owner has laid out said land into lots, blocks, streets, and avenue roadways with appropriate utility, gas facility, pipeline, telephone, ingress/egress, private roadway, sidewalk, and drainage easements under the name of Super Saver Subdivision to City of Columbus, Platte County, Nebraska; and

WHEREAS, said owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, and avenue roadways with appropriate utility, gas facility, pipeline, telephone, ingress/egress, private roadway, sidewalk and drainage easement areas belonging to such addition, all as provided by law, and bearing the certificate of Jai Jason Andrist, registered land surveyor, under the date May 8, 2024, a copy of which plat is hereto attached; and

WHEREAS, said owner has executed an instrument of dedication of the streets, public ways and utility, gas facility, pipeline, telephone, ingress/egress, private roadway, sidewalk, and drainage easements to the use and benefit of the public, all as provided by law, said instrument being attached to said plat; and

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

WHEREAS, all of the lots shown on said plat are zoned B-2 according to the zoning regulations of the City of Columbus, Nebraska; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the mayor and council of the City of Columbus, Nebraska, that the Deed of Dedication for the Super Saver Subdivision to the City of Columbus, Platte County, Nebraska, be and the same is hereby accepted, the plat thereof be and the same hereby is approved as provided by law, that the mayor and clerk be and hereby are authorized and instructed to endorse such approval on said original plat, the area carries a classification B-2 Zoning District according to the Zoning Regulation of the City of Columbus, Nebraska; that the Super Saver Subdivision Development Agreement attached hereto as Exhibit "A" is hereby approved and accepted, and the mayor and city clerk are hereby are authorized to sign the same.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Please return to:

Andrew Willis
Cline Williams Wright Johnson & Oldfather, LLP
233 S. 13th Street, Suite 1900
Lincoln, NE 68508

SUPER SAVER SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on the 15th day of May, 2024, by and between COLUMBUS REALTY HOLDINGS, LLC, A Nebraska limited liability company (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as Super Saver Subdivision, City of Columbus, Platte County, Nebraska, which is a tract of land consisting of part of the Southeast Quarter (SE1/4) of Section 13, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska and more particularly described as follows:

A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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(hereinafter referred to as the "Area to be Developed") within the City's zoning and platting jurisdiction; and,

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

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

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

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

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise 7.827 acres of property.

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

SECTION I

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

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

B. Concrete paving of the extension of 25th Street, dedicated per plat (Exhibit "A"), all of said paving to be thirty-three (33) feet in width and eight (8) inches thick, and shall be constructed according to City standards. The entire cost of paving and storm sewer system improvements except for intersections shall be paid by the Subdivider. Any private street/drive improvements and connection to 25th Street located on Lot 1 (and not dedicated to the City as part of 25th Street) is not a public street and is not required to be thirty-three (33) feet in width or meet other City standards for public streets.

C. Concrete paving of the widening of 35th Avenue, dedicated per plat (Exhibit "A"), all of said paving to a width on the east to match 35th Avenue north of 26th Street and eight (8) inches thick, and shall be constructed according to City standards. The entire cost of paving and storm sewer system improvements except for intersections shall be paid by the Subdivider. Subdivider shall dedicate said portion of 35th Avenue with the plat, but shall not be required to complete the construction of the 35th Avenue improvements concurrent with the development of Lot 1; said construction of 35th Avenue shall be required no later than two (2) years after the date of this Agreement. An extension of this time period may be requested by the Subdivider and if said request receives a favorable recommendation of Planning Commission and approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

D. The sanitary sewer system, including, but not limited to: mains, manholes and related appurtenances shall be constructed according to City standards within dedicated street right-of-way and easement areas, per plat (Exhibit "A"), the same to be located on a sanitary sewer plan prepared by a Nebraska Licensed Civil Engineer. The entire cost of sanitary sewer system improvements shall be paid by the Subdivider. The portion of the sanitary sewer system improvements within the 25th Street right of way shall be owned by the City and the remainder of the sanitary sewer improvements shall be owned by the Subdivider.

E. The storm water sewer system, including, but not limited to: mains, inlets, manholes, and related appurtenances shall be constructed according to City standards within dedicated street right-of-way and easement areas, per plat (Exhibit "A") to be located on storm water system plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider shall be responsible for the design, financing and construction of said storm sewer system improvements. The entire cost of storm sewer system improvements shall be paid by the Subdivider. The storm sewer system improvements shall be owned by the Subdivider.

F. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to City standards within a dedicated right-of-way and easement areas per plat (Exhibit "A") on a water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider shall be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider. The water

distribution system and improvements shall be owned by the City, except that the service lines on Subdivider's property shall be owned by Subdivider.

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

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

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

J. Subdivider shall install the concrete sidewalk four feet wide, unless the Nebraska Department of Transportation requires five foot wide, and five inches thick, or required thicker as at driveways and streets, in accordance with the Americans with Disability Act and per City Code on each lot within the Area to be Developed. If any lot remains a common area lot or is located adjacent to a designated arterial or collector, Subdivider shall install the sidewalk for said lot(s) as part of the initial construction. No sidewalk shall be required south of 25th Street (on the north side of Lot 1), as such sidewalk would constitute a safety hazard and would unreasonably interfere with the proposed loading dock and truck access at said location.

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

L. Subdivider shall provide a private driveway connection from 35th Avenue to the parking lot/access roadway system on Lot 1 concurrent with any future development on any lot within this Subdivision other than Lot 1 or the re-platting of any part of this Subdivision beyond the initial approved project. Said private driveway connection shall not be required in connection with the development of the grocery store on Lot 1.

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

N. Subdivider and the City shall execute and enter into the Right of Way Use Easement Agreement attached hereto as Exhibit "B" for 25th Street truck access at the site of the loading dock on Lot 1. Per the terms of the easement, the City shall grant Subdivider the right to use a portion of 25th Street right of way for access to the loading dock for the store on Lot 1.

SECTION II

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

SECTION III

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

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

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

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

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

SECTION IV

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

SECTION V

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

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

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

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

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

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

SECTION VI

Except as specifically provided herein relating to the improvements to be constructed in connection with future development of the lots in the Subdivision other than Lot 1, the Subdivider shall install all public improvements within a time period of two (2) years after the signing of this Development Agreement, except that sidewalks directly in front of houses (if residential) or businesses (if commercial) shall be constructed before the Occupancy Certificate is issued or within four (4) years after the signing of this Development Agreement, whichever comes first. An extension of this time period may be requested by the Subdivider and if said request receives a favorable recommendation of Planning Commission and approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

SECTION VII

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

(Signature page follows)

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

ATTEST:

CITY OF COLUMBUS

CITY CLERK

MAYOR Date

APPROVED AS TO FORM

CITY ATTORNEY

SUBDIVIDER

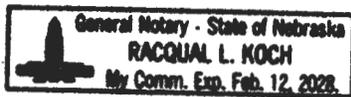
COLUMBUS REALTY HOLDINGS, LLC

By Jane Raybould, Manager
Jane Raybould, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 15 day of May, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Jane Raybould, Manager of Columbus Realty Holdings, LLC, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be her voluntary act and deed as such officer of said corporation.

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



Racqual L. Koch
Notary Public

Exhibit "A"
[Plat]

Exhibit "B"

Please return to:

Andrew Willis
Cline Williams Wright Johnson & Oldfather, LLP
233 S. 13th Street, Suite 1900
Lincoln, NE 68508

RIGHT-OF-WAY USE EASEMENT AGREEMENT

This RIGHT-OF-WAY USE EASEMENT AGREEMENT (this "Easement") is made and entered into this 15th day of May, 2024, by and between Columbus Realty Holdings, LLC, a Nebraska limited liability company (the "Owner"), and the City of Columbus, Nebraska, a Nebraska municipal corporation (the "City").

Recitals

A. Owner is the owner of the following real estate located in Columbus, Nebraska:

Lot 1, Super Saver Subdivision, Columbus, Platte County, Nebraska (the "Property").

B. Owner intends to construct and operate a grocery store on the Property.

C. The grocery store requires a loading dock for deliveries and, due to the size and configuration of the Property, the Owner must use a portion of the 25th Street right of way for adequate truck access to the loading dock.

D. Said portion of 25th Street dead ends into the Property, and it is unlikely that a significant amount of public traffic will utilize this portion of 25th Street.

E. The parties desire to execute this Easement to set forth the terms and conditions for Owner's use of the 25th Street right of way for truck access in connection with the loading dock on the property.

NOW THEREFORE, in consideration for the promises contained herein, the parties agree as follows:

1. Easement Area. The City hereby grants to the Owner an easement to utilize a portion of the 25th Street public right-of-way as shown on Exhibit 1 attached hereto and incorporated herein by this reference (the "Easement Area"). The Easement Area shall be used by the Owner and Owner's agents in connection with deliveries to the loading dock located on the Property.

2. Fee. As consideration for this Easement, the Owner agrees to pay to the city a fee of _____ (\$ _____) per year, payable on or before the first day of January each year.

3. Term and Use. Except as hereinafter provided, the Easement shall continue from year to year so long as the Easement Area is used in connection with providing truck access to the loading dock for Owner's business. Upon the termination of said use, this Easement shall terminate.

4. Termination by the City; Notice. This Easement may not be terminated by the City prior to the end of the term set forth above, except for the following reasons:

- a. The need of the City to utilize the Easement Area for public health and/or safety purposes.
- b. The Owner's violation of this Easement; and provided further that before declaring any revocation under this subparagraph, the City must first afford the Owner a reasonable opportunity to remedy or correct such violation.
- c. Abandonment of the Easement Area.
- d. Failure to pay the fee required in Paragraph 2 of this Easement.

Any termination of this Easement must be upon the affirmative vote of the Columbus City Council. Any revocation shall not occur until the Owner has first been given thirty (30) days' written notice of the City's intent to revoke. For purposes of this Easement, written notice shall be deemed given when mailed by first class mail to the Owner at the Owner's last known address.

5. City's Access Rights. The City shall have the right to promptly enter upon the Easement Area for public health and safety purposes, or for the purpose of maintaining any public improvements or utility services thereon, provided that reasonable notice of such entry shall be given to the Owner, except in the case of emergency.

6. Indemnification; Hold Harmless. The Owner agrees to indemnify and hold the City harmless from any damage or injury occasioned by, or incidental to, the Owner's use of the Easement Area.

7. No Adverse Possession. The Owner waives any right to claim title to the Easement Area by adverse possession or other like claim. Furthermore, the Owner acknowledges and agrees that it shall acquire no property interest whatsoever in the Easement Area.

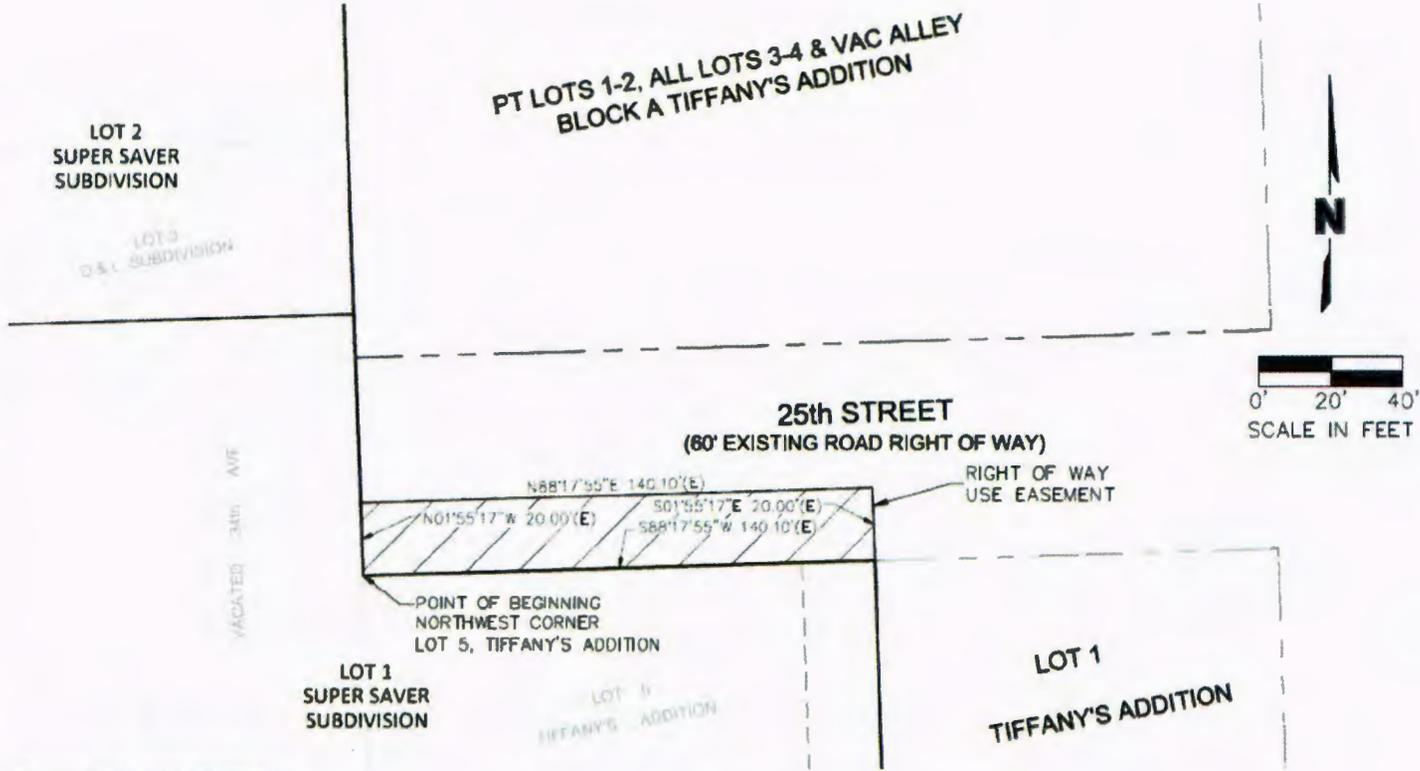
8. Improvements on the Easement Area. Owner acknowledges and agrees that the construction of any structure or other improvements upon the Easement Area shall be at its sole expense and shall require prior approval from the City. Furthermore, in the event that any such structure or other improvement is abandoned or becomes deteriorated, it may be removed by the City, and the Owner agrees to pay all expenses in connection with such removal. The City agrees that it will not make any such removal without first providing thirty (30) days' written notice to Owner.

9. Successors and Assigns. This Easement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

10. Notices. Any notice, consents or other communication given hereunder shall be in writing, if any when (a) delivered by hand, (b) transmitted by facsimile, email or other means of electronic transmission, or (c) delivered by Federal Express or other express overnight delivery service, or registered

EXHIBIT 1

DWG: F:\2021\08501-09000\021-08889\40-Design\Survey\SRV\Sheets\02108889.dwg
 USER: jimenez
 DATE: May 09, 2024 8:37am
 XREFS: V_XRWAY_MCO_02108889 C_PBAISE_02108889



EASEMENT DESCRIPTION

A RIGHT OF WAY USE EASEMENT IN PART OF EXISTING 25TH STREET RIGHT OF WAY, CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N01°55'17\"/>

PROJECT NO:	2021-08889
DRAWN BY:	JMJ
DATE:	2024.05.08

RIGHT OF WAY USE EASEMENT



1707 Dakota Avenue
 South Sioux City, NE 68776
 TEL. 402.494.3069

EXHIBIT

1

4889-0089-6190, v. 2

Please return to:

Andrew Willis
Cline Williams Wright Johnson & Oldfather, LLP
233 S. 13th Street, Suite 1900
Lincoln, NE 68508

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Columbus Retail Holdings, LLC, a Nebraska limited liability company, is the owner of the property which is a tract of land consisting of part of the Southeast Quarter (SE1/4) of Section 13, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska and more particularly described as follows:

A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E, ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°59'39"W, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 134.82 FEET; THENCE S01°51'51"E, ALONG

SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°57'20"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 49.96 FEET; THENCE S44°21'32"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 63.57 FEET; THENCE S87°54'32"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 118.09 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°05'47"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 147.70 FEET TO THE SOUTHEAST CORNER OF LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE N01°52'16"W, ALONG THE EAST LINE OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 329.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE S88°10'08"W, ALONG THE NORTH LINE OF SAID DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 260.74 FEET TO THE NORTHWEST CORNER OF LOT 1, DOC LANNAN MINOR SUBDIVISION ALSO BEING A POINT ON THE EAST LINE OF LOT 1, LEGACY SQUARE ADDITION; THENCE N01°46'30"W, ALONG SAID EAST LINE OF LOT 1, LEGACY SQUARE ADDITION, A DISTANCE OF 470.11 FEET TO THE SOUTHWEST CORNER OF VALLEY SUBDIVISION; THENCE N88°20'50"E, ALONG SAID SOUTH LINE OF VALLEY SUBDIVISION, A DISTANCE OF 371.74 FEET; THENCE S01°39'10"E A DISTANCE OF 40.00 FEET; THENCE S01°55'17"E A DISTANCE OF 119.84 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 340924.88 SQUARE FEET OR 7.827 ACRES MORE OR LESS.

and has caused the above-described real estate to be laid out into lots and easement areas, as applicable, under the name Super Saver Subdivision to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing any and all lots and easements belonging to such subdivision, a plat of which bearing date of May 8, 2024, and certified by JAI Jason Andrist, registered land surveyor, has been filed or will be filed against the above-described property with the Platte County Register of Deeds.

Said owner hereby dedicates the street, road right of way, and public easement areas set out and described on said plat to the use and benefit of the public, together with a perpetual easement for the installation of public utilities and maintenance thereof over and across the lots as set out in said plat and therein designated as "Easements."

Said owner and dedicator covenants and agrees with the City of Columbus to lay, at its own expense, and in accordance with specifications acceptable to the City Water and Sanitary Sewer Department and the Development Agreement between owner and the City of Columbus relating to the above-described real estate, and deliver the same to the City of Columbus, Nebraska,

7.H. Public hearing - Application from Keyes Real Estate LLC for final plat and development agreement of Harriman Acres Subdivision (east side of 48th Avenue north of Howard Boulevard). (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Harriman Acres Subdivision, Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska, a tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning. Except, a tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the north line of said Lot 6, a distance of 184.40 ft., to a point on the west line of Lot 2, Block E, of said addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said west line, a distance of 14.51 ft., to a point on the north line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the north line of said Lot 6, a distance of 182.65 ft., to the point of beginning, containing 0.05 acres, more or less, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the deed records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the south line of said strip being 184 ft. in length, said south line beginning at a point 933.5 ft. north from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22..." (east side of 48th Ave north of Howard Blvd) and at said time and place you may appear and be heard.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish: 05:09:24
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Harriman Acres Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Harriman Acres Subdivision as it is consistent with the Preliminary Plat and all documents have been received. The Preliminary Plat was approved by the Planning Commission on April 8th, 2024, and City Council on April 15th, 2024.

DISCUSSION:

The plat consists of 4 residential lots and 1 lot for storm water treatment and detention. Access will be one drive from 48th Avenue with a private frontage road.

The property already is located in the city limits.

FISCAL IMPACT:

Minor costs utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wisker

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: March 27-2024

NAME OF SUBDIVISION: Harriman Acres Subdivision

NAME OF PROPERTY OWNER: Keyes Real Estate, LLC (Brian Keyes)

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Clark J. Grant

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 1464 27th Ave., Columbus, NE 68601

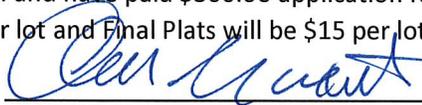
PHONE NUMBER: 402-564-3274

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: clark@grantattorney.com

NUMBER OF LOTS IN SUBDIVISION: 5

ADDRESS OF SUBDIVISION: 2567 48th Ave. Columbus, NE 68601

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



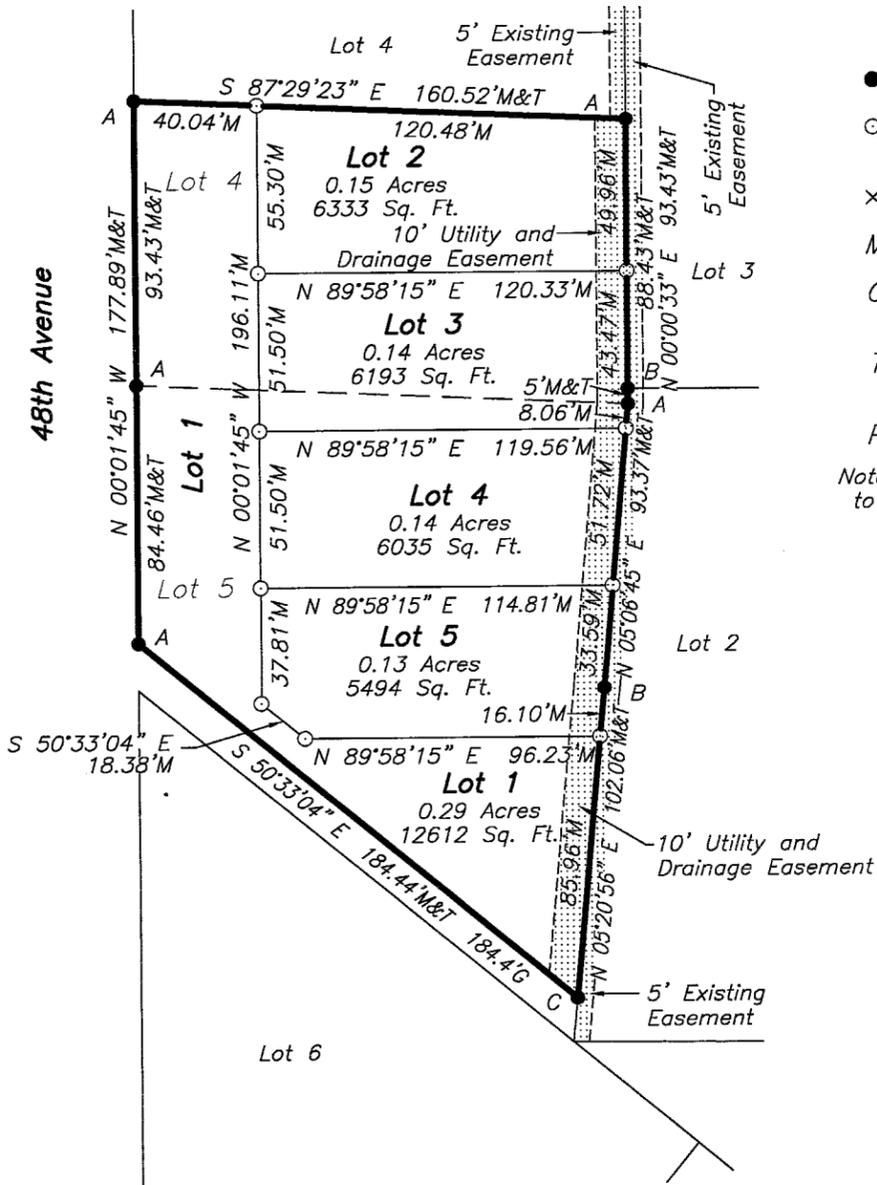
Owner or Owner's Representative

Clark J. Grant
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: 03/27/24

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

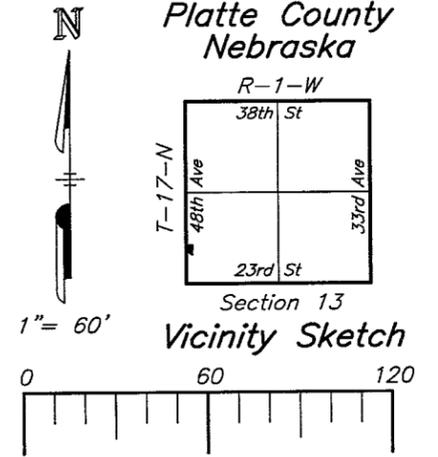
Harriman Acres Subdivision, a Major Subdivision
of Part of Lot 4 and all of Lot 5, Block E
Wilken Acres, Columbus, Platte County, Nebraska



-Legend-

- Found Monument
- Set 5/8" x 24" Rebar w/ Plastic Survey Cap
- × Computed Location
- M Measured this Survey
- G Recorded Measurement B.L. Gilmore, L.S. #96
- T Recorded Measurement T.A. Tremel, L.S. #455
- P Plat Measurement

Note: All Bearings are referenced to the Platte County Projection.



Zoning:

Current Zoning: R-2/R-3
Proposed Zoning: R-3

Flood Plane:

Flood Zone: Zone X
Map Number: 31141C0310E
Effective Date: 04/19/2010
Community: City of Columbus

Field Notes:

- A. 5/8" rebar with Plastic Survey Cap (L.S. #455)
- B. 1" Iron Pipe
- C. 5/8" Iron Rod

Owner/Developer:

Keyes Real Estate LLC
Brian Keyes
2567 48th Avenue,
Columbus, NE 68601
(402)276-0489

Surveyor:

Thomas A. Tremel
Tremel Surveying, Inc.
1 Driftwood Drive,
Columbus, NE 68601
(402)276-3690

Engineer:

Merlin Lindahl
9271 18th Avenue
Columbus, NE 68601
(402)910-6609

Description:

Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska.

And

A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning.

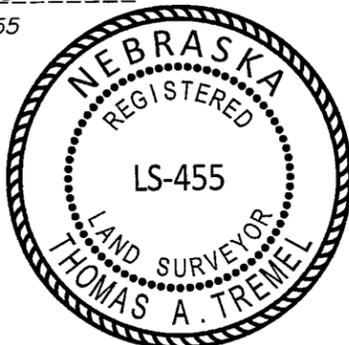
Except

A tract of land beginning at the Northwestern corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the North line of said Lot 6, a distance of 184.40 ft., to a point on the West line of Lot 2, Block E, of said Addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said West line, a distance of 14.51 ft., to a point on the North line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the North line of said Lot 6, a distance of 182.65 ft., to the point of beginning, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the Deed Records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the South line of said strip being 184 ft. in length, said South line beginning at a point 933.5 ft. North from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22...").

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
Thomas A. Tremel, L.S. #455
May 1, 2024



Owner's Certificate:

The undersigned, being all the owners of the platted real estate, consent to this Subdivision.

Keyes Real Estate LLC
Brian Keyes

Acknowledgement of Notary:

State of Nebraska }
County of Platte }

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Brian Keyes

My commission expires: _____

Notary Public

School Board:

This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by Columbus School District

on 17 Day of May, 2024.

Chris Key
Secretary

Pyke Wiering
President

Planning Commission:

This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the Planning Commission

on _____ Day of _____, 2024.

Chairman

City Council:

This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by

Resolution _____ by the City Council

on _____ Day of _____, 2024.

Mayor

City Clerk

Major Subdivision - Final Plat

HARRIMAN ACRES SUBD
LOTS 4-5, BLOCK E, WILKEN ACRES
COLUMBUS, PLATTE COUNTY, NE

TMT	TMT	02/28/2024
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

7.H.1. Resolution No. R24-58 approving final plat and development agreement.

DRAFT

RESOLUTION NO. R24-58

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E , ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°59'39"W, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 134.82 FEET; THENCE S01°51'51"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°57'20"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 49.96 FEET; THENCE S44°21'32"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 63.57 FEET; THENCE S87°54'32"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 118.09 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°05'47"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 147.70 FEET TO THE SOUTHEAST CORNER OF LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE N01°52'16"W, ALONG THE EAST LINE OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 329.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE S88°10'08"W, ALONG THE NORTH LINE OF SAID DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 260.74 FEET TO THE NORTHWEST CORNER OF LOT 1, DOC LANNAN MINOR SUBDIVISION ALSO BEING A POINT ON THE EAST LINE OF LOT 1, LEGACY SQUARE ADDITION; THENCE N01°46'30"W, ALONG SAID EAST LINE OF LOT 1, LEGACY SQUARE ADDITION, A DISTANCE OF 470.11 FEET TO THE SOUTHWEST CORNER OF VALLEY

SUBDIVISION; THENCE N88°20'50"E, ALONG SAID SOUTH LINE OF VALLEY SUBDIVISION, A DISTANCE OF 371.74 FEET; THENCE S01°39'10"E A DISTANCE OF 40.00 FEET; THENCE S01°55'17"E A DISTANCE OF 119.84 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 340924.88 SQUARE FEET OR 7.827 ACRES MORE OR LESS. HEREAFTER TO BE KNOWN AS SUPER SAVER SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; APPROVING THE PLAT THEREOF, AND APPROVING AND ACCEPTING THE SUPER SAVER SUBDIVISION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND COLUMBUS REALTY HOLDINGS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING THE DUTIES AND RESPONSIBILITIES OF THE SUBDIVIDER AND THE LOT OWNERS WITH RESPECT TO SAID SUBDIVISION; AND AUTHORIZING THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS ADDITION.

WHEREAS, Columbus Realty Holdings LLC, a Nebraska limited liability company, is the owner of the real estate described as:

A TRACT OF LAND CONSISTING OF PART OF LOT 3, D & L ADDITION, SOUTH HALF OF LOT 4, ALL OF LOT 5, TIFFANY'S SUBDIVISION, AND ALL OF LOT 14, WAGNER ADDITION CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 5, TIFFANY'S ADDITION; THENCE ON AN ASSUMED BEARING OF N88°17'55"E, ALONG THE NORTH LINE OF LOT 5, TIFFANY'S ADDITION ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 25TH STREET, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, TIFFANY'S ADDITION; THENCE S01°54'29"E , ALONG THE EAST LINE OF SAID LOT 5, TIFFANY'S ADDITION, A DISTANCE OF 215.01 FEET; THENCE N88°05'31"E A DISTANCE OF 110.83 FEET TO THE EAST LINE OF LOT 4, TIFFANY'S ADDITION ALSO BEING THE WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°11'39"E, ALONG THE WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 69.90 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N88°08'18"E A DISTANCE OF 5.03 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S00°59'39"W, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 134.82 FEET; THENCE S01°51'51"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99

FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE; THENCE S01°57'20"E, ALONG SAID WEST RIGHT OF WAY LINE OF 33RD AVENUE, A DISTANCE OF 49.96 FEET; THENCE S44°21'32"W, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 63.57 FEET; THENCE S87°54'32"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 118.09 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°05'47"W, ALONG SAID NORTH RIGHT OF WAY LINE OF 33RD AVENUE A DISTANCE OF 147.70 FEET TO THE SOUTHEAST CORNER OF LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE N01°52'16"W, ALONG THE EAST LINE OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 329.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, DOC LANNAN MINOR SUBDIVISION; THENCE S88°10'08"W, ALONG THE NORTH LINE OF SAID DOC LANNAN MINOR SUBDIVISION, A DISTANCE OF 260.74 FEET TO THE NORTHWEST CORNER OF LOT 1, DOC LANNAN MINOR SUBDIVISION ALSO BEING A POINT ON THE EAST LINE OF LOT 1, LEGACY SQUARE ADDITION; THENCE N01°46'30"W, ALONG SAID EAST LINE OF LOT 1, LEGACY SQUARE ADDITION, A DISTANCE OF 470.11 FEET TO THE SOUTHWEST CORNER OF VALLEY SUBDIVISION; THENCE N88°20'50"E, ALONG SAID SOUTH LINE OF VALLEY SUBDIVISION, A DISTANCE OF 371.74 FEET; THENCE S01°39'10"E A DISTANCE OF 40.00 FEET; THENCE S01°55'17"E A DISTANCE OF 119.84 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 340924.88 SQUARE FEET OR 7.827 ACRES MORE OR LESS,

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

WHEREAS, said owner has laid out said land into lots, blocks, streets, and avenue roadways with appropriate utility, gas facility, pipeline, telephone, ingress/egress, private roadway, sidewalk, and drainage easements under the name of Super Saver Subdivision to City of Columbus, Platte County, Nebraska; and

WHEREAS, said owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, and avenue roadways with appropriate utility, gas facility, pipeline, telephone, ingress/egress, private roadway, sidewalk and drainage easement areas belonging to such addition, all as provided by law, and bearing the certificate of Jai Jason Andrist, registered land surveyor, under the date May 8, 2024, a copy of which plat is hereto attached; and

WHEREAS, said owner has executed an instrument of dedication of the streets, public ways and utility, gas facility, pipeline, telephone, ingress/egress, private roadway, sidewalk, and drainage easements to the use and benefit of the public, all as provided by law, said instrument being attached to said plat; and

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

WHEREAS, all of the lots shown on said plat are zoned B-2 according to the zoning regulations of the City of Columbus, Nebraska; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the mayor and council of the City of Columbus, Nebraska, that the Deed of Dedication for the Super Saver Subdivision to the City of Columbus, Platte County, Nebraska, be and the same is hereby accepted, the plat thereof be and the same hereby is approved as provided by law, that the mayor and clerk be and hereby are authorized and instructed to endorse such approval on said original plat, the area carries a classification B-2 Zoning District according to the Zoning Regulation of the City of Columbus, Nebraska; that the Super Saver Subdivision Development Agreement attached hereto as Exhibit "A" is hereby approved and accepted, and the mayor and city clerk are hereby are authorized to sign the same.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Please return to Clark J. Grant 1464 27th Ave., Columbus, NE 68601
HARRIMAN ACRES SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on ____ day of May, 2024, by and between Keyes Real Estate, LLC, a Nebraska limited liability company, (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as Harriman Acres Subdivision, a Major Subdivision of part of Lot 4 and all of Lot 5, Block E, Wilken Acres, Columbus, Platte County, Nebraska, (hereinafter referred to as the "Area to be Developed") within the City's zoning and platting jurisdiction; and,

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

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

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

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

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise .84 acres of property.

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

SECTION I

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

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

B. Concrete paving in 48th Avenue right-of-way shall be 8-inch thick concrete.

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

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

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

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

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

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

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

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

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

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

SECTION II

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

SECTION III

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

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

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

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

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

SECTION IV

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

SECTION V

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

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

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

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

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

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

SECTION VI

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

SECTION VII

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

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

ATTEST:

CITY OF COLUMBUS

CITY CLERK

MAYOR

Date

APPROVED AS TO FORM


CITY ATTORNEY

SUBDIVIDER

KEYES REAL ESTATE, LLC., a Nebraska
limited liability company

By Brian Keyes
Brian Keyes, Manager

Dated this 3 day of May, 2024.

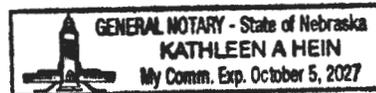
STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 3 day of May, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Brian Keyes, as Manager of Keyes Real Estate, a Nebraska limited liability company, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

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

Kathleen A Hein
Notary Public

(My commission expires: 10.5.27)



Once Recorded Return Document To: Clark J. Grant, 1464 27th Avenue, Columbus, NE 68601
DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Keyes Real Estate, LLC, a Nebraska limited liability company, is the proprietor and owner of real estate of the following described real estate:

Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska. A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning.

Except

A tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the north line of said Lot 6, a distance of 184.40 ft., to a point on the west line of Lot 2, Block E, of said addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said west line, a distance of 14.51 ft., to a point on the north line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the north line of said Lot 6, a distance of 182.65 ft., to the point of beginning, containing 0.05 acres, more or less, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the deed records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the south line of said strip being 184 ft. in length, said south line beginning at a point 933.5 ft. north from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22...").

and has caused the above-described real estate to be laid out into lots and easement areas belonging to such Subdivision, under the name of Harriman Acres Subdivision, a Major Subdivision of Part of Lot 4 and all of Lot 5, Block E, Wilken Acres, Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing the lots and easements belonging to such Subdivision, a plat of which bearing date of May 1, 2024, and certified by Thomas A. Tremel, registered land surveyor, is attached hereto.

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

IN WITNESS WHEREOF, the Grantors named herein have executed these presents this 3 day of May, 2024.

KEYES REAL ESTATE, LLC., a
Nebraska limited liability company



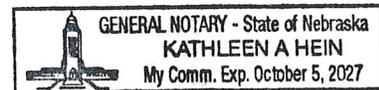
Brian Keyes, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

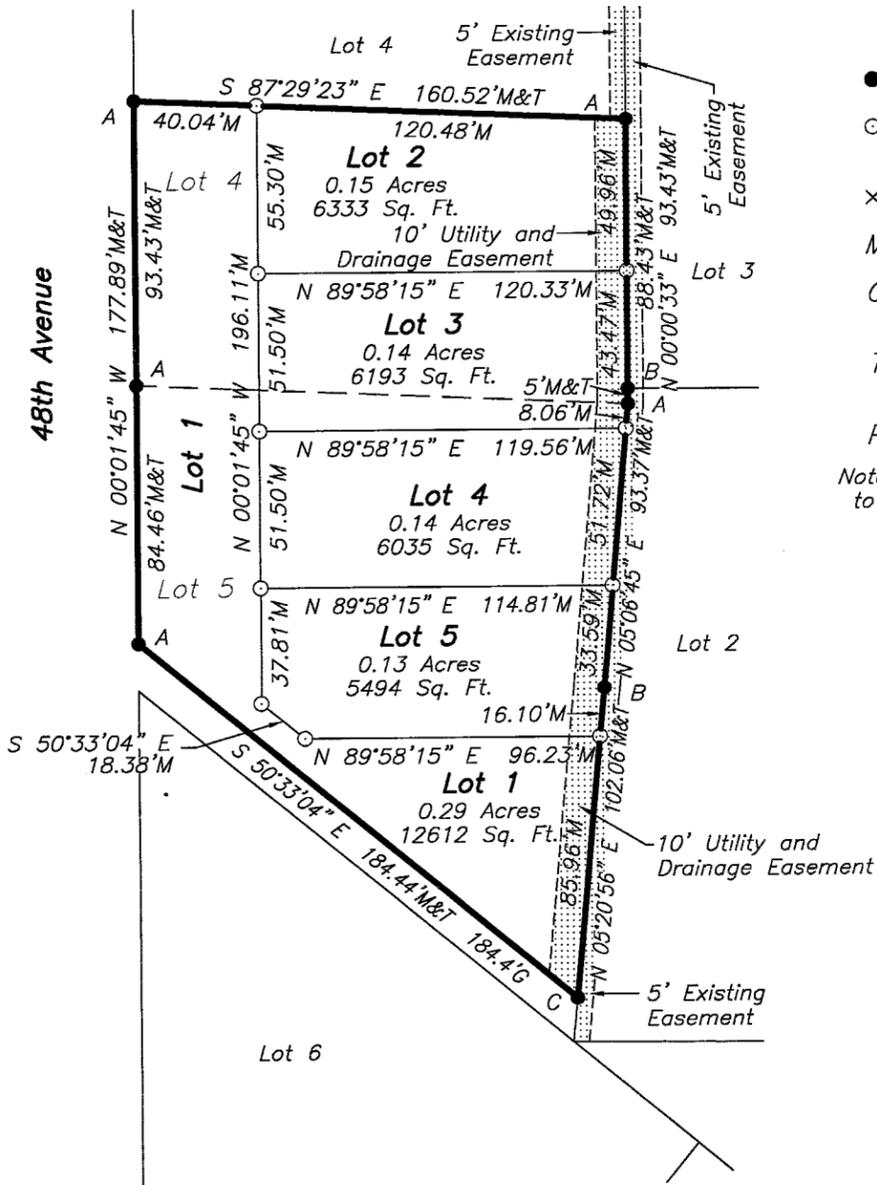
On this 3 day of May, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Brian Keyes, as Manager of Keyes Real Estate, LLC, a Nebraska limited liability company, to me personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledged the said instrument to be his voluntary act and deed.



Notary Public



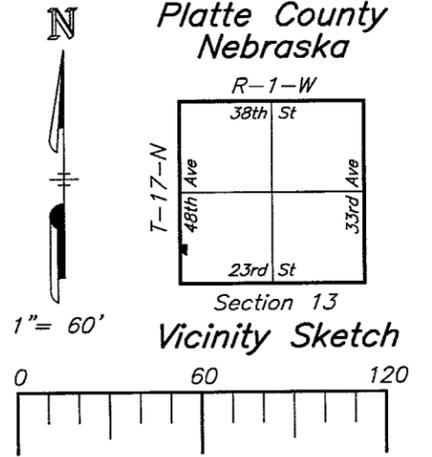
Harriman Acres Subdivision, a Major Subdivision
of Part of Lot 4 and all of Lot 5, Block E
Wilken Acres, Columbus, Platte County, Nebraska



-Legend-

- Found Monument
- Set 5/8" x 24" Rebar w/ Plastic Survey Cap
- × Computed Location
- M Measured this Survey
- G Recorded Measurement B.L. Gilmore, L.S. #96
- T Recorded Measurement T.A. Tremel, L.S. #455
- P Plat Measurement

Note: All Bearings are referenced to the Platte County Projection.



Zoning:

Current Zoning: R-2/R-3
Proposed Zoning: R-3

Flood Plane:

Flood Zone: Zone X
Map Number: 31141C0310E
Effective Date: 04/19/2010
Community: City of Columbus

Field Notes:

- A. 5/8" rebar with Plastic Survey Cap (L.S. #455)
- B. 1" Iron Pipe
- C. 5/8" Iron Rod

Owner/Developer:

Keyes Real Estate LLC
Brian Keyes
2567 48th Avenue,
Columbus, NE 68601
(402)276-0489

Surveyor:

Thomas A. Tremel
Tremel Surveying, Inc.
1 Driftwood Drive,
Columbus, NE 68601
(402)276-3690

Engineer:

Merlin Lindahl
9271 18th Avenue
Columbus, NE 68601
(402)910-6609

Description:

Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska.

And

A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning.

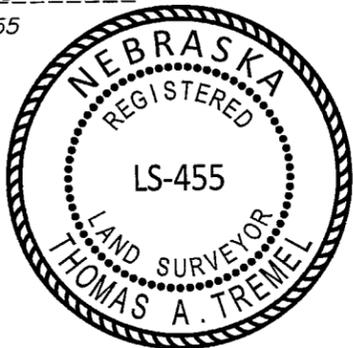
Except

A tract of land beginning at the Northwestern corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the North line of said Lot 6, a distance of 184.40 ft., to a point on the West line of Lot 2, Block E, of said Addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said West line, a distance of 14.51 ft., to a point on the North line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the North line of said Lot 6, a distance of 182.65 ft., to the point of beginning, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the Deed Records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the South line of said strip being 184 ft. in length, said South line beginning at a point 933.5 ft. North from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22...").

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
Thomas A. Tremel, L.S. #455
May 1, 2024



Owner's Certificate:

The undersigned, being all the owners of the platted real estate, consent to this Subdivision.

Keyes Real Estate LLC
Brian Keyes

Acknowledgement of Notary:

State of Nebraska)
County of Platte)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Brian Keyes

My commission expires: _____

Notary Public

School Board:

This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by Columbus School District

on 17 Day of May, 2024.

Chris Key
Secretary

Pyke Wiering
President

Planning Commission:

This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the Planning Commission

on _____ Day of _____, 2024.

Chairman

City Council:

This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by

Resolution _____ by the City Council

on _____ Day of _____, 2024.

Mayor

City Clerk

Major Subdivision - Final Plat

HARRIMAN ACRES SUBD
LOTS 4-5, BLOCK E, WILKEN ACRES
COLUMBUS, PLATTE COUNTY, NE

TMT	TMT	02/28/2024
DRAWN	SURVEYED	DATE



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

7.I. Public hearing - Application from Keyes Real Estate LLC to rezone property located at 2567 48 Avenue from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan. (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and city council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska. A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning. Except: A tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the north line of said Lot 6, a distance of 184.40 ft., to a point on the west line of Lot 2, Block E, of said addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said west line, a distance of 14.51 ft., to a point on the north line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the north line of said Lot 6, a distance of 182.65 ft., to the point of beginning, containing 0.05 acres, more or less, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the deed records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the south line of said strip being 184 ft. in length, said south line beginning at a point 933.5 ft. north from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22..."). (48th Ave north of Howard Blvd) from "R-2" (Two-Family Residential District) and "R-3" (Multiple-Family Residential District) to "R-3" (Multiple-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 05:09:24
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: May 6, 2024
FROM: Andy Woehrer, Chief Building and Code Official
TO: Tara Vasicek, City Administrator
RE: Rezoning lots from R-2 Two-Family Residential to R-3 Multiple-Family Residential.

RECOMMENDATION:

I recommend approval of this rezoning from R-2 Two-Family Residential to R-3 Multiple-Family Residential and to amend the Future Land Use map accordingly.

DISCUSSION:

We have received an application to rezone these lots from R-2 to R-3 with the intention to develop multi-family residential lots upon which to build townhomes permitted under R-3 zoning. The zoning for the area is a good fit and is in conformance with the Columbus land Development Ordinance.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

By: 

Approved By:



REZONING APPLICATION

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: Keyes Real Estate, LLC (Brian Keyes)

APPLICANT MAILING ADDRESS: 4317 60th Street, Columbus, NE 68601

APPLICANT PHONE NUMBER: 402-276-0489

APPLICANT EMAIL ADDRESS: 76bkeyes@gmail.com

ATTORNEY/FIRM: Grant & Grant, Clark J. Grant

ATTORNEY PHONE NUMBER: 402-564-3274

ATTORNEY E-MAIL ADDRESS: clark@grantattorney.com

ADDRESS OF PROPERTY TO BE REZONED: 2567 48th Ave., Columbus, NE 68601

LEGAL DESCRIPTION OF PROPERTY:

See Attached

PRESENT ZONING CLASSIFICATION: R-2 (Two-Family Residential) and R-3 (Multiple-Family Residential)

REQUESTED ZONING CLASSIFICATION: R-3 (Multiple-Family Residential)

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

Keyes Real Estate, LLC intends to build two town homes on the property. The property is being subdivided into four (4) lots, each of which will have one town home unit.

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

See attached zoning map, site plan and photographs of similar town homes.

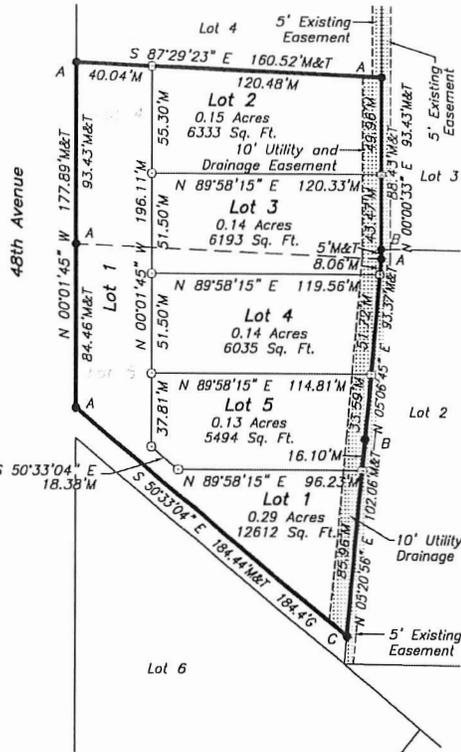
I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS 15 DAY OF April, 2024.

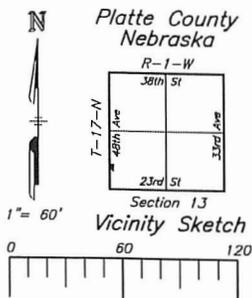


Owner or Owner's Representative

Harriman Acres Subdivision, a Major Subdivision
of Part of Lot 4 and all of Lot 5, Block E
Wilken Acres, Columbus, Platte County, Nebraska



- Legend-**
- Found Monument
 - Set 5/8" x 24" Rebar w/ Plastic Survey Cap
 - X Computed Location
 - M Measured this Survey
 - G Recorded Measurement B.L. Gilmore, L.S. #96
 - T Recorded Measurement T.A. Tremel, L.S. #455
 - P Plat Measurement
- Note: All Bearings are referenced to the Platte County Projection.



Zoning:
Current Zoning: R-2/R-3
Proposed Zoning: R-3

Flood Plane:
Flood Zone: Zone X
Map Number: 31141C0310E
Effective Date: 04/19/2010
Community: City of Columbus

Field Notes:
A. 5/8" rebar with Plastic Survey Cap (L.S. #455)
B. 1" Iron Pipe
C. 5/8" Iron Rod

Owner/Developer:
Keyes Real Estate LLC
Brian Keyes
2567 48th Avenue,
Columbus, NE 68601
(402)276-0489

Surveyor:
Thomas A. Tremel
Tremel Surveying, Inc.
1 Driftwood Drive,
Columbus, NE 68601
(402)276-3690

Engineer:
Merlin Lindahl
9271 18th Avenue
Columbus, NE 68601
(402)910-6609

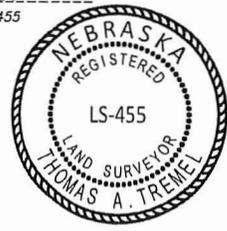
Description:
Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska.

And
A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows:
Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning.

Except
A tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the North line of said Lot 6, a distance of 184.40 ft., to a point on the West line of Lot 2, Block E, of said Addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said West line, a distance of 14.51 ft., to a point on the North line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the North line of said Lot 6, a distance of 182.65 ft., to the point of beginning. (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the Deed Records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the South line of said strip being 184 ft. in length, said South line beginning at a point 933.5 ft. North from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22...").

Surveyor's Statement:
I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel, L.S. #455
March 22, 2024



Owner's Certificate:
The undersigned, being all the owners of the platted real estate, consent to this Subdivision.

Keyes Real Estate LLC
Brian Keyes

Acknowledgement of Notary:
State of Nebraska }
County of Platte }

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Brian Keyes

My commission expires: _____
Notary Public

School Board:
This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by Columbus School District
on _____ Day of _____, 2024.

Secretary _____ President _____

Planning Commission:
This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the Planning Commission
on _____ Day of _____, 2024.

Chairman _____

City Council:
This Final Plat of Harriman Acres Subdivision to the City of Columbus, Platte County, Nebraska, was approved by

Resolution _____ by the City Council
on _____ Day of _____, 2024.

Mayor _____ City Clerk _____

Major Subdivision - Final Plat

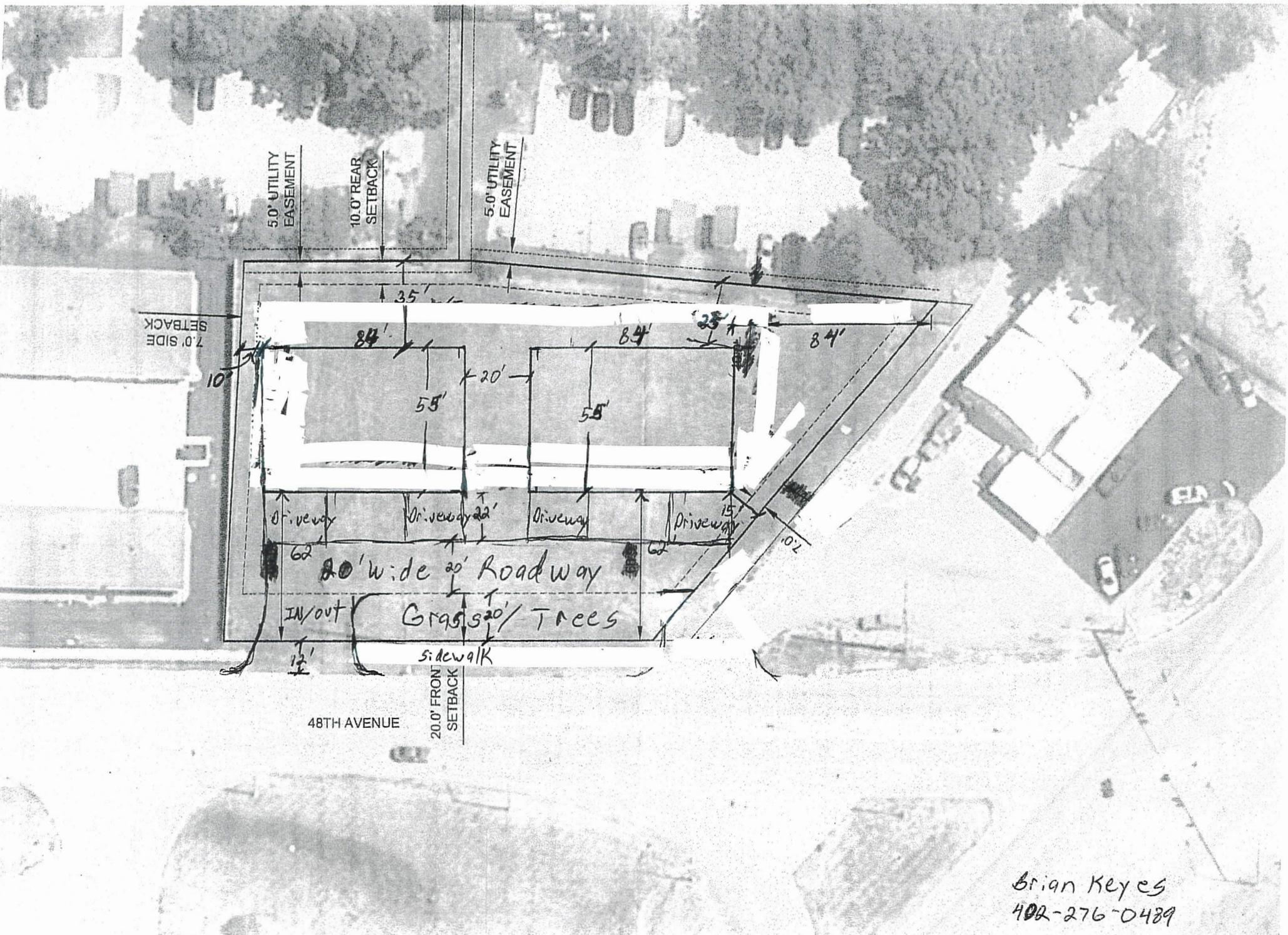
HARRIMAN ACRES SUBD LOTS 4-5, BLOCK E, WILKEN ACRES COLUMBUS, PLATTE COUNTY, NE		
TMT DRAWN	TMT SURVEYED	02/28/2024 DATE
 No. 1 Driftwood Drive - Columbus, NE 68601 Phone (402) 563-4689 - Fax (402) 563-3922		



703

705





5.0' UTILITY EASEMENT

10.0' REAR SETBACK

5.0' UTILITY EASEMENT

7.0' SIDE SETBACK

84' 35' 84' 35' 84'

55' 20' 55'

Driveway Driveway 22' Driveway Driveway 15'

20' wide 20' Roadway

IN/out Grass 20' Trees

Sidewalk

48TH AVENUE

20.0' FRONT SETBACK

Brian Keyes
402-276-0489

the City of Columbus, more particularly described as follows: Commencing at a point 10 feet North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 feet to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 feet North of the Southeast corner of said Lot 4, thence West to the point of beginning; EXCEPT A tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 feet, along the East line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the North line of said Lot 6, a distance of 184.40 feet to a point on the West line of Lot 2, Block E, of said addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said West line, a distance of 14.51 feet, to a point on the North line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the North line of said Lot 6, a distance of 182.65 feet, to the point of beginning, containing 0.05 acres more or less, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the Deed Records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 feet in width, the South line of said strip being 184 feet in length, said South line beginning at a point 933.5 feet North from the SW corner of Section 13-17-1W and 33 feet East from the West line of said Section 13, and running in a Southeasterly direction parallel with State Highway #22...")

Platte County, Nebraska from R-2 (Two-Family Residential District) and R-3 (Multiple-Family Residential District) to R-3 (Multiple-Family Residential District) classification, to be held in the Community Room, 2500 14th Street, Columbus, Nebraska on the 13th day of May, 2024 at 6:00 p.m.

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

DATED: May 13, 2024.

FURTHER YOUR AFFIANT SAYETH NOT.

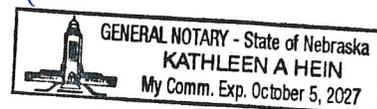


Affiant

SUBSCRIBED and SWORN to before me on this 13th day of May, 2024.



Notary Public



Pem IV, LLC
9229 Mormon Bridge Plz. Ste. 6
Omaha, NE 68152

State of Nebraska Dept. of Roads
P.O. Box 94759
Lincoln, NE 68509-4759

Gary E & De Ette M. Krumland
2957 37th Ave.
Columbus, NE 68601

Jehovah's Witnesses
4125 Sunset Drive
Columbus, NE 68601

BHR Properties, LLC
352 23rd Ave.
Columbus, NE 68601

Everlasting Love Church
P.O. Box 764
Columbus, NE 68602-0764

JLO Properties, LLC
c/o John Obrist, JR.
P.O. Box 581
Columbus, NE 68602-0581

Jose Misael Gomez & Karen Xiomara
816 Lovers Lane
Columbus, NE 68601

Rene Carrera Linares
115 27th Street
Columbus, NE 68601

The City of Columbus
2500 14th Street, Ste. 3
P.O. Box 1677
Columbus, NE 68602-1677

Mary J. Foreman
2755 47th Ave.
Columbus, NE 68601

Michael McDermott
167 Road C
Columbus, NE 68601

Just Right Properties, LLC
3617 Howard Blvd.
Columbus, NE 68601

RW Investments, Inc.
P.O. Box 45201
Omaha, NE 68145

EXHIBIT "A"

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, May 13, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lot 5 and the South 10 ft. of Lot 4 in Block "E" of Wilken Acres located in part of the SW1/4 SW1/4 of Section 13, Township 17 North, Range 1 West of the 6th P.M. Platte County, Nebraska. A tract of land in Lot 4, Block "E" of Wilken Acres Addition to the City of Columbus, more particularly described as follows: Commencing at a point 10 ft. North of the Southwest corner of said Lot 4 on the West line of said Lot 4, thence running North at a distance of 83.43 ft. to a point on the West property line of said Lot 4, thence running East, parallel to the South line of said Lot 4 to the East line of Lot 4, thence South along the East line of Lot 4 to a point 10 ft. North of the Southeast corner of said Lot 4, thence West to the point of beginning. Except: A tract of land beginning at the Northwesterly corner of Lot 6, Block E, Wilken Acres Addition to the City of Columbus, Platte County, Nebraska; thence Northerly, a distance of 15.55 ft., along the east line of 48th Avenue; thence Southeasterly, at a deflection angle to the right of 129°31'18", and parallel to the north line of said Lot 6, a distance of 184.40 ft., to a point on the west line of Lot 2, Block E, of said addition; thence Southerly, at a deflection angle to the right of 55°48'00", and on said west line, a distance of 14.51 ft., to a point on the north line of Lot 6, Block E, of said Addition; thence Northwesterly, at a deflection angle to the right of 124°11'52", and on the north line of said Lot 6, a distance of 182.65 ft., to the point of beginning, containing 0.05 acres, more or less, (said tract having been heretofore described in the Warranty Deed recorded in Book 92, at Page 366 of the deed records in the office of the Register of Deeds of Platte County, Nebraska as "A strip of land 12 ft. in width, the south line of said strip being 184 ft. in length, said south line beginning at a point 933.5 ft. north from the SW corner of Sec. 13-17-1W. and 33 ft. East from the West line of said Sec. 13, and running in a southeasterly direction parallel with State Highway #22..."). (48th Ave north of Howard Blvd) from "R-2" (Two-Family Residential District) and "R-3" (Multiple-Family Residential District) to "R-3" (Multiple-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 05:02:24
Two Affidavits of Publication

EXHIBIT "B"

7.I.1. Ordinance No. 24-12 approving rezoning.

7.J. (Not a Public hearing) - Application from City of Columbus, on behalf of Nels Johnson, for preliminary plat of Vitality Village Subdivision (north of 8th Street and 7th Avenue). (Planning Commission recommends approval.)

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Subdivision – Preliminary and Final Plats

RECOMMENDATION:

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

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

DISCUSSION:

The subdivision is due to the request to resize some of the lots in the Vitality Village Addition Blocks A, B, C and D due to requests from builders. The subdivision consists of 17 lots which were resized. There is less paving and some utility improvements, and some associated revisions, from the Vitality Village Addition layout. The property is already within the city limits.

Combining the Vitality Village Addition remaining lots and the Vitality Village Subdivision there are 32 lots which is 6 less than the original Vitality Village Addition layout.

FISCAL IMPACT:

No additional maintenance costs with this subdivision.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Anders J. Wiskrow

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

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



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

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

PRELIMINARY PLAT VITALITY VILLAGE SUBDIVISION

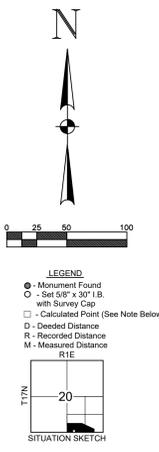
A Subdivision of Lots 8-11, Block A, and Lots 1-12, Block B,
and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in
Vitality Village Addition to the City of Columbus, Platte County, Nebraska,
along with that part of 9th Street and Progress Drive abutting said Lots.

OWNER:
Neil Johnson
22355 Pine Hill Dr.
Gretna, NE 68028

ENGINEER:
Richard J. Bagot
City of Columbus
2500 14th Street
Columbus, NE 68602

SURVEYOR:
Brian D. Benck
City of Columbus
2500 14th Street
Columbus, NE 68602

PRESENT ZONING: R1, R2, & R3
PROPOSED ZONING: Lots 1 & 2 Block "B", & the East 30.00 feet of
Lots 10 & 12, Block "C", to the City of Columbus, Platte County,
Nebraska.



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

FIELD NOTES

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

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

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

At "A" found 1" iron pipe as recorded on survey by Joseph J. Veticik, LS #500, dated August 22, 1998. At "B", "E", "F", "G", "H", "J", "K", "L", "M", "N", "O", "Q", "R", and "S" found 5/8" iron bar with survey cap as recorded on the final plat of Vitality Village Addition by myself, Brian D. Benck, LS #536, dated April 5th, 2024. At "C" found 5/8" rebar with cap as recorded on survey by John V. Berry, LS #535, dated June 16, 2016. At "D" found 1" iron pipe as recorded on Cuzzin's Corner 2nd Subdivision plat, by Thomas A. Tremel, LS #455, dated June 19, 2016. At "P" found 1" iron pipe as recorded on survey by John V. Berry, LS #535, dated June 16, 2016 and also on our Subdivision Plat by Tremel, dated July 6, 2000.

LEGAL DESCRIPTION

Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows:

Beginning at the Southwest corner Lot 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska and assuming the West line of said Lot 13 to have a bearing of N 01°23'12" W, thence N 01°23'12" W, and on said West line 158.30 feet, to the Northwest corner said Lot 13; thence N 88°27'07" E, and on the North line said Lot 13, 0.24 feet to the Southwest corner Lot 9, said Block C; thence N 01°32'03" W, and on the West line said Lot 9, 103.00 feet to the Northwest corner said Lot 9; said point also being on the South line 9th Street; thence N 88°27'07" E, and on the South line 9th Street, 180.31 feet, thence N 01°32'03" W, 60.00 feet to a point on the North line 9th Street; thence S 88°27'07" W, and on the North line 9th Street, 531.31 feet, thence N 46°32'27" W, 14.14 feet to a point on the East line 9th Avenue; thence N 01°32'03" W, and on said East line 9th Avenue, 197.94 feet; thence N 43°33'49" E, 14.12 feet to a point on the South line Progress Drive; thence N 88°39'42" E, and on the South line said Progress Drive, 513.31 feet; thence N 01°32'03" W, 60.00 feet, to a point on the North line Progress Drive; thence S 88°39'42" W, and on the North line said Progress Drive, 583.30 feet to a point on the West line 9th Avenue; thence S 01°32'03" E, and on West line said 9th Avenue, 32.00 feet to the Northeast corner Lot 7, Block A, said Addition; thence S 88°39'42" W, and on the North line said Lot 7, 110.00 feet to the Northwest corner said Lot 7; said point also being on the West line SW1/4 SE1/4 Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; thence N 01°32'03" W, and on said West line, 125.00 feet; thence N 88°39'42" E, 108.02 feet to a point on the Southwesterly Right of Way Line of the Abandoned C.B.&O. Rail Road; thence S 61°14'47" E, and on said Southwesterly line, 947.08 feet to the Northwest corner Lot 1, Eighth Street Fire Station Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°29'33" E, and on the West line said Lot 1, 212.17 feet to a point on the North line 8th Street; said point being 40.00 feet north of the South line SE1/4 SE1/4 said Section 20; thence S 88°32'21" W, and on said North line 572.87 feet; thence S 88°29'35" W, and on said North line 812.65 feet to the Point of Beginning, containing 19.84 acres more or less.

SURVEYOR'S CERTIFICATE

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

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

CITY COUNCIL APPROVAL

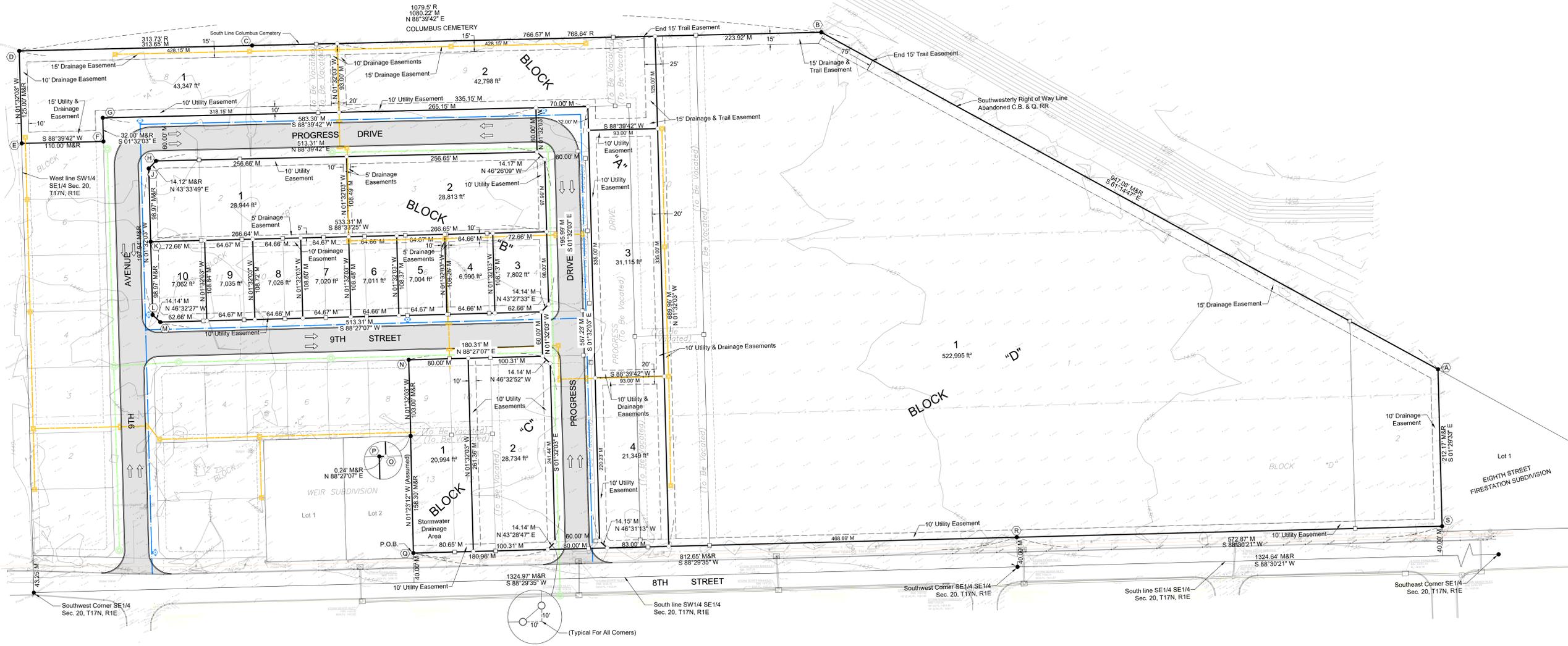
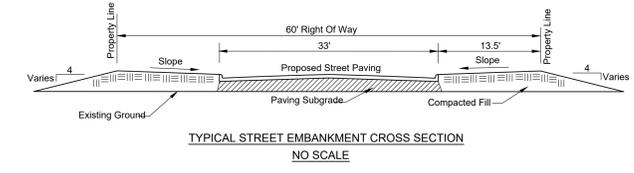
This Preliminary Plat of VITALITY VILLAGE SUBDIVISION to the City of Columbus, Nebraska, approved by the City Council this _____ day of _____, 2024.

City Clerk _____ Mayor _____

PLANNING COMMISSION APPROVAL

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

Chairman _____



2500 14TH STREET, SUITE 3
P.O. BOX 1677
COLUMBUS, NE 68602-1677
(402) 562-4309



PRELIMINARY PLAT
VITALITY VILLAGE SUBDIVISION
Columbus, Nebraska

DRN BY: JML
DATE: 4/16/24
SCALE: 1=50
PROJ: Nebraska
SHEET: 1 of 1

7.K. Public hearing - Application from City of Columbus, on behalf of Nels Johnson, for final plat of Vitality Village Subdivision (north of 8th Street and 7th Avenue). (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat of Vitality Village Subdivision, Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows: Beginning at the Southwest corner Lot 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska and assuming the West line of said Lot 13 to have a bearing of N 01°23'12" W; thence N 01°23'12" W, and on said West line 158.30 feet, to the Northwest corner said Lot 13; thence N 88°27'07" E, and on the North line said Lot 13, 0.24 feet to the Southwest corner Lot 9, said Block C; thence N 01°32'03" W, and on the West line said Lot 9, 103.00 feet to the Northwest corner said Lot 9, said point also being on the South line 9th Street; thence N 88°27'07" E, and on the South line 9th Street, 180.31 feet; thence N 01°32'03" W, 60.00 feet to a point on the North line 9th Street; thence S 88°27'07" W, and on the North line 9th Street, 531.31 feet; thence N 46°32'27" W, 14.14 feet to a point on the East line 9th Avenue; thence N 01°32'03" W, and on said East line 9th Avenue, 197.94 feet; thence N 43°33'49" E, 14.12 feet to a point on the South line Progress Drive; thence N 88°39'42" E, and on the South line said Progress Drive, 513.31 feet; thence N 01°32'03" W, 60.00 feet, to a point on the North line Progress Drive; thence S 88°39'42" W, and on the North line said Progress Drive, 583.30 feet to a point on the West line 9th Avenue; thence S 01°32'03" E, and on West line said 9th Avenue, 32.00 feet to the Northeast corner Lot 7, Block A, said Addition; thence S 88°39'42" W, and on the North line said Lot 7, 110.00 feet to the Northwest corner said Lot 7, said point also being on the West line SW1/4 SE1/4 Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; thence N 01°32'03" W, and on said West line, 125.00 feet; thence N 88°39'42" E, 1080.22 feet to a point on the Southwesterly Right of Way Line of the Abandoned C.B.&Q. Rail Road; thence S 61°14'47" E, and on said Southwesterly line, 947.08 feet to the Northwest corner Lot 1, Eighth Street Fire Station Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°29'33" E, and on the West line said Lot 1, 212.17 feet to a point on the North line 8th Street, said point being 40.00 feet north of the South line SE1/4 SE1/4 said Section 20; thence S 88°30'21" W, and on said North line 572.87 feet; thence S 88°29'35" W, and on said North line 812.65 feet to the Point of Beginning, containing 19.84 acres more or less (north side of 8th St and 7th Ave) and at said time and place you may appear and be heard.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish: 05:09:24
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Subdivision – Preliminary and Final Plats

RECOMMENDATION:

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

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

DISCUSSION:

The subdivision is due to the request to resize some of the lots in the Vitality Village Addition Blocks A, B, C and D due to requests from builders. The subdivision consists of 17 lots which were resized. There is less paving and some utility improvements, and some associated revisions, from the Vitality Village Addition layout. The property is already within the city limits.

Combining the Vitality Village Addition remaining lots and the Vitality Village Subdivision there are 32 lots which is 6 less than the original Vitality Village Addition layout.

FISCAL IMPACT:

No additional maintenance costs with this subdivision.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Anders J. Wischow

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

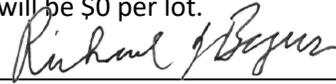
PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

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



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

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

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

FIELD NOTES

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

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

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

At "A" found 1" iron pipe as recorded on survey by Joseph J. Vetick, LS #500, dated August 22, 1998. At "B", "E", "F", "G", "H", "J", "K", "L", "M", "N", "O", "R", and "S" found 5/8" iron bar with survey cap as recorded on the final plat of Vitality Village Addition by myself, Brian D. Benck, LS #536, dated April 5th, 2024.

LEGAL DESCRIPTION

Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows:

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FINAL PLAT

VITALITY VILLAGE SUBDIVISION

A Subdivision of Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots.

PLANNING COMMISSION

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

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

Chairman

CITY COUNCIL

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

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

Attest:

City Clerk

Mayor

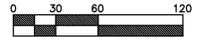
SCHOOL DISTRICT

STATE OF NEBRASKA)
COUNTY OF PLATTE) SS

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

Attest:

School Superintendent



LEGEND

- Monument Found
Set 5/8" x 30" I.B. with Survey Cap
Calculated Point (See Note Below)
Recorded Distance
Measured Distance
Easement Line

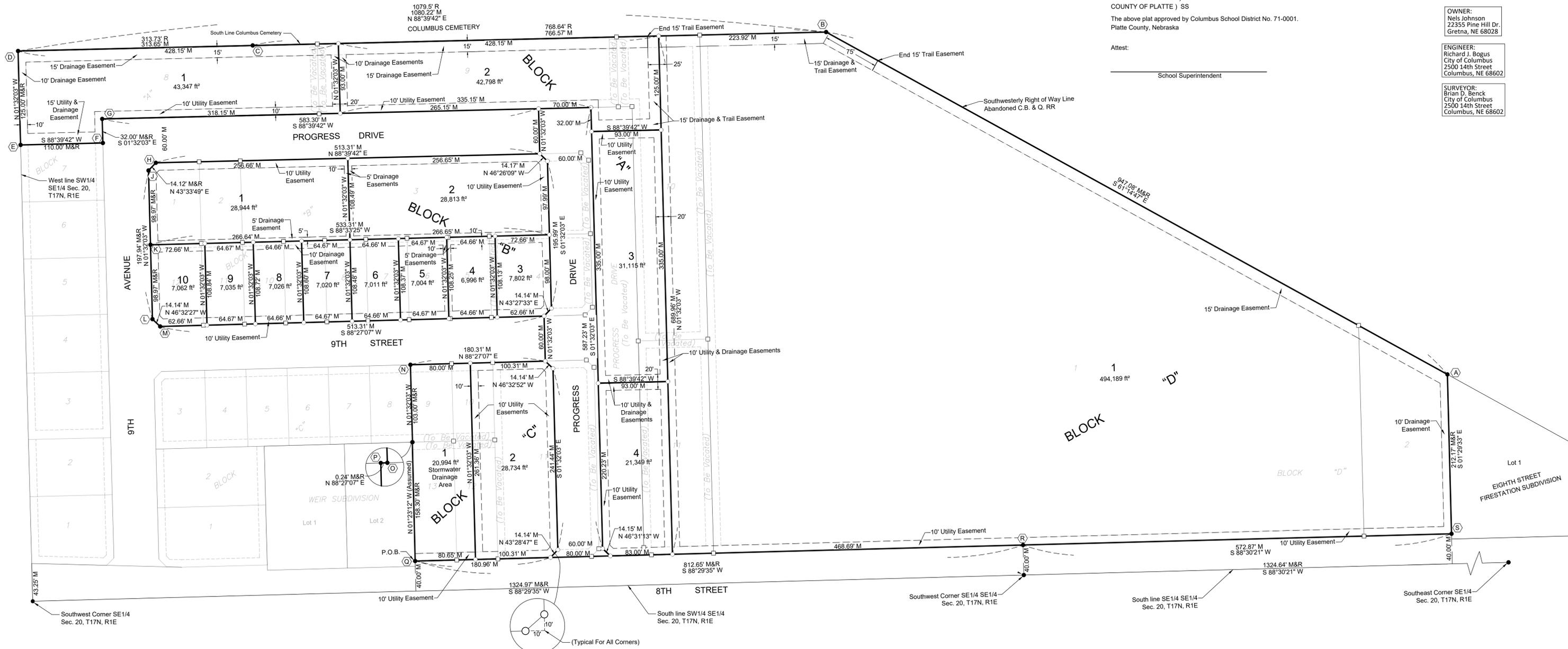
NOTE: Property corners from Vitality Village Addition had not been set at the time of this survey; therefore, the calculated corners on this plat will not be set as referenced on the Final Plat of Vitality Addition



OWNER: Nels Johnson
22355 Pine Hill Dr.
Gretna, NE 68028

ENGINEER: Richard J. Bogus
City of Columbus
2500 14th Street
Columbus, NE 68602

SURVEYOR: Brian D. Benck
City of Columbus
2500 14th Street
Columbus, NE 68602



7.K.1. Resolution No. R24-59 approving final plat.

DRAFT

RESOLUTION NO. R24-59

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO LOTS 8-11, BLOCK A, AND LOTS 1-12, BLOCK B, AND LOTS 9-13, BLOCK C, AND LOTS 1 AND 2 BLOCK D, ALL IN VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, ALONG WITH THAT PART OF 9TH STREET AND PROGRESS DRIVE ABUTTING SAID LOTS, ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER LOT 13, BLOCK C, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND ASSUMING THE WEST LINE OF SAID LOT 13 TO HAVE A BEARING OF N 01°23'12" W; THENCE N 01°23'12" W, AND ON SAID WEST LINE 158.30 FEET, TO THE NORTHWEST CORNER SAID LOT 13; THENCE N 88°27'07" E, AND ON THE NORTH LINE SAID LOT 13, 0.24 FEET TO THE SOUTHWEST CORNER LOT 9, SAID BLOCK C; THENCE N 01°32'03" W, AND ON THE WEST LINE SAID LOT 9, 103.00 FEET TO THE NORTHWEST CORNER SAID LOT 9, SAID POINT ALSO BEING ON THE SOUTH LINE 9TH STREET; THENCE N 88°27'07" E, AND ON THE SOUTH LINE 9TH STREET, 180.31 FEET; THENCE N 01°32'03" W, 60.00 FEET TO A POINT ON THE NORTH LINE 9TH STREET; THENCE S 88°27'07" W, AND ON THE NORTH LINE 9TH STREET, 531.31 FEET; THENCE N 46°32'27" W, 14.14 FEET TO A POINT ON THE EAST LINE 9TH AVENUE; THENCE N 01°32'03" W, AND ON SAID EAST LINE 9TH AVENUE, 197.94 FEET; THENCE N 43°33'49" E, 14.12 FEET TO A POINT ON THE SOUTH LINE PROGRESS DRIVE; THENCE N 88°39'42" E, AND ON THE SOUTH LINE SAID PROGRESS DRIVE, 513.31 FEET; THENCE N 01°32'03" W, 60.00 FEET, TO A POINT ON THE NORTH LINE PROGRESS DRIVE; THENCE S 88°39'42" W, AND ON THE NORTH LINE SAID PROGRESS DRIVE, 583.30 FEET TO A POINT ON THE WEST LINE 9TH AVENUE; THENCE S 01°32'03" E, AND ON WEST LINE SAID 9TH AVENUE, 32.00 FEET TO THE NORTHEAST CORNER LOT 7, BLOCK A, SAID ADDITION; THENCE S 88°39'42" W, AND ON THE NORTH LINE SAID LOT 7, 110.00 FEET TO THE NORTHWEST CORNER SAID LOT 7, SAID POINT ALSO BEING ON THE WEST LINE SW1/4 SE1/4 SECTION 20, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA; THENCE N 01°32'03" W, AND ON SAID WEST LINE, 125.00 FEET; THENCE N 88°39'42" E, 1080.22 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ABANDONED C.B.&Q. RAIL ROAD; THENCE S 61°14'47" E, AND ON SAID SOUTHWESTERLY LINE, 947.08 FEET TO THE NORTHWEST CORNER LOT 1, EIGHTH STREET FIRE STATION SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 01°29'33" E, AND ON THE WEST LINE SAID LOT 1, 212.17 FEET TO A POINT ON THE NORTH LINE 8TH STREET, SAID POINT BEING 40.00 FEET NORTH OF THE SOUTH LINE SE1/4 SE1/4 SAID SECTION 20; THENCE S 88°30'21" W, AND ON SAID NORTH LINE 572.87 FEET; THENCE S 88°29'35" W, AND ON SAID NORTH LINE 812.65 FEET TO THE POINT OF BEGINNING, CONTAINING 19.84 ACRES MORE OR

LESS. HEREAFTER TO BE KNOWN AS VITALITY VILLAGE SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; AND APPROVING THE PLAT THEREOF.

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

Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows: Beginning at the Southwest corner Lot 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska and assuming the West line of said Lot 13 to have a bearing of N 01°23'12" W; thence N 01°23'12" W, and on said West line 158.30 feet, to the Northwest corner said Lot 13; thence N 88°27'07" E, and on the North line said Lot 13, 0.24 feet to the Southwest corner Lot 9, said Block C; thence N 01°32'03" W, and on the West line said Lot 9, 103.00 feet to the Northwest corner said Lot 9, said point also being on the South line 9th Street; thence N 88°27'07" E, and on the South line 9th Street, 180.31 feet; thence N 01°32'03" W, 60.00 feet to a point on the North line 9th Street; thence S 88°27'07" W, and on the North line 9th Street, 531.31 feet; thence N 46°32'27" W, 14.14 feet to a point on the East line 9th Avenue; thence N 01°32'03" W, and on said East line 9th Avenue, 197.94 feet; thence N 43°33'49" E, 14.12 feet to a point on the South line Progress Drive; thence N 88°39'42" E, and on the South line said Progress Drive, 513.31 feet; thence N 01°32'03" W, 60.00 feet, to a point on the North line Progress Drive; thence S 88°39'42" W, and on the North line said Progress Drive, 583.30 feet to a point on the West line 9th Avenue; thence S 01°32'03" E, and on West line said 9th Avenue, 32.00 feet to the Northeast corner Lot 7, Block A, said Addition; thence S 88°39'42" W, and on the North line said Lot 7, 110.00 feet to the Northwest corner said Lot 7, said point also being on the West line SW1/4 SE1/4 Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; thence N 01°32'03" W, and on said West line, 125.00 feet; thence N 88°39'42" E, 1080.22 feet to a point on the Southwesterly Right of Way Line of the Abandoned C.B.&Q. Rail Road; thence S 61°14'47" E, and on said Southwesterly line, 947.08 feet to the Northwest corner Lot 1, Eighth Street Fire Station Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°29'33" E, and on the West line said Lot 1, 212.17 feet to a point on the North line 8th Street, said point being 40.00 feet north of the South line SE1/4 SE1/4 said Section 20; thence S 88°30'21" W, and on said North line 572.87 feet; thence S 88°29'35" W, and on said North line 812.65 feet to the Point of Beginning, containing 19.84 acres more or less.

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

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

WHEREAS, said owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets and avenue roadways with appropriate utility, drainage and trail easement areas belonging to such Subdivision, all as provided by law, and bearing the certificate of Brian Benck, registered land surveyor, under the date May 9, 2024, a copy of which Plat is hereto attached; and

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

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Columbus, Nebraska, that the Deed of Dedication for Vitality Village Subdivision to the City of Columbus, Platte County, Nebraska be and the same is hereby accepted, the plat thereof be and the same hereby is approved as provided by law, that the Mayor and Clerk be and hereby are authorized and instructed to endorse such approval on said original plat.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ___ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Once Recorded Return Document To:

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

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

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

Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows:

Beginning at the Southwest corner Lot 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska and assuming the West line of said Lot 13 to have a bearing of N 01°23'12" W; thence N 01°23'12" W, and on said West line 158.30 feet, to the Northwest corner said Lot 13; thence N 88°27'07" E, and on the North line said Lot 13, 0.24 feet to the Southwest corner Lot 9, said Block C; thence N 01°32'03" W, and on the West line said Lot 9, 103.00 feet to the Northwest corner said Lot 9, said point also being on the South line 9th Street; thence N 88°27'07" E, and on the South line 9th Street, 180.31 feet; thence N 01°32'03" W, 60.00 feet to a point on the North line 9th Street; thence S 88°27'07" W, and on the North line 9th Street, 531.31 feet; thence N 46°32'27" W, 14.14 feet to a point on the East line 9th Avenue; thence N 01°32'03" W, and on said East line 9th Avenue, 197.94 feet; thence N 43°33'49" E, 14.12 feet to a point on the South line Progress Drive; thence N 88°39'42" E, and on the South line said Progress Drive, 513.31 feet; thence N 01°32'03" W, 60.00 feet, to a point on the North line Progress Drive; thence S 88°39'42" W, and on the North line said Progress Drive, 583.30 feet to a point on the West line 9th Avenue; thence S 01°32'03" E, and on West line said 9th Avenue, 32.00 feet to the Northeast corner Lot 7, Block A, said Addition; thence S 88°39'42" W, and on the North line said Lot 7, 110.00 feet to the Northwest corner said Lot 7, said point also being on the West line SW1/4 SE1/4 Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; thence N 01°32'03" W, and on said West line, 125.00 feet; thence N 88°39'42" E, 1080.22 feet to a point on the Southwesterly Right of Way Line of the Abandoned C.B.&Q. Rail Road; thence S 61°14'47" E, and on said Southwesterly line, 947.08 feet to the

Northwest corner Lot 1, Eighth Street Fire Station Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°29'33" E, and on the West line said Lot 1, 212.17 feet to a point on the North line 8th Street, said point being 40.00 feet north of the South line SE1/4 SE1/4 said Section 20; thence S 88°30'21" W, and on said North line 572.87 feet; thence S 88°29'35" W, and on said North line 812.65 feet to the Point of Beginning, containing 19.84 acres more or less.

All of which is more particularly described as follows:

Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows:

Beginning at the Southwest corner Lot 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska and assuming the West line of said Lot 13 to have a bearing of N 01°23'12" W; thence N 01°23'12" W, and on said West line 158.30 feet, to the Northwest corner said Lot 13; thence N 88°27'07" E, and on the North line said Lot 13, 0.24 feet to the Southwest corner Lot 9, said Block C; thence N 01°32'03" W, and on the West line said Lot 9, 103.00 feet to the Northwest corner said Lot 9, said point also being on the South line 9th Street; thence N 88°27'07" E, and on the South line 9th Street, 180.31 feet; thence N 01°32'03" W, 60.00 feet to a point on the North line 9th Street; thence S 88°27'07" W, and on the North line 9th Street, 531.31 feet; thence N 46°32'27" W, 14.14 feet to a point on the East line 9th Avenue; thence N 01°32'03" W, and on said East line 9th Avenue, 197.94 feet; thence N 43°33'49" E, 14.12 feet to a point on the South line Progress Drive; thence N 88°39'42" E, and on the South line said Progress Drive, 513.31 feet; thence N 01°32'03" W, 60.00 feet, to a point on the North line Progress Drive; thence S 88°39'42" W, and on the North line said Progress Drive, 583.30 feet to a point on the West line 9th Avenue; thence S 01°32'03" E, and on West line said 9th Avenue, 32.00 feet to the Northeast corner Lot 7, Block A, said Addition; thence S 88°39'42" W, and on the North line said Lot 7, 110.00 feet to the Northwest corner said Lot 7, said point also being on the West line SW1/4 SE1/4 Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; thence N 01°32'03" W, and on said West line, 125.00 feet; thence N 88°39'42" E, 1080.22 feet to a point on the Southwesterly Right of Way Line of the Abandoned C.B.&Q. Rail Road; thence S 61°14'47" E, and on said Southwesterly line, 947.08 feet to the Northwest corner Lot 1, Eighth Street Fire Station Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°29'33" E, and on the West line said Lot 1, 212.17 feet to a point on the North line 8th Street, said point being 40.00 feet north of the South line SE1/4 SE1/4 said Section 20; thence S 88°30'21" W, and on said North line 572.87 feet; thence S 88°29'35" W, and on said North line 812.65 feet to the Point of Beginning, containing 19.84 acres more or less.

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

Said owner and dedicator covenants and agrees with the City of Columbus to lay, at owners expense, and in accordance with specifications acceptable to the City Water and Sanitary Sewer Department,

and deliver the same to the City of Columbus, Nebraska, without cost to it the necessary water and sewer mains to adequately serve such platted area, and to pave the streets and avenues, and to deliver the same to the City without cost to it.

IN WITNESS WHEREOF, the Grantor named herein has executed these presents this ____ day of May 4, 2024.



Nels Johnson, Owner

STATE OF NEBRASKA

COUNTY OF SARPY : ss.
~~PLATTE~~

On this 4 day of May, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Nels Johnson, to me personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledged the said instrument to be his voluntary act and deed.





Notary Public

(SEAL)

7.L. Public hearing - Application from City of Columbus, on behalf of Nels Johnson, to rezone property located north of 8th Street and 7th Avenue from "R-2" (Two-Family Residential District) to "B-2" (General Commercial District) and to amend the Future Land Use Map of the Comprehensive Plan. (Planning Commission recommends approval.)

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and city council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone Lots 1 & 2, Block "B", Vitality Village Addition to the City of Columbus, Platte County, Nebraska & the East 30.00 feet of Lots 10 & 12, Block "C", Vitality Village Addition to the City of Columbus, Platte County, Nebraska (north side of 8th St and 7th Ave) from "R-2" (Two-Family Residential District) to "B-2" (General Commercial District) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish: 05:09:24
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: May 6, 2024
FROM: Andy Woehrer, Chief Building and Code Official
TO: Tara Vasicek, City Administrator
RE: Rezone lots from R-2 Two-Family Residential to B-2 General Commercial to allow the development for multi-family dwellings.

RECOMMENDATION:

Staff and I recommend approval of this rezoning from R-2 Two-Family Residential to B-2 General Commercial and to amend the Future Land Use Map accordingly.

DISCUSSION:

City of Columbus intends to rezone lots 1 & 2, Block "B", Vitality Village Addition and the east 30 feet of lots 10 & 12, Block "C", Vitality Village Addition from R-2 to B-2 for the construction of multi-family housing development. The zoning for the area is a good fit and is in conformance with the Columbus Land Development Ordinance.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

By: Andy J. Woehrer

Approved By: [Signature]

REZONING APPLICATION

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE NUMBER: _____

APPLICANT EMAIL ADDRESS: _____

ATTORNEY/FIRM: _____

ATTORNEY PHONE NUMBER: _____

ATTORNEY E-MAIL ADDRESS: _____

ADDRESS OF PROPERTY TO BE REZONED: _____

LEGAL DESCRIPTION OF PROPERTY: _____

PRESENT ZONING CLASSIFICATION: _____

REQUESTED ZONING CLASSIFICATION: _____

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION: _____

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

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

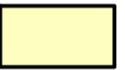
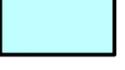
DATED THIS _____ DAY OF _____, _____.

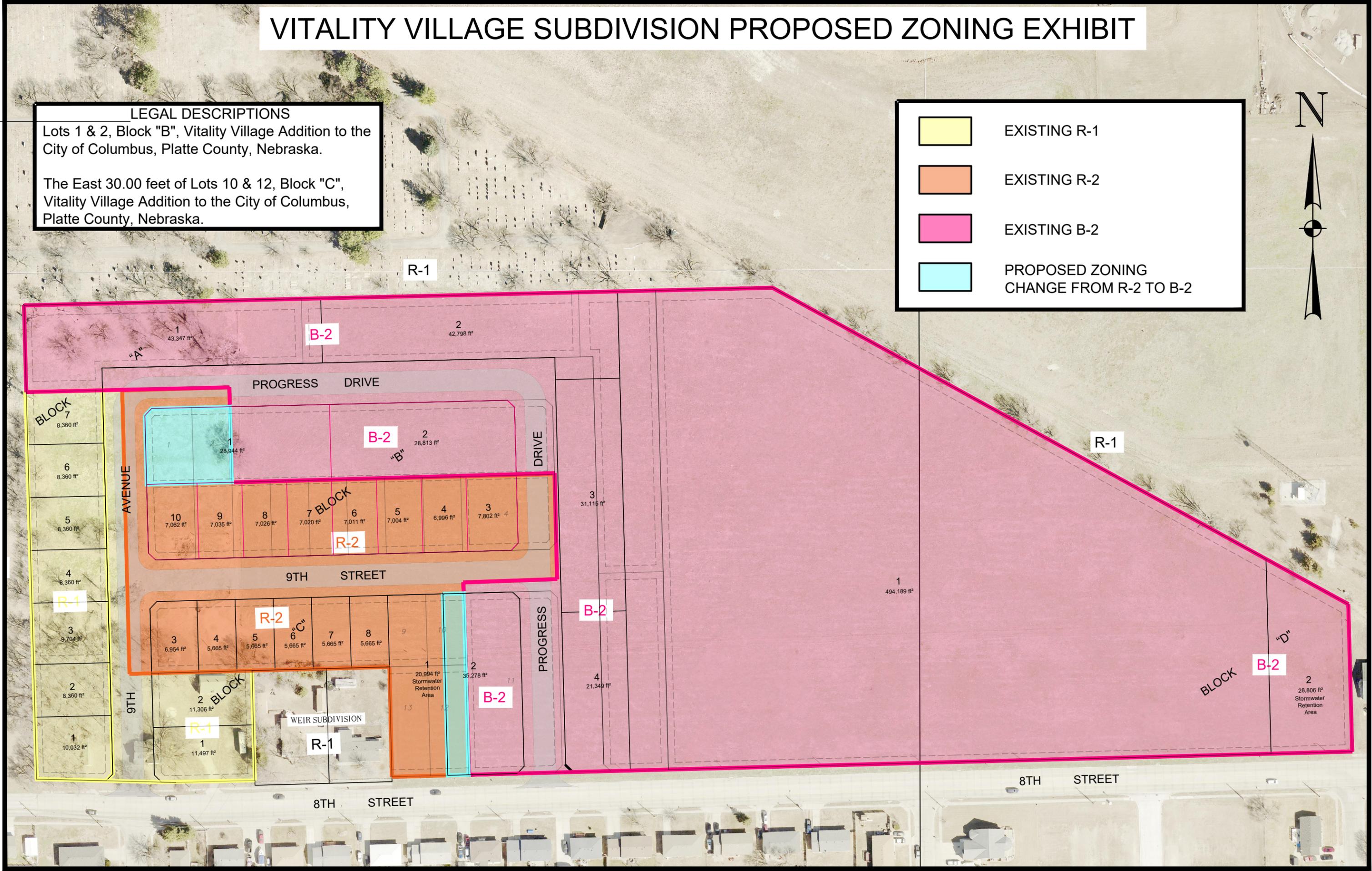
Owner or Owner's Representative

VITALITY VILLAGE SUBDIVISION PROPOSED ZONING EXHIBIT

LEGAL DESCRIPTIONS
 Lots 1 & 2, Block "B", Vitality Village Addition to the City of Columbus, Platte County, Nebraska.

 The East 30.00 feet of Lots 10 & 12, Block "C", Vitality Village Addition to the City of Columbus, Platte County, Nebraska.

	EXISTING R-1
	EXISTING R-2
	EXISTING B-2
	PROPOSED ZONING CHANGE FROM R-2 TO B-2







City of Columbus

Building Department

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

MEMORANDUM

DATE: April 26, 2024

FROM: Andy Woehrer, Chief Building and Code Official

SUBJECT: Vitality Village Subdivision - Rezone

The City of Columbus is in the process of rezoning parts of Blocks A, B, C, and D of Vitality Addition for housing developments. As a neighboring property owner within 300 feet of the proposed site, we want to ensure you are aware of this potential change and its implications.

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

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

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

Andy Woehrer
Chief Building and Code Official



Owner_Name	Owner_Adr	Owner_City	rner	SOwner_Zip	Situs_Adr	Situs_City	Situs_Stat	Situs_Zip
BURESH/CHAZ A	820 6 ST	COLUMBUS	NE	68601	820 6 ST	COLUMBUS	NE	68601
GRADO-SAENZ/NAIN E	774 7 AVE	COLUMBUS	NE	68601	774 7 AVE	COLUMBUS	NE	68601
PLUMMER/DANIEL G & MELANIE A	709 8 ST	COLUMBUS	NE	68601	709 8 ST	COLUMBUS	NE	68601
PATRAS/DONALD E & NANCY A	810 6 ST	COLUMBUS	NE	68601	810 6 ST	COLUMBUS	NE	68601
BELLER/BARBARA A	812 6 ST	COLUMBUS	NE	68601	812 6 ST	COLUMBUS	NE	68601
JARECKI/ROBERT S & ELIZABETH J	808 6 ST	COLUMBUS	NE	68601	808 6 ST	COLUMBUS	NE	68601
MCCARTHY/ERIC & MYRIAH ANDERSEN	816 8 ST	COLUMBUS	NE	68601	816 8 ST	COLUMBUS	NE	68601
GODFREY/MARK D & TABITHA L	814 8 ST	COLUMBUS	NE	68601	814 8 ST	COLUMBUS	NE	68601
EIHAUSEN/WANDA L	1021 8 ST	COLUMBUS	NE	68601	1021 8 ST	COLUMBUS	NE	68601
SMITH/RICHARD R & SHARON L	760 CENTENNIAL PL	COLUMBUS	NE	68601	PL	COLUMBUS	NE	68601
HICKMAN/DANIEL D	816 6 ST	COLUMBUS	NE	68601	816 6 ST	COLUMBUS	NE	68601
DISCHNER/DOUGLAS P	731 8 ST	COLUMBUS	NE	68601	731 8 ST	COLUMBUS	NE	68601
CASEY'S RETAIL COMPANY STORE 3089	PO BOX 54288	LEXINGTON	KY	40555	1118 8 ST	COLUMBUS	NE	68601
MEDRANO/CARLOS G SANUNCINI	762 9 AVE	COLUMBUS	NE	68601	762 9 AVE	COLUMBUS	NE	68601
VARGAS/GUSTAVO LIRA	1622 C ST	SCHUYLER	NE	68661	768 9 AVE	COLUMBUS	NE	68601
NELSON/BRADLEY JOHN & SHIRLEY S	915 8 ST	COLUMBUS	NE	68601	915 8 ST	COLUMBUS	NE	68601
VELASQUEZ/MARIA A	801 8 ST	COLUMBUS	NE	68601	801 8 ST	COLUMBUS	NE	68601
REYES/CARLOS ESPIRITU	671 5 AVE	COLUMBUS	NE	68601	671 5 AVE	COLUMBUS	NE	68601
HENGGELEER/KIMBERLY L	765 9 AVE	COLUMBUS	NE	68601	765 9 AVE	COLUMBUS	NE	68601
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EICKMEIER/GREGORY H & JENNIFER M	836 6 ST	COLUMBUS	NE	68601	836 6 ST	COLUMBUS	NE	68601
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LUCHSINGER %BRAD LUCHSINGER	610 38 ST E	COLUMBUS	NE	68601				
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RHOADS/RONALD R & CHRISTINE N	831 8 ST	COLUMBUS	NE	68601	831 8 ST	COLUMBUS	NE	68601
EARLEY RENTALS LLC	PO BOX 1466	COLUMBUS	NE	68602-146	825 8 ST	COLUMBUS	NE	68601
MOSER/LOUISE E	819 8 ST	COLUMBUS	NE	68601	819 8 ST	COLUMBUS	NE	68601
GARDEA/CARLOS HUMBERTO & NORMA I	813 8 ST	COLUMBUS	NE	68601	813 8 ST	COLUMBUS	NE	68601
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PETERSEN/NICHOLAS J & DAISY E								
SALAZAR	735 8 ST	COLUMBUS	NE	68601	735 8 ST	COLUMBUS	NE	68601
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VEIK/THOMAS L	766 10 AVE	COLUMBUS	NE	68601	766 10 AVE	COLUMBUS	NE	68601
BACILIO/JOSE M PORTILLO & JENNIFER M ORTEGA	762 10 AVE	COLUMBUS	NE	68601	762 10 AVE	COLUMBUS	NE	68601
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WOERTH/ANA ZULEMA	765 10 AVE	COLUMBUS	NE	68601	765 10 AVE	COLUMBUS	NE	68601
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KONOP/KURTIS E & HEFT/ANGIE M	765 5 AVE	COLUMBUS	NE	68601	765 5 AVE	COLUMBUS	NE	68601
MCPHILLIPS/SCOTT	430 7 ST	COLUMBUS	NE	68601	430 7 ST	COLUMBUS	NE	68601
MATSON/PAUL D & GINA K	763 CENTENNIAL PL	COLUMBUS	NE	68601	PL	COLUMBUS	NE	68601
BONILLA/OLGA L	424 7 ST	COLUMBUS	NE	68601-241	424 7 ST	COLUMBUS	NE	68601
DUKE/ALLEN J JR & LAURA A	761 10 AVE	COLUMBUS	NE	68601	761 10 AVE	COLUMBUS	NE	68601
MOUANDZA/GERMAIN & NADEGE	757 10 AVE	COLUMBUS	NE	68601	757 10 AVE	COLUMBUS	NE	68601
LASSEK/DEBORAH L	759 CENTENNIAL PL	COLUMBUS	NE	68601	759 CENTENNIAL PL	COLUMBUS	NE	68601
WIELGUS/NADINE MARIE & MICHAEL WAYNE	764 CENTENNIAL PL	COLUMBUS	NE	68601	764 CENTENNIAL PL	COLUMBUS	NE	68601
LUCHSINGER/MARVIN F & ENOLA J	128 38 ST	COLUMBUS	NE	68601		COLUMBUS	NE	68601
JOHNSON/NELS	22335 PINE HILL DR	GRETNA	NE	68028	820 8 ST	COLUMBUS	NE	68601
CITY OF COLUMBUS		COLUMBUS	NE	68601		COLUMBUS	NE	68601
ALDREDGE/ROCKEY	759 7 AVE	COLUMBUS	NE	68601				
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
HOLLIDAY/AARON & TRACEY	765 7 AVE	COLUMBUS	NE	68601	765 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY L	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
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ALDREDGE/ROCKEY & DAN L DECKERT	759 7 AVE	COLUMBUS	NE	68601				

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VACHAL/SHIRRI A	763 CENTENNIAL PL	COLUMBUS	NE	68601	763 CENTENNIAL PL	COLUMBUS	NE	68601
KONOP/CURTIS E & HEFT/ANGIE M	424 7 ST	COLUMBUS	NE	68601-241	424 7 ST	COLUMBUS	NE	68601
MCPHILLIPS/SCOTT	761 10 AVE	COLUMBUS	NE	68601	761 10 AVE	COLUMBUS	NE	68601
MATSON/PAUL D & GINA K	757 10 AVE	COLUMBUS	NE	68601	757 10 AVE	COLUMBUS	NE	68601
BONILLA/OLGA L	759 CENTENNIAL PL	COLUMBUS	NE	68601	759 CENTENNIAL PL	COLUMBUS	NE	68601
DUKE/ALLEN J JR & LAURA A	764 CENTENNIAL PL	COLUMBUS	NE	68601	764 CENTENNIAL PL	COLUMBUS	NE	68601
MOUANDZA/GERMAIN & NADEGE	128 38 ST	COLUMBUS	NE	68601	128 38 ST	COLUMBUS	NE	68601
LASSEK/DEBORAH L	22335 PINE HILL DR	GRETNA	NE	68028	820 8 ST	COLUMBUS	NE	68601
WIELGUS/NADINE MARIE & MICHAEL WAYNE	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
LUCHSINGER/MARVIN F & ENOLA J	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
JOHNSON/NELS	765 7 AVE	COLUMBUS	NE	68601	765 7 AVE	COLUMBUS	NE	68601
CITY OF COLUMBUS	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
HOLLIDAY/AARON & TRACEY	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY L	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
PERRY/KURTIS V	773 7 AVE	COLUMBUS	NE	68601	773 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601
ALDREDGE/ROCKEY & DAN L DECKERT	759 7 AVE	COLUMBUS	NE	68601	759 7 AVE	COLUMBUS	NE	68601

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, May 13, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone Lots 1 & 2, Block "B", Vitality Village Addition to the City of Columbus, Platte County, Nebraska & the East 30.00 feet of Lots 10 & 12, Block "C", Vitality Village Addition to the City of Columbus, Platte County, Nebraska (north side of 8th St and 7th Ave) from "R-2" (Two-Family Residential District) to "B-2" (General Commercial District) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 05:02:24
Two Affidavits of Publication

NOTICE OF HEARING

You are hereby notified that a public hearing before the mayor and city council of the City of Columbus, NE, will be held on Monday, May 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone Lots 1 & 2, Block "B", Vitality Village Addition to the City of Columbus, Platte County, Nebraska & the East 30.00 feet of Lots 10 & 12, Block "C", Vitality Village Addition to the City of Columbus, Platte County, Nebraska (north side of 8th St and 7th Ave) from "R-2" (Two-Family Residential District) to "B-2" (General Commercial District) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus, NE
Shuraya Frauendorfer, City Clerk

Publish: 05:09:24
Two Affidavits of Publication

7.L.1. Ordinance No. 24-13 approving rezoning.

DRAFT

ORDINANCE NO. 24-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING THE COLUMBUS LAND DEVELOPMENT ORDINANCE FOR THE CITY OF COLUMBUS, ZONING CHAPTER, PASSED AND ADOPTED AUGUST 21, 2023, AS THE ZONING CODE FOR THE CITY OF COLUMBUS, NEBRASKA, BY ORDINANCE NO. 23-09, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: A TRACT OF LAND LOCATED IN LOTS 1 & 2, BLOCK "B", VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, & THE EAST 30.00 FEET OF LOTS 10 & 12, BLOCK "C", VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, FROM THE PRESENT ZONING CLASSIFICATION OF "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT) TO "B-2" (GENERAL COMMERCIAL DISTRICT); TO AMEND THE ZONING MAP AND FUTURE LAND USE MAP WHICH HAVE BEEN ADOPTED AND MADE A PART OF SAID COLUMBUS LAND DEVELOPMENT ORDINANCE TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of hearings called for the purpose of rezoning and reclassifying the following described real estate, to wit:

a tract of land located in Lots 1 & 2, Block "B", Vitality Village Addition to the City of Columbus, Platte County, Nebraska, & the East 30.00 feet of Lots 10 & 12, Block "C", Vitality Village Addition to the City of Columbus, Platte County, Nebraska, from the present zoning classification of "R-2" (Two-Family Residential District) to "B-2" (General Commercial District),

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

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

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

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

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

a tract of land located in Lots 1 & 2, Block "B", Vitality Village Addition to the City of Columbus, Platte County, Nebraska, & the East 30.00 feet of Lots 10 & 12, Block "C", Vitality Village Addition to the City of Columbus, Platte County, Nebraska, from the present zoning classification of "R-2" (Two-Family Residential District) to "B-2" (General Commercial District),

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

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

Section 3. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption, and publication as provided by law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the city offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

8. PETITIONS AND COMMUNICATIONS - None

9. REPORTS OF CITY OFFICES - Finance department report included in Consent Agenda

9.A. Update on Nebraska Department of Transportation 23rd Street Reconstruction Project.

COLUMBUS 23RD STREET MONTHLY PROGRESS REPORT

APRIL 2024



April 2024 Construction Update

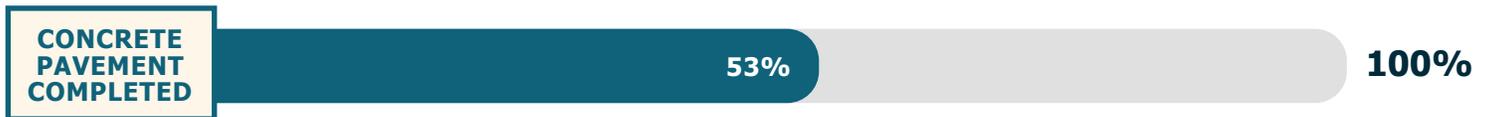
In April 2024, traffic was shifted to the eastbound lanes to allow for construction activities in the westbound lanes of Segment 2 west of 26th Avenue to east of 16th Avenue on US-30/23rd Street. In the westbound lanes, pavement was removed throughout the segment. Boring of the water main, work on the storm sewer trunkline and electrical work for the pedestrian crossing signals at various intersections also occurred.



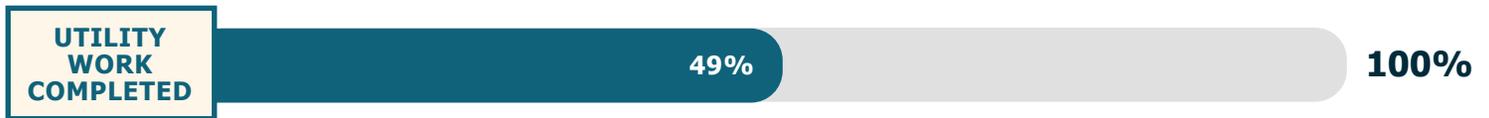
PROJECT HIGHLIGHTS



Percentage of the total monetary contract completed to date.



Percentage of total concrete pavement placed, including highway pavement, driveways, intersections, and sidewalks. Also included, but not limited to, incidental work such as stabilized subgrade, crushed concrete base course, etc.

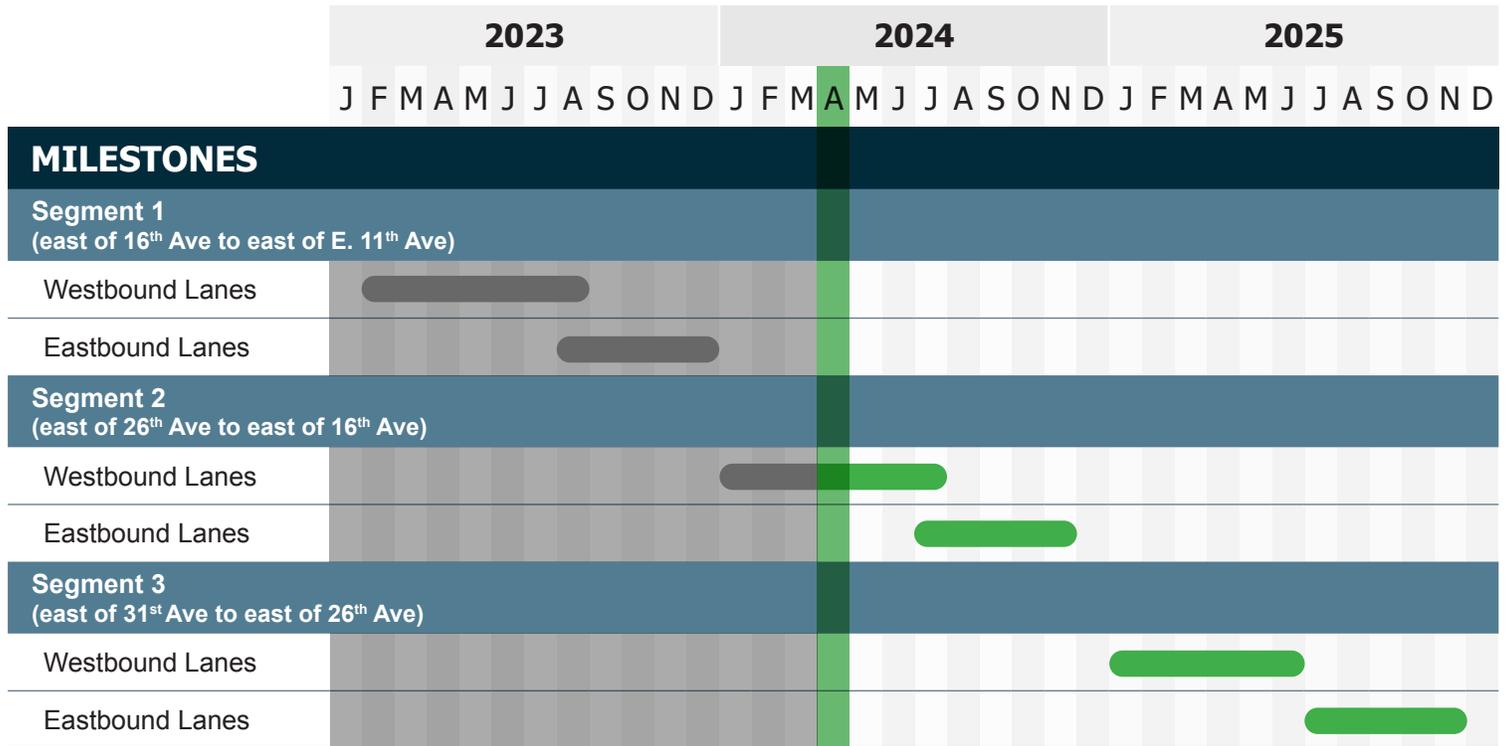


Percentage of electrical work completed, including signalization and lighting.



Percentage of storm sewer work completed, including sewer pipe, manholes, curb inlets, and area inlets.

COLUMBUS 23RD STREET CONSTRUCTION SCHEDULE



Phase Legend (horizontal lines):

- █ On or ahead of schedule
- █ Less than or equal to 1 month behind schedule
- █ More than 1 month behind
- █ Complete

Project Progress Bar Legend (vertical line):

- █ On or ahead of schedule
- █ Less than or equal to 1 month behind schedule
- █ More than 1 month behind schedule

All traffic changes are weather dependent.

Visit ndot.info/32234 or scan the QR code for more information.



NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

District 3 Headquarters
408 N 13th Street
Norfolk, NE 68701-3714
Phone (402) 370-3470
Fax (402) 370-3473
dot.nebraska.gov



Jim Pillen, Governor

FOR IMMEDIATE RELEASE

Updates on Utility Work for US-30 Improvement Project in Columbus

May 15, 2024 (Norfolk, Neb.) –Weather permitting, starting May 17, 2024, the north leg of the intersection of Pershing Road and U.S. Highway 30 (US-30) will temporarily reopen to traffic. Future closures at this intersection will occur for subgrade and paving operations.

In addition, the north leg of 23rd Avenue and US-30 will be closed to traffic starting May 20 for storm sewer construction. This segment is anticipated to be closed for one week.

Lastly, the north leg of the intersection of 18th Avenue and US-30 will remain closed for further underground utility work. The intersection is anticipated to be back open to traffic in July.

Information regarding the US-30 improvement project can be found on the project website, ndot.info/32234. NDOT also encourages the public to follow the latest project updates on X @23rdStColumbus and @NEColumbus.

Motorists are reminded to slow down, avoid distracted driving and give workers space in the construction zone.

#NDOT#

Contact:

Jeni Campana, (402) 479-4512

20240515-D3-32234



23rd Street, Columbus

Weekly Public Relations Report

Date

May 14, 2024

Work from Last Week

- Paving: Pour permanent median nose and surfacing at East 3rd Ave. Pour partial intersection at Pershing Rd.
- Storm Sewer: Work on trunkline and structures from Pershing Rd to 23rd Ave. Perform water main lowering at Pershing Rd.
- Electrical: Work on pedestal poles for pedestrian crossings, East 11th to 14th Ave. Traffic signal cutover delayed by NDOT to next week.

Work Anticipated This Week

- Traffic Control: Switch traffic to normal configuration at East 6th Ave, with lane restrictions through intersection to facilitate electrical work and removal of temporary traffic control devices.
- Storm Sewer: Work on trunkline and structures from Pershing Rd to 23rd Ave. Pothole existing water main crossing at west side of 23rd Ave to check for conflicts.
- Electrical: Install new traffic signal controller cabinet and traffic signal cutover to new permanent signals. Remove temporary signals.
- Removals: Pavement removals from 23rd Ave to 26th Ave.
- Seeding: Permanent seeding and sodding from 14th Ave to East 12th Ave.
- Grading: Excavate excess material between 18th Ave and Pershing Rd.

Work Anticipated Next Week

- Grading: Excavating excess material between 18th Ave and Pershing Rd.
- Storm Sewer: Work on trunkline and structures from 23rd Ave to 26th Ave.
- Subgrade Stabilization: Fly ash stabilization from 16th Ave to Pershing Rd.
- Seeding: Permanent seeding and sodding from 14th Ave to East 12th Ave.

Next Major Milestone

- Close eastbound lanes, shifting traffic to head-to-head configuration in newly constructed westbound lanes for work on Segment 2 (West of 26th Ave to East of 16th Ave). Work tentatively scheduled for summer, 2024.

10. REPORTS OF COUNCIL COMMITTEES

10.A.PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE - May 13, 2024.

PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE
May 13, 2024

A meeting of the Public Property, Safety, and Works Committee of the City of Columbus, Nebraska, was convened in open and public session on May 13, 2024, at 4:05 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on May 9, 2024, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and members of the city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call:** Chair Bahr announced that a copy of the Open Meetings Act is posted in the meeting room. Present were the following Public Property, Safety, and Works Committee Members: Council Members Charlie Bahr, Kat Lopez, Prent Roth, and Ron Schilling. Council Member Ron Schilling was absent and excused. City staff members included City Administrator Tara Vasicek, City Clerk Shuraya Frauendorfer, City Engineer Rick Bogus, Project Engineer Braden Labenz, and Engineering Administrative Specialist Renee Whiting.
2. **Request from Bosselman Pump & Pantry, Inc., Craig Foreman, Benjamin Foreman, and J.L.O. Properties LLC to vacate a portion of 63rd Avenue public right-of-way associated with the roundabout, private frontage road ingress and egress easement, and two utility easements on West Oak Addition (west of 63rd Avenue north of Howard Blvd).** Bogus explained that the applicants have requested the vacation of right-of-way and easements in order to relocate the 63rd Avenue roundabout to accommodate future development plans. It was noted that the applicants are responsible for all associated costs. A recommendation was made to approve the request to vacate right-of-way and easements with a motion by Roth and a second by Lopez. Bahr, Lopez, and Roth voted "Aye" and none voted "Nay". Schilling was absent.
3. **Request from City of Columbus to vacate a portion of 9th Street and Progress Drive and various drainage and utility easements in Vitality Village Addition (north of 8th Street and 7th Avenue).** Bogus explained that the request to vacate right-of-way and easements is to modify the sizes of various lots on this property as part of the development plans. A recommendation was made to approve the request to vacate right-of-way and easements with a motion by Lopez and a second by Roth. Bahr, Lopez, and Roth voted "Aye" and none voted "Nay". Schilling was absent.
4. **Adjournment:** The meeting adjourned at 4:14 p.m.

OFFICE OF THE CITY CLERK
:Shuraya Frauendorfer

10.A.1. Request from Bosselman Pump & Pantry, Inc., Craig M. Foreman, Benjamin A. Foreman, and J.L.O. Properties LLC to vacate a portion of 63rd Avenue public right-of-way associated with the roundabout, private frontage road ingress and egress easement, and two utility easements within West Oak Addition (west of 63rd Avenue north of Howard Boulevard).

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Request to vacate a portion of street right-of-way, private frontage road ingress and egress easement, and utility easements in West Oak Addition

RECOMMENDATION:

I recommend the approval of the request to vacate a portion of 63rd Avenue right-of-way associated with the roundabout, private frontage road ingress and egress easement, and two utility easements in West Oak Addition, Lots 3, 4 and 5. Refer to the exhibit within the Vacation of Easement Request Form.

DISCUSSION:

For reference, refer to the attached Vacation of Easement Request Form. An application and petition were received from the property owners,

The request is being made due to the required relocation of the roundabout in 63rd Avenue.

FISCAL IMPACT:

The applicant is responsible for all publications expenses; preparing of the above referenced ordinance, exhibit and legal descriptions; recording fees; and any other costs.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

CITY OF COLUMBUS

VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

Craig M. Forman, Benjamin A. Forman, & J.L.O. Properties, LLC

Bosselman Pump & Pantry, Inc., a Nebraska Corporation

Name (a)

Name (b)

Business (if applicable)

Business (if applicable)

Mailing Address

3558 38th Avenue, Columbus, NE 68601

Mailing Address

P.O. Box 4905, Grand Island, NE 68802

Daytime Phone Number

402-564-2775

Daytime Phone Number

308-218-2401

Email Address

Email Address

2. Legal address and physical property address of vacation of easement request:
See attachment.

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

The right-of-way for the west leg of the round-about on 63rd Avenue needs to be relocated to the north; therefore the previously platted right-of-way needs to be vacated so it can be dedicated in the appropriate location. Due to the right-of-way needing to be relocated to the north, utility easements along previously platted lot lines need to be adjusted. We are requesting to vacate these effected utility easements and then will dedicate them on the a new plat in there appropriate location.

LEGAL DESCRIPTIONS

Easement #1

That portion of the permanent easement for ingress and egress purposes lying South of the North line of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 00°17'50" W on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence S 00°17'50" W on said North line, 24.00 feet; thence S 00°30'27" E, 86.53 feet; thence S 08°24'44" W, 51.60 feet to a point of curvature; thence Southwesterly on a 100.00 foot radius curve to the right, 129.96 feet of which said curve has a chord bearing of S 36°43'25" W, 121.01 feet to a point of curvature; thence Southeasterly on an 82.00 foot radius curve to the left, 233.52 feet of which said curve has a chord bearing of S 07°37'44" E, 162.23 feet to a point on the West Right-of-Way line of 63rd Avenue; thence N 00°30'27" W on said West Right-of-Way line, 32.01 feet to a point of curvature; thence Northwesterly on a 50.00 foot radius curve to the right, 141.67 feet of which said curve has a chord bearing of N 07°12'53" W, 98.81 feet to a point of curvature; thence Northeasterly on a 132.00 foot radius curve to the left, 171.55 feet of which said curve has a chord bearing of N 36°43'25" E, 159.73 feet; thence N 00°30'27" W and parallel to the East line of said Lot 3, 137.19 feet to the Point of Beginning.

Easement #2

The utility easement being the East 10.00 feet of Lot 4, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska.

Easement #3

The 10.00 foot utility easement along the North line of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska, being 5.00 feet on each side of said North line.

Right-of-Way

City of Columbus, Platte County, Nebraska, public Right-of-Way along 63rd Avenue more particularly described as follows:

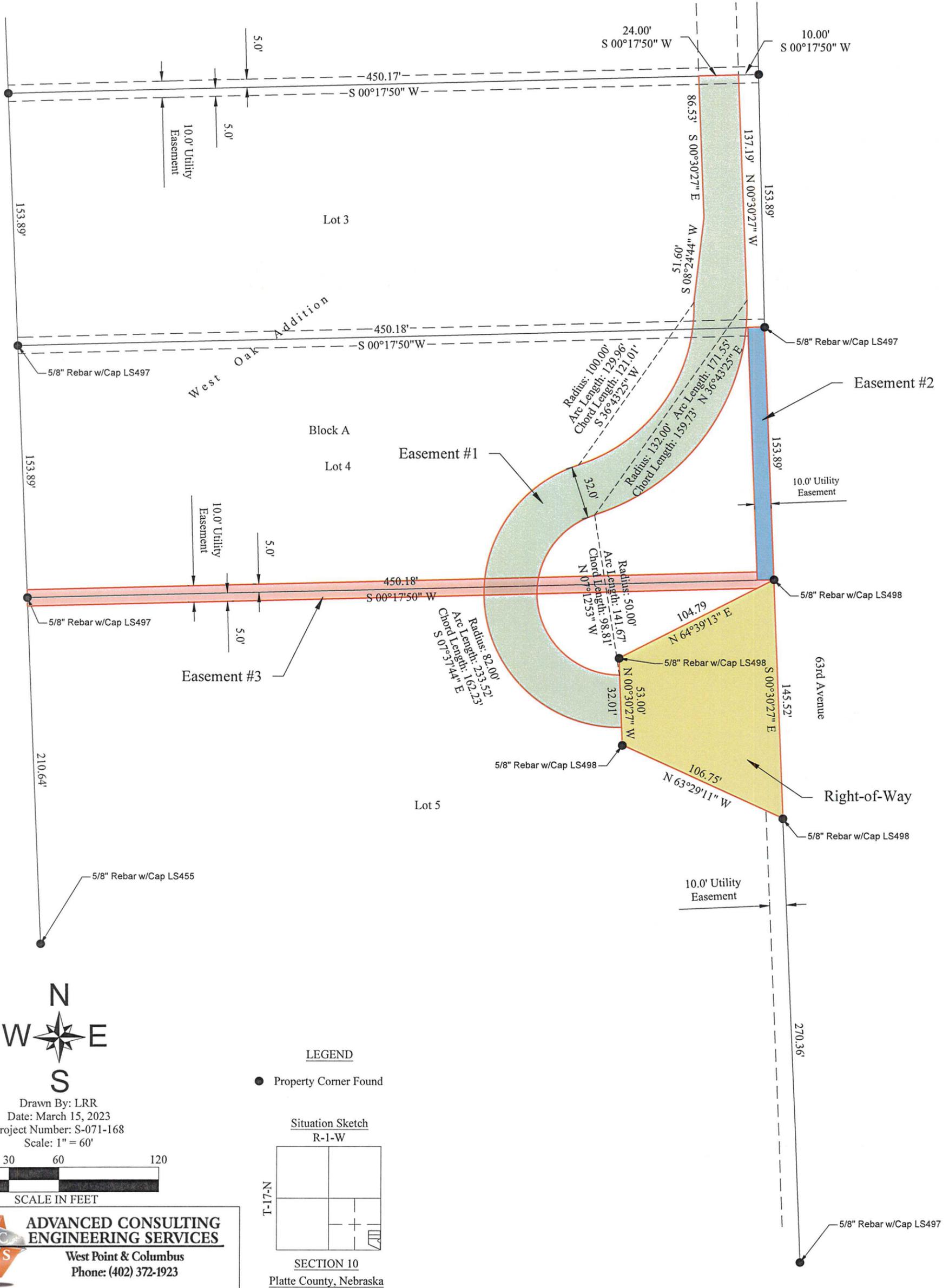
Beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 00°30'27" E, 145.52 feet; thence N 63°29'11" W, 106.75 feet; thence N 00°30'27" W, 53.00 feet; thence N 64°39'13" E, 104.79 feet to the Point of Beginning, containing 9439.41 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 15, 2024; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

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

4-28-2024
Date



Drawn By: LRR
Date: March 15, 2023
Project Number: S-071-168
Scale: 1" = 60'

0 30 60 120
SCALE IN FEET

ADVANCED CONSULTING ENGINEERING SERVICES
West Point & Columbus
Phone: (402) 372-1923

LEGEND

- Property Corner Found

Situation Sketch
R-1-W

SECTION 10
Platte County, Nebraska

4. Attach written correspondence on company / department letterhead from all public (City water, sewer, and street departments) and private utility companies regardless of whether said utilities have structures in the requested easement to be vacated or narrowed.
5. Complete required forms:
 - a. Vacation of Easement Petition
 - b. Vacation of Easement Individual with Notary
 - c. Vacation of Easement Corporation with Notary
6. Submit all completed forms to City Clerk for inclusion in the Public Property, Safety, and Works Committee agenda. The Public Property, Safety, and Works Committee will act on the Easement Request and make a recommendation to the City Council.
7. Procure an Attorney to obtain an Ordinance. Submit Draft Ordinance to City Clerk for review by City Attorney.
8. Ordinance placed on City Council agenda for consideration.
9. Upon City Council approval, City to file with Platte County Register of Deeds.

Application Fee: \$200.00

CORPORATION

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition.

Acknowledgement of signature to petition for vacating and narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
 #2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

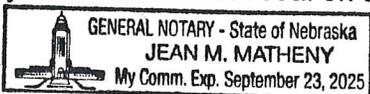
Corporation	Bosselman Pump & Pantry, Inc, a Nebraska Corporation		
Print Name / Title	Charles D. Bosselman Jr. CEO		
Email Address			
Signature		Date:	5-8-24

Corporation			
Print Name / Title			
Email Address			
Signature		Date:	
State:	Nebraska	County	

On this 24th day of April, 2024, before me, a Notary Public in and for said County personally appeared Charles D. Bosselman Jr.

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the member of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:

(SEAL) 

Jean M Matheny
 Notary Public

My Notarial Commission expires the 23rd day of September, 2025

PETITION

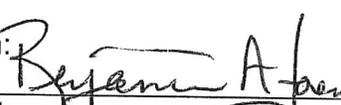
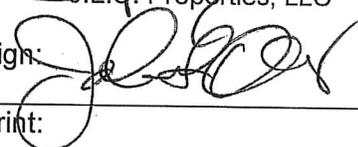
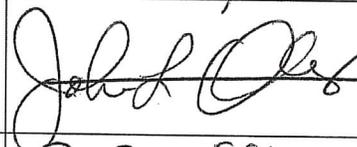
Honorable Mayor and Members of the City Council
City of Columbus

We, the undersigned, owners of property representing more than 75 percent of the easement property, hereby ask and petition that the necessary action be taken to vacate the following easement:

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.

#2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

and we hereby respectively waive any and all damages or claims for damages by reason of said vacating.

Property Owner(s)	Date	Mailing Address	Abutting No. of Feet
Print: Bosselman Pump & Pantry Sign: 	5-8-24	1607 S. Coast St. B Grand Island, NE 68302	#1: 130 feet #2: 450 feet
Print: Craig Foreman Sign: 	4-27-24	3558-38 Ave Columbus NE 68601	#1: 370 feet #2: 450 feet
Print: Benjamin A. Foreman Sign: 	4/26/24	3095 3 rd Street Columbus, NE 68601	#1: 370 feet #2: 450 feet
Print: J.L.O. Properties, LLC Sign: 	4/29/24		#1: 370 feet #2: 450 feet
Print: Sign:		PO Box 581 Columbus, NE 68603-0581	
Print: Sign:			
Print: Sign:			
Print: Sign:			

INDIVIDUAL

The acknowledgement of the signature of each individual is required (one per sheet).

Acknowledgement of signature to petition for vacating or narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
#2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

Print Name	Craig M. Foreman		
Email Address	craig@foremanlumber.com		
Signature		Date:	4-27-24

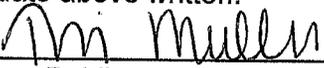
State:	Nebraska	County	Platte
--------	----------	--------	--------

On this 27th day of April, 2024, before me, a Notary Public in and for said County personally appeared Craig Foreman

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the individual of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:

(SEAL)


Notary Public

My Notarial Commission expires the 18 day of April, 2027

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

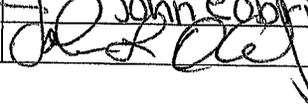
CORPORATION

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition.

Acknowledgement of signature to petition for vacating and narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
 #2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

Corporation	J.L.O. Properties, LLC		
Print Name / Title	John Obrist / member		
Email Address	John.Obrist@company.com		
Signature		Date:	4/29/24

Corporation			
Print Name / Title			
Email Address			
Signature		Date:	
State:	Nebraska	County	

On this 29th day of April, 2024, before me, a Notary Public in and for said County personally appeared John Obrist

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the member of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:
 (SEAL) Tori Muller
 Notary Public

My Notarial Commission expires the 18 day of April, 2027.

Revised 4-18-2024

TORI MULLER
 General Notary - State of Nebraska
 My Commission Expires Apr 18, 2027

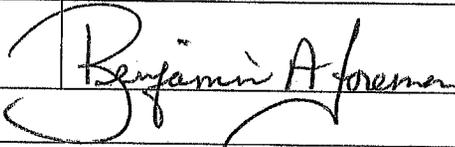
INDIVIDUAL

The acknowledgement of the signature of each individual is required (one per sheet).

Acknowledgement of signature to petition for vacating or narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
#2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

Print Name	Benjamin A. Foreman		
Email Address	ben@foremanlumber.com		
Signature		Date:	4/26/24

State:	Nebraska	County	Platte
--------	----------	--------	--------

On this 26th day of April, 2024, before me, a Notary Public in and for said County personally appeared Benjamin Foreman

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the individual of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:

(SEAL) Tori Muller
Notary Public

My Notarial Commission expires the 18 day of April, 2027

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

10.A.2. Request from City of Columbus to vacate a portion of 9th Street and Progress Drive and various drainage and utility easements in Vitality Village Addition (north of 8th Street and 7th Avenue).

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Request to vacate a portion of Progress Drive right-of-way and utility and/or drainage easements in Vitality Village Addition

RECOMMENDATION:

I recommend the approval of the request to vacate a portion of Progress Drive and eight (8) utility and/or drainage easements in Vitality Village Addition. Refer to the exhibit within the Vacation of Easement Request Form.

DISCUSSION:

Please refer to the attached exhibit for locations and legal descriptions. The City of Columbus is the owner of the property.

The request is being made due to requested various lot size revisions in the addition.

FISCAL IMPACT:

The City will pay for any associated fees.

ALTERNATIVE:

None.

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

CITY OF COLUMBUS

VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

Name (a)

Name (b)

Business (if applicable)

Business (if applicable)

Mailing Address

Mailing Address

Daytime Phone Number

Daytime Phone Number

Email Address

Email Address

2. Legal address and physical property address of vacation of easement request:

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

4. Attach written correspondence on company / department letterhead from all public (City water, sewer, and street departments) and private utility companies regardless of whether said utilities have structures in the requested easement to be vacated or narrowed. Vitality Village Addition has not been developed yet.
5. Complete required forms: No utilities present at this time.
 - a. Vacation of Easement Petition No streets are present at this time
 - b. Vacation of Easement Individual with Notary
 - c. Vacation of Easement Corporation with Notary
6. Submit all completed forms to City Clerk for inclusion in the Public Property, Safety, and Works Committee agenda. The Public Property, Safety, and Works Committee will act on the Easement Request and make a recommendation to the City Council.
7. Procure an Attorney to obtain an Ordinance. Submit Draft Ordinance to City Clerk for review by City Attorney.
8. Ordinance placed on City Council agenda for consideration.
9. Upon City Council approval, City to file with Platte County Register of Deeds.

Application Fee: \$200.00

EXHIBIT "A"

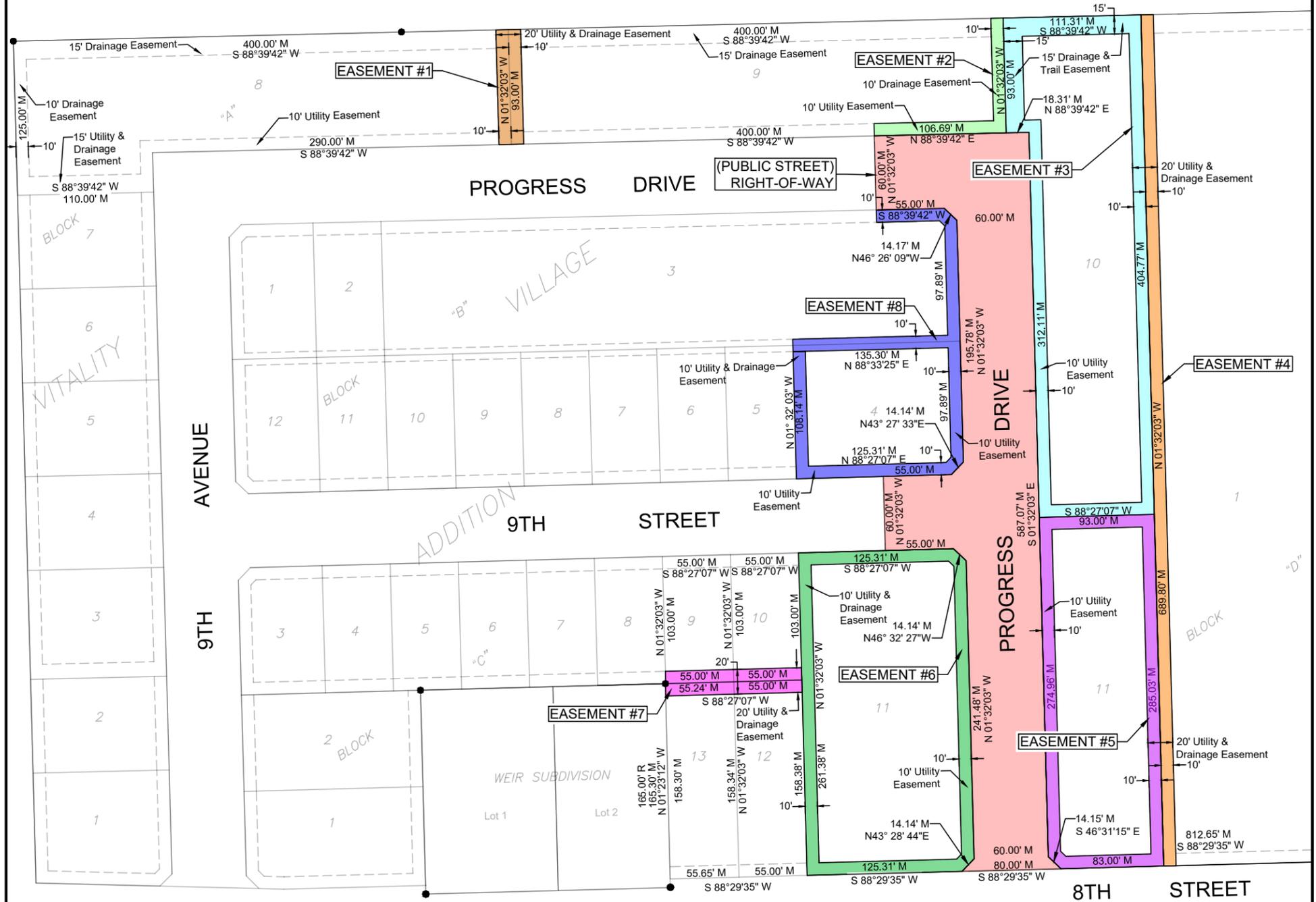


N



LEGEND

● - Monument Found



LEGAL DESCRIPTIONS

(Public Street) Right-of-Way

Progress Drive running North-South & the East 65 feet of 9th Street & the East 65 feet of Progress Drive running East-West, all located in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska; thence N 88°39'42" E, 18.31 feet; thence S 01°32'03" E, 587.07 feet; thence S 46°31'15" E, 14.15 feet to a point on the North line of 8th Street; thence S 88°29'35" W, and on said North line, 80.00 feet; thence N 43°28'44" E, 14.14 feet; thence N 01°32'03" W, 241.48 feet; thence N 46°32'27" W, 14.14 feet; thence S 88°27'07" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°27'07" E, 55.00 feet; thence N 01°32'03" W, 198.78 feet; thence N 46°26'09" W, 14.17 feet; thence S 88°39'42" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°39'42" E, 106.69 feet to the Point of Beginning, containing 43,879 square feet, more or less. See Exhibit "A".

Easement #1

The 20.00 foot utility and drainage easement along the West line of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, being 10.00 feet on each side of said West line. See Exhibit "A".

Easement #2

The 10.00 foot drainage easement along the East line of Lot 9, along with the 10.00 foot utility easement located in the East 106.69 feet along the South line of said Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #3

The 10.00 foot utility easements, 10.00 foot utility and drainage easements, and the 15.00 foot drainage and trail easements located in Lot 10, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #4

The 10.00 foot utility and drainage easement along the West line of Lot 1, Block D, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #5

The 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #6

The 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #7

The 10.00 foot utility and drainage easements located in the South 10.00 feet of Lots 9 & 10, and the 10.00 foot utility and drainage easements located in the North 10 feet of Lots 12 & 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #8

The 10.00 foot utility easements and the 10.00 foot utility and drainage easements located all of Lot 4, and in the East 65.00 feet of Lot 3, Block B, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

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

12. **REPORTS ON LEGISLATION - None**

13. **NEW BUSINESS**

13.A. Comments from mayor and city council members.

14. **RESOLUTIONS**

14.A. Resolution No. R24-60 awarding contract to Watts Electric Company in the amount of \$932,147.58 for Lost Creek Parkway Traffic Signals 2024.

DRAFT

RESOLUTION NO. R24-60

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDING A CONTRACT TO WATTS ELECTRIC COMPANY IN THE AMOUNT OF \$932,147.58 FOR LOST CREEK PARKWAY TRAFFIC SIGNALS 2024.

WHEREAS, the City of Columbus received bids for Lost Creek Parkway Traffic Signals 2024 with Watts Electric Company submitting the lowest bid of \$932,147.58 as detailed in the attached bid tabulation.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, the lowest bid from Watts Electric Company in the amount of \$932,147.58 for Lost Creek Parkway Traffic Signals 2024 is hereby accepted and the mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

MEMORANDUM

DATE: May 16, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Lost Creek Parkway Traffic Signals 2024 – Award of Bid

RECOMMENDATION:

I recommend award of the Lost Creek Parkway Traffic Signal project to Watts Electric Company in the amount of \$932,153.78.

DISCUSSION:

One bid was received and a Bid Tabulation sheet is attached. Burns & McDonnell’s cost estimate was \$810,000.

The project consists a complete traffic signal system at Lost Creek Parkway and 48th Avenue, including a new signal controller cabinet with a battery backup system, both local and advanced radar vehicular detection, traffic signal and lighting poles, advanced flashing beacons along Lost Creek Parkway, and backlit street name signs. Intersection improvements includes pavement widening along 48th Avenue to accommodate the addition of a northbound left-turn lane, new sidewalk to complete the gap along 48th Avenue to Lost Creek Parkway, new curb ramps and pedestrian accommodations for a future trail on the north side of Lost Creek Parkway. The traffic signal will be similar to that at the intersection of Lost Creek Parkway and 33rd Avenue. A small segment of property acquisition will be required in the southeast corner of Lost Creek Parkway and 48th Avenue. The property acquisition will be by the Engineering Department.

Signal improvements at Lost Creek Parkway and 33rd Avenue include additional signal heads, wiring, and restriping for a northbound left hand turn lane.

Signal improvements at Lost Creek Parkway and Wilderness Road include the relocation and upgrade of the existing traffic signal controller/cabinet, battery backup system, both local and advanced radar vehicular detection, updating the pedestrian pushbuttons to meet current ADA requirements, the addition of flashing yellow arrow signal heads, and related work to upgrade the traffic signal to meet current standards.

FISCAL IMPACT:

Part of 2023-2024 budget CIP 23-022 in the amount of \$300,000. Due to contractor availability and long lead times of some materials, it was anticipated that the project is estimated to begin in October 2024 with completion in spring 2025. Budget funding in 2024-2025 will be included.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: 

Approved By: 



May 16, 2024

Mr. Rick Bogus
City Engineer
City of Columbus
2500 14th St, Suite 3
Columbus, NE 68602

Re: Lost Creek Parkway Traffic Signals 2024

Dear Mr. Bogus,

On May 14th, 2024, at 2:00 P.M., bids were accepted, opened, and read out loud for the construction of the Lost Creek Parkway Traffic Signals 2024 project. There was one (1) bid proposal received by Watts Electric Company from Waverly, Nebraska, in the amount of \$932,153.78. I find the submittal to be complete and in accordance with the invitation for bids. The specifications were clear and not unduly restrictive to allow adequate competition.

The proposal was approximately 15% higher than the engineer's estimate of probable cost but is within a reasonable range. Material costs continue to increase due to inflationary pressures, labor availability, and demand for construction projects. I do not believe there would be an advantage to re-advertise this project. Therefore, I recommend the contract for the construction of the Lost Creek Parkway Traffic Signals 2024 to be awarded to the responsible bidder, Watts Electric Company, in the amount of \$932,153.78.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Tuch".

Mark Tuch, PE, PTOE
Project Manager, Burns & McDonnell
402-408-3025
mjtuch@burnsmcd.com

**CITY OF COLUMBUS
 BID TABULATION
 LOST CREEK PARKWAY TRAFFIC SIGNALS 2024
 BID OPENING: MAY 14, 2024 AT 2:00 P.M.**

	Contractor: Watts Electric Company	Contractor:	Contractor:	Contractor:	Contractor:
	13351 Dover St.				
	Waverly, NE 68462				
	Bid Bond: XX	Bid Bond:	Bid Bond:	Bid Bond:	Bid Bond:
ADDENDUM(S) ACKNOWLEDGED					
Description	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>
BASE BID	932,153.78				
Total Base Bid	932,153.78	0	0	0	0

PROJECT START DATE	October 15, 2024				
SUBSTANTIAL COMPLETION DATE	February 21, 2025				
FINAL COMPLETION DATE	April 25, 2025				

14.B. Resolution No. R24-61 awarding contract to Gehring Construction & Ready Mix Co., Inc. in the amount of \$2,115,811 for paving and infrastructure of Vitality Village Subdivision and community building south parking lot.

DRAFT
RESOLUTION NO. R24-61

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDING A CONTRACT TO GEHRING CONSTRUCTION & READY MIX CO., INC. IN THE AMOUNT OF \$2,115,811 FOR VITALITY VILLAGE SUBDIVISION AND COMMUNITY BUILDING SOUTH PARKING LOT.

WHEREAS, the City of Columbus received bids for the Vitality Village Subdivision and community building south parking lot on May 14, 2024, with Gehring Construction & Ready Mix Co., Inc. submitting the lowest bid of \$2,115,811 as detailed in the attached bid tabulation.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the lowest bid from Gehring Construction & Ready Mix Co., Inc. in the amount of \$2,115,811 for Vitality Village Subdivision and community building south parking lot is hereby accepted and the mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

The City of **Columbus**

MEMORANDUM

DATE: May 15, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Vitality Village Subdivision and Community Building South Parking Lot – Award of Bid

RECOMMENDATION:

I recommend award of the Vitality Village Subdivision and Community Building South Parking Lot project to Gehring Construction & Ready Mix Co., Inc. in the amount of \$2,115,811.00.

DISCUSSION:

Two bids were received and a Bid Tabulation sheet is attached. The Engineer’s estimate was \$3,300,000.

The Vitality Village Subdivision project consists of trees and structure removals, clearing and grubbing, concrete street paving, 8-foot concrete trail along 8th Street connecting to the 3rd Avenue trail system, 6-inch water, 8-inch sanitary sewer, storm sewer mains and inlets, storm water treatment and detention facilities, and related work. Construction is scheduled to begin June 2024 with completion by the end of the calendar year.

The 14th Street and 25th Avenue Parking Lot Improvements consist of paving removals, concrete parking lot paving, storm sewer with internal storm water treatment and collection system, landscape areas, lighting, ADA parking, and related work. The work includes construction of a pedestrian crossing/speed table crossing 14th Street in line with the main doors to the Community Building. Construction may or may not begin before Columbus Days (August 8-11). If construction starts before Columbus Days, 14th Street will be open and the parking lot available. Landscaping will be by others upon completion of this project.

Design and construction observation services by the Engineering Department.

FISCAL IMPACT:

2023-2024 CIP No. 24-029 in the amount of \$2,000,000; CIP No. 23-046 in the amount of \$500,000; and CIP No. 24-032 in the amount of \$200,000. A portion of the Vitality Village Subdivision work and a majority of the Community Building South Parking Lot will extend in the next fiscal year. The 2024-2025 budget will be funded for next fiscal year.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

**CITY OF COLUMBUS
 BID TABULATION
 VITALITY VILLAGE SUBDIVISION AND COMMUNITY BUILDING SOUTH PARKING LOT
 BID OPENING: MAY 14, 2024 AT 2:00 P.M.**

	Contractor: Gehring Construction & Ready Mix Co., Inc. 5424 West Meadow Dr. Columbus, NE 68601	Contractor: A&R Construction Co. PO Box 121 Plainview, NE 68769-0121	Contractor:	Contractor:	Contractor:
	Bid Bond: xx	Bid Bond: xx	Bid Bond:	Bid Bond:	Bid Bond:
ADDENDUM(S) ACKNOWLEDGED	XX	XX			
Description	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>
Base Bid Project A, Sections 1-3	1,770,343.00	1,875,563.16			
Base Bid Project B	345,468.00	409,865.44			
Total Base Projects A - B	2,115,811.00	2,285,428.60	0	0	0

Description	<u>LF</u>	<u>LF</u>	<u>LF</u>	<u>LF</u>	<u>LF</u>
Additional Bid - DELETE	-7.50	-4.00			

PROJECT A START DATE	June 1, 2024	April-25			
SUBSTANTIAL COMPLETION DATE	November 30, 2024	June-25			
FINAL COMPLETION DATE	December 31, 2024	July-25			

PROJECT B START DATE	August 1, 2024	April-25			
SUBSTANTIAL COMPLETION DATE	November 30, 2024	June-25			
FINAL COMPLETION DATE	December 31, 2024	July-25			

14.C.Resolution No. R24-62 adopting Park Maintenance Standard Operating Procedures.
(Board of Parks Commissioners recommends approval.)

DRAFT

RESOLUTION NO. R24-62

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ADOPTING THE PARK MAINTENANCE STANDARD OPERATING PROCEDURES FOR THE CITY OF COLUMBUS, NEBRASKA, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

WHEREAS, the Board of Parks Commissioners recommended approval of the park maintenance standard operating procedures at their meeting on May 7, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the park maintenance standard operating procedures, a copy of which is attached hereto and incorporated herein by this reference, is adopted.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Columbus Parks and Recreation

402-562-4234 | parksandrec@columbusne.us

MEMORANDUM

DATE: 5/1/2024

FROM: Betsy Eckhardt, Parks and Recreation Director

TO: Board of Park Commissioners

RE: Park Maintenance Standard Operating Procedure

RECOMMENDATION: To recommend to City Council for the adoption of the Park Maintenance Standard Operating Procedure.

DISCUSSION: The Park and Recreation Director and the Park Superintendent have been working on efficiency within the department. As part of that commitment we have developed these SOP's to help guide the department in their day to day procedures.

ALTERNATIVE: To not recommend to council for adoption.

CONCURRENCE: Tom Ek, Park Superintendent

SIGNATURE: *Betsy Eckhardt*
Betsy Eckhardt, Park and Recreation Director

Operations and Maintenance of Parks and Open Spaces

Introduction

Parks and open space operations and maintenance activities commonly involve the operation of equipment such as mowers and tractors; disposal of waste from mowing, planting, weeding, raking, pruning, and trash collection; application of pesticides, herbicides, and fertilizers; cleaning and maintenance of park amenities such as play equipment, restrooms, and structures; and snow removal. These activities have the potential to generate contaminants such as sediments and toxic chemicals that may be picked up by rainwater, thereby entering the storm drainage system and receiving waters. The goal of this written Standard Operating Procedure (SOP) is to provide guidance to municipal employees to reduce the discharge of pollutants from the MS4 and to receiving waters as a result of parks and open space operations and maintenance. If services are contracted, this SOP should be provided to the contractor. The contract should specify that the contractor is responsible for compliance with all applicable laws.

The City of Columbus performs a variety of operations and maintenance activities at its municipal parks and open spaces.

All of the City of Columbus parks and open spaces are maintained by the Parks and Recreation Department. The department, using their own equipment and manpower, mows, weeds, uses fertilizers, pesticides, and herbicides on a scheduled basis. All chemical applications are done by a certified applicator.

The City of Columbus Parks and Recreation has created an inventory of all municipal parks and open spaces maintained by the Parks and Recreation Department and updates this inventory annually.

Procedures

The City of Columbus Parks and Recreation will implement the following procedures at municipal parks and open spaces to reduce the discharge of pollutants from the MS4:

General

- Repair damage to landscaped or mulch or vegetated bare areas as soon as possible to prevent erosion. If there are areas of erosion or poor vegetation, repair them as soon as possible, priority will be given to areas within 50 feet of a surface water (e.g., pond, lake, or river).
- Remove (sweep or shovel) materials such as soil, mulch, and grass clippings from parking lots, streets, curbs, gutters, sidewalks, and drainage-ways.
- Do not clean up any unidentified or possibly hazardous materials found during maintenance; notify a supervisor immediately.

Maintenance

- Wastewater from power washing signs, structures, or bleachers cannot be discharged into the stormwater system.
- When painting park equipment, use a drop cloth and clean up any spills immediately.
- Do not leave open containers on the ground where they may accidentally tip over.
- Sweep parking lots with a street sweeper and dispose of street sweepings in designated areas. (performed by street department)
- Never wash debris from parking lots into the storm drain.

Mowing

- Remove debris and trash from landscaped areas prior to mowing.
- Do not blow or wash grass clippings or leaves into the street, gutter, or storm drains.

- Properly recycle or dispose of organic waste after mowing, weeding, and trimming.
- Reduce mowing frequencies wherever possible by establishing low/no-mow areas in lesser-used spaces.
- Brush off mowers (reels and decks) and tractors over grassy areas or in contained washout areas.
- Leave clippings on grassy areas or dispose of them in the trash or by composting.
- Do not hose off mowers over paved areas that drain into the MS4 or directly to surface waters.
- Follow proper vehicle and equipment maintenance procedures to prevent leaks
- Do not allow grease from mowers to fall onto areas where they can be washed into the stormwater system.

Irrigation

- Repair broken sprinkler heads as soon as possible.
- Only irrigate at a rate that can infiltrate into the soil to limit run-off.
- Avoid irrigating close to impervious surfaces such as parking lots and sidewalks.

Landscaping

- When establishing new plantings, use alternative landscaping materials, such as drought resistant or native plants to reduce the need for irrigation and extensive application of fertilizers and pesticides.
- Follow proper fueling procedures for all equipment to ensure that petroleum products do not enter the stormwater system.
- Fertilizers, herbicides, and pesticides should be properly used, stored, and handled.

Snow Removal

- Store salt, brine or sand for snow removal indoors under a roof or in a covered container and on impervious surfaces.
- Any damage done to vegetated areas caused by plows or deicing materials should be repaired as early as possible in the spring.

Trash Management

- Clean and sweep up around outdoor waste containers regularly.
- Remove waste and recyclables regularly and disposed of at approved disposal facilities.
- Ensure there are enough trash and recycling containers at appropriate areas

Employee Training

- Employees who perform maintenance or other applicable work at municipal parks and park maintained open spaces are trained on these procedures and the proper operation of related equipment.
- Employees are also trained on stormwater pollution prevention, illicit discharge detection and elimination (IDDE) procedures, and spill and response procedures.

Attachments

1. Inventory of Municipal Parks and Open Spaces

Park/Open Space	Address/Location	Lawn Mowing	Landscaping	Fertilizing	Pesticide/Herbi	Trash mgmt.	Pet waste	Waterfowl	Other maintenance:
Air Vista Park	2670 7 th Ave	X			X	X			
Airport Park	2651 18 th Ave	X			X	X			
Bark Park	6162 18 th Ave	X			X	X	X	X	
Berne Square	555 27 th Ave	X			X	X			
Bradshaw Park	1600 48 th Ave	X	X	X	X	X			
Buffalo Square	1515 6 th St	X			X	X			
Centennial Park	700 5 th St	X			X	X			
Fountain Square	3820 13 th St	X			X	X			
Frankfort Square	2614 13 th St	X	X	X	X	X			
Frontier Park	2969 Kozy Drive	X			X	X			
Gerrard Park	4340 27 th St	X			X	X			
Glur Park	2952 26 th Ave	X			X	X			
Gruenther Park	2055 Gruenther Dr.	X			X	X			
Hanover Square	1521 14 th St	X			X	X			
Pawnee Park	560 33 rd Ave	X	X	X	X	X		X	
Sock Pond	1068 48 TH Ave	X				X		X	
Sunset Park	3974 41 st Ave	X			X	X		X	
Wilderness Park	4100 18 TH Ave	X	X	X	X	X		X	

Personnel

The following personnel are responsible for municipal parks and open space management. Employees performing the procedures in this SOP shall attend annual stormwater pollution prevention training.

Name	Responsibility
Betsy Eckhardt: Parks and Recreation Director	Oversees the operation of the Parks Maintenance division.
Tom Ek: Park Superintendent	Oversee all park maintenance management

The following chemicals are utilized for municipal parks and open space management:

Chemical	Use	Storage Location*	Disposal
2,4 D-LV6	Herbicide	Warm Storage area of Park Shop	In accordance to manufacture's instructions.
Cornerstone 5 Plus	Herbicide	Warm Storage area of Park Shop	In accordance to manufacture's instructions.
28-5-10	Fertilizer	Pawnee Park North Storage Shed	In accordance to manufacture's instructions.

15. ORDINANCES ON FIRST READING

15.A. Ordinance No. 24-14 vacating a portion of 63rd Avenue right-of-way, private frontage road ingress and egress easement, and two utility easements within West Oak Addition (west of 63rd Avenue north of Howard Boulevard).

DRAFT

ORDINANCE NO. 24-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO VACATE THAT PORTION OF THE EXISTING RIGHT-OF-WAY LEGALLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK A, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 02°13'17" E, 145.57 FEET; THENCE N 65°12'23" W, 106.77 FEET; THENCE N 02°11'48" W, 53.01 FEET; THENCE N 62°55'15" E TO THE POINT OF BEGINNING, CONTAINING 9,446.45 SQUARE FEET, MORE OR LESS; AS WELL AS A PORTION OF CERTAIN UTILITY AND INGRESS AND EGRESS EASEMENTS LEGALLY DESCRIBED AS: THE 10.00 FOOT UTILITY EASEMENT ALONG THE NORTH LINE OF LOT 5, BLOCK A, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, BEING 5.00 FEET ON EACH SIDE OF SAID NORTH LINE AND THAT PORTION OF THE PERMANENT EASEMENT FOR INGRESS AND EGRESS PURPOSES LYING SOUTH OF THE NORTH LINE OF LOT 3, BLOCK A, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 3, BLOCK A, WEST OAK ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 00°17'50" W ON THE NORTH LINE OF SAID LOT 3, 10.00 FEET TO THE POINT OF BEGINNING; THENCE 00°17'50" W ON SAID NORTH LINE, 24.00 FEET; S 00°30'27" E, 86.53 FEET; THENCE S 08°24'44" W, 51.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 100.00 FOOT RADIUS CURVE TO THE RIGHT, 129.96 FEET OF WHICH SAID CURVE HAS A CHORD BEARING OF S 36°43'25" W, 121.01 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON AN 82.00 FOOT RADIUS CURVE TO THE LEFT, 233.52 FEET OF WHICH SAID CURVE HAS A CHORD BEARING OF S 07°37'44" E, 162.23 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 63RD AVENUE; THENCE N 00°30'27" W ON SAID WEST RIGHT-OF-WAY LINE, 32.01 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON A 50.000 FOOT RADIUS CURVE TO THE RIGHT, 141.67 FEET OF WHICH SAID CURVE HAS A CHORD BEARING OF N 07°12'53" W, 98.81 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 132.00 FOOT RADIUS CURVE TO THE LEFT, 171.55 FEET OF WHICH SAID CURVE HAS A CHORD BEARING OF N 36°43'25" E, 159.73 FEET; THENCE N 00°30'27" W AND PARALLEL TO THE EAST LINE OF SAID LOT 3, 137.19 FEET TO THE POINT OF BEGINNING, ALL AS PREVIOUSLY DEDICATED PURSUANT TO A DEED OF DEDICATION DATED NOVEMBER 21, 2022 AND RECORDED NOVEMBER 29, 2022 AT BOOK DEED 253 PAGE 319 OF THE PLATTE COUNTY REGISTER OF DEEDS; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of the hearings called for the purpose of considering the vacation of a portion of the existing right-of-way legally described as: beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'17" E, 145.57 feet; thence N 65°12'23" W, 106.77 feet; thence N 02°11'48" W, 53.01 feet; thence N 62°55'15" E to the Point of Beginning, containing 9,446.45 feet, more or less; as well as a portion of certain

utility and ingress and egress easements legally described as: the 10.00 foot utility easement along the North line of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska, being 5.00 feet on each side of said North line AND that portion of the permanent easement for ingress and egress purposes lying South of the North line of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County Nebraska, more particularly described as follows: Commencing at the Northeast corner of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 00°17'50" W on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence 00°17'50" W on said North line, 24.00 feet; S 00°30'27" E, 86.53 feet; thence S 08°24'44" W, 51.60 feet to a point of curvature; thence Southwesterly on a 100.00 foot radius curve to the right, 129.96 feet of which said curve has a chord bearing of S 36°43'25" W, 121.01 feet to a point of curvature; thence Southeasterly on an 82.00 foot radius curve to the left, 233.52 feet of which said curve has a chord bearing of S 07°37'44" E, 162.23 feet to a point on the West Right-of-Way line of 63rd Avenue; thence N 00°30'27" W on said West Right-of-Way line, 32.01 feet to a point of curvature; thence Northwesterly on a 50.000 foot radius curve to the right, 141.67 feet of which said curve has a chord bearing of N 07°12'53" W, 98.81 feet to a point of curvature; thence Northeasterly on a 132.00 foot radius curve to the left, 171.55 feet of which said curve has a chord bearing of N 36°43'25" E, 159.73 feet; thence N 00°30'27" W and parallel to the East line of said Lot 3, 137.19 feet to the Point of Beginning, all as previously dedicated pursuant to a Deed of Dedication dated November 21, 2022 and recorded November 29, 2022 at Book Deed 253 Page 319 of the Platte County Register of Deeds; and

WHEREAS, the Planning Commission and the Mayor and City Council have held separate public hearings, and in consideration of the evidence and premises, hereby find and determine that the vacation of the existing right-of-way and utility and ingress and egress easements will be for the public good and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Columbus, Nebraska:

Section 1. That the portion of the right-of-way legally described as: beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'17" E, 145.57 feet; thence N 65°12'23" W, 106.77 feet; thence N 02°11'48" W, 53.01 feet; thence N 62°55'15" E to the Point of Beginning, containing 9,446.45 feet, more or less; as well as a portion of certain utility and ingress and egress easements legally described as: the 10.00 foot utility easement along the North line of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska, being 5.00 feet on each side of said North line AND that portion of the permanent easement for ingress and egress purposes lying South of the North line of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County Nebraska, more particularly described as follows: Commencing at the Northeast corner of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 00°17'50" W on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence 00°17'50" W on said North line, 24.00 feet; S 00°30'27" E, 86.53 feet; thence S 08°24'44" W, 51.60 feet to a point of curvature; thence Southwesterly on a 100.00 foot radius curve to the right, 129.96 feet of which said curve has a chord bearing of S 36°43'25" W, 121.01 feet to a point of curvature; thence Southeasterly on an 82.00 foot radius curve to the left, 233.52 feet of which said curve has a chord bearing of S 07°37'44" E, 162.23 feet to a point on the West Right-of-Way line of 63rd Avenue;

thence N 00°30'27" W on said West Right-of-Way line, 32.01 feet to a point of curvature; thence Northwesterly on a 50.000 foot radius curve to the right, 141.67 feet of which said curve has a chord bearing of N 07°12'53" W, 98.81 feet to a point of curvature; thence Northeasterly on a 132.00 foot radius curve to the left, 171.55 feet of which said curve has a chord bearing of N 36°43'25" E, 159.73 feet; thence N 00°30'27" W and parallel to the East line of said Lot 3, 137.19 feet to the Point of Beginning, are hereby vacated.

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

Section 3. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by § 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ day of _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Request to vacate a portion of street right-of-way, private frontage road ingress and egress easement, and utility easements in West Oak Addition

RECOMMENDATION:

I recommend the approval of the request to vacate a portion of 63rd Avenue right-of-way associated with the roundabout, private frontage road ingress and egress easement, and two utility easements in West Oak Addition, Lots 3, 4 and 5. Refer to the exhibit within the Vacation of Easement Request Form.

DISCUSSION:

For reference, refer to the attached Vacation of Easement Request Form. An application and petition were received from the property owners,

The request is being made due to the required relocation of the roundabout in 63rd Avenue.

FISCAL IMPACT:

The applicant is responsible for all publications expenses; preparing of the above referenced ordinance, exhibit and legal descriptions; recording fees; and any other costs.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

CITY OF COLUMBUS

VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

Craig M. Forman, Benjamin A. Forman, & J.L.O. Properties, LLC

Bosselman Pump & Pantry, Inc., a Nebraska Corporation

Name (a)

Name (b)

Business (if applicable)

Business (if applicable)

Mailing Address

3558 38th Avenue, Columbus, NE 68601

Mailing Address

P.O. Box 4905, Grand Island, NE 68802

Daytime Phone Number

402-564-2775

Daytime Phone Number

308-218-2401

Email Address

Email Address

2. Legal address and physical property address of vacation of easement request:
See attachment.

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

The right-of-way for the west leg of the round-about on 63rd Avenue needs to be relocated to the north; therefore the previously platted right-of-way needs to be vacated so it can be dedicated in the appropriate location. Due to the right-of-way needing to be relocated to the north, utility easements along previously platted lot lines need to be adjusted. We are requesting to vacate these effected utility easements and then will dedicate them on the a new plat in there appropriate location.

LEGAL DESCRIPTIONS

Easement #1

That portion of the permanent easement for ingress and egress purposes lying South of the North line of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of Lot 3, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 00°17'50" W on the North line of said Lot 3, 10.00 feet to the Point of Beginning; thence S 00°17'50" W on said North line, 24.00 feet; thence S 00°30'27" E, 86.53 feet; thence S 08°24'44" W, 51.60 feet to a point of curvature; thence Southwesterly on a 100.00 foot radius curve to the right, 129.96 feet of which said curve has a chord bearing of S 36°43'25" W, 121.01 feet to a point of curvature; thence Southeasterly on an 82.00 foot radius curve to the left, 233.52 feet of which said curve has a chord bearing of S 07°37'44" E, 162.23 feet to a point on the West Right-of-Way line of 63rd Avenue; thence N 00°30'27" W on said West Right-of-Way line, 32.01 feet to a point of curvature; thence Northwesterly on a 50.00 foot radius curve to the right, 141.67 feet of which said curve has a chord bearing of N 07°12'53" W, 98.81 feet to a point of curvature; thence Northeasterly on a 132.00 foot radius curve to the left, 171.55 feet of which said curve has a chord bearing of N 36°43'25" E, 159.73 feet; thence N 00°30'27" W and parallel to the East line of said Lot 3, 137.19 feet to the Point of Beginning.

Easement #2

The utility easement being the East 10.00 feet of Lot 4, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska.

Easement #3

The 10.00 foot utility easement along the North line of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska, being 5.00 feet on each side of said North line.

Right-of-Way

City of Columbus, Platte County, Nebraska, public Right-of-Way along 63rd Avenue more particularly described as follows:

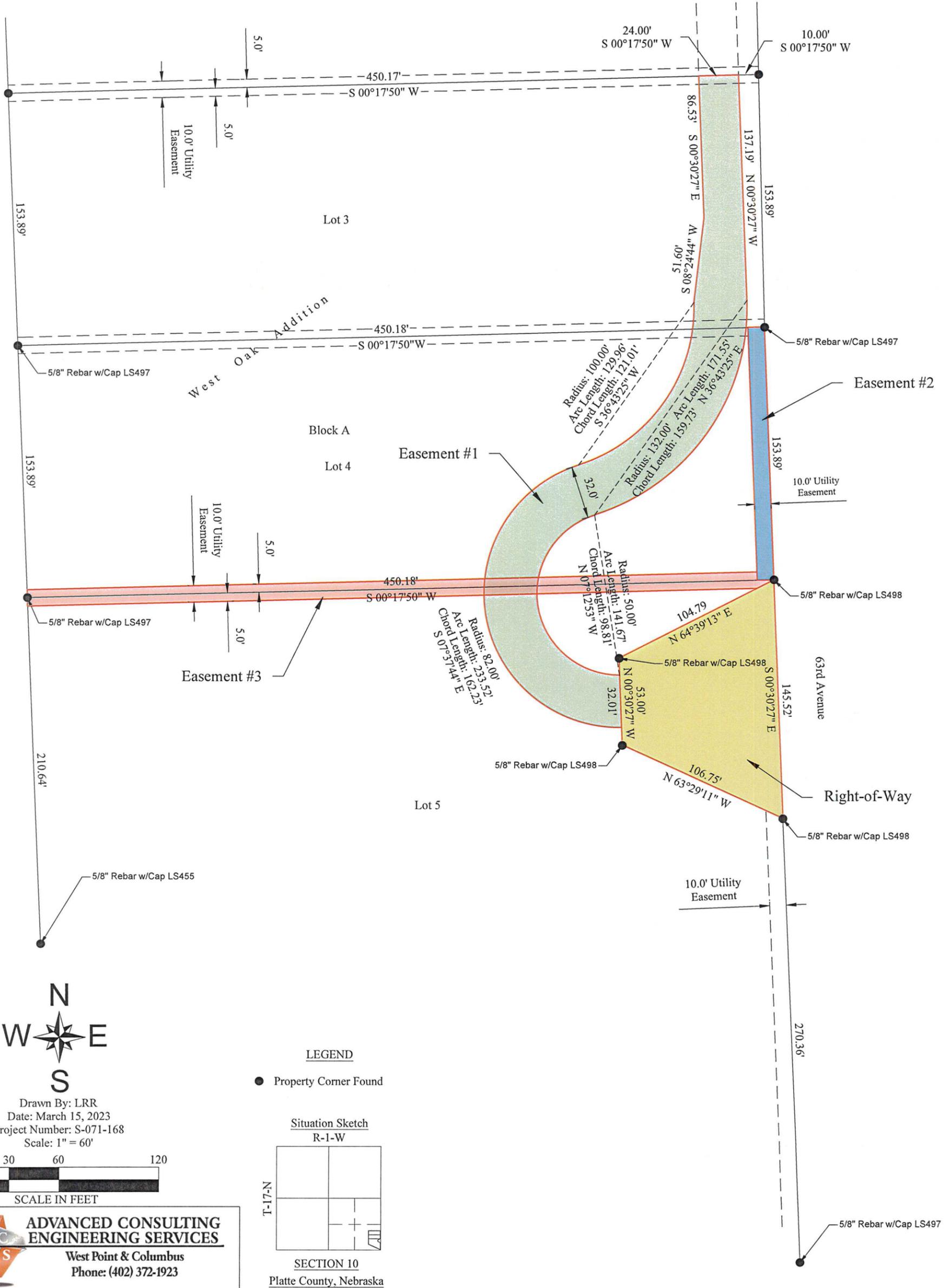
Beginning at the Northeast corner of Lot 5, Block A, West Oak Addition to the City of Columbus, Platte County, Nebraska; thence S 00°30'27" E, 145.52 feet; thence N 63°29'11" W, 106.75 feet; thence N 00°30'27" W, 53.00 feet; thence N 64°39'13" E, 104.79 feet to the Point of Beginning, containing 9439.41 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on March 15, 2024; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

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

4-28-2024
Date



Drawn By: LRR
Date: March 15, 2023
Project Number: S-071-168
Scale: 1" = 60'

0 30 60 120
SCALE IN FEET

ADVANCED CONSULTING ENGINEERING SERVICES
West Point & Columbus
Phone: (402) 372-1923

LEGEND

- Property Corner Found

Situation Sketch
R-1-W

SECTION 10
Platte County, Nebraska

4. Attach written correspondence on company / department letterhead from all public (City water, sewer, and street departments) and private utility companies regardless of whether said utilities have structures in the requested easement to be vacated or narrowed.
5. Complete required forms:
 - a. Vacation of Easement Petition
 - b. Vacation of Easement Individual with Notary
 - c. Vacation of Easement Corporation with Notary
6. Submit all completed forms to City Clerk for inclusion in the Public Property, Safety, and Works Committee agenda. The Public Property, Safety, and Works Committee will act on the Easement Request and make a recommendation to the City Council.
7. Procure an Attorney to obtain an Ordinance. Submit Draft Ordinance to City Clerk for review by City Attorney.
8. Ordinance placed on City Council agenda for consideration.
9. Upon City Council approval, City to file with Platte County Register of Deeds.

Application Fee: \$200.00

CORPORATION

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition.

Acknowledgement of signature to petition for vacating and narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
 #2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

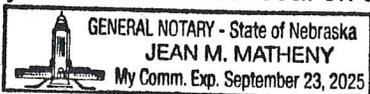
Corporation	Bosselman Pump & Pantry, Inc, a Nebraska Corporation		
Print Name / Title	Charles D. Bosselman Jr. CEO		
Email Address			
Signature		Date:	5-8-24

Corporation			
Print Name / Title			
Email Address			
Signature		Date:	
State:	Nebraska	County	

On this 24th day of April, 2024, before me, a Notary Public in and for said County personally appeared Charles D. Bosselman Jr.

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the member of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:

(SEAL) 

Jean M Matheny
 Notary Public

My Notarial Commission expires the 23rd day of September, 2025

PETITION

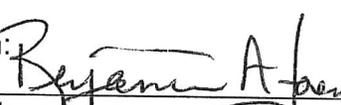
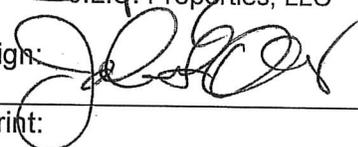
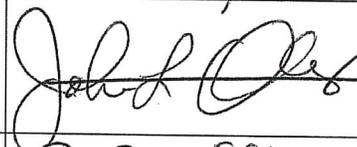
Honorable Mayor and Members of the City Council
City of Columbus

We, the undersigned, owners of property representing more than 75 percent of the easement property, hereby ask and petition that the necessary action be taken to vacate the following easement:

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.

#2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

and we hereby respectively waive any and all damages or claims for damages by reason of said vacating.

Property Owner(s)	Date	Mailing Address	Abutting No. of Feet
Print: Bosselman Pump & Pantry Sign: 	5-8-24	1607 S. Coast St. B Grand Island, NE 68302	#1: 130 feet #2: 450 feet
Print: Craig Foreman Sign: 	4-27-24	3558-38 Ave Columbus NE 68601	#1: 370 feet #2: 450 feet
Print: Benjamin A. Foreman Sign: 	4/26/24	3095 3rd Street Columbus, NE 68601	#1: 370 feet #2: 450 feet
Print: J.L.O. Properties, LLC Sign: 	4/29/24		#1: 370 feet #2: 450 feet
Print: Sign:		PO Box 581 Columbus, NE 68603-0581	
Print: Sign:			
Print: Sign:			
Print: Sign:			

INDIVIDUAL

The acknowledgement of the signature of each individual is required (one per sheet).

Acknowledgement of signature to petition for vacating or narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
#2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

Print Name	Craig M. Foreman		
Email Address	craig@foremanlumber.com		
Signature		Date:	4-27-24

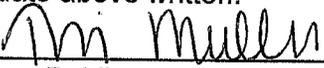
State:	Nebraska	County	Platte
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On this 27th day of April, 2024, before me, a Notary Public in and for said County personally appeared Craig Foreman

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the individual of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:

(SEAL)


Notary Public

My Notarial Commission expires the 18 day of April, 2027

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

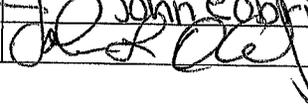
CORPORATION

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition.

Acknowledgement of signature to petition for vacating and narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
 #2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

Corporation	J.L.O. Properties, LLC		
Print Name / Title	John Obrist / member		
Email Address	John.Obrist@company.com		
Signature		Date:	4/29/24

Corporation			
Print Name / Title			
Email Address			
Signature		Date:	
State:	Nebraska	County	

On this 29th day of April, 2024, before me, a Notary Public in and for said County personally appeared John Obrist

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the member of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:
 (SEAL) Tori Muller
 Notary Public

My Notarial Commission expires the 18 day of April, 2027.

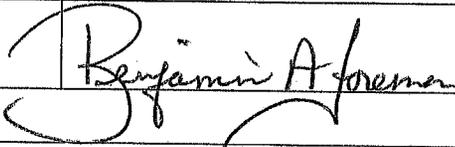
INDIVIDUAL

The acknowledgement of the signature of each individual is required (one per sheet).

Acknowledgement of signature to petition for vacating or narrowing of the following easement – to wit.

#1: Easement of ingress & egress for a frontage road across Lots 3, 4, and 5 of West Oak Addition to the City of Columbus, Platte County.
#2: Utility Easement, 5 feet on each side of the lot line adjoining Lots 4 and 5 of West Oak Addition to the City of Columbus, Platte County.

Within Columbus, Nebraska.

Print Name	Benjamin A. Foreman		
Email Address	ben@foremanlumber.com		
Signature		Date:	4/26/24

State:	Nebraska	County	Platte
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On this 26th day of April, 2024, before me, a Notary Public in and for said County personally appeared Benjamin Foreman

Who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the individual of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written:

(SEAL) Tori Muller
Notary Public

My Notarial Commission expires the 18 day of April, 2027

TORI MULLER
General Notary - State of Nebraska
My Commission Expires Apr 18, 2027

15.B. Ordinance No. 24-15 vacating a portion of 9th Street and Progress Drive and various drainage and utility easements in Vitality Village Addition (north of 8th Street and 7th Avenue).

DRAFT
ORDINANCE NO. 24-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO VACATE THE FOLLOWING PREVIOUSLY DEDICATED STREET AND EASEMENTS, TO-WIT: THE (PUBLIC STREET) RIGHT-OF-WAY DESCRIBED AS FOLLOWS: PROGRESS DRIVE, RUNNING NORTH-SOUTH & THE EAST 65 FEET OF 9TH STREET & THE EAST 65 FEET OF PROGRESS DRIVE RUNNING EAST-WEST, ALL LOCATED IN VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 9, BLOCK A, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE N 88°39'42" E, 18.31 FEET; THENCE S 01°32'03" E, 587.07 FEET; THENCE S 46°31'15" E, 14.15 FEET TO A POINT ON THE NORTH LINE OF 8TH STREET; THENCE S 88°29'35" W, AND ON SAID NORTH LINE, 80.00 FEET; THENCE N 43°28'44" E, 14.14 FEET; THENCE N 01°32'03" W, 241.48 FEET; THENCE N 46°32'27" W, 14.14 FEET; THENCE S 88°27'07" W, 55.00 FEET; THENCE N 01°32'03" W, 60.00 FEET; THENCE N 88°27'07" E, 55.00 FEET; THENCE N 01°32'03" W, 198.78 FEET; THENCE N 46°26'09" W, 14.17 FEET; THENCE S 88°39'42" W, 55.00 FEET; THENCE N 01°32'03" W, 60.00 FEET; THENCE N 88°39'42" E, 106.69 FEET TO THE POINT OF BEGINNING, CONTAINING 43,879 SQUARE FEET, MORE OR LESS, SEE EXHIBIT "A"; AND EASEMENT #1, DESCRIBED AS THE 20.00 FOOT UTILITY AND DRAINAGE EASEMENT ALONG THE WEST LINE OF LOT 9, BLOCK A, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, BEING 10.00 FEET ON EACH SIDE OF SAID WEST LINE, SEE EXHIBIT "A"; AND EASEMENT #2, DESCRIBED AS THE 10.00 FOOT DRAINAGE EASEMENT ALONG THE EAST LINE OF LOT 9, ALONG WITH THE 10.00 FOOT UTILITY EASEMENT LOCATED IN THE EAST 106.69 FEET ALONG THE SOUTH LINE OF SAID LOT 9, BLOCK A, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, SEE EXHIBIT "A"; AND EASEMENT #3, DESCRIBED AS THE 10.00 FOOT UTILITY EASEMENTS, 10.00 FOOT UTILITY AND DRAINAGE EASEMENTS, AND THE 15.00 FOOT DRAINAGE AND TRAIL EASEMENTS LOCATED IN LOT 10, BLOCK A, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, SEE EXHIBIT "A"; AND EASEMENT #4, DESCRIBED AS THE 10.00 FOOT UTILITY AND DRAINAGE EASEMENT ALONG THE WEST LINE OF LOT 1, BLOCK D, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, SEE EXHIBIT "A"; AND EASEMENT #5, DESCRIBED AS THE 10.00 FOOT UTILITY EASEMENTS AND THE 10.00 FOOT UTILITY AND DRAINAGE EASEMENTS LOCATED IN LOT 11, BLOCK A, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, SEE EXHIBIT "A"; AND EASEMENT #6, DESCRIBED AS THE 10.00 FOOT UTILITY EASEMENTS AND THE 10.00 FOOT UTILITY AND DRAINAGE EASEMENTS LOCATED IN LOT 11, BLOCK C, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, SEE EXHIBIT "A"; AND EASEMENT #7, DESCRIBED AS THE 10.00 FOOT UTILITY AND DRAINAGE EASEMENTS LOCATED IN THE SOUTH 10.00 FEET OF LOTS 9 & 10, AND THE 10.00 FOOT UTILITY AND DRAINAGE EASEMENTS LOCATED IN THE NORTH 10 FEET OF LOTS 12 & 13, BLOCK C, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, SEE EXHIBIT "A"; AND EASEMENT #8, DESCRIBED AS THE 10.00 FOOT UTILITY EASEMENTS AND THE 10.00 FOOT UTILITY AND DRAINAGE EASEMENTS LOCATED IN THE EAST 65.00 FEET OF LOTS 3 & 4, BLOCK B, VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE

COUNTY, NEBRASKA, SEE EXHIBIT "A"; ALL AS PREVIOUSLY DEDICATED PURSUANT TO A DEED OF DEDICATION DATED MAY 4, 2024 AND RECORDED MAY 8, 2024 AT DEEDS, BOOK 257 PAGE 51 OF THE PLATTE COUNTY REGISTER OF DEEDS; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of the hearings called for the purpose of considering the vacation of the following previously dedicated street and easements, to-wit: the (public street) right-of-way described as follows: The (Public Street) Right-of-Way described as follows: Progress Drive running North-South & the East 65 feet of 9th Street & the East 65 feet of Progress Drive running East-West, all located in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska; thence N 88°39'42" E, 18.31 feet; thence S 01°32'03" E, 587.07 feet; thence S 46°+31'15" E, 14.15 feet to a point on the North line of 8th Street; thence S 88°29'35" W, and on said North line, 80.00 feet; thence N 43°28'44" E, 14.14 feet; thence N 01°32'03" W, 241.48 feet; thence N 46°32'27" W, 14.14 feet; thence S 88°27'07" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°27'07" E, 55.00 feet; thence N 01°32'03" W, 198.78 feet; thence N 46°26'09" W, 14.17 feet; thence S 88°39'42" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°39'42" E, 106.69 feet to the Point of Beginning, containing 43,879 square feet, more or less as shown on Exhibit "A" attached hereto and incorporated herein by reference; and Easement #1, described as the 20.00 foot utility and drainage easement along the West line of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, being 10.00 feet on each side of said West line, as shown on attached Exhibit "A"; and Easement #2, described as the 10.00 foot drainage easement along the East line of Lot 9, along with the 10.00 foot utility easement located in the East 106.69 feet along the South line of said Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #3, described as the 10.00 foot utility easements, 10.00 foot utility and drainage easements, and the 15.00 foot drainage and trail easements located in Lot 10, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #4, described as the 10.00 foot utility and drainage easement along the West line of Lot 1, Block D, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #5, described as the 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #6, described as the 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #7, described as the 10.00 foot utility and drainage easements located in the South 10.00 feet of Lots 9 & 10, and the 10.00 foot utility and drainage easements located in the North 10 feet of Lots 12 & 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #8, described as the 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in the East 65.00 feet of Lots 3 & 4, Block B, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A".

WHEREAS, the Planning Commission and the Mayor and City Council have held separate public hearings, and in consideration of the evidence and premises, hereby find and determine that the vacation of the existing street and easements as set forth above will be for the public good and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Columbus, Nebraska:

Section 1. That the following previously dedicated street and easements, to-wit: the (public street) right-of-way described as follows: The (Public Street) Right-of-Way described as follows: Progress Drive running North-South & the East 65 feet of 9th Street & the East 65 feet of Progress Drive running East-West, all located in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska; thence N 88°39'42" E, 18.31 feet; thence S 01°32'03" E, 587.07 feet; thence S 46°+31'15" E, 14.15 feet to a point on the North line of 8th Street; thence S 88°29'35" W, and on said North line, 80.00 feet; thence N 43°28'44" E, 14.14 feet; thence N 01°32'03" W, 241.48 feet; thence N 46°32'27" W, 14.14 feet; thence S 88°27'07" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°27'07" E, 55.00 feet; thence N 01°32'03" W, 198.78 feet; thence N 46°26'09" W, 14.17 feet; thence S 88°39'42" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°39'42" E, 106.69 feet to the Point of Beginning, containing 43,879 square feet, more or less as shown on Exhibit "A" attached hereto and incorporated herein by reference; and Easement #1, described as the 20.00 foot utility and drainage easement along the West line of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, being 10.00 feet on each side of said West line, as shown on attached Exhibit "A"; and Easement #2, described as the 10.00 foot drainage easement along the East line of Lot 9, along with the 10.00 foot utility easement located in the East 106.69 feet along the South line of said Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #3, described as the 10.00 foot utility easements, 10.00 foot utility and drainage easements, and the 15.00 foot drainage and trail easements located in Lot 10, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #4, described as the 10.00 foot utility and drainage easement along the West line of Lot 1, Block D, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #5, described as the 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #6, described as the 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #7, described as the 10.00 foot utility and drainage easements located in the South 10.00 feet of Lots 9 & 10, and the 10.00 foot utility and drainage easements located in the North 10 feet of Lots 12 & 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; and Easement #8, described as the 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in the East 65.00 feet of Lots 3 & 4, Block B, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, as shown on attached Exhibit "A"; all as previously dedicated pursuant to a Deed of Dedication dated May 4, 2024 and

recorded May 8, 2024 at Deeds, Book 257 Page 51 of the Platte County Register of Deeds should be and hereby are vacated.

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

Section 3. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by § 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

The City of **Columbus**

MEMORANDUM

DATE: May 9, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Request to vacate a portion of Progress Drive right-of-way and utility and/or drainage easements in Vitality Village Addition

RECOMMENDATION:

I recommend the approval of the request to vacate a portion of Progress Drive and eight (8) utility and/or drainage easements in Vitality Village Addition. Refer to the exhibit within the Vacation of Easement Request Form.

DISCUSSION:

Please refer to the attached exhibit for locations and legal descriptions. The City of Columbus is the owner of the property.

The request is being made due to requested various lot size revisions in the addition.

FISCAL IMPACT:

The City will pay for any associated fees.

ALTERNATIVE:

None.

SIGNATURE:

By: Richard J. Bogus

Approved By: _____

CITY OF COLUMBUS

VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

Name (a)

Name (b)

Business (if applicable)

Business (if applicable)

Mailing Address

Mailing Address

Daytime Phone Number

Daytime Phone Number

Email Address

Email Address

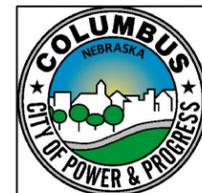
2. Legal address and physical property address of vacation of easement request:

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

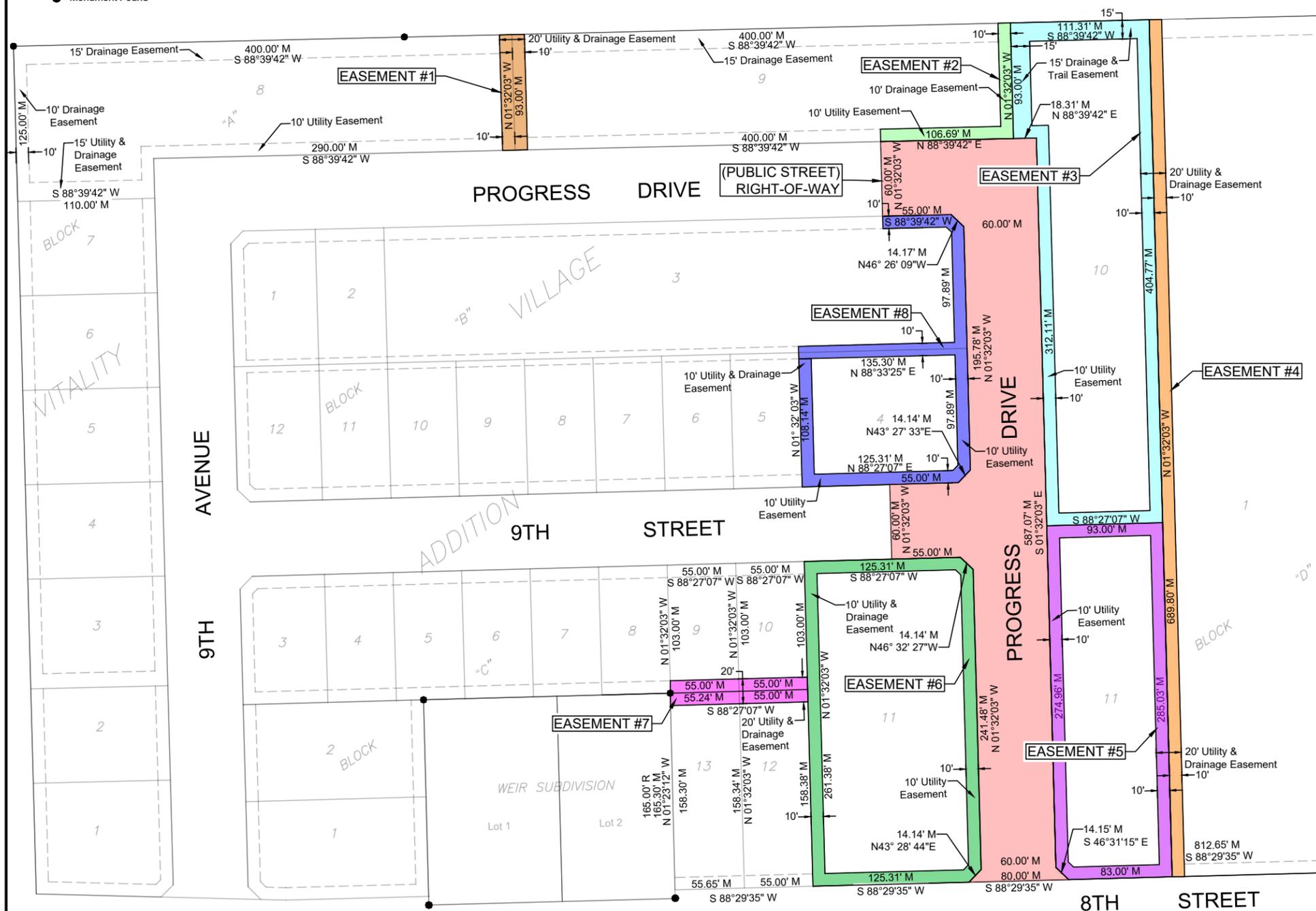
4. Attach written correspondence on company / department letterhead from all public (City water, sewer, and street departments) and private utility companies regardless of whether said utilities have structures in the requested easement to be vacated or narrowed. Vitality Village Addition has not been developed yet.
5. Complete required forms: No utilities present at this time.
 - a. Vacation of Easement Petition No streets are present at this time
 - b. Vacation of Easement Individual with Notary
 - c. Vacation of Easement Corporation with Notary
6. Submit all completed forms to City Clerk for inclusion in the Public Property, Safety, and Works Committee agenda. The Public Property, Safety, and Works Committee will act on the Easement Request and make a recommendation to the City Council.
7. Procure an Attorney to obtain an Ordinance. Submit Draft Ordinance to City Clerk for review by City Attorney.
8. Ordinance placed on City Council agenda for consideration.
9. Upon City Council approval, City to file with Platte County Register of Deeds.

Application Fee: \$200.00

EXHIBIT "A"



● - Monument Found



LEGAL DESCRIPTIONS

(Public Street) Right-of-Way

Progress Drive running North-South & the East 65 feet of 9th Street & the East 65 feet of Progress Drive running East-West, all located in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska; thence N 88°39'42" E, 18.31 feet; thence S 01°32'03" E, 587.07 feet; thence S 46°31'15" E, 14.15 feet to a point on the North line of 8th Street; thence S 88°29'35" W, and on said North line, 80.00 feet; thence N 43°28'44" E, 14.14 feet; thence N 01°32'03" W, 241.48 feet; thence N 46°32'27" W, 14.14 feet; thence S 88°27'07" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°27'07" E, 55.00 feet; thence N 01°32'03" W, 198.78 feet; thence N 46°26'09" W, 14.17 feet; thence S 88°39'42" W, 55.00 feet; thence N 01°32'03" W, 60.00 feet; thence N 88°39'42" E, 106.69 feet to the Point of Beginning, containing 43,879 square feet, more or less. See Exhibit "A".

Easement #1

The 20.00 foot utility and drainage easement along the West line of Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska, being 10.00 feet on each side of said West line. See Exhibit "A".

Easement #2

The 10.00 foot drainage easement along the East line of Lot 9, along with the 10.00 foot utility easement located in the East 106.69 feet along the South line of said Lot 9, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #3

The 10.00 foot utility easements, 10.00 foot utility and drainage easements, and the 15.00 foot drainage and trail easements located in Lot 10, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #4

The 10.00 foot utility and drainage easement along the West line of Lot 1, Block D, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #5

The 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block A, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #6

The 10.00 foot utility easements and the 10.00 foot utility and drainage easements located in Lot 11, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #7

The 10.00 foot utility and drainage easements located in the South 10.00 feet of Lots 9 & 10, and the 10.00 foot utility and drainage easements located in the North 10 feet of Lots 12 & 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

Easement #8

The 10.00 foot utility easements and the 10.00 foot utility and drainage easements located all of Lot 4, and in the East 65.00 feet of Lot 3, Block B, Vitality Village Addition to the City of Columbus, Platte County, Nebraska. See Exhibit "A".

16. **ORDINANCES ON SECOND READING - None**

17. **ORDINANCES ON THIRD READING**

17.A. Ordinance No. 24-10 approving Text Amendments to Columbus Land Development Ordinance.

ORDINANCE NO. 24-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO REVISE AND AMEND THE COLUMBUS LAND DEVELOPMENT ORDINANCE, ZONING AND SUBDIVISION CHAPTERS ADOPTED BY ORDINANCE NO. 23-09 ON AUGUST 21, 2023, AS FOLLOWS: SAID REVISIONS AND AMENDMENTS INCLUDE CHANGES WHICH ENCOMPASS VARIOUS CORRECTIONS AND DISCREPANCIES AS WELL AS REVISIONS TO THE ADMINISTRATION OF BOTH CHAPTERS, INCLUDING REVISIONS TO ZONING DEFINITIONS, CHANGES TO APPLICATIONS AND PROCEDURES FOR MINOR AND MAJOR SUBDIVISIONS, INCLUDING PRELIMINARY PLATS AND FINAL PLATS AS WELL AS APPLICATION REQUIREMENTS; NEW AND REVISED "FIGURES" INCLUDING FIGURE 2-15 IN CHAPTER 1, ARTICLE 2, AND "TABLES" APPEARING IN THE CLDO, ZONING CODE TABLES 4-2, 4-4, 8-1, 9-1, 10-3, 10-5 AND SUBDIVISION CODE TABLES 3-1, 3-2, AND 4-1; CHANGES TO "USE TYPES" INCLUDING COMMERCIAL USE TYPES AND CONSTRUCTION SALES AND SERVICE; "SITE DEVELOPMENT REGULATIONS"; "OVERLAY DISTRICTS", STANDARDS FOR FLOODPLAIN DEVELOPMENT; "SUPPLEMENTAL USE REGULATIONS", INCLUDING RESIDENTIAL USES AND SWIMMING POOLS; "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", INCLUDING SET BACK ADJUSTMENTS AND ALLOWABLE ADJUSTMENTS FOR CREATIVE SUBDIVISIONS; "LANDSCAPING, SCREENING, AND PERFORMANCE STANDARD", REQUIRED LANDSCAPE DEPTH, "OFF-STREET PARKING", OFF-STREET PARKING DESIGN REQUIREMENTS, OFF-STREET PARKING DESIGN STANDARDS, AND OFF-STREET LOADING; "SIGN REGULATIONS", INCLUDING PERMITTED PERMANENT SIGNS, ELECTRONIC INFORMATION SIGNS; "ADMINISTRATION AND PROCEDURES", SPECIAL USE PERMIT PROCEDURE AND AMENDMENT PROCEDURE; "WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE", SPECIFICALLY SETTING FORTH THE INITIAL DEPOSIT REQUIRED FOR AN ELIGIBLE FACILITY IN THE AMOUNT OF \$5,000" AND CHANGES ALLOWING ACTION BY THE COMMUNITY DEVELOPMENT DIRECTOR OR HIS OR HER DESIGNEE; "SUBDIVISIONS", CHANGES TO GENERAL GUIDELINES FOR SUBDIVISION LAYOUT, RELATIONSHIP TO COMPREHENSIVE PLAN; SUBDIVISION DEFINITIONS; "PROCEDURES AND ADMINISTRATION", MINOR SUBDIVISIONS, APPLICATION AND APPROVAL PROCEDURE, MAJOR SUBDIVISIONS, PREAPPLICATION PROCEDURES, PRELIMINARY PLAT APPLICATION, FINAL PLAT APPLICATION PROCESS, FINAL PLAT APPROVAL; "CIRCULATION SYSTEM DESIGN", INCLUDING GENERAL STANDARDS, STREET HIERARCHY AND DESIGN, ALLEYS, AND LIGHTING AND WIRING; "PUBLIC IMPROVEMENTS AND INFRASTRUCTURE", INCLUDING SANITARY SEWERS, STORM SEWERS AND STORM WATER MANAGEMENT, AND EASEMENTS; "IMPROVEMENT PROCEDURES" INVOLVING PRE-CONSTRUCTION CONFERENCE; AND CHANGES TO PROMOTE THE WORKABILITY OF SAID CHAPTERS; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR

PUBLICATION IN PAMPHLET FORM AS AUTHORIZED BY SECTION 16-405 OF NEBRASKA REVISED STATUTES.

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

Section 1. That the City of Columbus, Nebraska under Ordinance 23-09 adopted the Columbus Land Development Ordinance for the City of Columbus, Zoning Chapter, and under Ordinance 23-09 adopted the Columbus Land Development Ordinance for the City of Columbus, Subdivision Chapter, both having been approved August 21, 2023.

Section 2. That since the adoption of said Zoning Chapter and Subdivision Chapter a certain number of discrepancies and typographical errors have been discovered by the City in working with said Chapters and that a revision of the same is necessary to correct the same and a revision is also necessary to amend provisions relating to both the Zoning Chapter and Subdivision Chapter to promote the workability of said Chapters within their initial purpose and to incorporate changes recommended by City staff.

Section 3. The Zoning Chapter of the Columbus Land Development Ordinance for the City of Columbus is hereby amended and revised as hereinafter set forth:

I. AMENDMENT TO ZONING CHAPTER

A. Article Two: Definitions, Section 2-3 Definition of Terms, Section 2-4 A, is hereby amended and revised to read as follows:

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure, which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use, which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction, which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Aerial Map:** An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing lots, streets, public facilities, flood plain and floodway zones, natural features, city limit or extra territorial jurisdiction lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

7. Alley: A public right of way, which is used as a secondary means of access to abutting property.

8. Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.

9. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family.

10. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

B. Article Two, Section 2-5 B., is hereby amended and revised to read as follows:

1. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.

2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.

3. Beginning of Construction: At the time the site is disturbed or altered for the project.

4. Blockface: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street or a major physical barrier, including, but not limited to, railroads, streams, lakes, the corporate limits of Columbus, or the Extra-territorial Jurisdiction of the City of Columbus

5. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

6. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.

7. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

8. Building Line: The outer boundary of a building established by the location of its exterior walls.

9. Building Official: The Chief Building Code Official is responsible for supervision and operation of the building and land use regulations of the City of Columbus.

10. Business: Activities that include the exchange or manufacture of goods or services on a site.

11. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

C. Article Two, Section 2-7 D., is hereby amended and revised to read as follows:

1. Density: The amount of development per specific unit of a site.

2. Drive-in-Services: Uses which involve the sale of products or provision of services to occupants in vehicles.

3. Detached: Fully separated from any other building or attached to another building in such a manner as not to constitute an enclosed or covered connection.

4. Driveway: A permanently surfaced area providing vehicular access between a street and an off- street parking or loading area.

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

6. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons; including permanent provisions for living, sleeping, eating, cooking, and sanitation. The minimal dwelling size is 400 square feet.

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

1. Family: One (1) or more related persons living together and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities; or a group of non-related persons living together by joint agreement and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities on a non-profit, cost-sharing basis. A group of non-related persons shall consist of not more than three (3) persons in a dwelling unit containing two (2) bedrooms or less or a group of not more than four (4) persons living in a dwelling unit containing three (3) bedrooms or more. The following person shall be considered related for the purpose of this Ordinance:

(a) Persons related by blood, marriage, or adoption;

(b) Persons residing with a family for the purpose of adoption;

(c) Not more than eight (8) persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska;

(d) Not more than eight (8) persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska;

(e) Person(s) living with a family at the direction of a court.

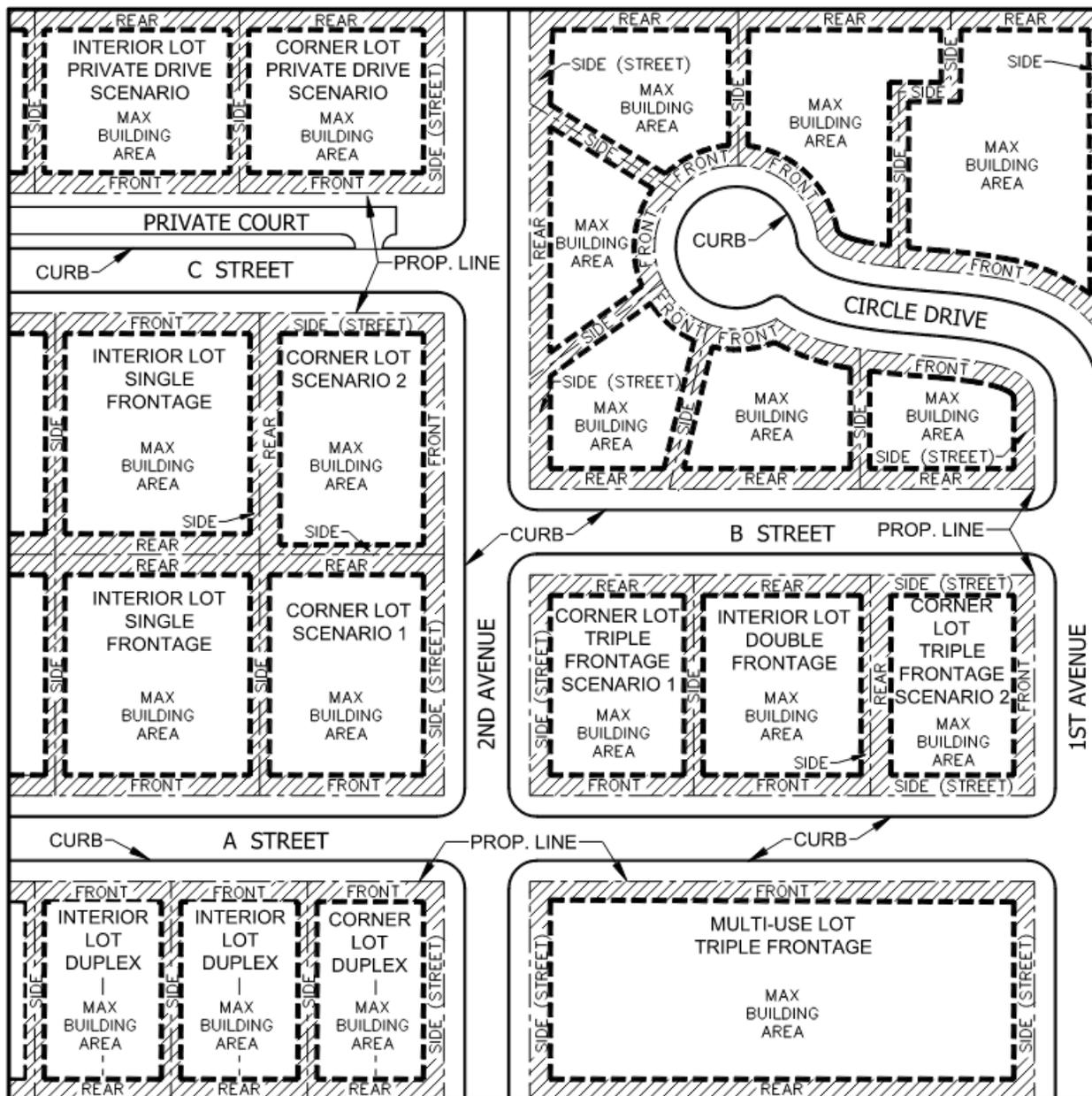
2. Federal: Pertaining to the Government of the United States of America.

3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.

4. Frontage: The length of a property line of any one lot abutting and parallel to a public street or private access.

E. Table 2-15, Appearing in Section 2-15, is hereby amended and revised to read as follows:

Figure 2-15: Lot Definitions



F. Article Two, Section 2-19 P., is hereby amended and revised to read as follows:

1. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
2. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.
3. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
4. **Personal Vehicles:** This term includes passenger cars, vans, motorcycles, trucks, pick-up trucks, camper trailers, recreational vehicles, trailers under 40 feet in length and boats, which can be classified as personally owned.
5. **Planned Unit Development:** A development of land which is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
6. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
7. **Premises:** A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. **Private Garage:** A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
9. **Private Street:** Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

G. Article Three: Use Types, Section 3-7 Commercial Use Types, is hereby amended and revised to read as follows:

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

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

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

1. **Automotive Rental and Sales**: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

2. **Auto Services**: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

3. **Body Repair**: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

4. **Equipment Rental and Sales**: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance,

and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

6. **Vehicle Storage:** Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.

- c. **Bed and Breakfast:** A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one (1) month.

Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-3 (Bed & Breakfast)

- d. **Business Support Services:** Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

- e. **Business or Trade Schools:** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

- f. **Campground:** Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc., are allowed.

- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- h. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.
- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.
- j. Construction Sales and Service: Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials or services used in the construction of buildings. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales; tool and equipment rental or sales.
- k. Convenience Storage: Storage services for goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include miniwarehousing.
- l. Crematory: A building or portion of a building which contains a cremation chamber and holding facility pursuant to the Cremation of Human Remains Act, Neb. Rev. Stat. §§71-1355 to 71-1385 along with cremation services as authorized thereunder.
- m. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - 1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include convenience stores, delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
 - 2. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet or food sales uses of any size that include the accessory sale of fuel for

motor vehicles. Typical uses include supermarkets and convenience stores.

- n. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial (excluding crematory services), arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- o. Gaming Facilities: Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities may include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Columbus and the State of Nebraska.
- p. General Retail Services: Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:
 - 1. Automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- q. Kennels: Boarding and care services for dogs, cats, and similar small mammals or small birds used as pets; or any premises on which four or more animals included under this definition over six months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.
- r. Laundry Services: Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry, cleaning, and linen supply services.
- s. Liquor Sales: Establishments or places of business engaged in retail sale for offpremise consumption of alcoholic beverages. Typical uses include

liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

- t. Lodging: Lodging services involving the provision of room and/or board. Typical uses include hotels and motels. Also includes other rental housing such as Commercial Air Bed and Breakfast, Rental By Owner, and other similar uses.
- u. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- v. Personal Services: Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry-cleaning stations serving individuals and households; driving schools; health or physical fitness studios; reducing salons; dance studios; handicraft and hobby instruction.
- w. Pet Services: Retail sales, incidental pet health services, and grooming and boarding, when confined within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- x. Research Services: Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- y. Restaurants: A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.
 - 1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
 - 2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.

- z. Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center; all as further defined in Article 14.
- aa. Stables: Boarding, breeding or raising of horses, llamas, or other hooved animals which are not owned by the occupants of the premises; or for the purpose of riding animals included in this definition by members of the public other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables and public stables.
- bb. Surplus Sales: Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets, factory outlets and discount businesses with outdoor display.
- cc. Vehicle Storage: The use of a site for the medium- to long-term storage of vehicles which are either operable or may be made operable with reasonable repairs. Typical uses include auto storage lots, impound lots, or repair yards. Private parking towaways or impound yards but exclude dismantling or salvage.
- dd. Veterinary Services: Veterinary services and hospitals for animals. Typical uses include pet clinics, pet cemeteries and crematories, and veterinary hospitals for all animals.

H. Article Four: Zoning District Regulations, Table 4-2, Purpose of Zoning District, is hereby amended and revised to read as follows:

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

		<p>parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.</p>
O	Office District	<p>This district reserves appropriately located area for office development and distinguishes office uses from other, more intensive commercial activities and to provide suitable office environments in the city. The office district is also designed to permit a mixture of uses that are compatible with office development and to facilitate planning for traffic generation.</p>
LC	Limited Commercial District	<p>This district provides for neighborhood shopping facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.</p>
UC	Urban Commercial District	<p>This district is intended to address the special needs of mixed-use neighborhoods that combine residential areas with nearby or adjacent office and commercial development. It permits uses that are mutually compatible. These districts are generally adjacent to major community arterials and, in some cases, include the use of residential properties for office and commercial purposes. The district's regulations recognize the urban and pedestrian character of these environments.</p>
B-1	Central Business District	<p>This district is intended to provide appropriate development regulations for Downtown Columbus. Mixed uses are encouraged within the B-1 District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.</p>
B-2	General Commercial District	<p>This district provides for a variety of commercial, office, high density residential, and service uses and is adapted to Columbus' largest commercial districts outside of Downtown. Uses and developments in the B-2 District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.</p>

ML/C-1	Light District	Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
MH	General District	Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

I. Article Four: Zoning District Regulations, Table 4-4, Site Development Regulations, is hereby amended and revised to read as follows:

Table 4-4: Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 Acres	1 acre	-	-	-
Minimum Lot Width (feet)	300	100	-	-	-
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	-	-	-
Minimum Yards (feet)					
Front Yard	50	50	-	-	-
Front Yard to Building Line	-	-	15	15	15
Front Yard to Garage Line	-	-	20	20	20
Street Side Yard	25	25	15	15	15
Interior Side Yard	25	25	7	7 (Note 1)	7 (Note 1)
Rear Yard	35	35	15	15	15
Maximum Height (feet)	100	36	36 (Note 2,3)	36 (Note 2,3)	36 (Note 2,3)
Maximum Building Coverage	NA	NA	50%	50%	50%
Maximum Impervious Coverage	NA	NA	55%	65%	65%
Floor Area Ration	NA	NA	NA	NA	1.00

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

Note 2: Dwellings may exceed the height limit by up to ten feet if the side yard is increased by the same amount as the added height.

Note 3: Accessory buildings cannot be over 20 feet in height to the peak.

Table 4-4: Site Development Regulations

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

Note 4: Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided and water quality volumes for 2-year storm events and provisions for 100-year storm events are met. These facilities must be located a minimum of 10 feet from any public right-of-way. Common Open Space must be owned, maintained, and inspected by the developer or home owners' association

Table 4-4: Site Development Regulations

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

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

Note 5: Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council with the recommendation of the Planning Commission.

Note 6: Storm water treatment water quality volumes and detention volumes must be met within the development, as part of a regional system, or other City program.

Table 4-4: Site Development Regulations

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

J. Article Five: Overlay Districts, Section 5-32, Standards for Floodplain Development, is hereby amended and revised to read as follows:

a. General Provisions

1. Alteration or Relocation of a Watercourse

(a) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.

(b) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

b. Encroachments

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

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

(b) Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or

(c) Alteration or relocation of a stream; then

2. The applicant shall:

(a) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and

(b) Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

3. Floodway Overlay District

(a) Standards for the Floodway Overlay District

(1) New structures for human habitation are prohibited.

(2) All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.

(3) In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5-1, in meeting the standards of this section.

(b) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:

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

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

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

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

4. Elevation and Floodproofing Requirements

(a) Residential Structures

(1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation. (2) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.

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

5. Nonresidential Structures

(a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (

1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation: (1) The structure is watertight with walls substantially impermeable to the passage of water and

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

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

b) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one

(1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation: (1) The structure is watertight with walls substantially impermeable to the passage of water and

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

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

6. Space Below Lowest Floor

(a) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.

(b) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,

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

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

7. Appurtenant Structures

(a) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:

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

(2) The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.

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

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

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

(6) The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,

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

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

(7) No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.

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

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

8. Manufactured Homes

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

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

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

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

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

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

(b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or

subdivision within special flood hazard areas that are not subject to the provisions of Section 5-2 be elevated so that either;

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

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

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

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

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

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

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

9. Existing Structures

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

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

constitute a substantial improvement and shall fully comply with the provisions of this ordinance.

(c) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of Section 5-1.

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

10. Design and Construction Standards

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

(b) Building Materials and Utilities

(1) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood related damages.

(2) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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

12. Water Supply and Sanitary Sewer Systems

(a) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.

(b) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.

(c) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

13. Other Utilities

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

(a) Storage of Materials

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

(2) The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(b) Recreational Vehicles

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

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

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

(4) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or

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

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

(a) All such proposals are consistent with the need to minimize flood damage;

(b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

K. Article Six: Supplemental Use Regulations, Section 6-3, Supplemental Use Regulations: Residential Uses, is hereby amended and revised to read as follows:

a. Townhouse Residential: Where permitted, townhouse residential is subject to the following regulations:

The minimum width for any townhouse lot sold individually shall be 20 feet.

1. Coverage percentages are computed for the site of the entire townhouse common development.

b. Two Single Family Residential:

1. The two single family units shall be separated by a minimum of 14 feet.

2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.

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

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

d. Non-Traditional Residential Parks in NTR District: In the NTR Residential District, which permits mobile home, tiny home and other non-traditional residential use, such use may be configured in a Non-Traditional Residential Park or Non-Traditional Residential Subdivision. A Non-Traditional Residential Park or Subdivision may be approved administratively once all the following regulations are met:

1. Property is properly zoned, Non-Traditional Residential.

2. Completed Development Agreement

3. Density Requirements as defined in Table 4-4: Site Development Regulations.

4. Site Development Minimum Standards:

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

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

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

(d) Parking Minimum Requirements, Table 9-1.

(e) Parking: Park requires common parking. Subdivision requires on-site parking.

5. Street Access and Circulation Requirements:

(a) Access to Public Street: Each NTR Park and Subdivision must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The NTR Parks and Subdivisions must provide interior vehicular circulation on a private internal street system.

(1) One side on Street Parking Minimum interior street width shall be a minimum of 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 350 feet in length without a variance.

(2) No on street parking. Minimum interior street width shall be a minimum of 24 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 350 feet in length without a variance.

(c) Sidewalks or Path: Each NTR Park and Subdivision shall provide a sidewalk or path system to connect each lot to common buildings or open space constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk and path width shall be at least four feet. Public sidewalk connectivity must be provided.

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

6. Utilities: All living units shall have piped supply of hot and cold water for both drinking and domestic purposes; domestic sewer service; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each living unit.

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

8. Completion Schedule: Construction must begin on any approved NonTraditional Parks and Subdivisions within one year of the date of approval. Such construction shall be completed within two years of approval, unless otherwise extended by the Administrator.

9. Permitting: A set down permit with fee as set by Resolution is required for each mobile home.

10. Anchoring: Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

L. Article Six: Supplemental Use Regulations, Section 6-10, Supplemental Use Regulations: Swimming Pools, is hereby amended and revised to read as follows:

GENERAL PROVISIONS

a. DEFINITION:

The term PRIVATE RESIDENTIAL SWIMMING POOL is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings and including all appurtenant equipment, constructed, installed and maintained in or above the ground outside of a building used for family dwelling units; provided the PRIVATE RESIDENTIAL SWIMMING POOL is maintained by an individual primarily for the sole use of the individual's household and guests and not for the purpose or in connection with any business operated for profit.

b. COMPLIANCE REQUIRED:

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

c. PERMIT REQUIRED:

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless a permit therefor shall have first been obtained from the Community Development Department.

d. PERMIT FEES:

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

e. DRAWINGS, PLANS AND PERMITS:

1. All drawings and plans for the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances for which a permit is required shall first be presented to the Building Official or his/her designee, for examination and approval as to the proper location, construction and use.

2. All plans and drawings shall be drawn to a scale of not less than one-eighth of an inch to the foot, on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot lines, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and

water disposal systems and all appurtenances pertaining to the swimming pool.

3. All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. If any deviations from the plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this chapter.

f. REGULATIONS

1. LOCATION:

(a) Private residential swimming pools shall be permitted in residential zones only. No portion of a private residential swimming pool shall be located at a distance less than eight feet from any side or rear property line or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight feet from any side property line. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.

2. RECIRCULATION POOLS: (a) All private residential swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.

3. MATERIALS:

(a) Private residential swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finished easily cleaned surfaces. The floor or bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be vertical to a depth of at least six feet or shall have a slope or curvature meeting one of the following conditions.

(b) The pool wall may be vertical for 30 inches from the water level below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and 30 inches.

(c) To a depth of six feet, except as in division (A)(1), the wall's slope shall not be less than one foot horizontal in six feet vertical.

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

4. WALK AREAS:

(a) Unobstructed walk areas not less than 36 inches wide shall be provided to extend entirely around the pool. The walk areas shall be constructed of impervious material and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot designed so as to prevent back drainage from entering the pool.

5. FENCES:

(a) All private residential swimming pools shall be completely enclosed by a fence erected along the periphery of the pool walks. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be four feet in height above the walk grade level and shall be constructed of a minimum number nine-gauge woven wire mesh corrosion-resistant material or material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

6. STEPS OR LADDERS:

(a) Two or more means of egress in the form of steps or ladders shall be provided for all private residential swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep end and shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

7. WATER SUPPLY:

(a) No source of water other than that secured from the City waterworks distribution system shall be used in private residential swimming pools unless City water is not available.

8. ELECTRICAL REQUIREMENTS:

(a) All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the Electrical Code ('63 Code, § 4-3-17) Penalty, see § 10.99

9. SAFETY PRECAUTIONS:

(a) A skilled swimmer shall be present at all times that private residential swimming pools are in use.

(b) Every private residential swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of three-sixteenths inch manila line attached and one or more light but strong poles with blunted ends and not less than 12 feet in length for making reach assists or rescues.

(c) No diving board or platform more than three feet above the water level shall be installed for use in connection with any private residential swimming pool.

M. Article Seven: Supplemental Site Development Regulations, Section 7-2, Setback Adjustments, is hereby amended and revised to read as follows:

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

b. Exceptions to Openness of Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Window sills, belt courses, cornices, eaves, flues and chimneys (including enclosed or unenclosed), and ornamental feature may project two feet into a required yard.

2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet

from an adjacent side lot line; or fifteen feet from any street property line.

3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.

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

6. Accessory buildings in residential districts, including private and community garages, may be located a minimum of two feet from the side lot line and ten feet from the rear lot line. The rear yard setback may be reduced to two feet if bounded by an alley if set back is sixty feet or more from the front lot line. An accessory building must have an additional rear and side setback of one foot for every two feet or portion thereof of height over 15 feet. Any such accessory building must be located at least six feet from the main structure. Accessory building in an R-1, R-2 or R-3 district shall not exceed 20 feet in height at the peak. No residential accessory buildings permitted on NTR Park or Subdivision lots.

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

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces: These provisions apply if any of the buildings on that blockface have front yard setbacks less than those required for the specific district.

(a) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building; excluding garages, refer to Table 4-4: Site Development Regulations.

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

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

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

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

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

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

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

N. Article Six: Supplemental Use Regulations, Section 7-4, Allowable Adjustments to Site Development Regulations for Creative Subdivisions, is hereby amended and revised to read as follows:

a. Purpose: Section 5-11 of the Land Development Ordinance provides for creative subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area

and open space. These special regulations and exceptions apply only to creative subdivisions.

b. Site Area Per Unit:

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

2. In the AG or RR Districts, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.

c. Perimeter Yards

1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.

2. The required setback for any structure within the subdivision from any property line which forms the boundary of the subdivision shall be at least 15 feet.

d. Area and Yards for Individual Lots: Minimum lot areas may be reduced by a maximum of 50%. Street Side yards may be reduced by a maximum of 25%. Interior and Back yards may be reduced by a maximum of 50%, provided a minimum separation of ten feet shall be established for all residential structures not attached to one another. A creative subdivision must be planned and developed as a common development.

e. Coverage and Landscaping Requirements: Individual lots in a creative subdivision may increase maximum building and impervious coverage limitations by 20%.

O. Article Eight: Landscaping, Screening, and Performance Standards, Table 8-1 Required Landscape Depth, is hereby amended and revised to read as follows:

TABLE 8-1: Required Landscape Depth

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	50 feet
R-1	15 feet
R-2	15 feet
R-3*	15 feet
NTR Park	10 feet
NTR Subdivision	20 feet
O	20 feet
LC	20 feet
UC	15 of the depth of the street yard. Landscaped area between curb to sidewalk may be counted toward this requirement.
B-1	No Requirement
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement
B-1	Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

* For residential uses only. B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include

coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.

P. Article Nine: Off-Street Parking, Table 9-1: Off Street Parking Requirements, is hereby amended and revised to read as follows:

Table 9-1: Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1space for 1 bedroom dwelling units and studios, and 1 space per 2 dwelling units for elderly housing.
Downtown Living Units	0 spaces per dwelling unit. Within existing structures only.
Group Residential	1 space for each two residents.
Non-Traditional Residential Park	1 space per dwelling provided in shared parking facility.
Non-Traditional Residential Subdivision	1 space per dwelling unit.

Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.

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

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.

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

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.

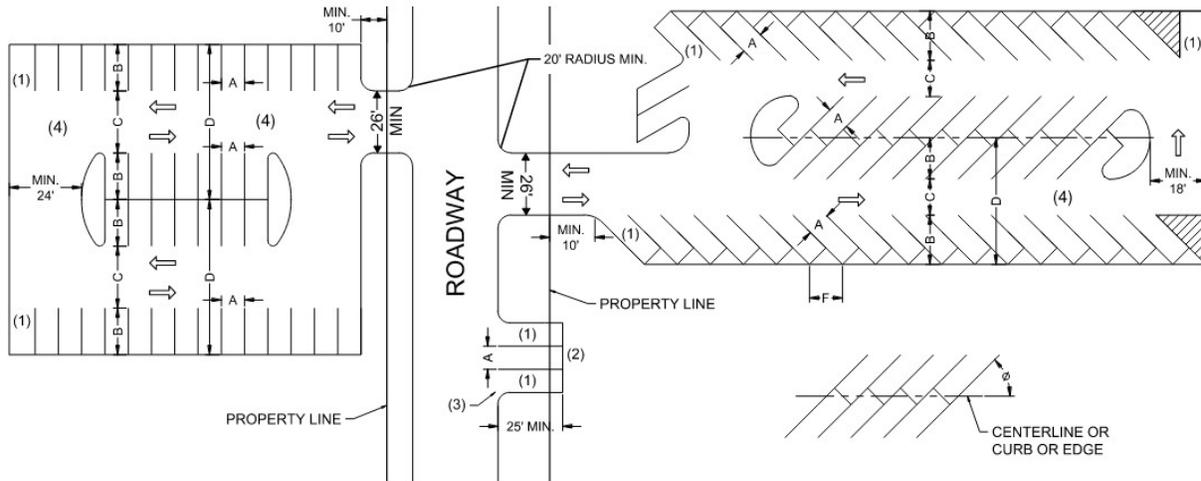
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

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

Q. Article Nine: Off-Street Parking, Section 9-5, Off-Street Parking Design Standards, is hereby amended and revised to read as follows:

Off-Street Parking in all zones must meet the following minimum requirements.

FIGURE 9-5 (a): Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
90°	9.0'	18.0'	24.0'	60.0'

(1) FOR PERPENDICULAR (90°) PARKING, STALL ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET WIDE

(2) 6' SIDEWALK. PUBLIC SIDEWALK EASEMENT MAY BE REQUIRED.

(3) NON-ARTERIAL ROADWAYS ONLY. SUBJECT TO CITY ENGINEER APPROVAL

(4) MAIN ENTRY ACCESS AISLE TO BE 26 FOOT MINIMUM WIDTH

a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).

b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall have an internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or nearby and available must be extended into the parking lot for this purpose.

Pavement shall be a minimum of 6-inch-thick concrete, equivalent depth asphaltic concrete with subgrade, or pervious concrete a minimum of 6-inch

thickness with an aggregate base and underdrain system. Additional thickness may be required depending on the use and design vehicle.

c. Landscape and Screening Requirements: Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations during the life of the facility:

1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line; Ten-foot buffer is not required in the B-1, ML/C1 and MH Districts.
2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district;
3. Any parking facility which abuts property in a residential district shall provide a grade change, fence, terrace, or other site feature which blocks the sight line of headlights into a residential property, subject to the determination of the Building Official;
4. Each parking facility over 4,500 square feet shall have internal landscape islands as shown in Figure 9-5(b). Internal landscape island area shall be equal or greater to the (10) percent of the total parking and aisle pavement area. Non-visitor or employee parking lots in MH districts shall be exempt.
5. Internal landscape islands shall be planted with a combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses, and flowering perennials. In islands with trees or adequate types and coverage of landscaping, rock cover may be allowed as an alternative to turf groundcover or understory landscaping. Internal parking lot islands shall not be paved.

d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.
3. Minimum width of access driveways and main aisle shall be 26-feet with minimum radii of 20-feet on each side.

e. Safety Features

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

f. Adjustment

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

R. Article Nine: Off-Street Parking, Section 9-6, Off-Street Loading, is hereby amended and revised to read as follows:

a. Loading Requirement

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

b. Design Standards

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

S. Article Ten: Sign Regulations, Section 10-7, Permitted Permanent Sign Type by Zoning District, Table 10-3, is hereby amended and revised to read as follows:

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

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

N= Not Permitted, P=Permitted, NRU=Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types. P(A)=Permitted along expressways. SP*=Special Use Permit; can only be obtained by education and religious uses * Electronic Information Sign requires issuance of a Special Use Permit pursuant to Section 12-3.

T. Article Ten, Sign Regulations, Section 10-9 Sign type Supplemental Regulations: Permanent Signs, is hereby amended and revised to read as follows:

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

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

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

NA = Not Applicable

N = Not Permitted

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

U. Article Twelve: Administration and Procedure, Section 12-3, Special Use Permit Procedure, is hereby amended and revised to read as follows:

a. Purpose

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

b. Administration

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

c. Application Requirements

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

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address and legal description of the property.

4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. Be signed by the property owner or the property owner's duly authorized agent.

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

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

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

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

External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

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

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

Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X
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d. Approval Process

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

e. Required Notice and Publication

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

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

(b) mail to the last known address, written notice of such hearing to each of the following:

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

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

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the Community Development office 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.

f. Scope of Approval

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

g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to

requirements imposed at the time of its approval or six (6) months from said failure to pass a motion to approve this special use permit.

i. Non-Approval of Special Use Permit; Waiting Period

In the event that a Special Use Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said non-approval thereof or six (6) months from said failure to pass the same.

V. Article Twelve: Amendment and Procedures, Section 12-4, Amendment Procedure, is hereby amended and revised to read as follows:

a. Purpose

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

b. Initiation of Amendments

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

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application may be held subject to administrative official approval to proceed. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on by the Planning Commission. The application shall include the following information and shall be submitted on a form approved by the Community Development Office:

1. Name, email, mailing address and phone number of the property owner who is making application or said property owner's authorized agent.

2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
 3. Owner, address, email address and legal description of the property.
 4. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
 5. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 Site Plan Review Procedure.
 6. The current zoning and the requested zoning.
 7. Be signed by the property owner or the property owner's duly authorized agent.
- d. Amendment Process
1. The Planning Commission, following ten days notice as required by 12-4 Amendment Procedure, shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals and the general welfare.
 2. The City Council, after ten days notice as required by Section 12-4 and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals and the general welfare. In furtherance thereof, the City Council may condition rezoning on the adoption of an agreement between the developer and the City.
 3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City Council.
- e. Required Notice and Publication
- Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the Planning Commission and by the City Council,

notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** In the case of rezonings, a notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate to be zoned or rezoned;
 - (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
 - (3) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

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

4. Exception: The provisions of Subsection 1 “Posted Notice” and Subsection 3 “Notice by Personal Service or Mail” shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. “Notice of Publication” above shall be applicable.
 5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the Community Development office 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.
- f. Non-Approval of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is not approved by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said non-approval thereof or six (6) months from said failure to pass the same.

W. Article Thirteen: Part A- Wireless Telecommunications Facilities Siting Ordinance, Section 13-4, Definitions, is hereby amended and revised to read as follows:

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

a. “**Accessory Facility**” or “**Structure**” means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

b. “**Applicant**” means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

c. “**Application**” means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.

d. “**Antenna**” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

e. “**Certificate of Compliance**” means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.

f. “**Collocation**” means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.

g. “**Commercial Impracticability**” or “**Commercially Impracticable**” means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.

h. “**Completed Application**” means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

i. “**Council**” or “**City Council**” means the City Council of the City of Columbus, Nebraska.

j. “**Distributed Antenna System or DAS**” means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

k. “**Eligibility Facility**” means a facility as defined in FCC 14-153.

l. “**Eligible Facility Permit**” means the official zoning permit approved and issued by the Community Development Director or his or her designee for application which meets the definition of an eligible facility.

m. “**FAA**” means the Federal Aviation Administration, or its duly designated and authorized successor agency.

n. “**FCC**” means the Federal Communications Commission, or its duly designated and authorized successor agency.

o. “**Height**” means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightning protection device.

p. “**Modification**” or “**Modify**” means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

q. “**NIER**” means Non-Ionizing Electromagnetic Radiation.

r. “**Person**” means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.

s. “**Personal Wireless Facility**” See definition for ‘Wireless Telecommunications Facilities’.

t. “**Personal Wireless Services**” or “**PWS**” or “**Personal Telecommunications Service**” or “**PTS**” shall have the same meaning as defined and used in the 1996 Telecommunications Act.

u. “**Planning Commission**” means the Planning Commission for the City of Columbus.

v. “**Repairs and Maintenance**” means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

w. “**Right-of-Way**” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private Easement.

x. “**Small wireless facility**” means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

y. “**Specialized Mobile Radio**” or “**SMR**” means an analogue or digital trunked two-way radio system, operated by a service in the VHF, 220, UHF, 700,800 or 900 MHz bands.

z. “**State**” means the State of Nebraska.

aa. “**Stealth**” or “**Stealth Technology**” means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.

bb. “**Telecommunications**” means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

cc. “**Telecommunications Site**” See definition for Wireless Telecommunications Facilities.

dd. “**Telecommunications Structure**” means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.

ee. **“Temporary”** means temporary in relation to all aspects and components of Article 13, something intended to, or that does not exist for more than ninety (90) days.

ff. **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

gg. **“Wireless Telecommunications Facilities”** or **“WTF”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

X. Article Thirteen: Part A – Wireless Telecommunications Facilities Siting Ordinance, Section 13-8, Eligible Facility Permit and Special Use Permit Application and Other Requirements, is hereby amended and revised to read as follows:

a. All Applicants for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in Article 12 and Article 13, Part A, of the Zoning Ordinance. Applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities must be made pursuant to Article 12 and Article 13, Part A, of the Zoning Ordinance. Upon the recommendation from the Planning Commission, the City Council is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate other official agencies or officials of the City to review, analyze, evaluate and make recommendations to the Planning Commission and the City Council concerning matters involving Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities.

b. All applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be filed with the Community Development office pursuant to Section 12-3.

c. The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

d. No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities has been issued.

e. Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City.

f. An Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

g. The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

h. The Applicant shall include a statement in writing:

1. That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;

2. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

i. Where a certification is called for in Article 13, such certification shall bear the signature and seal of a Registered Professional licensed in the State.

j. In addition to all other required information as stated in Article 13, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.

1. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
2. Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage; for a new tower drive test data is required. If documentation is provided by the applicant that this site qualifies as an Eligible Facility, proof of need is not required;
3. The name, address and phone number of the person preparing the report;
4. The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
5. The postal address and tax map parcel number of the property;
6. The Zoning District or designation in which the property is situated;
7. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
8. The location of nearest residential structure;
9. The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
10. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
11. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
12. The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;

13. The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;

14. A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;

15. The frequency, modulation and class of service of radio or other transmitting equipment; 1

6. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;

17. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;

18. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;

19. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

20. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.

k. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.

I. Additional requirements for an Application for New Tower.

1. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and

responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.

2. In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The Applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application.

3. The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

- (a) The foreseeable number of FCC licenses available for the area;
- (b) The kind of Wireless Telecommunications Facilities site and structure proposed;
- (c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
- (d) Available space on existing and approved Towers.

4. Upon completing construction and before the issuance of the Certificate of Compliance, to ensure the tower was constructed as permitted, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

5. The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:

(a) Respond within 60 days to a request for information from a potential shared-use Applicant;

(b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

(c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;

(d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for Wireless Telecommunications Facilities

m. The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, city, state and federal structural requirements for loads, including wind and ice loads.

n. If application is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building

code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

o. All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.

p. If the application is for a new Tower, a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:

1. If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

2. Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.

3. A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

q. The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

r. The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the

utilization of stealth or concealment technology as may be required by the City.

s. All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the most recently adopted versions of the National Electrical Safety Code and the National Electrical Code where appropriate.

t. At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

u. All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

v. A holder of an Eligible Facility Permit or Special Use Permit for a Wireless Telecommunications Facilities granted under Article 13, shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

w. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.

x. An Applicant shall submit to the City the number of completed Applications determined to be needed.

y. The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall notify the City of any intended

Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

Y. Article Thirteen: Part A - Wireless Telecommunications Facilities Siting Ordinance, Section 13-16 Retention of Expert Assistance and Reimbursement by Applicant, is hereby amended and revised to read as follows:

a. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

b. An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The initial deposit required for a new tower or facility is \$8,500, and for an eligible facility is \$5,000, unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.

c. Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.

d. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

Z. Article Thirteen: Part A - Wireless Telecommunications Facilities Siting Ordinance, Section 13-44 Permits to Occupy the Right-of-Way, is hereby amended and revised to read as follows:

a. Application for Permits.

1. Applications for permits to occupy the right-of-way are available from the Community Development Office. Completed applications shall be submitted to the City's On-line permit application process. In addition to the information required by Section 15-3, applicants shall submit the following information with each completed application:

(a) an attestation that the small wireless facilities covered by the application will be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date unless a delay is caused by lack of commercial power or communications transport facilities to the site; and

(b) an attestation that each proposed small wireless facility satisfies each of the aesthetic and design standards set forth in Article 15, Section 15-5, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7; and

(c) for any small wireless facilities collocated on utility poles or wireless support structures owned, operated, or managed by a person other than the City or a public power supplier, a copy of the authorization of such person consenting the application; and

(d) if the collocation of the small wireless facility is on utility poles owned, operated, or managed by a public power supplier pursuant to a negotiated pole attachment agreement as provided in Neb. Rev. Stat. §86-1244(1), then a copy of said agreement; and

- (e) all permit fees required under Section 15-4; and
- (f) information directly related to the impairment of wireless service in the immediate area; and
- (g) construction and engineering drawings and information demonstrating compliance with the criteria set forth in Section 13-44; and

2. An applicant that collocates a small wireless facility within the City right-of-way or on a utility pole assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way, except to the extent such loss or damage is due to or caused by the negligence or willful misconduct of the City.

3. An applicant may file a consolidated application for up to five individual small wireless facilities instead of filing a separate application for each such facility. An applicant shall submit the information required under Section 15-3 for each small wireless facility covered by a consolidated application; otherwise, the applicant may submit a single set of documents that apply to all of the small wireless facilities covered by such a consolidated application. Each small wireless facility within a consolidated application shall be subject to individual review; provided, that a decision regarding all small wireless facilities shall be rendered in a single determination by the Community Development Director, or his designee and provided further that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole.

b. Review of Permits.

1. Within 20 days after receiving an application, the Community Development Director, or his or her designee, shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline set forth in subsection (B)(2) below shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant

makes any material changes in a resubmission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled (a) if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 13-48 or (b) by agreement between the City and the applicant.

2. Unless tolled, the City will process an application no later than 90 days after receiving it. Subject to the tolling under subsection (B)(1) above, the application shall be deemed approved if the City fails to approve or deny the application within 90 days after receipt of the same. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. Upon mutual agreement between the applicant and the City, the City may extend the period for consideration of an application for 30 days.

3. The City may propose technically feasible alternative utility pole locations; provided, the City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. The wireless provider shall cooperate with the City to address the City's reasonable proposal. The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit and shall be for a period not less than five years.

c. Denial of Permit Applications.

1. The City may deny an application for a proposed collocation of a small wireless facility or installation, modification or replacement of a utility pole that meets the requirements of this Article 13, Part B, if the proposed operation: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Article 15 of the Columbus Land Development Ordinance; (e) fails to comply with applicable codes of general applicability which do not

apply exclusively to wireless facilities; (f) fails to comply with the aesthetic and other design requirements set forth in Article 15, Section 13-46 and Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the wireless provider obtains the written consent of the public power supplier that owns or manages the electrical conductor.

2. The City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based, and send such documentation to the applicant on or before the date the City denies the application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee, and the City shall have 30 days after receiving such resubmitted application to approve or deny the same; provided, such review shall be limited to deficiencies cited in the City's denial.

d. Issuance of Permits. All permits to occupy the right-of-way issued under this Article are issued subject to the conditions set forth in Section 15-3 and, in addition thereto, the following conditions:

1. The small wireless facilities covered by the application shall be operational for use by a wireless services provider no later than one year after the later of the completion of all make-ready work or the permit issuance date; provided, upon applicant's request, the City (a) shall grant a one-time extension for up to nine months if the applicant demonstrates that the delay is caused by the lack of commercial power to communications transport facilities to the site and (b) may grant one or more additional extensions on such terms as mutually agreed upon by the City and applicant.

2. The City may reserve space on the City's poles and the applicant shall cooperate with the City in any such reservation, except that the City shall first notify the applicant in writing that it is interested in reserving such pole space or sharing the trenches or bores in the area where the collocation is to occur. The applicant shall allow the City to place its infrastructure in the applicant's trenches or bores or on the utility pole as requested by the City, except that the City shall incur the incremental costs of placing the conduit or infrastructure as requested. The City shall be responsible for maintaining its facilities in the trenches and bores and on the City's pole.

e. Renewal of Permits. The City shall renew a permit issued hereunder for an equivalent duration as long as the applicant is in compliance with the

criteria set forth in Section 13-44 as such criteria existed at the time the permit was granted.

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Section 4. The Subdivision Chapter of the Columbus Land Development Ordinance, for the City of Columbus is hereby amended and revised as hereinafter set forth.

II. AMENDMENT TO SUBDIVISION CHAPTER

A. Article One: General Provisions, Section 1-2, Authority and Purpose, is hereby amended and revised to read as follows:

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Columbus under Section 16, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

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

c. Consideration of Plans

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

d. Preservation of Natural Features and Drainage Patterns

1. In accordance with all Federal, State of Nebraska and local requirements and to the maximum extent possible, development shall be located to

preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.

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

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

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

e. General Guidelines for Subdivision Layout

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

1. Reduction and minimization of cut and fill.
2. No increase of peak flow, area of runoff or encroachment of stormwater runoff onto other properties or the public storm sewer system.
3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sac over 350 feet
4. Respect for the urban character and traditional layout of Columbus, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.

f. Site Design Objectives and Approval

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

B. Article One: General Provisions, Section 1-3, Relationship to the Comprehensive Plan, is hereby amended and revised to read as follows:

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

C. **Article Two: Definitions, Section 2-3, A.**, is hereby amended and revised to read as follows:

2-3 A.

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

D. **Article Two: Definitions, Section 2-4, B.**, is hereby amended and revised to read as follows:

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the

physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized pedestrian recreation.

2. Best Management Practices (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters of storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal and drainage from raw material storage.

3. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

E. Article Two: Definitions, Section 2-5 C., is hereby amended and revised to read as follows:

1. Cartway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from back of curblines to back of curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.

2. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.

3. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.

4. Common Area: An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.

5. Comprehensive Plan: The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.

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

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

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

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

F. Article Two: Definitions, Section 2-6 D., is hereby amended and revised to read as follows:

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

2. Design Standards: Standards that set forth specific improvement requirements. 3. Detention Basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development. Detention basin must have an overflow pipe or system connecting to the public storm sewer system.

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

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

6. Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading, excavating, stockpiling soil, fill or other materials, clearing, vegetation removal, removal or deposit of any rock, soil or other materials or other activities which expose soil. Disturbed Area does not include the tillage of land that is zoned for and intent is for agricultural use.

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

8. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.

9. Drainage System: The system through which water flows.

G. Article Two: Definitions, Section 2-7 E., is hereby amended and revised to read as follows:

1. Easement: A right-of-way granted for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.

2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

H. Article Two: Definitions, Section 2-14 L., is hereby amended and revised to read as follows:

1. Lot: A parcel of real property with a separate and distinct number shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/or development which includes, but not limited to, lots for townhouses or clusters of row homes. All lots shall have a direct connection to a public or private street right-of-way regardless of ownership.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot Frontage: The portion of a lot extending along a public street, private street, or private drive line.

I. Article Two: Definitions, Section 2-15 M., is hereby amended and revised to read as follows:

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major Subdivision: Any subdivision not defined and approved as an administrative subdivision or as a minor subdivision.
3. Minor Subdivision: An adjustment of lot lines of two or more lots without creating additional lots or a subdivision of land which creates no more than four lots from any single block or lot of an addition or subdivision, tract, or parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; no additional public right-of-way or easement; and complies with all pre-existing zoning requirements following subdivision.
4. Moving Lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.
5. Municipal Separate Storm Sewer System (MS4): Publicly owned facilities which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, pipe storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs and other drainage structures.

J. Article Two: Definitions, Section 2-16 N., is hereby amended and revised to read as follows:

1. National Fire Protection Agency (NFPA)

2. Nebraska Department of Environment and Energy (NDEE): State agency formerly known as the Nebraska Department of Quality and includes some former divisions of the Nebraska Department of Health and Human Services.

3. Notice of Intent (NOI): Associated with the Nebraska Department of Environment and Energy, Construction Storm Water Permit.

4. Pollutant Discharge Elimination System (NPDES): A permit issued by the Environmental Protection Agency or the Nebraska Department of Environment and Energy as authority delegated pursuant to 33 USC, Section 1342(b) that authorizes the discharge of pollutants to waters of the state.

K. Article Two: Definitions, Section 2-18 P., is hereby amended and revised to read as follows:

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.

3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.

(a) Preliminary Plat: A plat indicating the proposed layout of a development and hou, including proposed public infrastructure and streets, stormwater treatment and detention system, and internal site layout and building information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Platte County Register of Deeds.

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

4. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

L. Article Two: Definitions, Section 2-20 R., is hereby amended and revised to read as follows:

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

M. Article Two: Definitions, Section 2-21 S., is hereby amended and revised to read as follows:

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.

(a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.

(b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.

(c) Lateral or Local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.

2. Septic System: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.

3. Sidewalk: A concrete or brick paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a treatment facility, drainage way or stream.

5. Storm Water Treatment Facility (STF). Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as structural BMPs

6. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel and to the street hierarchy system.

7. Street Hierarchy: The conceptual arrangement of streets based on function. Street types contained within the hierarchy include:

(a) Private Street or Frontage Road

- (b) Local
- (c) Collector
- (d) Minor Arterial
- (e) Major Arterial
- (f) Expressway

8. Storm Water Management Plan (SWMP): City approved documentation supporting analysis, design, maintenance and inspection of storm water treatment facilities

9. Storm Water Pollution Prevention Plan (SWPPP): A document which narrates the best management practices and activities to be implemented by a person during the construction activities, which identifies sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters.

10. Subdivision: The division of a lot, tract or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultants lots is equal to 10 acres or less. The term subdivision includes any time the creation of a public street or roadway is involved, but excludes the acquisition of land by the state, county, or city, by eminent domain or otherwise, for the creation, extension or widening of a public street or roadway. The term also includes re-platting and, when appropriate to the context, re-platting shall be subject to the rules and regulations contained in this chapter and shall apply to land previously subdivided.

N. Article Two: Definitions, Section 2-22 T., is hereby amended and revised to read as follows:

1. Topographic Survey: USGA elevation plan to the latest NAVD showing height, depth, size and location of all manmade and natural features and improvements on a given parcel of land and within all adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

O. Article Three: Procedures and Administration, Section 3-3, Minor Subdivisions, is hereby amended and revised to read as follows:

a. Scope

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

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

b. Application and Approval Procedure

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

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1: Application Requirements. The application for final plat approval shall be submitted through the City's website application submittal platform. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
 - (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions for contained in Section 3-3a above.

(b) Consistency with the Comprehensive Development Plan of the City of Columbus.

(c) Potential adverse environmental effects or effects on neighboring properties.

(d) Completed Development Agreement.

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

P. Article Three: Procedures and Administration, Section 3-4 Major Subdivisions, is hereby amended and revised to read as follows:

a. Applicability

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

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, subject to the suggestion of the Administrative Official, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

DTR members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.

2. No later than three calendar days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:

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

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

3. Within ten (10) working days following the pre-application meeting, pending time needed for any action plan inquiries or confirmations, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long-Range Transportation Plan and Columbus Land Development Ordinance.

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

5. Major revisions made to the concept plan may require an additional DRT meeting as determined by the Administrative Official.

d. Preliminary Plat Application

1. Application Requirements

After the DRT meeting, except for a Concurrent Plat Approval Procedure, the following requirements shall apply. The applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a Subdivision Agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee set by Resolution. Upon receipt of all items required for said application as set forth herein

as determined by the Administrative Official, the application shall be placed on the next available Planning Commission agenda.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a Development Agreement on a form provided by the Administrative Official following a format established by the Engineering Department. The Development Agreement, among other things, generally establishes the responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law and other matters as identified by the Administrative Official for said development. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal deadline. This request must follow the DRT meeting.

3. Preliminary Plat Review Procedure

(a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. If the application submittal is not complete, staff review will not proceed. Applicant at time of application, shall include a written request to waive any subdivision requirements, if any. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and all utilities known or on the Digger's Hotline submittal along with any responses which may affect the plat.

(b) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.

(c) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided a minimum of 14 calendar days before the Planning Commission Meeting in order to meet the required publication deadline. Failure to provide the required additional information may result in the application being continued to a future meeting as determined by the Administrative Official.

(d) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

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

4. Planning Commission and City Council Action

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

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

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

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

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

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

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

(4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision if indicated by the Developer at the time of submission and included in the initial phase Development Agreement, the initial preliminary plat approval

remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

Except for a Concurrent Plat Approval Procedure, the applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted through the City's website application submittal platform. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda. In order to attempt for the final application to be considered the next month after the preliminary plat obtained approval, the application submittal shall be at least nineteen (19) calendar days before the Planning Commission meeting. Meeting this submittal deadline does not guarantee placement on the next Planning Commission Agenda as it is subject to receipt of all items. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission agenda. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application. The applicant shall notify the Board of Education of each school district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

2. Final Development Agreement

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developer's attorney shall work with the City's attorney to obtain approval. Developer's ready for signature Final Development Agreement must be obtained and to the City no later than 6 calendar days prior to the Planning Commission meeting acting on the Final Plat.

3. Final Plat Review Procedures

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

(b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided 14 calendar days before the Planning Commission Meeting in order to meet the advertisement deadline. Failure to provide the required additional information may result in the application being continued to a future meeting.

(c) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

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

4. Performance Bond

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

5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City. The developer's attorney shall work with the City's attorney to obtain approval.

6. Final Plat Approval

(a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for the following criteria: for compliance with the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Unless the Planning

Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Development Agreement. Developer's signature of the Final Deed of Dedication must be obtained and submitted to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the final plat meets all the criteria as set forth above, 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 has not met the above criteria it shall take action to recommend approval or denial to the City Council or continue the public hearing to allow the Applicant time to correct the same.

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

(c) The City Council, following at least ten calendar days published notice, shall hold a public hearing on each final plat and on the Development Agreement to determine if the final plat meets all requirements of the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Following such public hearing it 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 the City Council finds in its review that the submitted final plat has not met the above criteria it may continue the public hearing to allow the Applicant time to correct the same. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing, for which at least ten calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall, by separate vote, take final action by way of resolution.

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

e. Filing the Final Plat

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

Q. Chapter 2, Article 3, Table 3-1 and Table 3-2 are hereby amended and revised to read as follows:

TABLE 3-1: Application Requirements

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.	X	X	X	X
Present and proposed zoning.		X	X	
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.		X	X	
Signature blocks for Planning Commission Chair and Mayor.			X	X
Signature block for Administrative Official, and Clerk.	X	X		
Appropriate certification block.	X	X	X	X
Monumentation.	X	X	X	X
Acreage of Tract.	X	X	X	X

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

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving crosssections.			X	
Table 3-2 STF identification with completed information			X	
Proposed roadway names.			X	X
Proposed Block and Lot numbers.	X	X	X	X
Easements as requested or required for all public and private utilities.				X

Table 3-1 APPLICATION REQUIREMENTS

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
GRADING AND DRAINAGE PLAN (separate plan sheet) Submittal of a copy of the preliminary plat or design plans without the additional items below is not acceptable and will be considered an incomplete submission.				

Site plan topographic survey adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.		X	X	
Proposed finish elevations of streets			X	
Proposed finish elevations of ditches/swales		X	X	
Proposed finish grade elevations at each lot building setback		X	X	
Existing site drainage system		X	X	
Proposed site drainage system with elevation at end points		X	X	
Drainage area key map and calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment postconstruction facility including elevations and special construction details. Includes Table 3-2 STF identifier on the drainage plan complete with data		X	X	
Floodplain or floodway from latest Flood Insurance Rate Maps (FIRM)		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

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

Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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

R. Article Four: Circulation System Design, Section 4-2, General Standards, is hereby amended and revised to read as follows:

4-2 General Standards

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

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long-Range Transportation Plan the arrangement of public streets shall provide for the logical extension of existing public streets, proposed public streets with area developments, and access to adjacent area properties.
3. The Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic

control features, safety, and so forth. Approval of study is by applicable official and city council is required.

4. The street network of a subdivision should provide for logical, continuous extensions of public streets to subsequent, later developments as determined by the Administrative Official and City Engineer.

b. Pedestrian and Bicycle Systems

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

2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or the use of trails to create visual interest.

3. In overlay districts and Non-traditional Residential Parks and Subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.

4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.

5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or Master Trail Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance. Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations

S. Article Four: Circulation System Design, Section 4-3, Street Hierarchy and Design, is amended and revised to read as follows:

4-3 Street Hierarchy and Design

1. Characteristics of the Hierarchy

(a) Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.

(b) Each street roadway shall be classified and designed to meet appropriate standards.

(c) The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 4-1.

2. Cartway Width

(a) Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.

(b) To promote economic development of streets, minimum cartway widths shall be used. Minimum cartway widths are set forth in Table 4-2.

3. Curbs, Gutters, and Shoulders

(a) Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 4-3.

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

(1) Rural: Rural Residential or predominately agricultural land.

(2) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.

(c) Where curbing is not required, edge definition, shouldering, and stabilization shall be provided.

(d) Shoulders, when developed, shall be at least six feet in width, or greater if required by the State of Nebraska Board of Classifications and Standards, on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall be stabilized with turf or other acceptable material.

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

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

(2) Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential. Maximum curb cut length as measured along the street back of curb is 40 feet including any radii or wings. Radii or wings matching into the public street must remain within the property as projected.

(3) Curb cuts may be ground smooth to a two-inch drop curb in commercial areas with lots less than 4,500 square feet in total size. Maximum throat width is 30 feet with a maximum curb cut length with

two 20-foot radii measured along the street back of curb is 70 feet. Radii returns matching into the public street must remain within the developed property as projected.

(4) Curb cuts in commercial areas with lots greater than 4,500 square feet in total size shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 40 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 80 feet and 30-foot radii is 100 feet. Radii returns matching into the public street must remain within the development property as projected.

(5) Curb cuts in industrial areas shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 50 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 90 feet up to a maximum of 50-foot radii is 150 feet. Radii returns matching into the public street must remain within the development property as projected.

4. Sidewalks

(a) Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 4-3.

(b) Where sidewalks are not otherwise required by Table 4-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.

(c) In conventional residential and commercial development, shall be placed generally parallel to streets within right-of-way located 4-foot from the property line. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.

(d) In the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.

(e) Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities;

or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.

(f) Sidewalks shall provide a clear paved path of at least four foot in width or six feet along parking areas or curb lines, free of any obstructions a minimum of one foot on both sides.

(g) All sidewalks shall be constructed according to current standards in use by the City of Columbus. Sidewalks shall be of concrete construction a minimum of four inches thick in residential and five inches thick in commercial and industrial except at points of vehicular crossing where they shall be a minimum of six inches thick or thicker in commercial and industrial areas subject to the approval of the City Engineer.

(h) All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

5. Bikeways and Recreational Trail

(a) Bikeways and recreational trails shall be required in subdivisions when specified as part of the comprehensive development plan or master trail plan.

(b) All off-street recreational trails shall be f ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be concrete minimum of 6 inches thick. Gradients for bikeways and recreational trails should not exceed five percent, except for American's with Disability Act ramps or other preapproved rare occurrence. Requests to revise trail width to eight feet or paving to asphalt and crushed aggregate surfacing are location and usage dependent and subject to the approval of the City Engineer.

(c) Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

(d) Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.

(e) All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

(f) All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

6. Right-of-Way

(a) Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or

shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.

(b) Any right-of-way that continues an existing street shall be no less than that of existing street.

(c) The requirements for right-of-ways for functional categories of roads is set forth in Table 4-3.

(d) Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

7. Street Design Standards

(a) Pavement

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

a. Local streets in rural intensity residential subdivisions. In these settings, streets may utilize an aggregate or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface. All connections and access to existing paved roadways must be concrete paved.

b. Courts or Plaza not within the corporate limits or being annexed as part of the development, may utilize a minimum thickness of six-inch aggregate or crushed rock surfacing, provided that such courts or lanes remain in private or private cooperative ownership.

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

(b) Continuity of Arterial or Collector Streets

(1) No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. Private Streets cannot emulate a public street or prevent the logical extension of public streets or those planned in the Comprehensive Plan. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

(c) Arterial Street Construction Alternate

(1) Where the condition of the existing arterial roadway is in satisfactory condition, concrete, and constructed in accordance with

the State of Nebraska Board of Classification and Standards, the developer may elect to pay a Public Infrastructure Improvement Impact Fee in lieu of improving the roadway, earthwork, storm sewer and other potential impacts of such improvements section at the time of development.

(d) Cul-de-sacs and Street Bulb-Outs

(1) Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length as measure from the radii points, unless a variance is granted. Cul-de-sacs designed with restricted vision from entrance to end shall be required to place a 'No Outlet' sign by the Developer at the entrance of the Cul-de-sac road. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.

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

e) Street Intersections

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

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

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

(4) New intersections along one side of an existing or proposed street shall align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines of any streets, major private street or commercial access. The use of T-intersections is encouraged on local streets within the interior of a subdivision. Roundabouts or residential mini-roundabouts or other traffic calming features are also encouraged or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.

(5) Street intersections shall be rounded with a minimum radius of 20 feet on Local and Collector roads and a minimum radius of 30 feet on Minor and Other Arterial and Major Arterial roads. Larger radius comparable cutoffs or chords in place of rounded corners may be required on all types of Arterial roads.

(6) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections. Driveway requests closer than 200 feet in residential area may be requested and are subject to the City Engineer's review and approval.

(f) Block Size

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

8. Street Names

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

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

9. Adjacency to Arterials and Railroads

(a) Where the subdivision is adjacent to or contains a street designated as a major or minor arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. Design features may be necessary to provide adequate protection of residential or commercial property and separation of through and local traffic as determined by the City Engineer.

(b) Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway or arterial, the City Engineer may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grade separations.

10. Prohibited Practices

(a) The following design practices shall be prohibited:

- (1) Privately-owned reserve strips controlling access to streets, sidewalks, trails, utilities or similar.
- (2) Private Streets emulating public streets and allowing continuation of local, collector or arterial existing roadways or those planned in the Comprehensive Plan.
- (3) Half-or reduced standard width streets.
- (4) Public alleys, except in a B1 zoning district.

T. Article Four: Circulation System Design, Section 4-4, Alleys, is hereby amended and revised to read as follows:

a. Applicability

Private alleys may be provided to supplement public roadways. Such private alleys may only connect to Local roads.

b. Alley Design

1. Minimum width of alleys shall be 20 feet.
2. Alley intersections and sharp changes in alignment shall be avoided.
3. Valley gutters may be used at alley and T-intersections subject to approval of the City Engineer.
4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission. All barricading and signage is the responsibility of the Developer.
5. Alley design in Commercial zones shall follow the National Fire Protection Agency requirements as administered by the Nebraska State Fire Marshall's Office.

6. Alley design in Residential zones or for residential uses shall follow the International Fire Code.

U. Article Four: Circulation System Design, Section 4-5, Lighting and Wiring, is hereby amended and revised to read as follows:

a. Street Lighting

1. Street lighting shall be provided by the Developer along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the local public power utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America. Lamps shall be light emitting diode (LED) and of type and manufacturer approved by the local public power utility.

2. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Columbus.

3. Lighting within the Airport Runway Protection Zone or Approach Zones may require FAA pre and post approval and Nebraska Department of Transportation Aeronautics Division approval.

b. Underground Wiring

1. All electric, telephone, television, cable TV, data, fiber optics, and other communication lines shall be provided by underground wiring within public easements or public right-of-way, except where in the opinion of the approving authorities, such location is not practical and feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.

2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground. Relocation of existing above ground power lines with above ground power lines which are needed for development is subject to pre-approval of the Administrative Official.

V. Chapter 2, Article 4, Table 4-1, Street Hierarchy, is hereby amended and revised as follows:

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
Private Street or Frontage Road (Private)	Street providing private or controlled access must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards. Private streets may not emulate public streets or prevent the logical extension of existing public roadways or those planned in the Comprehensive Plan.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000

Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+
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W. Article Five: Public Improvements and Infrastructure, Section 5-3, Sanitary Sewers, is hereby amended and revised to read as follows:

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system and in accordance with any and all design and construction manuals. Sewer services lines shall be tapped to sewer mains at the upper pipe limit and not at the flowline.
2. Where City sanitary sewer is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City sanitary sewer is not accessible within 300 feet of the final plat, the subdivider shall make provision for a sanitary sewer supply and future connection agreement acceptable to the City Engineer.
3. If the City creates a sanitary sewer extension district each benefiting property in accordance with State Statutes will have a special assessment. Special assessments shall be computed on the basis of proportionate costs and benefits of necessary extensions including sanitary sewer lift stations. Assessments shall be made on an area basis of benefiting property.
4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions and obtains approval from the Nebraska Department of Environment and Energy. Subsurface or septic systems are not permissible on any lot created if the overall density of the subdivision is greater than one unit per 1.5 acres, if individual lots are smaller than one acre, if restricted by the Nebraska Department of Environment or Energy or any lot which has a property line which is within 300 feet of the public sanitary sewer system.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the

City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.

6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by the appropriate public agencies including the State of Nebraska Department of Environment and Energy and the City of Columbus.

7. City of Columbus final approval of the system, and if applicable the State Electrical Inspector for the lift station system, shall be obtained prior to issuance of building permit or final occupancy permits.

8. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.

b. Capacity

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

2. Installation of sanitary sewer systems shall conform to community design standards of the Nebraska Department of Environment and Energy and those in use within the City of Columbus.

3. Sanitary sewer mains shall be a minimum diameter of eight inches or as required in a developer provided study as may be required by the City Engineer, the City Comprehensive Plan and/or the Citywide Sewer Study.

4. Sanitary sewer manholes shall be a minimum of 48-inches in diameter and separation shall not be more than 350 feet and shall be placed at bends, main connections, end of mains and all service connections in diameter 6 inches and greater.

5. All final plats shall include a certification from a registered Professional Engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

X. Article Five: Public Improvements and Infrastructure, Section 5-4, Storm Sewers and Storm Water Management, is hereby amended and revised to read as follows:

a. Design

1. All subdivisions shall have a post-construction storm water treatment facility and detention system in accordance with the Storm Water Management Plan and City Code Chapters 53 and 54. This system shall be discussed at the pre-application DRT meeting and shall address routing of storm waters after they leave the subdivision, as well as the available drainage courses or storm sewers in the immediate vicinity of the subdivision.
2. The design of the storm water management and treatment system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan, Storm Water Management Plan, Drainage Manual, and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques and in accordance with the City Stormwater Drainage Manual.
3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
4. Adjacent properties which may be pre-development burdened with surface waters should have the effects ameliorated as much as possible.
5. Peak flow rates out of the subdivision or development shall not exceed predevelopment rates. Detention system must be provided within the development, as part of a regional system, or other city program. The detention system must be located a minimum of 10 feet from any public right-of-way.
6. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
7. No surface or point source water may be channeled into a sanitary sewer system.
8. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
9. The pre-application information should include drainage impacts and shall be discussed with the DRT members.
10. Post-construction stormwater treatment and detention system within the development must remain to be owned by the Developer, home owners association or similar association or district. They cannot be sold in part of whole to individual property owners in

residential or commercial districts. The Environmental Protection Agency and the Nebraska Department of Environment and Energy require privately owned and operated systems to be inspected and maintained in accordance with a Maintenance Agreement as made part of the Development Agreement. Publicly owned and operated systems have the same inspection and maintenance requirements.

b. Construction Stormwater Pollution Prevention Plan and Notice of Intent

1. In accordance with the Environmental Protection Agency, Nebraska Department of Environment and Energy (NDEE) and City Code Chapters 53 and 54, and the Storm Water Management Plan (SWPPP), prior to disturbance of one acre, the Developer must obtain a NDEE Construction Runoff NOI which includes a Stormwater Pollution Prevention Plan and provide a copy to the City Engineering Department. The SWPPP must be developed and signed by a certified official.

2. Individual residential or commercial developments which are at or over one acre and which the developer is maintaining their NOI do not have to submit they own NOI or SWPPP. However, if the development NOI is terminated, a NOI must be obtained through the NDEE.

3. Individual residential or commercial developments which are under one acre need to complete an Individual Lot Plan as part of the Building Permit process. If under one acre, you do not need a NDEE NOI unless due to the potential or actual contamination of waters of US, unless one is requested by the City Engineer.

4. The SWPPP Best Management Practice (BMP) must include perimeter stormwater protection by constructing a silt fence or other BMP that is applicable for the topography and situation, such as, waddles on side slopes. The use of earthen berms as a perimeter BMP is not acceptable usage. Additional BMPs shall be provided as designed and shown on the SWPPP including, but not limited to, inlet protection, wet land protection, track out pad(s), concrete wash out (if applicable) and signage.

5. Developer must notify the City Engineering Department, Project Manager, a minimum of 72 hours in advance of the following:

(a) Preconstruction conference location and time upon which the NOI, SWPPP, and contact information for the certified inspector shall be provided and discussed. The City Project

Manager, and/or City Construction Observer, or another City designee, will attend the meeting.

(b) Upon final construction of the initial BMPs for an inspection and approval to proceed with the earthwork or construction phase.

6. BMPs and development must be inspected in accordance with the SWPPP by certified officials, keep SWPPP records and documents updated, and be available to report to the City or NDEE upon any inspection.

7. The Developer and Post-Construction owner or association must provide storm water treatment facility and detention inspections and maintenance in accordance with the Maintenance Agreement and Development Agreement for system on the development. Any required maintenance work must be completed within the required work timeline.

Y. Article Five: Public Improvements and Infrastructure, Section 5-5 Easements, is hereby amended and revised as follows:

a. Utility Easements

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

b. Drainage or Environmental Easements

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or a permanent drainage or environmental easement shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct and treat storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways. Backlot utility or drainage easements a minimum of 10 feet in width, or wider for that required to carry the design and larger storm events as determined in the drainage calculations, shall be provided and shown on the plat.

c. Other Easements

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

Z. Article Six: Improvement Procedures, Section 6-3, Pre-Construction Conference, is hereby amended and revised to read as follows:

- a. Prior to beginning construction the developer shall hold a pre-construction conference with adequate advanced notification, a minimum of 72 hours, to the City.
- b. In addition to the developer, attendance at the pre-construction conference shall include a representative from the design professional, city, general contractor, SWPPP inspector, public and private utilities and others which have a direct or indirect interest in the projects successful completion.
- c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city within 7 calendar days of the meeting.

Section 5. This ordinance shall repeal all ordinances or portions thereof in conflict herewith.

Section 6. This ordinance shall become effective upon its passage, approval, and publication as provided by law. Publication shall be in pamphlet form as authorized by § 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to any interested party at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF COLUMBUS MEMORANDUM

DATE: May 16, 2024
FROM: Andy Woehrer, Chief Building and Code Official
TO: Tara Vasicek, City Administrator
RE: Columbus Land Development Ordinance Text Amendments Third Reading

RECOMMENDATION:

Staff and I recommend approval of the text amendments made to the Columbus Land Development Ordinances.

DISCUSSION:

Staff and I have reviewed the previously approved CLDO text amendments and recommend the enclosed revisions. The enclosed revisions include three attachments which contain the redline revision, a clean copy, and the revisions made since the first reading. The text amendments since the second reading are as follows:

- Clarification of “denial” and “non-approval” which was done at the request of the city attorney
- Changing the location of where the affidavits need to be filed from the Clerk’s Office to the Community Development Office
- Clarification of Final Plat Approval

FISCAL IMPACT:

None

ALTERNATIVE:

Do not approve

SIGNATURE:

By: Andrew J. Wehr

Approved By: *[Signature]*

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (3) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

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

4. Exception: The provisions of Subsection 1 “Posted Notice” and Subsection 3 “Notice by Personal Service or Mail” shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the **City Clerk/Community Development office** prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the “Posted Notice” requirements set forth in Subsection 1 above and that the “Notice by Personal Service or Mail” requirements set forth in Subsection 3 above were both complied with. ~~Said Affidavit shall be submitted on a form approved by the City Clerk’s office.~~

f. Scope of Approval

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

g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval or six (6) months from said failure to pass a motion to approve this special use permit.

i. ~~Denial-Non-Approval~~ of Special Use Permit; Waiting Period

In the event that a Special Use ~~p~~Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said ~~denial-non-approval~~ thereof or six (6) months from said failure to pass the same.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

3. Notice by Personal Service or Mail: In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate to be zoned or rezoned;
 - (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
 - (3) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

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

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. "Notice of Publication" above shall be applicable.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the ~~City Clerk~~Community Development office on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. ~~Said Affidavit shall be submitted on a form approved by the City Clerk's office.~~

- f. ~~Denial-Non-Approval~~ of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is not approved by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said ~~denial-non-approval~~ thereof or six (6) months from said failure to pass the same.

12-5 Extension of the Extra-Territorial Jurisdiction

There shall be an automatic extension of the extra-territorial jurisdiction due to annexation or incorporation of any addition into the City. The City Council with the recommendation of the Planning Commission, shall zone properties within the newly established Jurisdiction concurrent with, or within 90 days thereafter, of the adoption of the annexation ordinance or resolution incorporating said property into the City. The zoning shall consider the Comprehensive Development Plan of the City of Columbus and the present use of the land. In the event the City takes no action within the time period, said property within the newly established Jurisdiction shall be deemed as zoned RR, Rural Residential.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City. The developer's attorney shall work with the City's attorney to obtain approval.

6. Final Plat Approval

- (a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for the following criteria: for compliance with the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Development Agreement. Developer's signature of the Final Deed of Dedication must be obtained and submitted to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the final plat meets all the criteria as set forth above, the Commission shall have no recourse but to recommend approval of the final plat. The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for consistency with the approved preliminary plat and for compliance with the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Subdivision Development Agreement. Developer signature of the Final Deed of Dedication must be obtained and submitted to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the final plat meets all requirements of the Columbus Land Development Ordinance, has satisfied all requirements of the Engineering Department, has met the conditions, if any, upon which preliminary plat approval was based and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to recommend approval of the final plat. If the Planning Commission finds in its review that the submitted final plat has not met the above criteria it shall take action to recommend approval or denial to the City Council or continue the public hearing to allow the Applicant time to correct

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

~~the same is not substantially consistent with the preliminary plat, it shall take action to recommend approval or denial to the City Council.~~

- (b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten calendar days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval, non-approval, or denial thereof to the City Council.
- (c) ~~The City Council, following at least ten calendar days published notice, shall hold a public hearing on each final plat and on the development agreement. Following such public hearing shall take final action by way of resolution on the application. Any contingencies, deficiencies or changes attached to the preliminary plat approval and/or requirements of the Engineering Department must be completed prior to the final plat approval. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing for which at least ten calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.~~ The City Council, following at least ten calendar days published notice, shall hold a public hearing on each final plat and on the Development Agreement to determine if the final plat meets all requirements of the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Following such public hearing it 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 the City Council finds in its review that the submitted final plat has not met the above criteria it may continue the public hearing to allow the Applicant time to correct the same. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing, for which at least ten calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall, by separate vote, 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.



The Columbus Land Development Ordinance for the City of Columbus

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CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

CHAPTER 1: ZONING

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

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

1-2 Jurisdiction

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

1-3 Purpose

The purposes of the Columbus Land Development Ordinance of the City of Columbus are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan and Long-Range Transportation Plan of the City of Columbus.

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

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

CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

1-5 Conflicting Provisions

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

1-6 Relief from Other Provisions

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

1-7 Severability of Provisions

If any chapter, section, subsection, clause, or phrase of this Columbus Land Development Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO: DEFINITIONS

2-1 Purpose

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

2-2 General Construction of Language

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

Headings

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

Illustration

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

a. Shall and May

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

b. Tenses and Numbers

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

c. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.

2. "Or" indicates that the connected items or provisions may apply singly or in any combination.

3. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

d. Referenced Agencies

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

2-3 Definitions of Terms

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

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-4 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure, which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use, which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction, which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Aerial Map:** An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing lots, streets, public facilities, flood plain and floodway zones, natural features, city limit or extra territorial jurisdiction lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
8. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family.
10. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

2-5 B

1. **Base District:** A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. **Basement:** A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** At the time the site is disturbed or altered for the project.
4. **Blockface:** The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street or a major physical barrier, including, but not limited to, railroads, streams, lakes, the corporate limits of Columbus, or the Extra-territorial Jurisdiction of the City of Columbus.

CHAPTER 1, ARTICLE 2: DEFINITIONS

5. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
6. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
7. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
8. Building Line: The outer boundary of a building established by the location of its exterior walls.
9. Building Official: The Chief Building and Code Official is responsible for supervision and operation of the building and land use regulations of the City of Columbus.
10. Business: Activities that include the exchange or manufacture of goods or services on a site.
11. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

2-6 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common area, or the preservation of historically or environmentally sensitive features.
4. City: The City of Columbus, Nebraska.
5. City Council: The City Council of Columbus, Nebraska.
6. Collector Street: A street connecting neighborhoods within Columbus and its Extra-territorial jurisdiction, designed to carry traffic from local to arterial streets.
7. Common Area: An area held, designed, and designated for common or cooperative use within a development.
8. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Columbus.

CHAPTER 1, ARTICLE 2: DEFINITIONS

11. Condominium: A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
12. County: Platte County, Nebraska.
13. Private street access: An approved private street access with easement which provides access to residential properties and meets the following conditions:
 - (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a public street because of its alignment, design, or location.
 - (c) Is completely internal to a development.
 - (d) Provides approved emergency access to all properties.
 - (e) Follow naming requirements (lane/court)
14. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.
15. Creative Subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided the remaining land area is used for common area.

2-7 D

1. Density: The amount of development per specific unit of a site.
2. Drive-in-Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
3. Detached: Fully separated from any other building or attached to another building in such a manner as not to constitute an enclosed or covered connection.
4. Driveway: A permanently surfaced area providing vehicular access between a street and an off- street parking or loading area.
5. Downtown Business District: Area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.
6. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons; including permanent provisions for living, sleeping, eating, cooking, and sanitation. The minimal dwelling size is 400 square feet.

2-8 E

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

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-9 F

1. Family: One (1) or more related persons living together and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities; or a group of non-related persons living together by joint agreement and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities on a non-profit, cost-sharing basis. A group of non-related persons shall consist of not more than three (3) persons in a dwelling unit containing two (2) bedrooms or less or a group of not more than four (4) persons living in a dwelling unit containing three (3) bedrooms or more. The following person shall be considered related for the purpose of this Ordinance:
 - (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;
 - (c) Not more than eight (8) persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska;
 - (d) Not more than eight (8) persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska;
 - (e) Person(s) living with a family at the direction of a court.
2. Federal: Pertaining to the Government of the United States of America.
3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.
4. Frontage: The length of a property line of any one lot abutting and parallel to a public street or private access.

2-10 G

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

2-11 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

CHAPTER 1, ARTICLE 2: DEFINITIONS

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

2-12 I

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

2-13 J

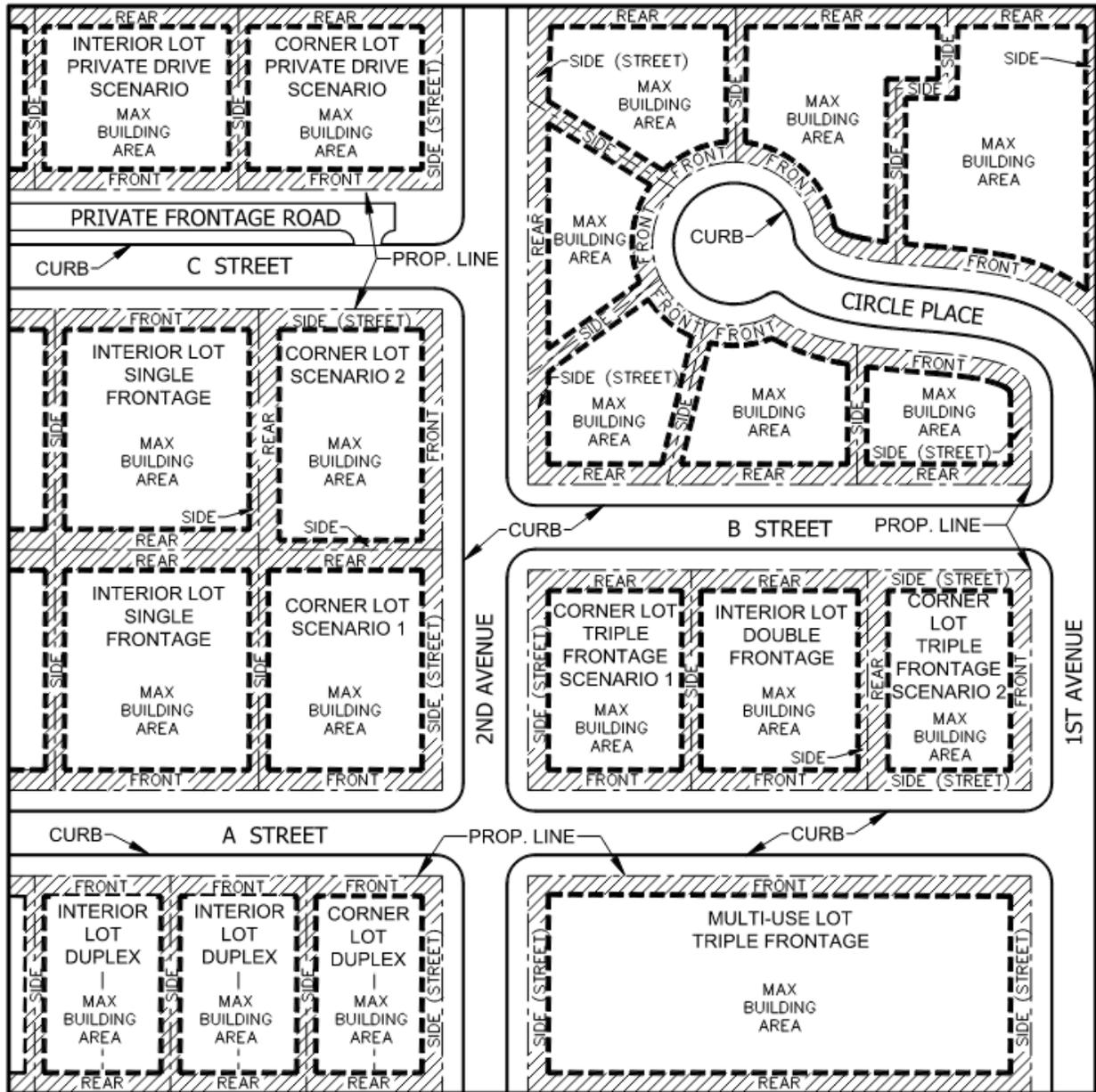
2-14 K

2-15 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily living landscape.
 - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
 - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Long Range Transportation Plan: Transportation Planning Document that discusses how Columbus will grow over the next two decades and identified transportation strategies to enable a more resilient and economically vibrant future.
4. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision. See Figure 2-15.
 - (a) Corner Lot: A lot located at the intersection of two streets, private street access or on two segments of a curved street or private street access forming an angle of no more than 135 degrees.
 - (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets or private access easements.
 - (c) Interior Lot: A lot other than a corner lot.

CHAPTER 1, ARTICLE 2: DEFINITIONS

Figure 2-15: Lot Definitions



CHAPTER 1, ARTICLE 2: DEFINITIONS

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

5. Lot Depth: The average horizontal distance between the front and rear lot lines.
6. Lot Line: The lines bounding a lot as herein defined.
 - (a) Front Lot Line: For an interior lot, the lot line separating the lot from the street or private access. For a residential corner lot, the building official may determine which lot line abutting a street or private access shall be the front lot line, or the front lot line may be designated as the front lot line on a subdivision plat or parcel map. For a non-residential corner lot, the lot line abutting a street or private access to which the principal building is oriented, or the line designated as the front lot line on a subdivision plat or parcel map.
7. Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 - (a) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street or private access easement is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

2-16 M

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

CHAPTER 1, ARTICLE 2: DEFINITIONS

2. Mixed Use Building: A building or structure that incorporates two or more use types within it.
3. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries.
4. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings. Tiny Homes constructed on a permanent chassis or undercarriage shall be considered a mobile home.

2-17 N

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Use: A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
3. Non-Traditional Residential Park: A unified development in which the development is under single ownership, developed, subdivided, planned, and improved for the placement of mobile and/or tiny home units for non-transient use. Mobile or Tiny Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
4. Non-Traditional Residential Subdivision: A unified development in which the development is under common or split ownership, subdivided, planned, and improved for the placement of housing units on lots. Mobile Non-Traditional Residential Subdivisions shall include common areas and facilities for parking, recreation, utility services, enclosed shelter; and may include facilities for management, laundry, storage and other services. Non-Traditional Residential Subdivisions may not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
5. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-18 O

1. **Off-Street Parking:** Parking which must be provided on a site, but not within public right-of-way or property.
2. **Open Space:** Area included on any site, subdivision or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
3. **Outdoor Storage:** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
4. **Overlay District:** A district established by this Ordinance to prescribe special regulations to be applied to a site or subdivision only in combination with a base district.
5. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

2-19 P

1. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
2. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.
3. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
4. **Personal Vehicles:** This term includes passenger cars, vans, motorcycles, trucks, pick-up trucks, camper trailers, recreational vehicles, trailers under 40 feet in length and boats, which can be classified as personally owned.
5. **Planned Unit Development:** A development of land which is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
6. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
7. **Premises:** A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. **Private Drive:** Access which is privately owned by one or more person, which has not been dedicated to the public but rather established by the property owner(s) for access to and from the drive connecting to the public street.

CHAPTER 1, ARTICLE 2: DEFINITIONS

9. Private Garage: A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
10. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.
11. Property Line: The line separating parcels.

2-20 Q

2-21 R

1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers; and van conversions.
2. Residential convenience services: Uses that are accessory to the primary residential use in the multi-family or Non-Traditional Residential District such as laundry services, solid waste, open recreational space, shared parking, etc.
3. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.

2-22 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
2. Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.
3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley. One structure or building may not be divided into more than one site for the purpose of zoning.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries and topography of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

CHAPTER 1, ARTICLE 2: DEFINITIONS

6. Special Permit Use: use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
7. State: The State of Nebraska.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
9. Street Level: First floor, which the floor elevation is at or above sidewalk elevation or adjacent ground.
10. Street, Local: A street which is used primarily for access to the abutting properties.
11. Street, Major: A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or highways by the Comprehensive Development Plan and Long-Range Transportation Plan.
12. Structure: That which is built or constructed above or below grade.

2-23 T

1. Tiny Home: A dwelling unit that is 400 square feet or less in floor area excluding lofts.
2. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit. In addition, no more than twelve contiguous townhouses with common or abutting walls.

2-24 U

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

2-25 V

1. Value: The estimated cost to construct or replace a structure in kind, based on current costs.
2. Vehicle: Includes personal vehicles and recreational vehicles.

2-26 W

2-27 X

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-28 Y

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

2-29 Z

1. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

CHAPTER 1, ARTICLE 3: USE TYPES

3 ARTICLE THREE: USE TYPES

3-1 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

3-2 Determinations

- a. Classification of Uses: In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Columbus shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Board of Adjustment. In making such determinations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
- b. Records: The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

3-3 Agricultural Use Types

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

- a. Horticulture: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
- b. Crop Production: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
- c. Animal Production: The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising or maintaining of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.
- d. Commercial Feedlots: The use of a site of more than 15,000 square feet for the confined feeding or holding of livestock or poultry which is not normally used for crop production or where grazing of natural vegetation is not the major feed source.
- e. Livestock Sales: Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

CHAPTER 1, ARTICLE 3: USE TYPES

3-4 Residential Use Types

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

- a. Single-Family Residential: The use of a site for one dwelling unit, occupied by one family, excluding a mobile home unit. A single-family residential use in which one dwelling unit is located on one or more lots, with no physical or structural connection to any other dwelling unit. This includes manufactured homes, as defined in Section 2-16.
- b. Two-Family Residential: Any residential use that serves two families, including but not limited to a 2-unit townhome, two detached single-family units on a single lot or duplex.
- c. Mixed-Use Residential: Attached residential living unit(s) within a building which includes non-residential use types. Example: Downtown apartments.
- d. Multiple-Family Residential: The use of a site for three or more dwelling units within one or more buildings.
- e. Group Residential: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.
- f. Non-Traditional Residential: Attached or Detached residential living units, such as: mobile homes, modular homes, tiny homes, container homes, etc.
- g. Retirement Residential: A building or group of buildings which provide residential facilities for more than four residents of at least fifty-five years of age, or households headed by a householder of at least fifty-five years of age. A retirement residence may provide a range of residential building types, and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences with more than 100 units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units.

3-5 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

- a. General Offices: Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.
- b. Medical Offices: Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

CHAPTER 1, ARTICLE 3: USE TYPES

3-6 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses.

- a. Administration: Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- b. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- c. Clubs: Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.
- d. College and University Facilities: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- e. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.
- f. Cultural Services: A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- g. Day Care Services (Limited): A facility, or use of a building or portion thereof, for day care of twelve (12) or less individuals and licensed by the State of Nebraska as a family child care home may be established and operated in any residential zone within the exercised zoning jurisdiction. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- h. Day Care Services (General): A facility licensed by the State of Nebraska, or use of a building or portion thereof, for day care of more than twelve (12) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities and non-commercial day shelters.
- i. Detention Facilities: A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community; or supervision while under program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
- j. Emergency Residential: A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

CHAPTER 1, ARTICLE 3: USE TYPES

- k. Group Care Facility: A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day/night occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the following:
 - 1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
 - 2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or of intellectual disability if such facility has an overnight occupancy of more than eight persons;
 - 3. Rehabilitation from the effects of drug or alcohol abuse.
- l. Group Home: A facility licensed by the State of Nebraska in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or a disability.
- m. Guidance Services: A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
- n. Health Care: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to out-patients, employees, or visitors.
- o. Hospital: A facility providing medical, psychiatric, or surgical service for sick or injured persons including on an in-patient basis, including, but not limited to emergency treatment, air medical services, diagnostic services, training, administration, and services to patients, employees, or visitors.
- p. Maintenance Facilities: A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or utility yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- q. Non-Commercial Shelters: Facilities which are operated by non-profit organizations and which provide emergency or temporary services and accommodations for people who lack access to permanent housing.

Non-commercial shelters may provide accommodations on a daytime and/or overnight basis. Typical uses include urban missions and shelters for homeless people.
- r. Park and Recreation Services: Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

CHAPTER 1, ARTICLE 3: USE TYPES

- s. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers. Does not include distribution or shipping
- t. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.
- u. Public Assembly: Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
- v. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute *prima facie* evidence of religious assembly use.
- w. Safety Services: Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
- x. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.
- y. Storm Water Treatment Facilities: Drainage and Detention Facilities required at the time of development, such as ditches, wetlands, ponds or similar facilities utilized or constructed to meet requirements established by the City's Storm Water Management Plan.
- z. Utilities: Any above ground structures or facilities, used for the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

3-7 Commercial Use Types

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

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

CHAPTER 1, ARTICLE 3: USE TYPES

- b. Automotive and Equipment Services: Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
1. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
 2. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
 3. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
 4. Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
 5. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
 6. Vehicle Storage: Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.
- c. Bed and Breakfast: A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one (1) month.
- Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-3 (Bed & Breakfast)

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- d. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
- e. Business or Trade Schools: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- f. Campground: Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc., are allowed.
- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- h. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.
- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.
- j. Construction Sales and Service: Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials or services used in the construction of buildings. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales; tool and equipment rental or sales.
- k. Convenience Storage: Storage services for goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- l. Crematory: A building or portion of a building which contains a cremation chamber and holding facility pursuant to the Cremation of Human Remains Act, Neb. Rev. Stat. §§71-1355 to 71-1385 along with cremation services as authorized thereunder.

CHAPTER 1, ARTICLE 3: USE TYPES

- m. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - 1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include convenience stores, delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
 - 2. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet or food sales uses of any size that include the accessory sale of fuel for motor vehicles. Typical uses include supermarkets and convenience stores.
- n. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial (excluding crematory services), arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- o. Gaming Facilities: Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities may include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Columbus and the State of Nebraska.
- p. General Retail Services: Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:
 - 1. Automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- q. Kennels: Boarding and care services for dogs, cats, and similar small mammals or small birds used as pets; or any premises on which four or more animals included under this definition over six months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.
- r. Laundry Services: Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry, cleaning, and linen supply services.

CHAPTER 1, ARTICLE 3: USE TYPES

- s. Liquor Sales: Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- t. Lodging: Lodging services involving the provision of room and/or board. Typical uses include hotels and motels. Also includes other rental housing such as Commercial Air Bed and Breakfast, Rental By Owner, and other similar uses.
- u. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- v. Personal Services: Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry-cleaning stations serving individuals and households; driving schools; health or physical fitness studios; reducing salons; dance studios; handicraft and hobby instruction.
- w. Pet Services: Retail sales, incidental pet health services, and grooming and boarding, when confined within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- x. Research Services: Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- y. Restaurants: A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.
 - 1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
 - 2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.
- z. Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center; all as further defined in Article 14.

CHAPTER 1, ARTICLE 3: USE TYPES

- aa. Stables: Boarding, breeding or raising of horses, llamas, or other hooved animals which are not owned by the occupants of the premises; or for the purpose of riding animals included in this definition by members of the public other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables and public stables.
- bb. Surplus Sales: Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets, factory outlets and discount businesses with outdoor display.
- cc. Vehicle Storage: The use of a site for the medium- to long-term storage of vehicles which are either operable or may be made operable with reasonable repairs. Typical uses include auto storage lots, impound lots, or repair yards. Private parking towaways or impound yards but exclude dismantling or salvage.
- dd. Veterinary Services: Veterinary services and hospitals for animals. Typical uses include pet clinics, pet cemeteries and crematories, and veterinary hospitals for all animals.

3-8 Parking Use Types

- a. Off-Street Parking: Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.
- b. Parking Structure: The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

3-9 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

- a. Construction Yards: Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites.

Typical uses are building contractor's yards.
- b. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
 - 1. The use of hand tools, or
 - 2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
 - 3. A single kiln not exceeding 8 KW or equivalent.

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

CHAPTER 1, ARTICLE 3: USE TYPES

- c. Light Industry: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
- d. General Industry: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
- e. Heavy Industry: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.
- f. Recycling Collection: Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- g. Recycling Processing: Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- h. Resource Extraction: A use involving on-site extraction of surface or subsurface mineral products or natural resources, including the removal of dirt, but excluding the grading of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.
- i. Salvage Services: Places of business primarily engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.
- j. Warehousing: Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, or open storage.

CHAPTER 1, ARTICLE 3: USE TYPES

3-10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

- a. Aviation Facilities: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
- b. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
- c. Transportation Terminal: A facility for the loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.
- d. Truck Terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

3-11 Miscellaneous Type Uses

- a. Major Alternative Energy Production Devices: The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include ground mounted solar collector fields, geothermal energy installations serving more than one property, or water-powered mills or generating facilities.

Minor Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include roof mounted solar collector units, geothermal energy installations serving a single property, or other alternative energy production devices that are minimally obtrusive for single property use.

- b. Broadcasting/Receiving Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.
- c. Construction Batch Plant: A permanent or temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.
- d. Wind Energy Conservation System (WECS): Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

CHAPTER 1, ARTICLE 3: USE TYPES

- e. Landfill (Non-Putrescible Solid Waste Disposal): The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.
- f. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal): The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage), and manure.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4 ARTICLE FOUR: ZONING DISTRICT REGULATIONS

4-1 Purpose

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

4-2 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-2 displays the purposes of these districts.

Table 4-1: Base Districts

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
NTR	Non-Traditional Residential District
O	Office District
LC	Limited Commercial District
UC	Urban Commercial District
B-1	Central Business District
B-2	General Commercial District
ML/C-1	Light Industrial District
MH	General Industrial District
FP/FW	Flood Plain/ Floodway Overlay District
PUD	Planned Unit Development Overlay District
HD	Historic District
ED	Environmental Resources District
A	Agricultural Overlay District

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4-3 Application of Districts

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

The Flood Plain/Floodway, Planned Unit Development, Historic, and Environmental Resources Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Agricultural Overlay District may be utilized only in combination with the RR or R-1 zoning districts.

4-4 Hierarchy

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

4-5 Development Regulations

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

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-3.

4-6 Zoning Map

- a. Adoption of Zoning Map: Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance.
- b. Changes to the Zoning Map: The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve of this Zoning Code. Such changes shall be reflected on the Zoning Map. The City Clerk and City Engineer shall keep a complete record of all changes to the Zoning Map.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4-7 Interpretation of District Boundaries

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

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

4-8 Vacation of Streets and Alleys

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Purposes of Zoning Districts

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family	P	P	P	P	P	P	S	S	P	S	S			
Two Family				P	P		P	S	P	S	S			6-3(a)
Townhouse				P**	P		P	S	P	S	S			6-3(b)
Mixed-Use Residential							P	S	P	P*	P*			
Multiple-Family					P		P	S	P	P	P			6-3(e)
Group Residential					S		P	P	P	P				6-3(e)
Non-Traditional Residential						P								
Retirement Residential				S	P		P	S	P	P	S			
* Only above street level ** Two-unit townhouse only														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Civic Uses														
Administration		S					P	P	P	P	P	P	P	
Cemetery	P	P	S		S									
Clubs	S	S	S	S	S	S	P	P	P	P	P			6-4(a)
College / University		S	S	S	P	S	S	P	P		P			
Convalescent Services					P		P	P	P					
Cultural Services		P	P	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S		
Day Care (General)		S/P*	S/P*	S/P*	P	S/P*	P	P	P	P	P	S	S	6-4(b)
Detention Facilities	S									S	S	S		
Emergency Residential	P	P	P	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S	S	S	S	S	P	P	P	P	P	S		6-4(c)
Group Home	P	P	P	P	P	P	P	P	P	P	P			6-4(c)
Guidance Services					P		P	P	P	P	P	P	P	6-8(b)
Hospitals					S		P	S	S	S	P			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Civic Uses														
Non-commercial Shelters										S	S		S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					S		P	P	P	P	P	P	P	
Primary Education		P	P	P	P	P	S	P	P	P	S			
Public Assembly							S	S	S	P	P			
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	S	
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education		S	S	S	P	S	S	S	S	S	S			
Stormwater Treatment Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
<p>S/P* - P* is hereby defined as permitted if in compliance with <u>Neb. Rev. Stat. § 43-2616</u>. <u>Neb. Rev. Stat. § 43-2616</u> provides that any family child care home licensed by the Department of Health and Human Services pursuant to <u>Neb. Rev. Stat. § 71-1911</u> or by the City or County pursuant to <u>Neb. Rev. Stat. § 71-1914(2)</u> may be established and operated in any residential zone within the exercised zoning jurisdiction.</p>														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Business Support Services							P	P	P	P	P	P	P	
Business/Trade Schools							S			P	P	P		
Camp Ground	P	S									S			6-5(d)
Cocktail Lounge										P	P	S		
Commercial Recreation	S								S	P	P	P		
Communication Services							S	P	P	P	P	P	P	
Construction Sales and Service										P	P	P	P	
Consumer Services							S	P	P	P	P	P		
Convenience Storage	S	S									S	P	P	6-5(e)
Food Sales (Limited)					S			P	P	P	P	S		
Food Sales (General)								S	P	P	P	S		
Funeral Services							P	P	P	P	P			
General Retail Services							S	P	P	P	P	S		
Kennels	P	S									S	P		
Laundry Services										S	P	P	P	
Liquor Sales		S								P	P	S		
Lodging					S		S	S	P	P	P			
Note 1 – Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019.														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Parking Uses														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										S	S	P	P	
General Industry												P	P	
Heavy Industry													P	
Resource Extraction	S	S											P	6-6(a)
Salvage Services													P	6-6(b)
Warehousing												P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

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

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	**S	**S										**S	P	
WECS (Wind Energy Conservation System)	P	P			S			S	S		S	P	P	
Landfill (Non-Putrescible)	S												S	
Landfill (Putrescible)	S												S	
Major Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P	P	
Minor Alternative Energy Production Devices	P	P	P	P	P	P	P	P	P	P	P	P	P	

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

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

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 Acres	1 acre	-	-	-
Minimum Lot Width (feet)	300	100	-	-	-
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	-	-	-
Minimum Yards (feet)					
Front Yard	50	50	-	-	-
Front Yard to Building Line	-	-	15	15	15
Front Yard to Garage Line	-	-	20	20	20
Street Side Yard	25	25	15	15	15
Interior Side Yard	25	25	7	7 (Note 1)	7 (Note 2)
Rear Yard	35	35	15	15	15
Maximum Height (feet)	100	36	36 (Note 2,3)	36 (Note 2,3)	36 (Note 2,3)
Maximum Building Coverage	NA	NA	50%	50%	50%
Maximum Impervious Coverage	NA	NA	55%	65%	65%
Floor Area Ration	NA	NA	NA	NA	1.00

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

Note 2: Dwellings may exceed the height limit by up to ten feet if the side yard is increased by the same amount as the added height.

Note 3: Accessory buildings cannot be over 20 feet in height to the peak.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

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

Note 4: Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided and water quality volumes for 2-year storm events and provisions for 100-year storm events are met. These facilities must be located a minimum of 10 feet from any public right-of-way. Common Open Space must be owned, maintained, and inspected by the developer or home owners' association

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

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

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

Note 5: Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council with the recommendation of the Planning Commission.

Note 6: Storm water treatment water quality volumes and detention volumes must be met within the development, as part of a regional system, or other City program.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

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

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5 ARTICLE FIVE: OVERLAY DISTRICTS

5-1 General Purpose

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

The Overlay Districts are designed to achieve the following objectives:

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

PUD: PLANNED UNIT DEVELOPMENT DISTRICT

5-2 Purpose

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

5-3 Permitted Uses

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

5-4 Site Development Regulations

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

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded;
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.

5-5 Access to Public Streets

Each PUD District must abut a public street for at least 60 feet and gain access from that street.

5-6 Application Process

- a. Development Plan: The application for a Planned Unit Development District shall include a Development Plan containing the following information:
 1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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

5-7 Adoption of District

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

5-8 Amendment Procedure

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

5-9 Building Permits

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

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5-10 Termination of PUD District

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

CCD: CREATIVE CLUSTER DEVELOPMENT

5-11 Purpose

The CCD Creative Cluster Development provides a design alternative that provide greater flexibility in subdivision design and design and build developments that are considerate of special natural or artificial features.

5-12 Permitted Uses

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

5-13 Site Development Regulations

Site Development Regulations comply with the overall density requirements of a zoning district, but allow internal variations of such standards as lot size, and setbacks in order to encourage innovative or economic development or protect natural features and open space without loss of economic yield to the developer.

- a. Cluster subdivisions allow the clustering or grouping of residential lots in order to provide common open space.
- b. Cluster Subdivisions may be developed and approved subject to the following standards and variations:
 1. The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.
 2. Individual lot size dimensions, including lot width, may be reduced to 60% of requirement of zoning district. Any savings on lot size shall be devoted to common open space or other approved community facilities.
 3. Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
 4. Street or right-of-way widths set forth in Article 5 may be varied within for local streets within Cluster Subdivisions, subject to the sole discretion of the approving authorities.
 5. Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

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5-14 Access to Public Streets

Each CCD District must abut a public street for at least 60 feet and gain access from that street.

5-15 Application Process

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

5-16 Adoption of District

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

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-17 Amendment Procedure

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

5-18 Building Permits

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

5-19 Termination of CCD District

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

ED: ENVIRONMENTAL RESOURCES DISTRICT

5-20 Purpose

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

5-21 Procedure for Adoption

- a. Proposal: The creation of an ED Environmental Resources Overlay District may be initiated by the Planning Commission or the City Council.
- b. Requirements for Application
An application for the creation of an ED Overlay District must include:
 1. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district;
 2. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries;
 3. Supplemental site development regulations and performance standards that apply to the proposed district.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-22 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each ED Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to ED District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an ED Environmental Resources Overlay District.
- f. The Ordinance adopting the ED District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an ED Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-23 Building Permits

Building or other development permits issued by the City in an ED District shall be consistent with the adopted ED District Ordinance.

HD: HISTORIC DISTRICT

5-24 Purpose

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

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-25 Procedure for Adoption

- a. **Proposal:** The creation of an HD Historic Overlay District may be initiated by the Planning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.
- b. **Requirements for Application:** An application for the creation of an HD Overlay District must include:
 1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district;
 2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries;
 3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district;
 4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

5-26 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Historic Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-27 Building Permits

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

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-28 Statutory Authorization, Finding of Fact and Purposes

- a. Statutory Authorization: The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area. Therefore, the City Council of Columbus, Nebraska ordains as follows:
 - b. Finding of Fact:
 1. Flood Losses Resulting from Periodic Inundation: The flood hazard areas of Columbus, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 2. General Causes of the Flood Losses: These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.
 3. Statement of Purpose: It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1-2 by applying the provisions of this ordinance to:
 4. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
 5. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
 6. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
 7. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.
 - c. Adherence to Regulations: The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-29 General Provisions

- a. Lands to which Ordinance applies: This ordinance shall apply to all lands within the jurisdictions of the City of Columbus, Nebraska, identified on the Flood Insurance Rate Map (FIRM) panels 3114C0310E, 3114C03020E, 3114C0330E, 3114C0335E, 3114C0340, and 3114C0345E dated April 19, 2010, as Zones A, A1-30, AE, AO, or AH and within the Zoning Districts FW and FF established in Article 3 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Article 4 and Article 5.
- b. Rules for Interpretation of District Boundaries: The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if so desired.
- c. Compliance: Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- d. Abrogation and Greater Restrictions: This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- e. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- f. Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of City of Columbus or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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

5-30 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated April 19, 2010, and on accompanying FIRM panels as established in Article 2. The flood fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5-31 Floodplain Management Administration

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified by the Flood Insurance Study [and accompany map(s)]. The floodway overlay district (FW) is identified by the flood insurance rate map dated April 19, 2010. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

- a. **Designation of Floodplain Administrator:** The City Engineer of the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, the community CEO shall assume the duties and responsibilities herein.
- b. **Permits Required:** A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.
- c. **Duties of Floodplain Administrator:**
Duties of the City Engineer shall include, but not be limited to the following:
 - 1. Review, approve, or deny all applications for floodplain development permits.
 - 2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - 3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
 - 4. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
 7. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
 8. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been flood proofed.
 9. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
 10. Ensure comprehensive development plan as amended is consistent with this ordinance.
 11. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.
- d. Application for Permit and Demonstration of Compliance
1. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - (a) Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
 - (b) Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
 - (c) Indicate the use or occupancy for which the proposed development is intended.
 - (d) Be accompanied by plans and specifications for proposed construction.
 - (e) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.

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2. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - (a) All such proposals are consistent with the need to minimize flood damage.
 - (b) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage.
 - (c) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (d) Construction materials are flood resistant,
 - (e) Appropriate practices to minimize flood damage have been utilized; and
 - (f) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
3. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
4. When flood proofing is utilized for an applicable structure, a flood proofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.

For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
5. Any other such information as reasonably may be required by the City Engineer shall be provided.
6. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are “reasonably safe from flooding.” The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (a) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMRF.
 - (b) Applicant shall demonstrate that the property and any existing or proposed structures will be “reasonable safe from flooding,” according to the minimum design standards in FEMA Technical Bulletin 10-01.

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- (c) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.
- e. Flood Data Required
 - 1. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
 - 2. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.
- f. Variances and Appeals Procedures
 - 1. The Board of Adjustment as established by City of Columbus shall hear and decide appeals and request for variances from the requirements of this ordinance.
 - 2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this ordinance.
 - 3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).

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4. In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) The danger to life and property due to flooding or erosion damage.
 - (b) The danger that materials may be swept onto other lands to the injury of others;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to have a waterfront location, where applicable;
 - (f) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (k) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.
- g. Conditions for Variances
 1. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
 2. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
 3. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
5. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
6. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
8. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
9. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

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h. Enforcement

- (a) **Violations:** Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.
- (b) **Notices:** When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - (1) Be in writing;
 - (2) Include an explanation of the alleged violation;
 - (3) Allow a reasonable time for the performance of any remedial act required;
 - (4) Be served upon the property owner or their agent as the case may require; and
 - (5) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

i. Penalties

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

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5-32 Standards for Floodplain Development

- a. General Provisions
 1. Alteration or Relocation of a Watercourse
 - (a) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
 - (b) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.
- b. Encroachments
 1. When proposing to permit any of the following encroachments, the standards in Section 5-1 shall apply:
 - (a) Any development that will cause a rise in the base flood elevations within the floodway; or
 - (b) Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - (c) Alteration or relocation of a stream; then
 2. The applicant shall:
 - (a) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - (b) Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.
 3. Floodway Overlay District
 - (a) Standards for the Floodway Overlay District
 - (1) New structures for human habitation are prohibited.
 - (2) All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.

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- (3) In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5-1, in meeting the standards of this section.
 - (b) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:
 - (1) Agricultural uses such as general farming, pasture, nurseries, and forestry
 - (2) Residential uses such as lawns, gardens, parking, and play areas
 - (3) Nonresidential uses such as loading areas, parking, and airport landing strips
 - (4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.
4. Elevation and Floodproofing Requirements
- (a) Residential Structures
 - (1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
 - (2) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
 - (3) In the floodway, new structures for human habitation are prohibited.
5. Nonresidential Structures
- (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - (1) The structure is watertight with walls substantially impermeable to the passage of water and
 - (2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

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(b) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:

- (1) The structure is watertight with walls substantially impermeable to the passage of water and
- (2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

6. Space Below Lowest Floor

(a) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.

(b) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
- (2) The bottom of all openings shall not be higher than one (1) foot above grade, and
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

7. Appurtenant Structures

(a) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:

- (1) The structure shall not be used for human habitation.
- (2) The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
- (3) The floor area shall not exceed 400 square feet.
- (4) The structure shall have a low damage potential.
- (5) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

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- (6) The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - b. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
 - (7) No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.
 - (8) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (9) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.
8. Manufactured Homes
- (a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,
 - (5) Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
 - (b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 5-2 be elevated so that either;
 - (1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

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- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).
 - (c) New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (H) "Subdivisions".
 - (d) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - (2) Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - (3) Any additions to the manufactured home be similarly anchored.
9. Existing Structures
- (a) The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iv) shall apply.
 - (b) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
 - (c) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of Section 5-1.
 - (d) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.
10. Design and Construction Standards
- (a) Anchoring: All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

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(b) Building Materials and Utilities

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

11. Drainage

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

12. Water Supply and Sanitary Sewer Systems

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

13. Other Utilities

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

(a) Storage of Materials

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

(b) Recreational Vehicles

- (1) Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.
- (2) Recreational vehicles to be placed on sites within the floodplain shall:
- (3) Be on site for fewer than 180 consecutive days;

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- (4) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
- (5) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

14. Subdivisions

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

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

5-33 Nonconforming Use

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

- (a) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the City Engineer in writing of instances of nonconforming uses where utility services have been discontinued for a period of six (6) months.
- (b) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- (c) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage
- (d) Occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

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5-34 Amendments

- a. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbus. At least 15 days shall elapse between the date of this publication and the public hearing.

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

5-35 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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

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

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

5-36 to 5-39 Reserved for Future Use

5-40 A: Agricultural Overlay District

5-41 Purpose

This district is intended to permit the use of limited agricultural activities in combination with residential land uses. It recognizes the existence in Columbus of specific neighborhoods that, while developed to urban densities, also include certain farm uses, including the raising of both crops and animals. It further recognizes that such uses should be strictly controlled in order to minimize effects on neighboring properties.

5-42 Application of District

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

5-43 Permitted Uses

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

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

5-44 Pre-Existing Zoning

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

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5-45 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each A Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to A District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an A Agricultural Overlay District.
- f. The Ordinance adopting the A District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

6 ARTICLE SIX: SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

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

6-2 Supplemental Use Regulations: Agricultural Uses

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

- a. Horticulture and Crop Production: Retail Sales: Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:
 1. Garden Centers: A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

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

Any garden center adjacent to a residential district must maintain a 20-foot landscaped Bufferyard consistent with the standards established in Section 8-5.
 2. Roadside Stands: A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

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

A roadside stand may operate for a maximum of 180 days in any one year.
- b. Commercial Feedlots: No new commercial feedlots shall be established within the zoning jurisdiction of the City of Columbus.

6-3 Supplemental Use Regulations: Residential Uses

- a. Townhouse Residential: Where permitted, townhouse residential is subject to the following regulations:

The minimum width for any townhouse lot sold individually shall be 20 feet.

 1. Coverage percentages are computed for the site of the entire townhouse common development.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- b. Two Single Family Residential:
 - 1. The two single family units shall be separated by a minimum of 14 feet.
 - 2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.
- c. Multi-Family and Group Residential in B-1 District:
 - 1. Multi-family and Group Residential uses are permitted in the B-1 District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.
- d. Non-Traditional Residential Parks in NTR District: In the NTR Residential District, which permits mobile home, tiny home and other non-traditional residential use, such use may be configured in a Non-Traditional Residential Park or Non-Traditional Residential Subdivision. A Non-Traditional Residential Park or Subdivision may be approved administratively once all the following regulations are met:
 - 1. Property is properly zoned, Non-Traditional Residential.
 - 2. Completed Development Agreement
 - 3. Density Requirements as defined in Table 4-4: Site Development Regulations.
 - 4. Site Development Minimum Standards:
 - (a) Setbacks: Each Non-Traditional Residential Park and Subdivision shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - (b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Article 8 of this Ordinance. Screening shall be provided in conformance with Section 8-5 for any common property line with another non-residential use.
 - (c) Open Space Requirements, Table 4-4: Each Non-Traditional Residential Park shall provide a minimum of 250 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians.
 - (d) Parking Minimum Requirements, Table 9-1.
 - (e) Parking: Park requires common parking. Subdivision requires on-site parking.

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5. Street Access and Circulation Requirements:
 - (a) Access to Public Street: Each NTR Park and Subdivision must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
 - (b) Vehicular Circulation: The NTR Parks and Subdivisions must provide interior vehicular circulation on a private internal street system.
 - (1) One side on Street Parking Minimum interior street width shall be a minimum of 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 350 feet in length without a variance.
 - (2) No on street parking. Minimum interior street width shall be a minimum of 24 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 350 feet in length without a variance.
 - (c) Sidewalks or Path: Each NTR Park and Subdivision shall provide a sidewalk or path system to connect each lot to common buildings or open space constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk and path width shall be at least four feet. Public sidewalk connectivity must be provided.
 - (d) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
6. Utilities: All living units shall have piped supply of hot and cold water for both drinking and domestic purposes; domestic sewer service; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each living unit.
7. Financial Responsibility: Each application for a NTR Park and Subdivision shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.
8. Completion Schedule: Construction must begin on any approved Non-Traditional Parks and Subdivisions within one year of the date of approval. Such construction shall be completed within two years of approval, unless otherwise extended by the Administrator.
9. Permitting: A set down permit with fee as set by Resolution is required for each mobile home.
10. Anchoring: Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

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6-4 Supplemental Use Regulations: Civic Uses

- a. Clubs: Clubs located adjacent to residential uses shall maintain a bufferyard of not less than seven feet along the common boundary with such residential use.
- b. Day Care: Day care facilities are permitted by Special Use permit in the MH General Industrial Zoning District only if incidental to a permitted primary use.
- c. Group Care Facilities and Group Homes: Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

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

6-5 Supplemental Use Regulations: Commercial Uses

- a. Auto Repair, Equipment Repair, and Body Repair:
 1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
 2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
- b. Auto Washing Facilities:
 1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
 2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
- c. Bed and Breakfasts:
 1. Bed and Breakfasts permitted in the B-1 District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by people with physically disabilities may be located on the street level.
- d. Campgrounds
 1. Minimum Size: Each campground shall have a minimum size of one acre.
 2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
 3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances, state and federal regulations; or, alternatively, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

e. Convenience Storage:

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

1. The minimum size of a convenience storage facility shall be 8,712 square feet of lot area;
2. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

f. Crematory:

When permitted in the MH Zoning District or for a Special Use Permit in a B2 or ML/C-1 Zoning District, a crematory shall be subject to the following additional requirements:

1. Shall only be allowed if licensed by the State of Nebraska and in compliance with any applicable regulatory agency(ies).
2. A plan of operation shall be submitted to the City building department and is required to meet all environmental requirements and accompanied by a site plan showing all existing and future or planned facilities on the site. The plan of operation shall address hours of operation, number of licensed persons on site trained to operate the crematory unit, procedures to be followed in processing the remains, including required permits and authorizations to be obtained from doctors and county coroner as the case may require. Said plan of operation is subject to periodic review which will address all life safety codes.
3. The following setback shall be complied with: a 20-foot setback unless a greater setback is otherwise required under this Code. Landscaping and buffer yards as required under this Code.
4. All services and activities associated with said crematory must take place within a completely enclosed building, including the unloading of human remains from the transporting vehicle and must maintain the integrity of the surrounding area.
5. All driveway approaches at least 20 feet outward from the crematory toward the City street must be paved with either concrete or asphalt.

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g. Sexually Oriented Business:

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

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

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction:

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

- (a) Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.
- (b) Ponding of Water: The site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission and the Lower Loup Natural Resources District.
- (c) Storage of Topsoil: Topsoil shall be collected and stored for redistribution at the site where mining took place following the end of the operation, except where ponding is approved.
- (d) Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (1) Restoration of slopes to a gradient not exceeding 33% as soon as possible;
 - (2) Installation of perimeter safety fencing of at least 6 feet in height; when located within 300 feet of any residential or public use district. Acceptable fencing types include chain link, wood, metal or vinyl with no opening which would allow a 4-inch sphere to pass through.
 - (3) Installation of visual screening adjacent to any property within a residential or public use district. If fencing required in above (b) is solid, it may be used to fulfill this requirement.

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- (e) Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion.
 - (f) Topographic & Site Plan: Submittal must include a proposed topographic plan and, if applicable, a subdivision layout of the completed project.
- b. Salvage Services
- 1. Screening:
 - (a) The perimeter of each new facility shall be fully enclosed by opaque, free-standing fencing, or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
 - (c) Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
 - (d) No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.
- c. Development within County Designated Industrial Areas:
- 1. All applications for Industrial Areas proposed for designation by Platte County under Neb. Rev. Stat. Sections 13-1111 through 13-1121 shall be referred by the City of Columbus to the Planning Commission for review and recommendations. Following Planning Commission action, the City Council shall act on the request.
 - 2. Any agreement between Columbus and Platte County involving approval of such a designation may include, but not be limited to, the following conditions:
 - (a) The proposed Industrial Area designation is consistent with the principles and objectives of the Comprehensive Plan;
 - (b) The City reserves the right to request and receive an annual report from any owner or renter of property within the designated Industrial Area, accurately indicating the current and proposed use of any land, buildings, or facilities within the area. The annual report may be requested in January of each year is due on or before March 1 of that year. Failure to submit an acceptable annual report within this schedule shall result in revocation of occupancy permits and zoning privileges granted by the City;
 - (c) Any newly created Industrial Area shall be designated for a period not to exceed 10 years. The City Council, after recommendation by the Planning Commission, may extend this term in two-year increments, up to a maximum term of twenty years;

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

6-7 Supplemental Use Regulations: Home-Based Businesses

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

a. Violations

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

b. Building Use

1. The home-based business shall be incidental to the residential use of the property where it is operated. No more than 30% of the total first floor area of the primary residential structure on the premises shall be used for the operation of home-based businesses. To be considered a home-based business, at least one owner of such business must live on the premises.

c. External Activities

Any outdoor activities carried out in conjunction with the home-based business must be in keeping with, and maintain the integrity of, the surrounding residential area.

1. The growing, in an unobtrusive manner, of plants, flowers, vegetables, fruit, and similar materials utilized in the operation of the home-based business need not be screened.
2. Other activities not consistent with the character of the surrounding residential area must be screened from view.

d. External Effects

The home-based business shall not constitute a hazard or nuisance to neighboring properties.

1. Outdoor storage of any equipment, machinery, parts, goods, materials, or other appurtenances of the business shall not be permitted.
2. The home-based business shall not involve the parking or storage of tractor-trailers, semi-trucks, or heavy equipment, such as construction equipment, used in a business.

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3. Welding, vehicle body repair, vehicle painting, mechanical repair, rebuilding or dismantling of vehicles, or other like businesses are not allowed as home-based businesses.
 4. Businesses which involve the production, storage, distribution, or collection of hazardous chemicals, toxic materials, fireworks, or similar materials, or other like businesses, are not allowed as home-based businesses.
 5. The home-based business shall not cause glare, noise, odors, or electronic interference to the residents of surrounding properties.
 6. The home-based business shall not require additional on- or off-street parking.
- e. Employees
- A home-based business may employ individuals under the following conditions:
1. At any given time, a home-based business may employ no more than two (2) individuals that are not a resident of the primary home.
 2. If more than one home-based business is operated from the same residential property, the maximum number of employees applies to all businesses taken together, not to each business separately.
- f. Signage
- Signage designating a home-based business shall be limited to one non-illuminated and non-reflective sign.
1. Signage may include at most the name of the home-based business, a logo symbol, contact information, address, and indication of the appropriate public entrance. The sign may contain less information. The sign may not exceed four square feet and must be attached to the building.
 2. The presence or design of the sign shall not detract from the property or the surrounding residential area; neither shall its size constitute a visual hazard. Signage must be contained entirely on the property and must maintain appropriate distances from the boundaries of neighboring properties.

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6-8 Supplemental Use Regulations: Accessory Uses

a. Permitted Accessory Uses: Residential Uses

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

1. Private garages and accessory buildings for the residential use shall not be allowed on more than 50% of the allowable lot coverage and no single detached accessory building shall exceed 35% of the allowable lot coverage
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 6-7 of these regulations.
4. Residential convenience services for multi-family uses and Non-Traditional Residential.
5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous two-month period or four sales during any twelve-month period.
6. Automobile sales are prohibited except those automobiles which are for sale by the owner of the residence on a temporary basis not to exceed two (2) months in any calendar year.
7. Within the RR Rural Residential District only, any lot of two acres and over may maintain one horse, llama, other hooved animal, or large bipedal bird. Such a lot may have one additional animal for each additional full acre of lot area over two acres, up to a maximum total of five animals. The animal or animals provided for in this paragraph shall be subject to the approval of a Special Use Permit.
8. Animal production as defined in Section 3-3 shall be subject to a special use permit within the RR Rural Residential District.

b. Permitted Accessory Uses: Civic Use Types

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

c. Permitted Accessory Uses: Agricultural Use Types

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

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6-9 Supplemental Use Regulations: Outdoor Storage

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

- a. Agricultural Use Types
 1. Outdoor storage is permitted where incidental to agricultural uses.
- b. Civic Use Types
 1. Outdoor storage is permitted where incidental to Maintenance Facilities.
- c. Commercial Use Types
 1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
 2. Outdoor storage is permitted where incidental to Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 8-5. This provision shall apply to any Body Repair use established after the effective date of this Ordinance.
- d. Industrial and Miscellaneous Use Types
 1. Light Industry within the B-1 Central Business District zoning district may not include outdoor storage.
 2. Outdoor storage is permitted where it is incidental to Light Industry outside of the B-1 Central Business District. Any such outdoor storage within General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards is subject to screening requirements set forth in Section Eight.
 3. Outdoor storage is permitted where incidental to landfills.

6-10 Supplemental Use Regulations: Swimming Pools

GENERAL PROVISIONS

- a. DEFINITION:

The term PRIVATE RESIDENTIAL SWIMMING POOL is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings and including all appurtenant equipment, constructed, installed and maintained in or above the ground outside of a building used for family dwelling units; provided the PRIVATE RESIDENTIAL SWIMMING POOL is maintained by an individual primarily for the sole use of the individual's household and guests and not for the purpose or in connection with any business operated for profit.
- b. COMPLIANCE REQUIRED:

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

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c. PERMIT REQUIRED:

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless a permit therefor shall have first been obtained from the Community Development Department.

d. PERMIT FEES:

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

e. DRAWINGS, PLANS AND PERMITS:

1. All drawings and plans for the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances for which a permit is required shall first be presented to the Building Official or his/her designee, for examination and approval as to the proper location, construction and use.
2. All plans and drawings shall be drawn to a scale of not less than one-eighth of an inch to the foot, on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot lines, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems and all appurtenances pertaining to the swimming pool.
3. All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. If any deviations from the plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this chapter.

f. REGULATIONS

1. LOCATION:

- (a) Private residential swimming pools shall be permitted in residential zones only. No portion of a private residential swimming pool shall be located at a distance less than eight feet from any side or rear property line or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight feet from any side property line. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.

2. RECIRCULATION POOLS:

- (a) All private residential swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.

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3. MATERIALS:

- (a) Private residential swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finished easily cleaned surfaces. The floor or bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be vertical to a depth of at least six feet or shall have a slope or curvature meeting one of the following conditions.
- (b) The pool wall may be vertical for 30 inches from the water level below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and 30 inches.
- (c) To a depth of six feet, except as in division (A)(1), the wall's slope shall not be less than one foot horizontal in six feet vertical.
- (d) Pool walls that are to be lined with a plastic liner shall be constructed of masonry or reinforced concrete.

4. WALK AREAS:

- (a) Unobstructed walk areas not less than 36 inches wide shall be provided to extend entirely around the pool. The walk areas shall be constructed of impervious material and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot designed so as to prevent back drainage from entering the pool.

5. FENCES:

- (a) All private residential swimming pools shall be completely enclosed by a fence erected along the periphery of the pool walks. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be four feet in height above the walk grade level and shall be constructed of a minimum number nine-gauge woven wire mesh corrosion-resistant material or material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

6. STEPS OR LADDERS:

- (a) Two or more means of egress in the form of steps or ladders shall be provided for all private residential swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep end and shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

7. WATER SUPPLY:

- (a) No source of water other than that secured from the City waterworks distribution system shall be used in private residential swimming pools unless City water is not available.

8. ELECTRICAL REQUIREMENTS:

- (a) All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the Electrical Code ('63 Code, § 4-3-17) Penalty, see § 10.99

9. SAFETY PRECAUTIONS:

- (a) A skilled swimmer shall be present at all times that private residential swimming pools are in use.
- (b) Every private residential swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of three-sixteenths inch manila line attached and one or more light but strong poles with blunted ends and not less than 12 feet in length for making reach assists or rescues.
- (c) No diving board or platform more than three feet above the water level shall be installed for use in connection with any private residential swimming pool.

6-11 Supplemental Use Regulations: Mailboxes

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

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

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

- a. The time duration that storage containers can be allowed on a particular site shall be established by the Development Review Team (DRT).
- b. Containers shall be limited in quantity to the number allowed by the Development Review Team and shall not be increased without additional review.
- c. Location of containers on the site shall be restricted to the location approved on the site plan by the Development Review Team.
- d. Containers approved for a duration of twelve (12) months or more may require screening view of any adjacent property and public streets in a manner approved by the Development Review Team including, but not limited to, fencing, berming, landscaping or a combination thereof.
- e. All storage containers shall be clean and well-maintained portable storage
 - 1. Containers sixteen (16) feet and less in length are allowed in all zoning districts subject to the following requirements:

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

2. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight (8) feet wide by eight (8) feet high by sixteen (16) feet long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed ninety (90) days in a twelve (12) month consecutive period. Additional time is subject to City approval by the Building Official on a case-by-case basis. Additional containers on the same site require City approval by the Building Official prior to placement.
3. Portable storage containers shall not be used for long term storage.
4. No permit is required; however, the street address of the location the container is going to be placed and the date of placement shall be communicated by telephone, electronic mail, or in person, to the Building Official prior to the day the container is placed.
5. The property must be occupied by a principal residential building.
6. Containers are allowed in the front building setback but shall be placed a minimum distance of five (5) feet from any side or rear property lines. Preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way.
7. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.
8. No sales shall be conducted from a portable storage container.
9. All storage containers shall be clean and well maintained.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7 ARTICLE SEVEN: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-1 Purpose

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

7-2 Setback Adjustments

- a. Lots Adjoining Alleys: In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than ten feet to the near side of the alley.
- b. Exceptions to Openness of Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
 1. Window sills, belt courses, cornices, eaves, flues and chimneys (including enclosed or unenclosed), and ornamental feature may project two feet into a required yard.
 2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or fifteen feet from any street property line.
 3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
 4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
 5. In commercial and business districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
 6. Accessory buildings in residential districts, including private and community garages, may be located a minimum of two feet from the side lot line and ten feet from the rear lot line. The rear yard setback may be reduced to two feet if bounded by an alley if set back is sixty feet or more from the front lot line. An accessory building must have an additional rear and side setback of one foot for every two feet or portion thereof of height over 15 feet. Any such accessory building must be located at least six feet from the main structure. Accessory building in an R-1, R-2 or R-3 district shall not exceed 20 feet in height at the peak. No residential accessory buildings permitted on NTR Park or Subdivision lots.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.
- c. Setback Adjustments
 1. Setbacks on Built-Up Blockfaces: These provisions apply if any of the buildings on that blockface have front yard setbacks less than those required for the specific district.
 - (a) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building; excluding garages, refer to Table 4-4: Site Development Regulations.
 - (b) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.
- d. Corner Lots: Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
- e. Double Frontage Lots: In Rural Residential zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.
- f. Antennas: No antennas are permitted in the front yard.
- g. Vision Clearance Zones: No structures, plantings to maturity, landscaping, fences, parked vehicles, trucks, trailers, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet of less within, whichever is greater in clear zones, from a triangle formed 1) by a line connecting points thirteen feet along each leg from the property lines from their point of intersection and 2) by a line connecting points forty feet along each leg from the back of curb from their point of intersection and as extended to the public or private street or driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection as show in Figure 7-2(a). Radii greater than 20 feet shall be subject to the Figure requirements. Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.
- h. Attached structures extending into public rights-of-way within the Downtown Business District, excluding roadways.
 1. Attached structures, such as awnings, canopies and signs may extend no more than 48 inches from the façade or facewall of the building to which it is attached. These structures must maintain a vertical clearance of at least 7 feet and 6 inches.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

Figure 7-2(a): Vision Clearance Zone

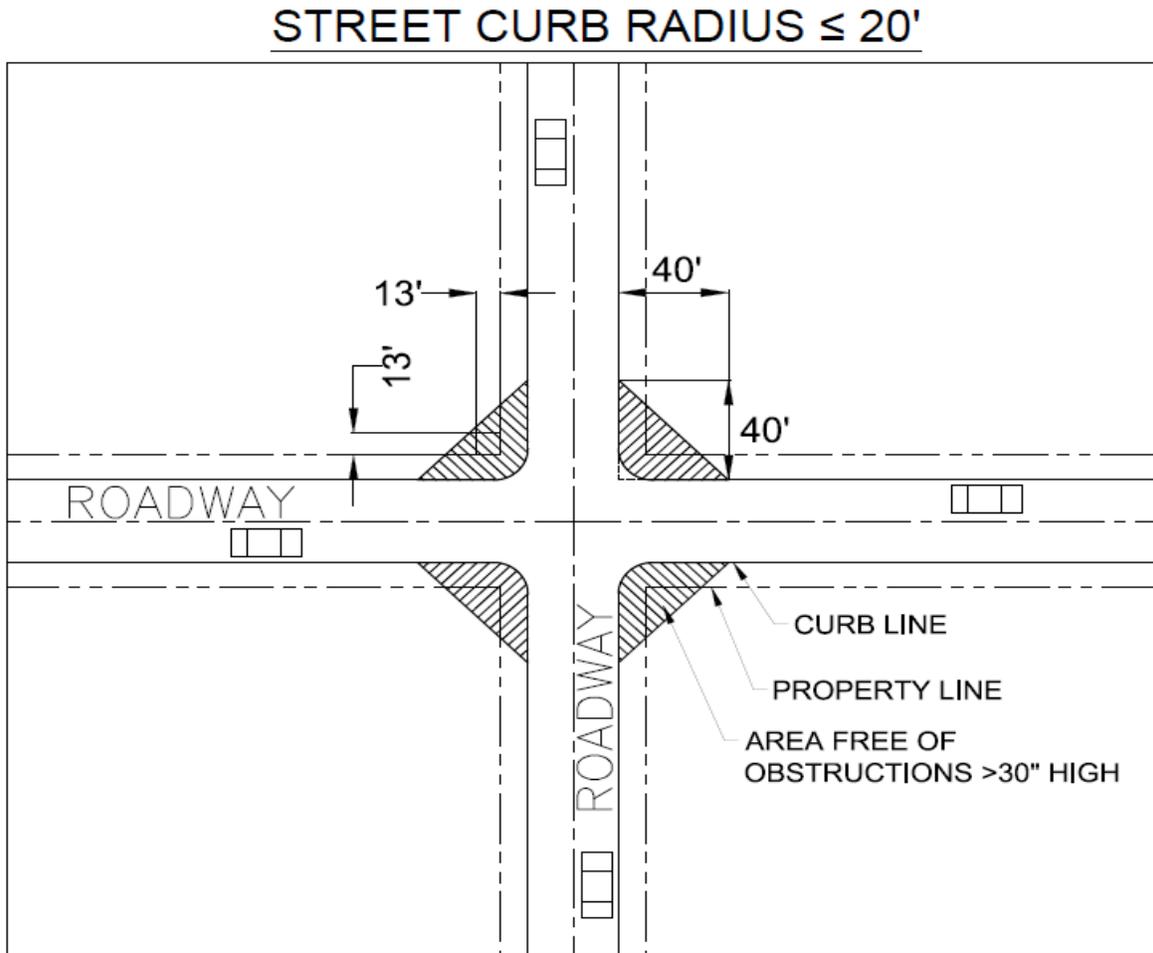


Figure 7-2(b): Vision Clearance Zone

STREET CURB RADIUS > 20'

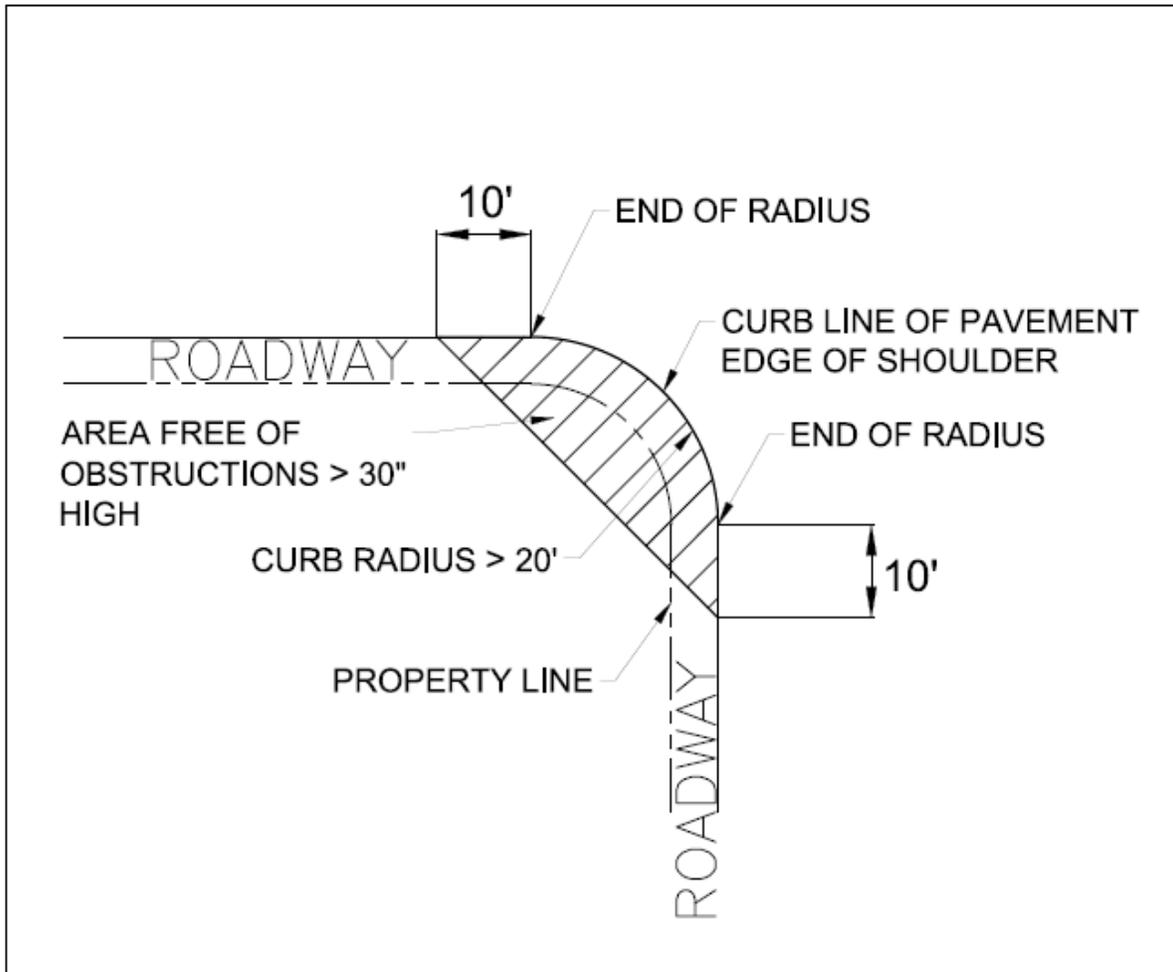


FIGURE 7-2 (b): VISION CLEARANCE ZONE

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-3 Height Exceptions

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

1. Vertical Projection: Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, City owned towers used for emergency communications and water towers may be built to any height in accordance with existing ordinances.
2. Radio Towers: Radio towers, operated by licensed amateur radio operators, may be built to a height as set forth in paragraph 2 below provided such towers do not exceed the height limitations set by Table 4-4: Site Development Regulations. This exception does not apply to parabolic antennas, designed to receive signals from satellites.

Such radio towers shall not be located within a street yard of the primary use, and shall be located no less than 110 percent of the tower's height from a property line of an adjacent property within any zoning district.
3. Dwellings: Dwellings may exceed the height limit of their zoning districts by a maximum of ten feet, provided that each such building shall have a side yard setback of one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.
4. Wind Energy Conservation Systems (WECS): Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.
5. Federal Aviation Administration Rules: No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Columbus.

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

- a. Purpose: Section 5-11 of the Land Development Ordinance provides for creative subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to creative subdivisions.
- b. Site Area Per Unit:
 1. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. In the AG or RR Districts, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.
- c. **Perimeter Yards**
 1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.
 2. The required setback for any structure within the subdivision from any property line which forms the boundary of the subdivision shall be at least 15 feet.
- d. **Area and Yards for Individual Lots:** Minimum lot areas may be reduced by a maximum of 50%. Street Side yards may be reduced by a maximum of 25%. Interior and Back yards may be reduced by a maximum of 50%, provided a minimum separation of ten feet shall be established for all residential structures not attached to one another. A creative subdivision must be planned and developed as a common development.
- e. **Coverage and Landscaping Requirements:** Individual lots in a creative subdivision may increase maximum building and impervious coverage limitations by 20%.

7-5 Fence Regulations

- b. **Location Restriction:** Unless otherwise provided by this title or other sections of the Columbus Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.
- c. **Sight Obstruction:** No solid fence permitted or required by this title or other sections of the Columbus Municipal Code shall be built or placed above a maximum height of 30-inches above the established pavement surface or shoulder grade within a triangle formed by a line connecting points twenty-five feet along each leg from the property lines from their point of intersection and as extended to the public or private street, driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection.
- d. **Residential Fences:** Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 1. **Height:** The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard may be up to six feet.
 2. **Exception for Back Yards of Double Frontage Lots:** A fence built within the required back yard of a double frontage lot, provided no residential access is provided to the back yard street, may be a maximum of six feet in height.
- e. **Office, Commercial, and Industrial Fences:** Fences constructed in commercial and industrial districts are subject to the following special provisions:
 1. **LC, UC, and B-1 Districts:** The maximum height of a fence may not exceed six feet if located outside of the required front or street side yards. Fences within the front and street side yards may not exceed four feet.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. B-2, ML/C-1, MH Districts: The maximum height of a fence within a required front yard or street side yard setback may not exceed six feet. The maximum height for a fence outside of required front yard or street side yard setbacks may not exceed ten feet.

7-6 Downtown Building Standards

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

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

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

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

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

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

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

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured in place concrete are required as the primary exterior material facing streets. Other high-quality materials may be proposed to and approved by the Chief Building and Code Official.

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

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

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

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

Tile, stone, glass block, copper flashing, metal and wood are among the type of materials that should be considered for accents to buildings. Preference is for a high level of design and architectural detail.

7-7 Appeals

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

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8 ARTICLE EIGHT: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-1 Purpose

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

8-2 Applicability

The provisions of Article 8, shall apply to all new development on each lot or site upon application for a building permit or replacement of sidewalk within the B-1 district, except for the following:

- a. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
- b. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater.

8-3 Landscaping Requirements

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

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

TABLE 8-1: Required Landscape Depth

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	50 feet
R-1	15 feet
R-2	15 feet
R-3*	15 feet
NTR Park	10 feet
NTR Subdivision	20 feet
O	20 feet
LC	20 feet
UC	15 of the depth of the street yard. Landscaped area between curb to sidewalk may be counted toward this requirement.
B-1	No Requirement
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement
B-1	Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

* For residential uses only. B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-4 Bufferyard Provisions

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

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

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

TABLE 8-2: Bufferyard Requirements (feet)

More Intensive District	Less Intensive District						
		AG*	RR	R-1	R-2	R-3*	RMH
O, LC, UC**	10	10	10	10	10	10	10
B-2**	30	30	20	20	20	20	20
ML/C-1	30	30	30	30	30	30	30
MH	50	50	50	50	50	50	50
* For residential uses only.							
** No buffer required when use is entirely residential use.							

8-5 Screening Standards

- a. Application: Screening is required between adjacent zoning districts indicated in Table 8-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.
 1. The rear elevation of buildings.
 2. Outdoor storage areas or storage tanks, unless otherwise screened.
 3. Loading docks, refuse collection points, and other service areas.
 4. Major machinery or areas housing a manufacturing process.
 5. Major on-site traffic circulation areas or truck and/or trailer parking.
 6. Sources of glare, noise, or other environmental effects.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

- b. Opaque Barrier: A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 8-5 from less intensive uses as follows:
 - 1. A solid wood, vinyl and/or masonry fence or wall at least six feet in height;
 - 2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque hedge-like barrier and attaining a minimum height of six feet within three years of planting;
 - 3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts;
 - 4. Any combination of these methods that achieves a cumulative height of six feet.
- c. Location of Screening Wall: A screening wall or fence shall be installed within the required buffer yard.
- d. Screening: Effect on Drainage: Screening shall not adversely affect surface water drainage.

8-6 General Provisions

- a. Time of Application: The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.
- b. Maintenance of Required Landscaping: Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.
- c. Obstruction of View: Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, trail or sidewalk.
- d. Area between sidewalk and curb/edge of pavement: The area between the sidewalk and street curb or edge of pavement shall be grass turf. A maximum of ten (10) percent of this area may be used for mailboxes, paving, or other ground cover.
- e. Exceptions: A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

8-7 Grade Elevation at Residential Building Setback

The maximum grade elevation at the residential building setback line shall be a slope between 4 and 6 percent as approved by the Building Official as calculated from the top of the pavement curb or edge of roadway to the building setback. Buildings or structures placed further back from the setback, setback larger than 20-feet, roadway right-of-way greater than 60 feet, or other uncommon situations shall have the maximum elevation set by the Building Official. Sidewalk or trail cross slope, including the driveway, cannot exceed two percent (quarter inch per foot) in accordance with the American's is Disability Act.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

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

a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

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

TABLE 8-3: Maximum Permitted Sound Levels at Residential Boundaries

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

Lighting Performance Standards

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

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9 ARTICLE NINE: OFF-STREET PARKING

9-1 Purpose

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

9-2 General Applications

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

9-3 Schedule of Off-Street Parking Requirements

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

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

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1 space per 1 bedroom dwelling units or studios, and 1 space per 2 dwelling units for elderly housing.
Downtown Living Units	0 spaces per dwelling unit. Within existing structures only.
Group Residential	1 space for each two residents.
Non-Traditional Residential Park	1 space per dwelling provided in shared parking facility.
Non-Traditional Residential Subdivision	1 space per dwelling unit.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

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

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

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

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

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

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

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-4 Parking Facility Location

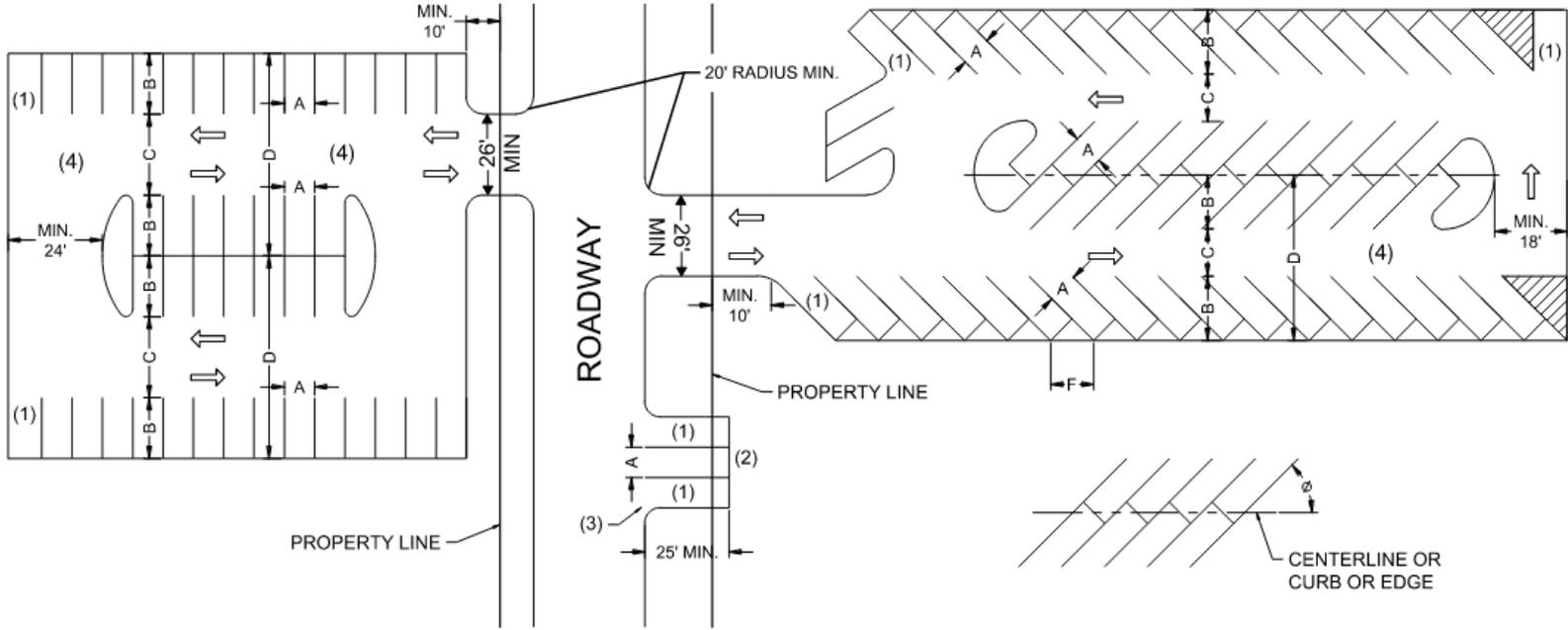
- a. Residential Parking
 1. Off-street parking for residential uses shall be located on the same lot or site as the use.
 2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.
- b. Non-Residential Parking
 1. Off-street parking for non-residential uses shall be located on the same lot or site as the use or within 300 feet of that use if the parking site is zoned for such parking.

9-5 Off-Street Parking Design Standards

Off-Street Parking in all zones must meet the following minimum requirements.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (a): Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
90°	9.0'	18.0'	24.0'	60.0'

- (1) FOR PERPENDICULAR (90°) PARKING, STALL ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET WIDE
- (2) 6' SIDEWALK. PUBLIC SIDEWALK EASEMENT MAY BE REQUIRED.
- (3) NON-ARTERIAL ROADWAYS ONLY. SUBJECT TO CITY ENGINEER APPROVAL
- (4) MAIN ENTRY ACCESS AISLE TO BE 26 FOOT MINIMUM WIDTH

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

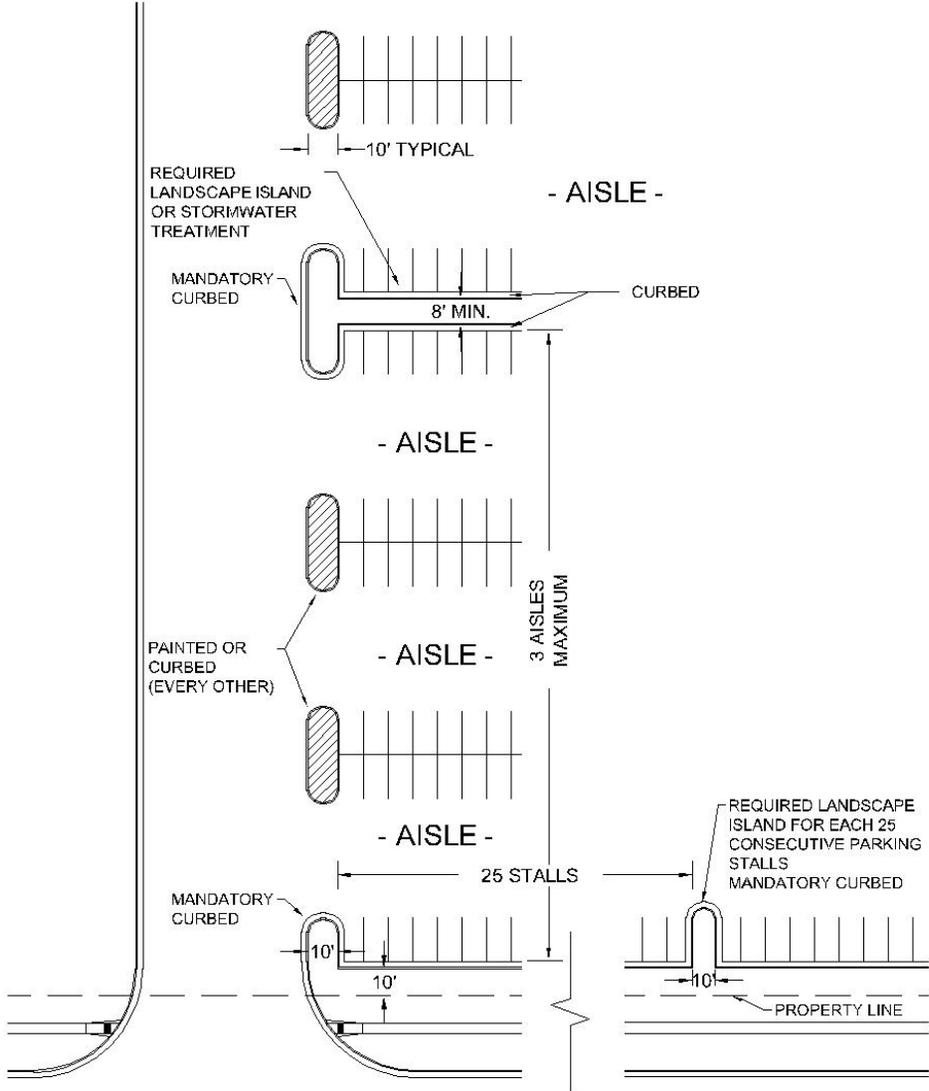
- a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).
- b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall have an internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or nearby and available must be extended into the parking lot for this purpose.

Pavement shall be a minimum of 6-inch-thick concrete, equivalent depth asphaltic concrete with subgrade, or pervious concrete a minimum of 6-inch thickness with an aggregate base and underdrain system. Additional thickness may be required depending on the use and design vehicle.

- c. Landscape and Screening Requirements: Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations during the life of the facility:
 1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line; Ten-foot buffer is not required in the B-1, ML/C1 and MH Districts.
 2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district;
 3. Any parking facility which abuts property in a residential district shall provide a grade change, fence, terrace, or other site feature which blocks the sight line of headlights into a residential property, subject to the determination of the Building Official;
 4. Each parking facility over 4,500 square feet shall have internal landscape islands as shown in Figure 9-5(b). Internal landscape island area shall be equal or greater to the (10) percent of the total parking and aisle pavement area. Non-visitor or employee parking lots in MH districts shall be exempt.
 5. Internal landscape islands shall be planted with a combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses, and flowering perennials. In islands with trees or adequate types and coverage of landscaping, rock cover may be allowed as an alternative to turf groundcover or understory landscaping. Internal parking lot islands shall not be paved.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (b): Parking Lot Internal Island



CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

- d. Entrances and Exits
 1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
 2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.
 3. Minimum width of access driveways and main aisle shall be 26-feet with minimum radii of 20-feet on each side.
- e. Safety Features
 1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
 2. Circulation patterns shall be approved by the Building Official.
- f. Adjustment

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

9-6 Off-Street Loading

- a. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading dock areas shall be designed to avoid undue interference with the public use of streets and sidewalks.
- b. Design Standards
 1. Each loading dock space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
 2. Loading dock spaces and access to those spaces, must be entirely paved with concrete or asphalt.
 3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.
 4. Loading docks which will catch water, by design, must provide a positive gravity flow drain or pumping system to the storm sewer system or stormwater treatment facility. The collection point in the loading dock must include a sand and oil separator.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-7 Parking for Personal and Recreational Vehicles

a. Applicability

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

b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking is permitted outside of an enclosed structure subject to Article 9 of the Columbus Land Development Ordinance, the following conditions and in compliance with the City Code:
 - (a) The parking space is provided on a paved, hard-surfaced or crushed aggregate surfaced driveway or paved pad adjacent to the driveway, any portion of the access or driveway in public right-of-way must be concrete or asphalt paved;
 - (b) The vehicle is parked perpendicular to the front curb;
 - (c) The vehicle does not encroach on public right-of-way.

c. Special Provisions for Recreational Vehicles

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

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

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10 ARTICLE TEN: SIGN REGULATIONS

10-1 Purpose and Intent

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety. In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

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

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10-2 Applicability, Interpretation, Serviceability, and Non-Commercial Speech Substitution

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

10-3 Definition of Terms

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

- a. **Sign:** Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers, vending machines, express mail and donation drop-off boxes, drive-thru menu boards, seasonal decorations visible, a building's architectural features visible, or a manufacturer's or seller's markings on machinery or equipment visible.
- b. Sign Related Terms:
 1. **Architectural Detail/Feature/Element:** Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.
 2. **Auxiliary Design Elements:** Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
 3. **Awning:** An architectural projection that provides weather protection, identity, or decoration and is partially or wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight frame structure over which a covering is attached.
 4. **Background Panel:** An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to

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differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc. from the structure it's attached.

5. **Balloon**: Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.
6. **Cabinet**: A sign structure comprised of a frame and a sign face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet refers only to the frame housing the sign face.
7. **Canopy**: A permanent structure of rigid construction which a covering is attached that provides weather protection, identity, or decoration. A canopy is structurally independent.
8. **Clearance**: The distance between grade and the bottom edge of a sign.
9. **Commercial Building, Multiple Tenant**: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
10. **Commercial Center**: A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.
11. **Frontage**: The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
12. **Illumination**: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 - a. **Direct Illumination**: An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
 - b. **Indirect Illumination**: A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
 - c. **Internal Illumination**: A light source entirely within a sign where the source of the illumination is not directly visible.
 - d. **Neon Illumination**: Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.
13. **Individual Letters**: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
14. **Logo**: A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.
15. **Master Sign Plan**: A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, or large-scale mixed-use developments.

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16. Marquee: A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
 17. Pan-Channel Letter: An individual three-dimensional letter constructed by means of a three-sided metal channel.
 18. Permitted Sign Budget: The permitted square feet of sign area allowed for signage on a premise.
 19. Premises: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
 20. Raceway: A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.
 21. Sign Copy: Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
 22. Sign Face: The area of a sign on which words and images are placed.
 23. Sign Structure: The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
 24. Vision Clearance Triangle: The vision clearance triangle is described in Figure 7-2. For all intersections and intersections of arterial streets.
- c. Sign types:
1. Abandoned sign: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.
 2. Attached Sign: A sign which is structurally connected to a building or depends upon that building for support.
 3. Awning Sign: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
 4. Banner Sign: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that is attached to a structure, building, or fence with cord, rope, cable, or similar method. Detached banner signs are defined as Freestanding Yard Signs.
 5. Balloon Sign: A sign supported by a balloon.
 6. Billboard: See Outdoor Advertising Signs.
 7. Blade Sign: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.
 8. Blinking Sign: See Flashing Sign.
 9. Building Marker: See Integral Sign.

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10. Business Identification Sign: A sign which pertain to the business, service, and/or retail uses and may also include multi-tenant residential uses and other information relative to the conduct of the use located on the premises.
11. Commercial Center Identification Sign: A sign which identifies the name of a commercial center or commercial building with multiple tenants in single ownership or control, sharing parking and access.
12. Canopy Sign: A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
13. Changing Message Sign: A sign designed to permit change of copy manually.
14. Detached Sign: A sign which is self-supporting and structurally independent from any building.
15. Directory Sign: A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.
16. Double-Faced Sign: A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
17. Drive-Through Lane Sign: A sign oriented to occupants of vehicles utilizing a drive-through lane at an establishment that offers transactions through a window, with or without ordering capability.
18. Electronic Information Signs: On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
19. Electronic Changeable Message Sign (ECMS): An Outdoor Advertising Sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used.
20. Flag Sign: Signs which are emblazoned on a flag, with non-commercial emblems or insignias and are intended to be displayed in a free-flowing manner.
21. Flashing Sign: Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
22. Freestanding Yard Sign: Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, or parking lots.
23. Ground Sign: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.

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24. Handheld Sign: A sign carried by persons, which may include persons dressed in costume, for the purpose of advertising a business, service, product, event, or activity.
25. Historic Marker: A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
26. Inflatable Sign: A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. May also be referred to as Air-Activated Sign.
27. Integral Sign: A sign which includes the name of a building, date of erection, monumental citation, commemorative tablet, or other similar sign when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
28. Marquee Sign: A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
29. Monument Sign: An on-premise freestanding sign with the appearance of a solid base.
30. Moving Sign: A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.
31. Mural-Advertising: See Painted Wall Sign.
32. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
33. Numeric Display Signs: On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
34. Obsolete Sign: Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
35. Off-Premise Sign: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
36. On-Premise Sign: A sign that advertises or otherwise directs attention to a business, person, organization, activity, event, place, service, or product that occurs on the same parcel where the sign is located.
37. Outdoor Advertising Signs: A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on premise or off-premise businesses or products, also referred to as a Billboard.

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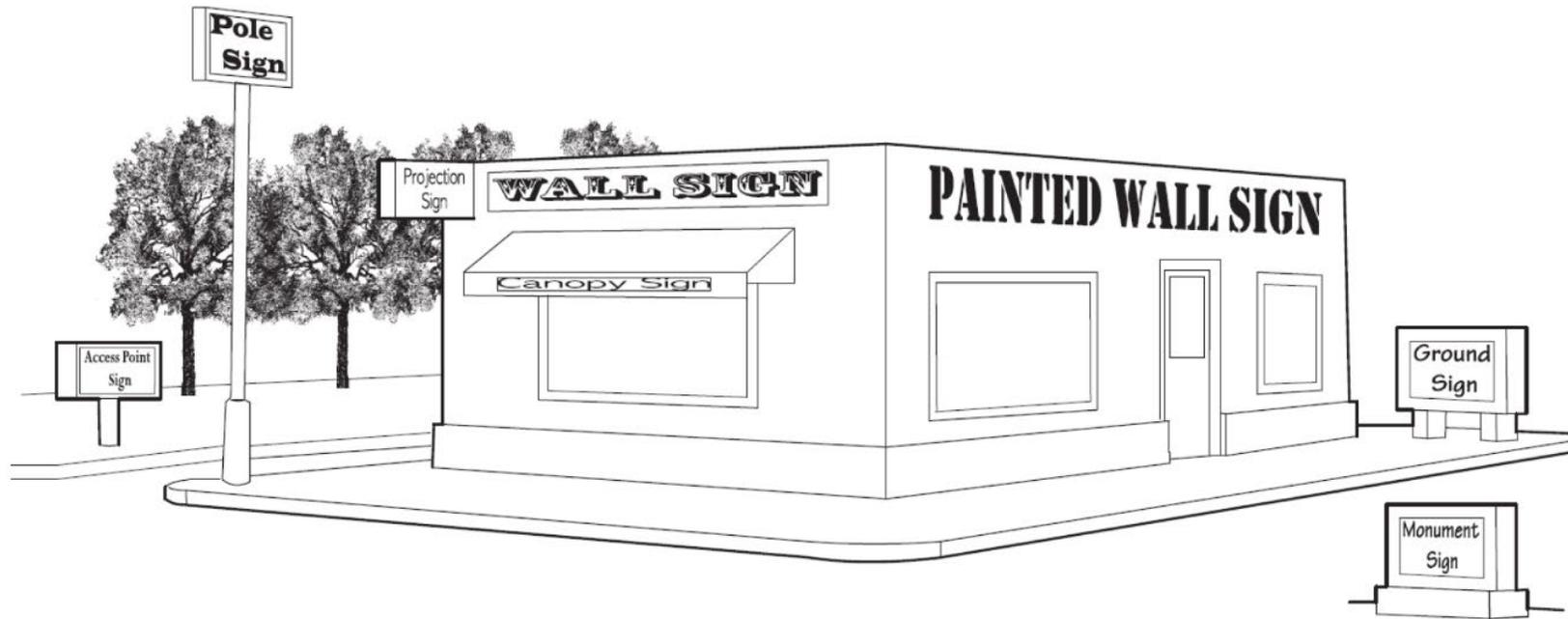
38. Painted Wall Sign: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. Permanent Sign. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
40. Pole Sign: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
41. Portable Sign: A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
42. Portable Message Center Sign: A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.
43. Projecting Sign: A sign other than a wall sign that is attached to and projects from a building face.
44. Public Sign: A sign of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern. This includes all signs erected by the City for government purposes.
45. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - (a) Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - (b) Above-Peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
46. Rotating Sign: A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
47. Sidewalk Sign: A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base. May also be referred to as Sandwich Board Sign, A-Frame Sign, or T-Frame sign.
48. Snipe Sign: A sign made of any material when such sign is tacked, taped, nailed, posted, pasted, glued, or otherwise attached to or placed on public property or in the public right-of-way such as, but not limited to, a utility pole, street sign, utility box, fire hydrant, tree, street furniture, or items located on public property; except for A-frame and T-frame signs.

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49. Street Pole Banner Sign: A display containing changeable copy which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.
50. Temporary Signs: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
51. Traffic Control Device Sign: Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
52. Unlawful Vehicle Sign: A sign which covers more than twenty (20) square feet of the vehicle and/or equipment which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized vehicle or piece of equipment, and is parked and visible from the public right-of-way; unless said vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.
53. Wall Sign: A sign permanently fastened to a wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure. For a sign that is painted on a wall, see Painted Wall Sign.
54. Window Sign: A sign applied or attached to a window or visible through a window from the public right-of-way. Window Signs do not include merchandise in a window display.

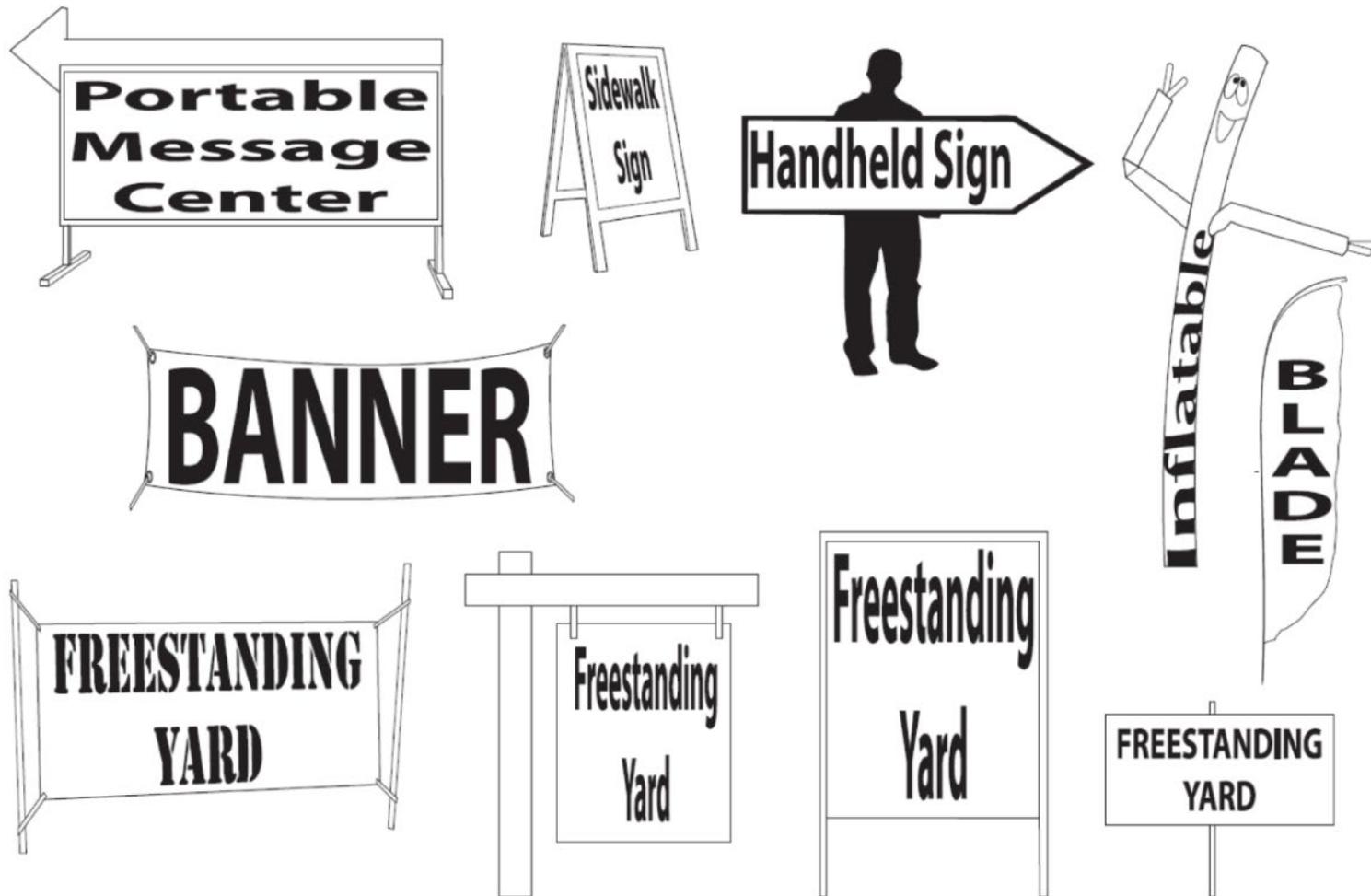
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Figure 10-3 (a): Permanent Signs Example



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Figure 10-3 (b): Temporary Signs Example



CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10-4 General Sign Regulations

Construction, Permits, Clearances and Projections, Inspections, Maintenance, Fees, Violations, and Enforcement. All signs shall be erected, reinstalled, altered, repaired, relocated, permitted, and inspected in compliance with this Article.

- a. Permanent Sign; Registration of Installers: No person, firm, or corporation shall engage in the business of installing, altering, repairing, or removing any sign within the corporate limits of the City, unless he/she is registered as Contractor with the City.
- b. Revocation of Registration; Sign Installers:
 1. The City Council, by a majority vote, shall have the power to revoke the registration of any sign installer pursuant to this article, upon recommendation of the Building Official, if such registration was fraudulent, or if the sign installer is shown to be grossly incompetent or has twice, within a 12-month period, been found in violation of any provisions of this article. This penalty shall be cumulative and in addition to any and all penalties prescribed for the violation of the provisions of this article.
 2. Before registration can be revoked, notice shall be issued in writing enumerating the charges against him/her, and he/she shall be entitled to a hearing before the City Council, by appealing in writing no later than five (5) business days from the date of receipt of the notice. The registrant shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All such testimony before the City Council shall be given under oath. The City Council shall have the power to administer oath, issue subpoenas, and compel the attendance of witnesses in such cases.
- c. Certificate of Insurance
Every person applying for registration as a Registered Sign Installer shall present evidence to the Building Official that he/she has an insurance policy providing:
 1. Worker's compensation insurance.
 2. Minimum public liability and property damage insurance for the general public in the amounts of: one million dollars (\$1,000,000.00) for each person, one million dollars (\$1,000,000.00) each accident, and one hundred thousand dollars (\$100,000.00) property damage, executed by an insurance company authorized to do business in the State of Nebraska and acceptable to the City.
 3. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.
 4. A thirty (3) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.
- d. Permit Procedures
 1. Applicability. A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all applicable signs and/or sign parts within corporate limits of the City or the extra-territorial jurisdiction conforming to this title. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is exempt from requiring a permit.

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2. Plans Submittal. A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign, the reuse of existing elements, and its installation by a Nebraska registered professional engineer or architect with specialization in structures.
 3. Incomplete Applications. In the event insufficient information is received to issue a permit, the Community Development Department will request the balance of required information. If no response is received within thirty (30) calendar days of the request, said application will become null and void and information will no longer be kept on file. Any fees paid will be forfeited by applicant.
 4. Expiration. If the work authorized by a permit issued under the provisions of the Community Development Department has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
 5. Appeals. Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this Code section, may appeal such decision to the Board of Adjustment.
 6. Application Fees. Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
 - (a) Where work, for which a permit is required, for this article, is started prior to obtaining the prescribed permit, the fee specified in the City of Columbus Comprehensive Fee Schedule shall be doubled. The payment of such double fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed herein.
 - (b) A separate electrical permit is required for the hook-up of an electric sign. Fees are set forth in the City of Columbus Comprehensive Fee Schedule.
- e. Design Standards
1. Design; General Requirements. Signs shall be designed and constructed to comply with the provisions of the City of Columbus code for use of materials, loads, and stresses.
 2. Design; Drawings and Specifications. Where a permit is required, as provided in the adopted edition of the International Building Code, construction documents shall be required. These documents shall show the location, dimensions, materials, and required details of construction, including loads, stresses, and anchors
- Design; Clearances and Projections. All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.
- (a) Clearances: The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
 - (1) Seven (7) feet, six (6) inches over sidewalks;
 - (2) Fifteen (15) feet over parking lots;
 - (3) Eighteen (18) feet over driveways.

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(b) Projections: The projection regulation below shall stand, unless otherwise stated in this Article

(1) No sign or sign structure shall project into any street right-of-way.

(2) No sign or sign structure shall project into any public alley right-of-way.

3. Design; Wind Load. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City adopted edition of the International Building Code.
4. Design; Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City adopted edition of the International Building Code.
5. Design; Working Stresses. In outdoor signs, the allowable working stresses shall conform to the requirements in the City adopted edition of the International Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners.

Exceptions:

(a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ($\frac{1}{5}$) of the ultimate strength of such chains, cables, guys, or steel.

6. Design; Footing Design and Loading. The footing design and/or loading of signs shall be certified by an architect or engineer registered in the State of Nebraska with specialization in structures.
7. Design; Identification. Every sign and awning erected in the City shall be plainly marked with the name of the person/company erecting such sign or awning, including the permit number under which it was erected. Every electric sign and awning shall have plainly marked thereon the voltage, amperage, rating, and the name of the person/company manufacturing such sign or awning. It shall be unlawful for any person to remove from any sign or awning the identification tag. However, whenever a sign or awning company assumes the maintenance of a sign or awning erected by another, he/she shall place his/her identification thereon. The identification tag shall be maintained so it is legible at all times.

f. Construction Standards

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

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

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

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

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

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

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

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

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

4. Construction; Display Surfaces. Display surfaces in all types of signs may be made of metal, glass, approved plastics, or wood where permitted elsewhere by this article. Glass thickness and area limitations shall be as set forth in Table 10-1.

Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

(a) Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.

(b) Section of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.

(1) Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

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

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- 6. Construction; Electrical. Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:
 - (a) Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically
 - (b) Over seven hundred fifty (750) volts: Ten (10) feet horizontally and vertically

The term "overhead conductors" as used in this article means any electrical conductor, bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- 7. Construction; Illumination. A sign shall not be illuminated by means other than electrical and electrical devices and wiring shall be installed in accordance with the requirements of NFPA 70. An open spark or flame shall not be used for display purposes unless specifically approved.

Signs that require electrical service shall comply with NFPA 70. Every electric sign installed in the City shall bear the label of an approved testing agency and shall meet the applicable articles of the National Electric Code as adopted by the City.
- 8. Construction; Inspection. All ground, monument, and pole signs must have a footing inspection approved prior to the placement of the footing and foundation materials. The City requires property lines to be clearly marked at the time of footing inspection, by identified corner pins with string line or survey markers. All signs must have a footing inspection approved by the Community Development Department. It shall be the responsibility of the permit holder to call for these required inspections.

Table 10-1: Maximum Size of Exposed Glass Panel

Any Dimension (in)	Area (in²)	Minimum Thickness of Glass (in)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	1/4	Plain, plate, or wired
Over 144	Over 3600	1/4	Wired

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

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

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

h. Nonconformance

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

j. Violations and Enforcement

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

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(b) Summary Abatement: The Building Official or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The Building Official may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.

(c) Civil Citation: The Building Official or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

(1) Location.

- a. Right-of-Way. Signs are prohibited in any public right-of-way or public property, including streets, sidewalks, parks, and public facilities unless otherwise stated in this Article or approved by the City of Columbus.
- b. Ingress/Egress Clearance. No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.
- c. Vision Clearance Triangle. Signs shall not be located within the vision clearance triangle as defined: No sign shall be built to a height of more than 30 inches above the established curb grade on the part of the lot within a vision clearance triangle where the street curb or edge of pavement radius is less than or equal to 20 feet. The vision clearance triangle shall be the greater clear zone area of 1) a triangle measured from the property line to a point 13 feet in each direction from the intersection along the property line or 2) a triangle measured from the extensions of the back of curb to a point 40 feet in each direction from the intersection. Where the street curb or edge of pavement is greater than 20 feet, the vision clearance triangle shall extend 10 feet from the end of the radius point along the curb or pavement edge. No sign shall be placed in such area which will materially obstruct the view of drivers approaching the street intersection at the discretion of the Building Official. See Figure 7-2(a) for a depiction of Vision Clearance measurement.

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10-5 Prohibited and Exempt Signs

- a. *Prohibited Signs.* The following signs are prohibited in all zoning districts:
 1. Abandoned or Obsolete Signs, if present for a continuous period of six (6) months.
 2. Balloon Signs.
 3. Blinking Signs.
 4. Flashing Signs.
 5. Moving Signs.
 6. Off-Premise Signs on Public Property, unless approved by the City.
 7. Off-Premise Permanent Signs on Private Property. Other than Outdoor Advertising Signs, see Section 10-14 Outdoor Advertising Signs; Regulations for New Installations.
 8. Roof Signs.
 9. Signs with exposed raceways or pan-channels.
 10. Snipe or Bandit Signs.
- b. *Exempt Signs.* The following signs are exempt from regulation of Article 10. Not exempt signs shall be erected within the vision clearance triangle and must meet all other applicable building codes.
 1. City of Columbus Special Event Sign. A sign advertising a public event, providing that specific approval for the event, and associated signage, is granted by the City of Columbus.
 2. Historic Markers.
 3. Integral Signs.
 4. Public Signs.
 5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
 6. Signs, which are not visible from a public right-of-way, private way, court, or from a property, other than that on which the sign is installed.
 7. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
 8. Signs on a vehicle, other than an Unlawful Vehicle Sign.
 9. Signs protected by Federal/State law.
 10. Traffic Control Device Signs.
 11. Works of graphic art painted or applied to building walls which contain no logos, advertising, or business identification messages.

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10-6 Method of Measurement for Regulations

Permitted Sign Budget. The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property, follow the instructions below:

1. Identify the zoning of the premises.
2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). See Figure 10-6(a). For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 10-2.
4. Find the permitted sign budget by using the lesser of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget shown in Table 10-2. Compare the Calculated Permitted Sign Budget in step 3 to the Maximum Permitted Sign Budget for the premise's zoning district:
 - (a) If the Calculated Permitted Sign Budget, in step 3, is over the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is limited to the Maximum Permitted Sign Budget.
 - (b) If the Calculated Permitted Sign Budget, in step 3, is under the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is greater of the Calculated Permitted Sign Budget or the allowable minimum.

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Table 10–2: Permitted Permanent Sign Budget by District

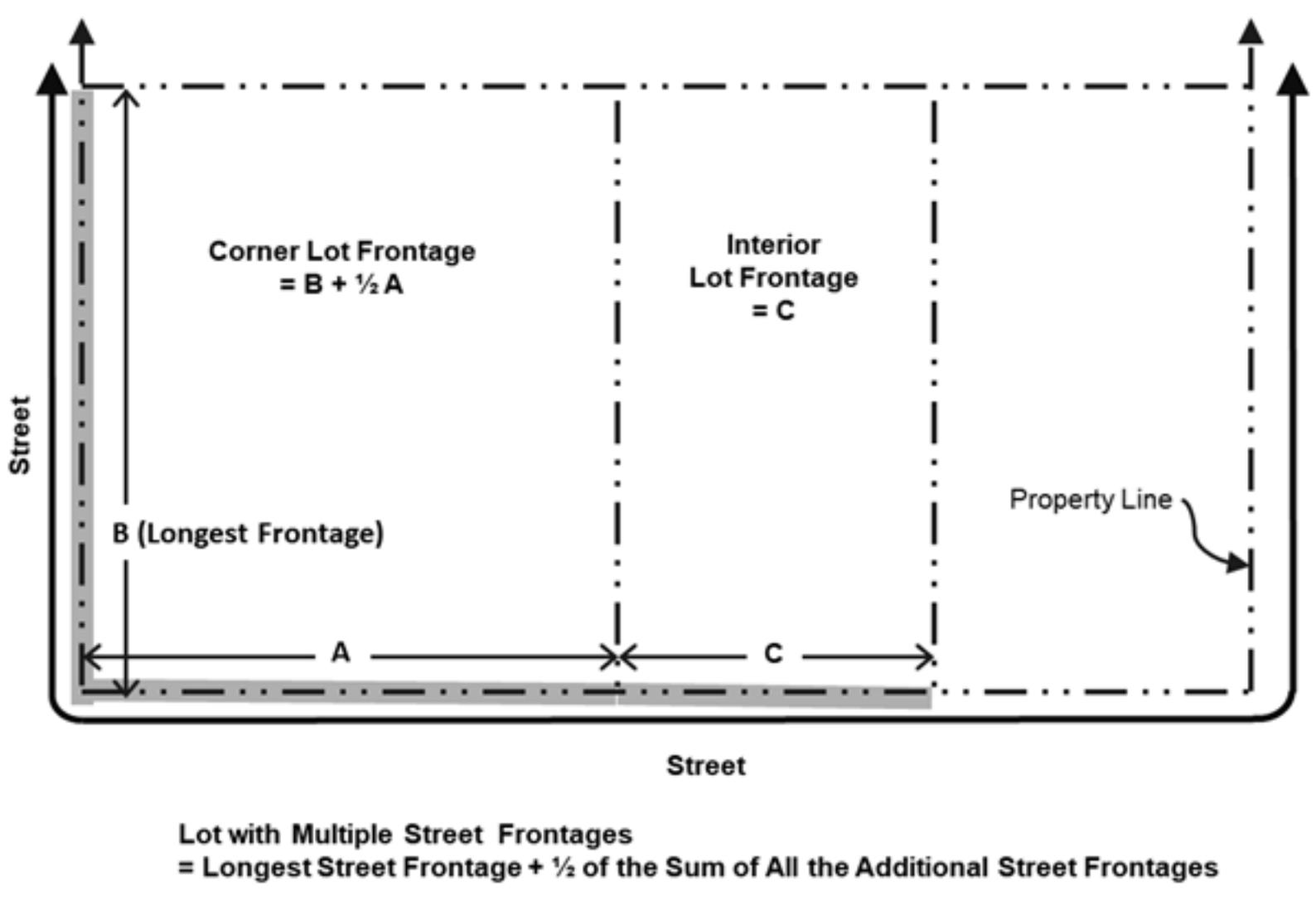
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated Permitted Sign Budget	0.5	1	1	1	0.5	0.75	1.5	1.5	2
Allowable Minimum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
Maximum Permitted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

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

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

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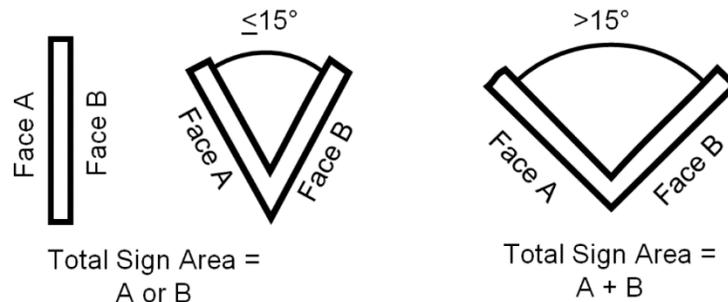
Figure 10-6 (a): Lot Frontage Determination



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- a. *Sign Area.* Sign area is measured or calculated as follows:
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
 2. *Wall Sign without Background Panel.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, which has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy. This area shall be measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that will enclose each letter, word, graphic, or discrete visual element in the total sign.
 3. *Sign with Illuminated Background.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface, illuminated element, or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 4. *Signs with Two (2) or More Faces.* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed four (4) feet, or when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Figure 10-6(b), below, for a graphic representation.

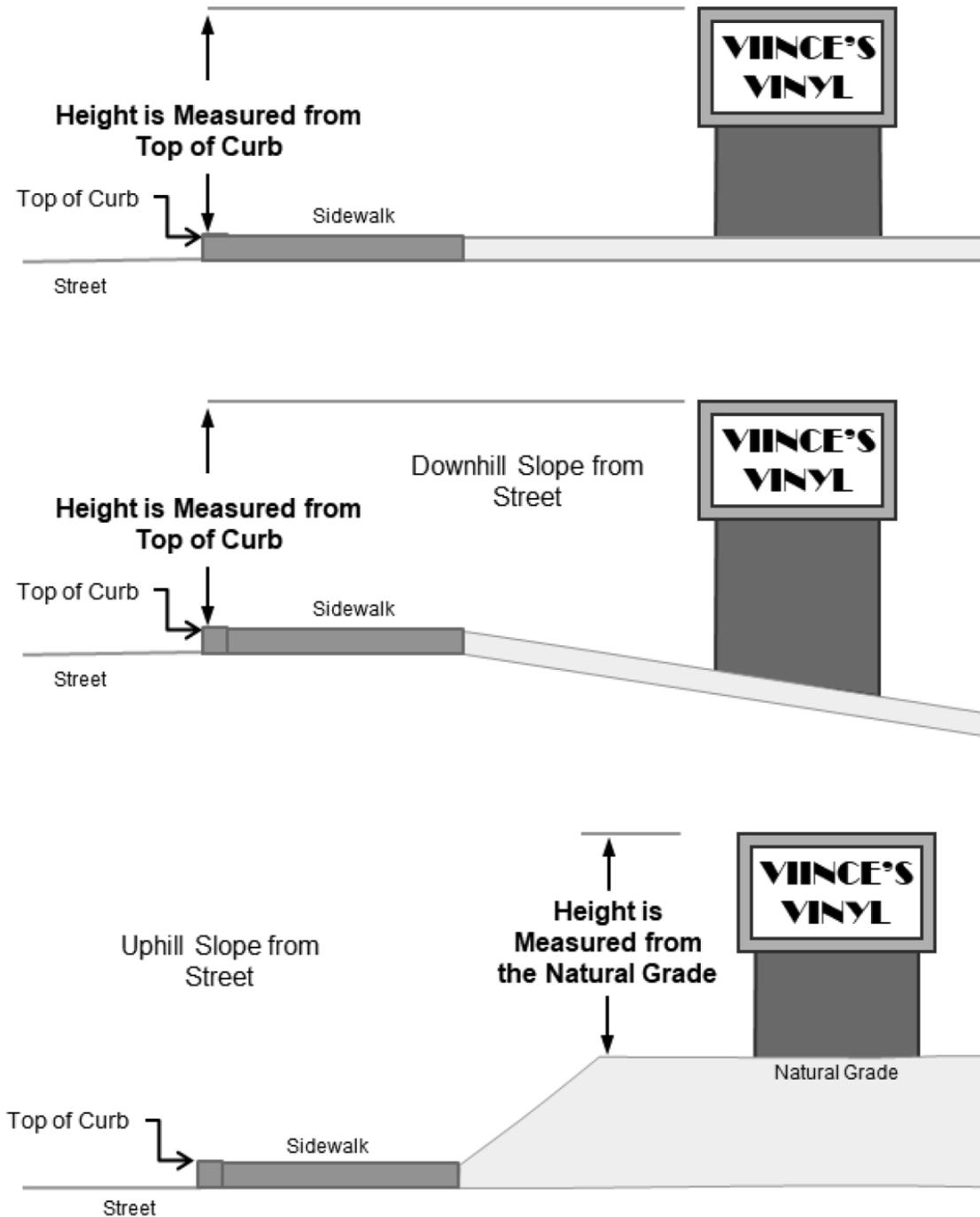
Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces



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

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Figure 10-6 (c): Measurement of Sign Height



- c. *Setback.* The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

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10-7 Permitted Permanent Sign Type by Zoning District

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

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

N = Not Permitted

P = Permitted

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

P(A) = Permitted along expressways

SP = Special Use Permit; can only be obtained by education and religious uses

* Electronic Information Sign requires issuance of a Special Use Permit pursuant of Section 12-3

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10-8 Illumination/Lighting Sign Elements

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

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

	Illumination Type											
	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Indirect	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Direct	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Internal	P	NRU	N	NRU	P	P	P	P	P	P	P	P
Neon	N	N	N	NRU	N	N	P	P	P	P	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Blub	N	N	N	N	N	N	N	P	P	N	N	N

N: Not Permitted

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

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

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10-9 Sign Type Supplemental Regulations: Permanent Signs

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

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

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

NA - Not Applicable

N - Not Permitted

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

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

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

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

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2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:
 - (a) The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
 - (b) All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.
3. *Marquees and Marquee Signs.* Marquee signs, where permitted, are subject to the following regulations:
 - (a) The maximum projection of any marquee or marquee sign shall be as follows:
 - (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
 - (2) Eight (8) feet over sidewalks twelve (12) feet wide or more.
 - (b) All marquee and marquee signs must maintain the minimum clearances and projections and design and construction standards outlined in the of City Code.
4. *Projecting Signs.* Projecting signs are subject to the following general regulations.
 - (a) The maximum projection of any projecting sign shall be as follows:
 - (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
 - (2) Five (5) feet over sidewalks twelve (12) feet wide or more.
 - (b) Within the DBD District, a projecting sign shall not be within five (5) feet of the back of curb line's vertical plane. Each projecting sign must maintain at least a twelve (12) foot vertical clearance over sidewalks.
 - (c) Projecting signs must minimize the visible support structure.
5. *Wall Signs and Painted Wall Signs.* Wall signs are subject to the following general regulations:
 - (a) A wall sign must be parallel to the wall to which it is attached.
 - (b) A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
 - (c) A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - (d) A wall sign may not extend beyond its building's roof line.
 - (e) A wall sign in the DBD District attached to a building on its front property line may encroach upon public right-of-way by no more than eighteen (18) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches.
2. *Other Regulated Signs.* Access Point, Commercial Center Identification, Electronic Information, and Numeric Display signs, where permitted, are subject to the following supplemental regulations.
 1. *Access Point Signs.* Access Point Signs, where permitted, are subject to the following supplemental regulations based on the level of permission. An access point sign shall be constructed as a detached ground or monument sign type and does not count against the Permitted Sign Budget.

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- (a) NRU Access Point Signs:
 - (1) Limited to one (1) sign at each on-property driveway or access point off of a public street or access road, and one (1) additional sign at any critical decision point internal to the premise.
 - (2) Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.
- (b) In R3 and NTR:
 - (1) Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.
 - (2) Shall not exceed thirty-two (32) sq. ft. in maximum size and four (4) ft. in maximum height.
- 2. *Commercial Center Identification Signs.* Commercial Center Identification Signs, where permitted, are subject to the following regulations:
 - (a) A Commercial Center Identification Sign shall only be a wall sign, painted wall sign, or detached sign type.
 - (b) The sign shall display no more than the name and location of the commercial center.
 - (c) Each sign shall be subject to all other regulations for attached and detached signs set forth in this Article.
- 3. *Electronic Information Signs.* Electronic Information Signs, where permitted, are subject to the following regulations:
 - (a) Electronic Information Signs shall be set back a minimum of two (2) feet from any property line.
 - (b) No more than one (1) Electronic Information Sign is permitted per premise.
 - (c) The closest point of any Electronic Information Sign shall be a minimum of one hundred (100) feet from the closest point of any residential use structure.
 - (d) No Electronic Information Sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.
 - (e) Electronic Information Signs shall be programmed in a way that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of two (2) seconds, however, full animation video is allowable provided such video does not flash or blink.
 - (f) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.
 - (g) Electronic Information Signs shall be deducted from the total sign budget allowed for the premise.

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4. *Numeric Display Signs.* Numeric Display Signs, where permitted, are subject to the following regulations:
 - (a) Numeric Display Signs shall be set back a minimum of two (2) feet from any property line.
 - (b) Numeric Display Signs shall not be located within the vision clearance triangle.
 - (c) Numeric Display Signs shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.
 - (d) All illuminated Numeric Display Signs shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated signs shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night intensity level in accordance with the standards set herein.
 - (e) Numeric Display Signs shall be deducted from the total sign budget allowed for the premise.

10-10 Master Sign Plan; Permanent Signs

- a. *Purpose.* The purpose of this section is to provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design and a well-organized visual environment. The Master Sign Plan process will be submitted, reviewed, and approved at an administrative level through the Community Development Department. The Master Sign Plan process was created for mixed-use, larger-scale, and/or unique developments. A Master Sign Plan may be submitted to the City for review and approval for the uses and/or developments listed below:
 1. Multiple-tenant commercial, office, employment, or multi-family residential uses.
 2. A multiple-building complex for a single commercial or employment use in a project exceeding eight (8) net acres.
 3. Stand-alone office/employment buildings exceeding one hundred thousand (100,000) square feet.
 4. Indoor or Outdoor Entertainment and Recreation uses.
 5. Hospitals.
 6. Schools.
 7. Hotels and Commercial Lodging having at least one hundred twenty-five (125) guest rooms and a full-service restaurant or conference and meeting rooms.
 8. Regional retail shopping malls.
 9. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 10. Other similar uses may request to be approved for the Master Sign Plan submission. It is the discretion of the building official to accept or deny this request.
- b. *Conditions.* Development Services Staff may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Outdoor Advertising Signs shall not be included in a Master Sign Plan.

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- c. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on all of the following criteria:
1. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 2. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
 3. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Article.
 4. *Design Features and Materials.* Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
 5. *Site Development Standards.* The City may not reduce any site development standard to less than fifty (50) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
 6. *Permitted Sign Budget.* An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.
- d. *Review of Master Sign Plan.* Applicant shall submit the completed Master Sign Plan application and submit all required documentation to the Community Development Department. All applications for a Master Sign Plan shall be considered and approved by the building official. In no event does the submittal of a Master Sign Plan guarantee an applicant's approval of all requests.
- e. *Master Sign Plan Approval.*
1. *Action.* The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by "findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.

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2. *Limitations of Administrative Approval.* This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review.
3. *Permitting.* After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.
- f. *Modifications/Amendments to Master Sign Plan.* Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.
- g. *Noncompliance.* The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.
- h. *Termination.* If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void. If a premise with an approved Master Sign Plan becomes compliant with the current standards of this Article, the property owner may request, in writing to the Community Development Department, the termination of the Master Sign Plan.

10-11 Permitted Temporary Sign Type By Zoning District

- a. *General Regulations.* All temporary signs shall follow the regulations set forth in Section 10-11. Temporary signs are permitted by type and zoning district as outlined in Table 10-7, below.
 1. *Location.* For any off-premise, temporary sign, the sign owner shall have written approval from the property owner of where such sign will be located.
 2. *Maintenance.* All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this Section.
 3. *Removal.* The building official or his/her designee shall order the removal of any sign not in compliance with any provisions of this Section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the building official or his/her designee shall be authorized to remove the sign. Any costs associated with the removal of a sign may be assessed to the owner of the property.

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

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

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

N - Not Permitted

P - Permitted

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10-12 Sign Type Supplemental Regulations: Temporary Signs

- a. *Banner Signs.* Banner Signs, where permitted, are subject to the following supplemental regulations.
1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
 2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.
 3. Non-Residential Uses: Includes all non-residential uses plus multi-family and Non-Traditional Residential use types. Number permitted, total sign area of premise, and maximum area is dependent on the street frontage of the lot as shown in Table 10-8 below.
 4. Banner Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.

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

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

- b. *Blade Signs.* Blade Signs, where permitted, are subject to the following supplemental regulations.
1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign. Blade Signs are allowed within the public right-of-way, only within the DBD District.
 2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
 3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the vision clearance triangle as defined in Figure 7-2(a).
 4. No Blade Sign shall be wider than three and a half (3.5) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.
 5. Blade Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.

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

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

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

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

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

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- e. *Inflatable Signs/Air-Activated Signs.* Inflatable or Air-Activated Signs, where permitted, are subject to the following supplemental regulations.
1. Inflatable Signs and Air-Activated Signs are restricted to on-premise and must comply with all applicable building and electrical codes.
 2. For safety purposes, any Inflatable Sign or Air-Activated Sign must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
 3. The minimum setback for any Inflatable Sign or Air-Activated Sign is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any vision clearance triangle as defined in Figure 7-2(a).
 4. Maximum Height: Twenty-five (25) feet.
 5. Only one (1) Inflatable Sign or Air-Activated Sign shall be allowed on a premise at any time.
 6. Inflatable Signs and Air-Activated Signs may only be displayed during the hours of operation for the on-premise business services.
- f. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building and electrical codes and shall be anchored securely to the ground.
 2. Portable Message Center Signs with any electronic message shall comply with all supplemental regulations of Electronic Information Signs, Section 10-9.
 3. No Portable Message Center Sign shall exceed six (6) feet in height.
 4. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 5. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 6. Portable Message Center Signs are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of six (6) occurrences per calendar year per premise.
- g. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following supplemental regulations.
1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 2. No Sidewalk Sign shall exceed three (3) feet in height.
 3. No Sidewalk Sign shall exceed six (6) square feet, per side or three (3) feet in width.
 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 5. For safety reasons, no encroachments shall be made near corners of sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot area, beginning at the curb line at all corners or ends of blocks.
 6. Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.

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

10-13 Outdoor Advertising Signs

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

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- e. *Modifications to Existing Nonconforming Outdoor Advertising Signs.* An existing legal or nonconforming sign may be modified or reconstructed as follows:
1. The structural supports may be replaced with like materials or upgraded to steel.
 2. Any existing sign damaged by any cause, natural or manmade, may be replaced or repaired to original condition, or modified as stated in 1. Above, provided there is no increase in size, height, or number of faces. Nonconforming roof-mounted signs that are damaged by any cause in excess of fifty (50) percent of their replacement value shall be permanently removed.
 3. Message area attachment systems may be changed or updated provided the area of the message surface is not increased.
 4. A sign required to be moved to a new location because of a local, state or federal project requires approval of the new location by the building official and the relocated sign need not comply with all regulations in force and effect at the time the relocation is approved, except those regulations which effect safety.
- f. *Electronic Changeable Message Signs.* Electronic Changeable Message Signs, hereinafter known as ECMS, are considered outdoor advertising signs and shall be subject to the following requirements:
1. For each ECMS face erected, a minimum of two (2) existing sign faces must be permanently removed.
 2. The proposed ECMS must be located where one of the existing structures was removed to meet the 2: 1 replacement requirement, or, if at a new location, the ECMS must meet all Code requirements pertaining to outdoor advertising signs and meet the 2: 1 replacement requirement.
 3. No two ECMS structures may have sign facings erected less than five thousand (5,000) feet apart measured from the center of the monopole along a line parallel with the expressway. ECMS structures may be located on either side of the highway; however, each sign must only be visible from one direction of travel and must comply with the five thousand (5,000)-foot spacing on each side.
 4. The ECMS sign faces shall not be more than three hundred (300) square feet in size and shall be no taller than thirty-five (35) feet.
 5. Each advertisement displayed must remain fixed for at least ten (10) seconds. If there is more than one (1) advertisement per face, then when any advertisement changes, the entire face shall remain fixed for at least ten (10) seconds.
 6. When an advertisement is changed, it must be accomplished within an interval of two (2) seconds or less.
 7. Each ECMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

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10-14 Outdoor Advertising Signs; Regulations for New Installations

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

- a. *Location.* Eligible properties must be located within one hundred (100) feet of the right-of-way line of Highways 30 or 81.
- b. *Impact on Business Identification and Other Signage.* Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.
- c. *Maximum Size and Height.*
 1. The size of an outdoor advertising sign shall not exceed three hundred (300) square feet.
 2. The maximum height of such a sign shall be thirty-five (35) feet.
- d. *Separation Factors.*
 1. Where permitted along other settings, outdoor advertising signs shall be separated by one thousand (1,000) feet from any other outdoor advertising sign of any size and three hundred (300) feet from any other detached sign.
 2. Any such outdoor advertising sign shall be separated by two hundred (200) feet from any property in a residential zoning district, including RR through R-3, and NTR.
- f. *Other Standards.*
 3. New installations of stacked signs or other installations of two (2) signs facing the same direction on a single structure are prohibited. Double-faced, back-to-back signs are permitted, provided that the angle formed by the sign faces does not exceed fifteen (15) degrees.
 4. Side-by-side signs are not permitted regardless of which direction they face.

10-15 Additional Regulations for the Downtown Business District

- a. *Definition and Application*

These additional regulations apply to that area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

- b. *Projection Signs*

1. No sign other than a public service sign shall project more than 18 inches from any facade or wall of a building to which it is attached.
2. Lighted canopy signs may extend no more than 48 inches from any facade or wall of a building to which it is attached.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

c. Temporary Sign

1. Items such as or similar to streamers, ribbons, spinners, or similar moving, fluttering, or revolving devices used for the purpose of advertising or attracting attention shall not be permitted for a period longer than 30 days.
2. Signs pertaining to special events which refer to particular periods of time such as conventions, fairs, meetings, sales, exhibitions, and vacancy announcements shall be permitted provided that such signs shall be erected subsequent to approval by the Mayor, City Council, and Chief of Police; and that such signs shall be removed when no longer applicable in time.

d. Public Agency Signs

1. The provisions in this section shall not apply to the signs erected by federal, state, county, or city governmental agencies, including traffic, informational, and ornamental Christmas or other seasonal decorations.

e. Nonconforming Signs

1. Every sign erected before the effective date of this section shall not be replaced, expanded, enlarged, modified, or changed in any manner except in conformance with this section.
2. Affected nonconforming signs must be removed or modified to conform to this section within 30 days after receiving written notification by the City of the violation.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

11 ARTICLE ELEVEN: NONCONFORMING DEVELOPMENT

11-1 Purpose

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

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

11-2 Regulations Additive

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

11-3 Nonconforming Lots

a. Pre-Existing Lots of Record

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

b. Reductions Due to Public Acquisition

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

11-4 Nonconforming Structures

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

a. Continuation

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

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:

- (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements;

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

- (b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district;
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
- 2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
- 3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.
- c. **Moving of Nonconforming Structures**

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

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

A conforming building shall not be changed in any way that will result in a nonconforming development.
- f. **Applicability of Landscaping and Screening Regulations**

Provided the pre-existing use continues, a pre-existing structure, building, or development shall be exempt from Section 8-1, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Section 8-1:

 - (a) Expansion of a structure, building or parking lot
 - (b) Development onto an adjacent lot

11-5 Nonconforming Uses

- a. **Continuation of Nonconforming Uses**

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.
- b. **Enlargement of Nonconforming Uses**

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

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

c. Abandonment of Nonconforming Use

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

d. Change of Use

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

e. Allowance for Repairs

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

f. Damage or Destruction of Structures

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

g. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Section 12-1.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES

12-1 Purpose

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

12-2 Site Plan Review Procedure

a. Purpose

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

b. Administration

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

All applications or requests for the approval of plans for alleys, off-street parking, loading, non-residential driveways, non-residential curb cuts, and access to an egress from property, shall be submitted to the Building Official. Upon review, the Building Official shall have the authority to either approve or deny said application or request.

c. Uses Requiring Site Plan Review

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

d. Application Requirements

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

1. Name, mailing and email address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan;
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements;

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (c) The location, size, and use of proposed and existing structures on the site;
- (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, required temporary and permanent stormwater treatment facilities, fencing, screening, landscaping, and lighting;
- (e) A topographic survey of the site and adjacent public rights-of-way.
- (f) Identification of all federal, state and local environmental features, including, but not limited to: floodplain, floodways, wetlands, and other environmental features.
- (g) Identification of all adjacent zoning districts and use types.
- (h) Any other information that may be required for review by the Building Official.

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

e. Administrative Action and Appeal

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

f. Review and Evaluation

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

g. Modification of Site Plan

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

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

h. Term and Modification of Approval

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

i. Approval to Run with Land

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

12-3 Special Use Permit Procedure

a. Purpose

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

b. Administration

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

c. Application Requirements

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

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address and legal description of the property.

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4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. Be signed by the property owner or the property owner's duly authorized agent.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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

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

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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

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

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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

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

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d. Approval Process

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

e. Required Notice and Publication

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

1. **Posted Notice:** A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed on or near such premises that it is easily visible from the street and shall be posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice by Publication:** At least ten days before the date of hearing the City Clerk shall have published in a newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** At least 10 days prior to the date of the hearing the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate which is the subject of the Special Use Permit;
 - (2) all properties whether in whole or in part which are located within 300 feet of the real estate which is the subject of the Special Use Permit; and

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- (3) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

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

4. Exception: The provisions of Subsection 1 “Posted Notice” and Subsection 3 “Notice by Personal Service or Mail” shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the Community Development office 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.

f. Scope of Approval

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

g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval or six (6) months from said failure to pass a motion to approve this special use permit.

i. Non-Approval of Special Use Permit; Waiting Period

In the event that a Special Use Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said non-approval thereof or six (6) months from said failure to pass the same.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12-4 Amendment Procedure

a. Purpose

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

b. Initiation of Amendments

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

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application may be held subject to administrative official approval to proceed. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on by the Planning Commission. The application shall include the following information and shall be submitted on a form approved by the Community Development Office:

1. Name, email, mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address, email address and legal description of the property.
4. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
5. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 Site Plan Review Procedure.
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

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d. Amendment Process

1. The Planning Commission, following ten days notice as required by 12-4 Amendment Procedure, shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals and the general welfare.
2. The City Council, after ten days notice as required by Section 12-4 and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals and the general welfare. In furtherance thereof, the City Council may condition rezoning on the adoption of an agreement between the developer and the City.
3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City Council.

e. Required Notice and Publication

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

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

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3. Notice by Personal Service or Mail: In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate to be zoned or rezoned;
 - (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
 - (3) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

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

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

f. **Non-Approval of Proposed Amendment; Waiting Period**

In the event that a proposed amendment or change as provided in this Article is not approved by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said non-approval thereof or six (6) months from said failure to pass the same.

12-5 Extension of the Extra-Territorial Jurisdiction

There shall be an automatic extension of the extra-territorial jurisdiction due to annexation or incorporation of any addition into the City. The City Council with the recommendation of the Planning Commission, shall zone properties within the newly established Jurisdiction concurrent with, or within 90 days thereafter, of the adoption of the annexation ordinance or resolution incorporating said property into the City. The zoning shall consider the Comprehensive Development Plan of the City of Columbus and the present use of the land. In the event the City takes no action within the time period, said property within the newly established Jurisdiction shall be deemed as zoned RR, Rural Residential.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12-6 Building Permits and Certificates of Occupancy

a. Administration and Enforcement

The Building Official shall administer and enforce this ordinance.

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

b. Building Permits Required

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

c. Application for Building Permit

All applications for building permits shall include a complete site plan and shall include plans drawn to scale and an electronic copy, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including the existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families and/or persons, and the number of units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

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

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

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

e. Expiration of Building Permit

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

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

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

12-7 Schedule of Fees, Charges and Expenses

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

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

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

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12-8 Board of Adjustment

a. Establishment

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

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment within reasonable time of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. The Board shall provide a written notice to the appealing party of the date and time set for public hearing. The Board shall provide a minimum of ten days' notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Columbus setting forth the time, place and subject matter of such hearing. Notice of hearing shall be posted by the

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appealing party in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the appealing party to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the appealing party to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed it shall be the duty of the appealing party to promptly post a new sign for the remainder of the ten-day period. The appealing party shall be responsible for filing with the Building Official on the date of the hearing an Affidavit of Posting Notice. Said Affidavit shall verify that the requirements concerning posting notice as set forth herein were complied with and said Affidavit shall be submitted on a form approved by the Building Official.

3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any Building Official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to affect any variation in such ordinance.

12-9 Powers and Duties of the Board of Adjustment

1. The Board of Adjustment shall have only the following powers and duties:
 - (a) Administrative Review To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.
 - (b) Interpretation of Zoning Map To hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
 - (c) Variances to Relieve Hardships Relating to Property To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

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- (1) Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:
 - a. Strict application of the zoning ordinance will produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
 - d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;
 - e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
- (2) Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 12-9 have been met by the applicant for a variance.
- (3) Conditions for Grant of Variance.
 - a. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 12-14 of this Ordinance.
 - b. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - c. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(d) Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official

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

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12-10 Appeals from the Board of Adjustment

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

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

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

12-12 Severability Clause

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

12-13 Complaints Regarding Violations

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

12-14 Penalties for Violation

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

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12-15 Development Review Team (DRT)

a. Purpose

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

b. Administration

Members of the DRT are the City Administrator, Chief Building and Code Official and/or other Building Officials, City Engineer, City Surveyor, Public Works Director and City Planner and Economic Developer. These members may invite other staff and professionals as they see fit based on project scope. If applicable, DRT members will visit the project location prior to the DRT meetings and be prepared to discuss all potential issues and opportunities. The DRT shall take notes during the meeting and shall provide those notes to all participants. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council. It is understood the information provided at the DRT meetings are preliminary in nature and thus final decisions or recommendations are not final and subject to review of official submittals for review.

c. Application Requirements

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

- (1) Project Representative information.
- (2) Description of the project.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days prior to the meeting date desired by the project representative but subject to date, time, and DRT staff availability.

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

13-1 Purpose and Legislative Intent

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

13-2 Title

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

13-3 Severability

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

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

13-4 Definitions

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

- a. **"Accessory Facility"** or **"Structure"** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- b. **"Applicant"** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

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- c. **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- d. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- e. **“Certificate of Compliance”** means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.
- f. **“Collocation”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- g. **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- h. **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- i. **“Council”** or **“City Council”** means the City Council of the City of Columbus, Nebraska.
- j. **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- k. **“Eligibility Facility”** means a facility as defined in FCC 14-153.
- l. **“Eligible Facility Permit”** means the official zoning permit approved and issued by the Community Development Director or his or her designee for application which meets the definition of an eligible facility.
- m. **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- n. **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- o. **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

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- p. **“Modification”** or **“Modify”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- q. **“NIER”** means Non-Ionizing Electromagnetic Radiation.
- r. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.
- s. **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
- t. **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PTS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- u. **“Planning Commission”** means the Planning Commission for the City of Columbus.
- v. **“Repairs and Maintenance”** means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- w. **“Right-of-Way”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private Easement.
- x. **“Small wireless facility”** means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

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- y. **“Specialized Mobile Radio”** or **“SMR”** means an analogue or digital trunked two-way radio system, operated by a service in the VHF, 220, UHF, 700,800 or 900 MHz bands.
- z. **“State”** means the State of Nebraska.
- aa. **“Stealth”** or **“Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- bb. **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- cc. **“Telecommunications Site”** See definition for Wireless Telecommunications Facilities.
- dd. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of “Wireless Telecommunications Facilities”.
- ee. **“Temporary”** means temporary in relation to all aspects and components of Article 13, something intended to, or that does not exist for more than ninety (90) days.
- ff. **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- gg. **“Wireless Telecommunications Facilities”** or **“WTF”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

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13-5 Overall Policy and Desired Goals for Eligible Facility and Special Use Permits for Wireless Telecommunications Facilities

- a. In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in Article 13, Part A, the City hereby adopts an overall policy with respect to an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:
- b. Requiring an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for any new, co-location or modification of a Wireless Telecommunications Facility.
- c. Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.
- d. Establishing a policy for examining an application for and issuing an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
- e. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.
- f. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- g. That in granting an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the City.

13-6 Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities Required; Exceptions

- a. Except as otherwise provided by Article 13, no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of January 2, 2018, without having first obtained either an Eligible Facility Permit or a Special Use Permit for Wireless Telecommunications Facilities prior to the application for a building permit. Notwithstanding anything to the contrary in this section, no Permits for Wireless Telecommunications Facilities shall be required for those non-commercial exclusions noted in Section 13-7.
- b. All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before January 2, 2018, shall be allowed to continue as they existed, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Article 13.

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- c. Any Repair and Maintenance of a Wireless Telecommunications Facilities does not require an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-7 Exclusions

The following shall be exempt from Article 13:

- a. The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- b. Any facilities expressly exempt from the City's siting, building and permitting authority.
- c. Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- d. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- e. Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than 200'.
- f. Small Wireless Facilities located in a right-of-way. Said right-of-way shall be deemed governed by the provisions of Neb. Rev. Stat. Section 86-1201 to Section 86-1244 known as the Small Wireless Facilities Deployment Act and by Article 13 and Article 15 of the Columbus Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

- a. All Applicants for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in Article 12 and Article 13, Part A, of the Zoning Ordinance. Applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities must be made pursuant to Article 12 and Article 13, Part A, of the Zoning Ordinance. Upon the recommendation from the Planning Commission, the City Council is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate other official agencies or officials of the City to review, analyze, evaluate and make recommendations to the Planning Commission and the City Council concerning matters involving Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities.
- b. All applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be filed with the Community Development office pursuant to Section 12-3.
- c. The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

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- d. No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities has been issued.
- e. Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City.
- f. An Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- g. The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- h. The Applicant shall include a statement in writing:
 - 1. That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;
 - 2. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.
- i. Where a certification is called for in Article 13, such certification shall bear the signature and seal of a Registered Professional licensed in the State.
- j. In addition to all other required information as stated in Article 13, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
 - 1. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - 2. Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage; for a new tower drive test data is required. If documentation is provided by the applicant that this site qualifies as an Eligible Facility, proof of need is not required;

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3. The name, address and phone number of the person preparing the report;
4. The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
5. The postal address and tax map parcel number of the property;
6. The Zoning District or designation in which the property is situated;
7. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
8. The location of nearest residential structure;
9. The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
10. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
11. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
12. The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
13. The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;
14. A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
15. The frequency, modulation and class of service of radio or other transmitting equipment;
16. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
17. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
18. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
19. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
20. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.

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- k. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.
- l. Additional requirements for an Application for New Tower.
 - 1. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.
 - 2. In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a “balloon test”. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The Applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application.

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3. The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - (a) The foreseeable number of FCC licenses available for the area;
 - (b) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - (c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
 - (d) Available space on existing and approved Towers.
4. Upon completing construction and before the issuance of the Certificate of Compliance, to ensure the tower was constructed as permitted, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
5. The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
 - (a) Respond within 60 days to a request for information from a potential shared-use Applicant;
 - (b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
 - (c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;
 - (d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for Wireless Telecommunications Facilities.

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- m. The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, city, state and federal structural requirements for loads, including wind and ice loads.
- n. If application is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- o. All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.
- p. If the application is for a new Tower, a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:
 - 1. If a new Tower or increasing the height of an existing structure is proposed, a computer generated “Zone of Visibility Map” at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
 - 2. Pictorial representations of “before and after” (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 - 3. A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- q. The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- r. The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.

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- s. All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the most recently adopted versions of the National Electrical Safety Code and the National Electrical Code where appropriate.
- t. At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- u. All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- v. A holder of an Eligible Facility Permit or Special Use Permit for a Wireless Telecommunications Facilities granted under Article 13, shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- w. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- x. An Applicant shall submit to the City the number of completed Applications determined to be needed.
- y. The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

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13-9 Location of Wireless Telecommunications Facilities

Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority of selection and ten (10) being the lowest priority.

- (1) On existing Towers or other structures on city owned properties, including the right-of-way.
 - (2) On existing Towers or other structures on other property in the City.
 - (3) A new Tower on City-owned properties, including the right-of-way.
 - (4) A new Tower on property in areas zoned MH, "General Industrial District."
 - (5) A new Tower on property in areas zoned ML/C-1, "Light Industrial District."
 - (6) A new Tower on property in areas zoned AG, "Agricultural District."
 - (7) A new Tower on property in areas zoned B-2, "General Commercial District."
 - (8) A new Tower on property in areas zoned B-1, "Central Business District."
 - (9) A new Tower on property in areas zoned "O", "Office District", LC, "Limited Commercial District", UC, "Urban Commercial District."
 - (10) A new Tower on property in areas zoned RR, "Rural Residential District", R-1, "Single-Family Residential District", R-2, "Urban-Family Residential District", R-3, "Multiple-Family Residential District", and NTR, "Non-Traditional Residential District."
- b. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
 - c. An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the City why co-location is commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.
 - d. Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

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- e. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- f. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons:
 - 1. Conflict with safety and safety-related codes and requirements;
 - 2. Conflict with the historic nature or character of a neighborhood or historical district;
 - 3. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - 4. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
 - 5. Conflicts with the provisions of Article 13.

13-10 Shared Use of Wireless Telecommunications Facilities and Other Structures

- a. The City, as opposed to the construction of a new Tower, shall prefer locating on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within two (2) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- b. An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.
- c. Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

13-11 Height of Telecommunications Towers

- a. The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies
- b. Must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown. The height limitations in this section shall supersede the height limitations set forth in Article 12.

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- c. No Tower constructed after the effective date of Article 13, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with city, state, and/or any federal statute, law, local law, city ordinance, code, rule or regulation.

13-12 Visibility of Wireless Telecommunications Facilities

- a. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- b. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of Article 13.
- c. If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

13-13 Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- a. All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- b. Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

13-14 Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. RF radiation warning signage shall be posted on all four sides of the compound. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

13-15 Lot Size and Setbacks

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

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13-16 Retention of Expert Assistance and Reimbursement by Applicant

- a. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- b. An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The initial deposit required for a new tower or facility is \$8,500, and for an eligible facility is \$5,000, unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.
- c. Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.
- d. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

13-17 Public Hearing and Notification Requirements

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

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

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13-18 Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities

- a. The City will undertake a review of an Application pursuant to the Special Use Permit procedure of Section 12-3 and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- b. Except as modified herein, the Special Use Permit Procedure of Article 12 of the Zoning Ordinance shall be followed. The decision of the City Council shall be set forth in the minutes and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of a Special Use Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- c. If the City does not approve the Special Use Permit for Wireless Telecommunications Facilities or if such an ordinance fails to pass, then the Applicant shall be notified of such non-approval or failure to pass, in writing, within ten (10) calendar days of the City's action.

13-19 Action on an Application for an Eligible Facility Permit for Wireless Telecommunications Facilities

- a. Authorization of an Eligible Facility Permit. For any Eligible Facility Permit application, a complete application shall be approved by the Community Development Director or his or her designee only if he or she determines that such complete application is in compliance with Article 13.
- b. The burden of proof for the granting of an Eligible Facility Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- c. If the City does not approve the Eligible Facility Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such non-approval or failure, in writing, within ten (10) calendar days of the City's action.

13-20 Extent and Parameters of Eligible Facility Permit and Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- a. Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall not be assigned, transferred or conveyed without the express prior written notification to the City.
- b. Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Eligible Facility or Special Use Permit, or for a material violation of Article 13, after prior written notice to the holder of the Special Use Permit.

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13-21 Application Fee

At the time that a Person submits an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for a new Tower, such Person shall pay a non-refundable application fee therefor to the City in an amount as set by resolution by the Columbus City Council. If the Application is for an Eligible Facility Permit or Special Use Permit which involves modifying or co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, or for a temporary facility the non-refundable fee shall be in an amount as therefor set by resolution by the Columbus City Council.

13-22 Small Cell / DAS Facilities

Small Cell Facilities have the potential to require either an Eligible Facilities Permit or a Special Use Permit depending on the proposed facility. The information required for an Eligible Facility or a Special Use Permit is required as outlined in Article 13.

Batch applications can be submitted to expedite the permitting process. Applicant will be required to maintain the Minimum Escrow Account Balances. The total amount of the funds needed may vary with the scope and complexity of the project. The Cap established in Section 13-16 does not apply for batch applications.

13-23 Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit for Wireless Telecommunications Facilities and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Eligible Facility Permit or Special Use Permit, for Wireless Telecommunications Facilities.

13-24 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

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13-25 Liability Insurance

- a. A holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit for Wireless Telecommunications Facilities in amounts as set forth below:
 1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 2. Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
 3. Workers Compensation and Disability: Statutory amounts.
- b. For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- c. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- d. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- e. Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- f. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Special Use Permit, the holder of the Eligible Facility Permit or Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

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13-26 Indemnification

- a. Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to Article 13, Part A, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- b. Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-27 Fines

- a. In the event of a violation of Article 13, or any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13, Part A, the City may impose and collect, and the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.
- b. The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities failure to comply with provisions of Article 13, Part A,, shall constitute a violation of Article 13, Part A, and shall subject the Applicant to the code enforcement provisions and procedures as provided in Section 12-14 of the Columbus Land Development Ordinance, Zoning Article of the City of Columbus and Article 86 of Nebraska Revised Statutes.
- c. Notwithstanding anything in Article 13, Part A, the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with Article 13, or any section of Article 13. An attempt to do so shall subject the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities to termination and revocation of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities. The City may also seek injunctive relief to prevent the continued violation of Article 13, without limiting other remedies available to the City.

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13-28 Default and/or Revocation

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of Article 13, or of the Eligible Facility Permit or Special Use Permit for Wireless Communications Facilities, then the City shall notify the holder of the Eligible Facility Permit or Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as set forth in Section 13-27 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time said Eligible Facility Permit or Special Use Permit is subject to revocation.

13-29 Removal of Wireless Telecommunications Facilities

- a. Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.
 1. Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 2. Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 3. Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or any other necessary authorization and the Eligible Facility or Special Permit for Wireless Telecommunications Facilities may be revoked.
- b. If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

The holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.

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- c. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit for Wireless Communications Facilities holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities holder.

If the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned and sell them and their components.

- d. Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, subject to approval of the City, and an agreement to such plan shall be executed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

13-30 Relief

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of Article 13, may request such, provided that the relief or exemption is contained in the submitted Application for either a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or in the case of an existing or previously granted Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption, it will have no significant effect on the health, safety and welfare of the City, its residents and other service providers.

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13-31 Periodic Regulatory Review by the City

- a. The City may at any time conduct a review and examination of Article 13.
- b. If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal Article 13, at any time.
- c. Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Article 13.

13-32 Adherence to State and/or Federal Rules and Regulations

- a. To the extent that the holder of a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- b. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, then the holder of such an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

13-33 Adherence to International Building Code

To the extent applicable, the holder of an Eligible Facility Permit or a Special Use Permit for Wireless Communication Facilities shall adhere to the latest version of the International Building Code adopted by the City of Columbus and towers shall be reviewed under the Structure Class III Standards as currently defined in TIA/EIA-222-G.

13-34 Conflict with Other Laws

Where Article 13, differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, state or federal government, Article 13, shall apply.

13-35 Effective Date

Article 13, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

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13-36 Authority

Article 13, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

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: PART B - SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

13-40 Title

Article 13, Part B, shall be known and cited as “Small Wireless Facilities in the Right-of-Way” for the City of Columbus, Nebraska, and herein referred to as Article 13, Part B.

13-41 Severability

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

13-42 Definitions

For purposes of Part B of this Article, the definitions of this Section shall apply.

“**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

“**Applicable Codes**” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with the Small Wireless Facilities Deployment Act, Neb. Rev. Stat. Section 86-1201 et seq., and to the extent such codes have been adopted by the City and are generally applicable in the City.

“**Applicant**” means any person who submits an application and is a wireless provider.

“**Application**” means a written request submitted by an applicant to the City for (1) a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or (2) a permit for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility.

“**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.

“**Collocate**” or “**collocation**” means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole. Neither “collocate” nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

“**Communications facility**” means the set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C. 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.

“**Communications network**” means a network used to provide communications service.

“**Communications service**” means a cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as

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such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.

“**Communications service provider**” means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.

“**Decorative pole**” means a City pole that is specially designed and placed for aesthetic purposes.

“**FCC**” means the Federal Communications Commission.

“**Fee**” means a one-time nonrecurring charge.

“**Historic District**” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC codified at 47 C.F.R. part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.

“**Law**” means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.

“**Make-ready work**” generally means the modification or replacement of a City pole or associated lines, including the installation of guys and anchors on the same, required to accommodate a small wireless facility.

“**Microwireless facility**” means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

“**Permit to occupy the right-of-way**” means a written authorization from the City issued pursuant to this Article which allows an applicant to site, place, construct, operate, maintain, repair, remove, modify, or prepare one or more small wireless facilities in the City’s rights-of-way.

“**Person**” means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.

“**Pole**” means as a utility, lighting, or similar pole made of wood, concrete, metal, or other material, located or to be located within the right-of-way.

“**Public power supplier**” means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.

“**Rate**” means a recurring charge.

“**Right-of-way**” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in section 39-1302, the National System of Interstate and Defense Highways, or a private easement.

“**Routine maintenance**” means any inspections, tests, or repairs that (1) maintain a functional capacity, aesthetic standards, or structural integrity of a small wireless facility and

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the associated utility pole or wireless support structure and (2) do not impede, damage, or disturb any portion of the right-of-way.

“Small wireless facility” means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

“Technically feasible” means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.

“Utility pole” means a pole located in the right-of-way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right-of-way. “Utility Pole” does not include (1) wireless support structures or (2) any transmission infrastructure owned or operated by a public power supplier.

“Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (1) equipment associated with wireless communications and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. “Wireless facility” does not include the structure or improvements on, under, or within the equipment, which is collocated; coaxial or fiber optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna; or a wireline backhaul facility.

“Wireless infrastructure provider” means any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

“Wireless provider” means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.

“Wireless services” means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.

“Wireless services provider” means a person who provides wireless services.

“Wireless support structure” means a structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. Wireless support structure does not include a utility pole.

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

13-43 Purpose and Scope

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

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

B. *Exceptions and Limitations.*

Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

- a. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.
- b. Except as provided in Article 13, Part B, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way so long as such facilities and poles do not obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by utilities or the safe operation of their systems or provision of service.
- c. Article 13, Part B, Section 13-44 to Section 13-47 shall not apply to public power suppliers or to the collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier.

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13-44 Permits to Occupy the Right-of-Way

a. Application for Permits.

1. Applications for permits to occupy the right-of-way are available from the Community Development Office. Completed applications shall be submitted to the City's On-line permit application process. In addition to the information required by Section 15-3, applicants shall submit the following information with each completed application:
 - (a) an attestation that the small wireless facilities covered by the application will be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date unless a delay is caused by lack of commercial power or communications transport facilities to the site; and
 - (b) an attestation that each proposed small wireless facility satisfies each of the aesthetic and design standards set forth in Article 15, Section 15-5, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7; and
 - (c) for any small wireless facilities collocated on utility poles or wireless support structures owned, operated, or managed by a person other than the City or a public power supplier, a copy of the authorization of such person consenting the application; and
 - (d) if the collocation of the small wireless facility is on utility poles owned, operated, or managed by a public power supplier pursuant to a negotiated pole attachment agreement as provided in Neb. Rev. Stat. §86-1244(1), then a copy of said agreement; and
 - (e) all permit fees required under Section 15-4; and
 - (f) information directly related to the impairment of wireless service in the immediate area; and
 - (g) construction and engineering drawings and information demonstrating compliance with the criteria set forth in Section 13-44; and
2. An applicant that collocates a small wireless facility within the City right-of-way or on a utility pole assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way, except to the extent such loss or damage is due to or caused by the negligence or willful misconduct of the City.

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3. An applicant may file a consolidated application for up to five individual small wireless facilities instead of filing a separate application for each such facility. An applicant shall submit the information required under Section 15-3 for each small wireless facility covered by a consolidated application; otherwise, the applicant may submit a single set of documents that apply to all of the small wireless facilities covered by such a consolidated application. Each small wireless facility within a consolidated application shall be subject to individual review; provided, that a decision regarding all small wireless facilities shall be rendered in a single determination by the Community Development Director, or his designee and provided further that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole.
- b. Review of Permits.
1. Within 20 days after receiving an application, the Community Development Director, or his or her designee, shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline set forth in subsection (B)(2) below shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a resubmission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled (a) if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 13-48 or (b) by agreement between the City and the applicant.
 2. Unless tolled, the City will process an application no later than 90 days after receiving it. Subject to the tolling under subsection b.1 above, the application shall be deemed approved if the City fails to approve or deny the application within 90 days after receipt of the same. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. Upon mutual agreement between the applicant and the City, the City may extend the period for consideration of an application for 30 days.
 3. The City may propose technically feasible alternative utility pole locations; provided, the City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. The wireless provider shall cooperate with the City to address the City's reasonable proposal.

The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit and shall be for a period not less than five years.

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- c. Denial of Permit Applications.
1. The City may deny an application for a proposed collocation of a small wireless facility or installation, modification or replacement of a utility pole that meets the requirements of this Article 13, Part B, if the proposed operation: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Article 15 of the Columbus Land Development Ordinance; (e) fails to comply with applicable codes of general applicability which do not apply exclusively to wireless facilities; (f) fails to comply with the aesthetic and other design requirements set forth in Article 15, Section 13-46 and Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the wireless provider obtains the written consent of the public power supplier that owns or manages the electrical conductor.
 2. The City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based, and send such documentation to the applicant on or before the date the City denies the application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee, and the City shall have 30 days after receiving such resubmitted application to approve or deny the same; provided, such review shall be limited to deficiencies cited in the City's denial.
- d. *Issuance of Permits.* All permits to occupy the right-of-way issued under this Article are issued subject to the conditions set forth in Section 15-3 and, in addition thereto, the following conditions:
1. The small wireless facilities covered by the application shall be operational for use by a wireless services provider no later than one year after the later of the completion of all make-ready work or the permit issuance date; provided, upon applicant's request, the City (a) shall grant a one-time extension for up to nine months if the applicant demonstrates that the delay is caused by the lack of commercial power to communications transport facilities to the site and (b) may grant one or more additional extensions on such terms as mutually agreed upon by the City and applicant.
 2. The City may reserve space on the City's poles and the applicant shall cooperate with the City in any such reservation, except that the City shall first notify the applicant in writing that it is interested in reserving such pole space or sharing the trenches or bores in the area where the collocation is to occur. The applicant shall allow the City to place its infrastructure in the applicant's trenches or bores or on the utility pole as requested by the City, except that the City shall incur the incremental costs of placing the conduit or infrastructure as requested. The City shall be responsible for maintaining its facilities in the trenches and bores and on the City's pole.
- e. *Renewal of Permits.* The City shall renew a permit issued hereunder for an equivalent duration as long as the applicant is in compliance with the criteria set forth in Section 13-44 as such criteria existed at the time the permit was granted.

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13-45 Rates

- a. *Applicability of Section.* The fees and taxes set forth in this Section shall apply to permits issued hereunder in lieu of the fees and taxes set forth in Section 15-4.
- b. *Application Fees.* For each collocation of a small wireless facility on an existing or replacement City pole, the applicant shall pay the City the small wireless facility collocation application fee in the amount set forth in the Schedule of Fees. For each installation, modification, or replacement of a utility pole and the collocation of an associate small wireless facility on such pole, the applicant shall pay the City the small wireless facility site application fee in the amount set forth in the Schedule of Fees.
- c. *Occupation Tax.* If applicable to applicant, the applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided in Chapter 111 of the Columbus City Code. If applicant is not required to pay an occupation tax under said Chapter, applicant shall pay the City the rate of \$250 per small wireless facility per year.
- d. *City Pole Rate.* For each City pole on which the applicant collocates a small wireless facility, the applicant shall pay annually the City pole rate in the amount set forth in the City's Schedule of Fees.
- e. Make Ready Work Fees.

13-46 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to supplement the aesthetic and design standards set forth in Section 15-5. All small wireless facilities in the right-of-way to which Article 13, Part B, applies, shall comply with each standard set forth in in Section 15-5 and those set forth in this Section 13-46.

- a. *Spacing of Ground Mounted Equipment and New Utility Poles.* All proposed ground mounted facilities and new utility poles shall be located pursuant to the spacing requirements of Section 15-5 from any other small wireless facility, provided, however, that such spacing requirements shall not prevent a wireless provider from serving any location.
- b. *Additional Design Rules for Pole-Mounted Facilities.* All small wireless facilities proposed to be mounted on utility poles shall conform to the following guidelines:
 1. To the maximum extent technically feasible, and provided the limits of a small wireless facility are not exceeded, all antennae and all of each antenna's exposed elements and shroud transitions shall be mounted at the top of the proposed pole and shall be enclosed within a single cylindrical antenna shroud which (a) reasonably color-matches the pole; (b) should have a diameter no greater than 14 inches; (c) should have a uniform diameter once transitioned from the pole shaft; (d) should include only visually concealed cables, wires, and other components; and (e) should be no greater than 6 feet in height;
 2. All components of the facility, other than those described in subsection (B)(1) above, shall be placed below grade to the maximum extent technically feasible and, when undergrounding is not technically feasible, shall be fully enclosed with a base shroud that: (a) is structurally sound to fully support the pole while maximizing equipment volume; (b) is cylindrical and is as small as technically feasible with a maximum consistent diameter of 30 inches; (c) does not exceed a height of six feet from mounting surface; (d) reasonably matches pole color and finish; and (e) is as solid as feasible to visually conceal and lock all contents and wiring; and

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3. Subject to the placement and other requirements in subsections (B)(1) and (B)(2) above, any components of a freestanding facility that are attached to support poles must be mounted so that all parts are at least seven feet or higher above adjacent surface grade.
- c. Height Restrictions.
1. Any new or modified utility pole installed in a right-of-way shall not exceed the greater of (a) 5 feet in height above the tallest existing utility pole located within 500 feet of the new utility pole in the same right-of-way or (b) 50 feet above ground level.
 2. New small wireless facilities in a right-of-way shall not extend more than the greater of (a) 50 feet in height, including antennae, or (b) more than 5 feet above an existing utility pole in place as of September 1, 2019 and located within 500 feet in the same right-of-way.
 3. The City shall have the right, at its sole discretion, to consider and approve an application to install a utility pole or wireless support structure that exceeds the height limits in this subsection (C); provided, any facility which exceeds the height restrictions set forth in the definition of "small wireless facility" provided in Section 13-42 shall also be subject to the City's Zoning Ordinance.
- d. *Decorative Poles (Streetlights)*. If decorative poles serving as streetlights have been installed in a neighborhood, small wireless facilities shall first be collocated on such poles at intersections as combination poles with streetlights, with poles mid-block as secondary sites so that removal of decorative streetlights mid-block is minimized and preservation of the intended decorative aesthetics is maximized. The City may, in its discretion authorize the replacement of a decorative pole but any replacement pole shall strictly conform to the design aesthetics of the decorative pole being replaced.

13-47 Independent Technical and Legal Review

In the event applicant is requesting make ready work on City poles, the City may request a deposit for such make ready work based on a good faith estimate.

13-48 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

14 ARTICLE FOURTEEN: SEXUALLY ORIENTED BUSINESS

14-1 Purpose and Intent

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

14-2 Definitions

As used in this section, the following terms shall have the meanings indicated:

- a. ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
- b. ADULT BOOKSTORE or ADULT VIDEO STORE – A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; and/or
 2. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”
- c. A commercial establishment is not exempt from being categorized as an “Adult Bookstore” or “Adult Video Store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”
- d. ADULT CABARET – A night club, bar, restaurant or similar commercial establishment which regularly features:
 1. Persons who appear in a state of nudity; or
 2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 3. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

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- e. ADULT MOTEL – A hotel, motel or similar commercial establishment which:
 - 1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, digital video discs or other electronic media, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- f. ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- g. ADULT STORE – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."
- h. A commercial establishment is not exempt from being categorized as an "Adult Store" so long as one of its principal business purposes is the offering for sale of instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."
- i. ADULT THEATER – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- j. BUSINESS – An enterprise or entrepreneurial activity located in the City of Columbus' jurisdiction, which includes all types of vocations, occupations, professions, enterprises, establishments (including sales of tangible personal property and furnishing of services), together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, gain, pecuniary benefit or advantage, either directly or indirectly.
- k. CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.
- l. CITY – City of Columbus, Nebraska located in Platte County.
- m. CITY COUNCIL – The City Council of the City of Columbus, Nebraska.
- n. EMPLOYEE – Means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.
- o. ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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- p. ESCORT AGENCY -- A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- q. ESTABLISHMENT -- Includes any of the following:
 - 1. The opening or commencement of any sexually oriented business as a new business.
 - 2. The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - 3. The addition of any sexually oriented business.
 - 4. The relocation of any sexually oriented business.
- r. EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.
- s. LICENSEE – Any person, individual, partnership, corporation, firm, estate, trust, association, joint venture or other entity which a license to operate a sexually oriented business has been issued, as well as those listed as an applicant on the application for a license.
- t. LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.
- u. NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- v. NUDITY or STATE OF NUDITY:
 - 1. The appearance of a human bare buttocks, anus, male genitals, female genitals or female breasts; or
 - 2. The state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.
- w. OPERATES OR CAUSES TO BE OPERATED – To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.
- x. PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.
- y. PREMISES – All lands, structures, lodges, stores, offices, sales rooms, warehouses and the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business within the city's jurisdiction which is owned, leased or occupied by the business.
- z. PRINCIPAL BUSINESS PURPOSE (Factors Determining) – A primary factor which shall be considered in determining the "principal business purpose" shall be whether the business publicly advertises such materials either through media or signs located on the exterior of its premises or signs located inside the business that can be seen from the exterior. Additional factors which may be considered are the gross income generated by adult materials compared to over-all gross income, and the amount of floor space, both retail and storage, devoted to adult materials.

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- aa. SEMI-NUDE – A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- bb. SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - 1. Physical contact in the form of wrestling or tumbling between the opposite sex; or
 - 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- cc. SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
- dd. SPECIFIED ANATOMICAL AREAS – Shall mean and include any of the following:
 - 1. human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
 - 2. human male genitals in a discernibly turgid state even if completely and opaquely covered.
- ee. SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - 3. Masturbation, actual or simulated; or
 - 4. Excretory functions as part of an or in connection with any of the activities set forth in Subsections 1 through 3 above.
- ff. SUBSTANTIAL ENLARGEMENT – Of a sexually oriented business means the increase in floor area occupied by the business by more than 25% as the floor area exists.
- gg. TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:
 - 1. The sale, lease or sublease of the business;
 - 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - 3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

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14-3 Classification

Sexually oriented businesses are classified as they exist on the effective date of this section as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion-picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

14-4 Location of Sexually Oriented Businesses

- a. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.
- b. A sexually oriented business cannot be operated within 300 feet of:
 1. A church;
 2. A public or private elementary or secondary school;
 3. A boundary of a residential or historic district;
 4. A park or recreational trail;
 5. A property line of a lot devoted to a residential use;
 6. A hospital; or
 7. A fairgrounds.
- c. The operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 2,500 feet of another sexually oriented business is prohibited.
- d. The operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business is prohibited.
- e. For the purposes of subsection 2 of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or hospital or to the nearest boundary of an affected public park, residential district, historic district or residential lot.

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- f. For purposes of subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- g. Any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of subsections 1, 2, 3, or 4 of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
- h. A sexually oriented business fully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district, historic district, residential lot or hospital within 300 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

14-5 Appeals, Exemption from Location Restrictions

- 1. If the City denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of Article 14, Section 14-4, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exemption from the locational restrictions of Section 14-4.
- 2. If the written request is filed with the City Clerk within the ten-day limit, the City Council, shall consider the request. The City Clerk shall set a date for the hearing within 60 days from the date the written request is received.
- 3. A hearing by the City Council may proceed if at least five of the City Council members are present. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
- 4. The City Council may, in its discretion, grant an exemption from the locational restrictions of Section 14-4 if it makes the following findings:
 - (a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - (b) That the granting of the exemption will not violate the spirit and intent of this chapter of the Zoning Code;
 - (c) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - (d) That the location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and

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(e) That all other applicable provisions of this chapter will be observed.

5. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
6. If the City Council grants the exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the location restrictions of Section 14-4 until the applicant applies for and receives another exemption.
7. If the City Council denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the City Council's action.
8. The grant of an exemption does not exempt the applicant from any other provisions of this chapter other than the locational restrictions of Section 14-4.

14-6 Signs for Sexually Oriented Businesses

- a. No sign for a sexually oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations that emphasize specified anatomical areas or specified sexual activities.
- b. In addition to complying with all City of Columbus sign regulations, a sexually oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually oriented business and of the fact that the premises is off limits to those under the age of 21 years.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15 ARTICLE FIFTEEN: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15-1 Definitions

For purposes of this Article, the definitions of this Section shall apply.

- a. **“Applicant”** means any person submitting an application for a permit under this Article.
- b. **“Facilities”** means pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or components.
- c. **“Franchise agreement”** means a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its right-of-way.
- d. **“Right-of-way (ROW)”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- e. **“Technically feasible”** means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in functionality.

15-2 Purpose; Scope; Exceptions

- a. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.
- b. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:
 1. Use of a right-of-way by an adjoining property owner as provided for under the Columbus Land Development Ordinance or the Columbus City Code.
 2. Use of the right-of-way by an adjacent business as approved by Resolution of the City Council or conducting other outdoor activities in the right-of-way as allowed by the Columbus City Code and approved by the City Administrator.
 3. Closure and use of a right-of-way for an event, provided such closure and use shall have been approved according to City of Columbus procedures.

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- c. *Exceptions.* The City shall not require an application, permit, or other approval or charge fees or rates under this Article for (1) routine maintenance of facilities where such maintenance is conducted by or on behalf of an applicant issued a permit for such facilities hereunder or (2) replacement of facilities with substantially similar facilities where such replacement is conducted by or on behalf of an applicant issued a permit for such facilities hereunder.

15-3 Permits

- a. *Permit Required.* Unless otherwise specifically provided by law, it shall be unlawful for any person to lay, construct, operate, maintain, offer for lease, or make available for any use whatsoever, any facilities across, along, over, above, or under any public right-of-way for any private or commercial purpose unless such person has been issued a permit to occupy such right-of-way under this Article, unless said occupation is pursuant to a franchise agreement between user and the City.
- b. *Permit Applications.* Applications for permits under this Article shall be made to the City of Columbus Engineering Department. Each such application shall include the following:
1. A complete set of construction plans for all facilities to be located in the right-of-way under the permit, bundled into a single file, formatted to 11" x 17", which includes:
 - (a) the name, location, address (if available), and GPS coordinates for the facilities;
 - (b) labeled and dimensioned site plan and elevation plans of the facilities with, as applicable, key symbols, ROW lines, property lines, street information, topographical information, existing and proposed utilities, adjacent property uses, and easements;
 - (c) structural plans of the facilities signed and stamped by a professional engineer licensed in Nebraska;
 - (d) dimensions of the facilities, and a description of type, color, and finish of all visible construction materials;
 - (e) accurate visual depictions or representations of all above-ground components of the facilities;
 - (f) an applicant for a permit for a small wireless facility who is a wireless provider and submits an application for a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or for a permit for approval for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility shall not be required to provide more information to obtain a permit than a communication service provider that is not a wireless provider, except as directly related to the impairment of wireless service in the immediate area of the proposed wireless facility and except that an applicant may be required to include construction and engineering plans and information demonstrating compliance with the criteria set forth below in Section 15-3 and Section 13-40, Section 13-44.
 - (g) anticipated duration of project in calendar days; and
 - (h) a copy of the current Franchise Agreement which allows said applicant to occupy the right-of-way, as allowed by State law and
 - (i) proof that a flood plain development permit and approval as required by Section 5-23 and Section 5-25 of the Columbus Land Development Ordinance has been obtained, if applicable.

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2. An attestation that the proposed facilities satisfy each of the aesthetic and design standards set forth in this Article, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7.
 3. Evidence that, prior to commencement of any work in the right-of-way, pursuant to the application, the applicant will have the performance or construction bond required under this Article in place.
 4. Evidence of the applicant's insurance required under this Article.
 5. All applicable building and permit fees.
 6. The deposit, if any, requested by the City pursuant to Section 15-6 for independent technical and legal review.
 7. Such other submission requirements set forth in the City's published application form.
 8. A statement disclosing any prior permit violations:
 9. The city may deny a permit if the proposed application: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Section 15-5; (e) fails to comply with applicable codes; (f) fails to comply with the aesthetic and other design requirements set forth in Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the applicant obtains the written consent of the public power supplier that owns or manages the electrical conductor.
- c. *Initial Review of Application; Completeness.* The City Engineer shall review the application and, within 20 days after receipt, shall notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a re-submission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 15-7 or otherwise by agreement between the City and the applicant.

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- d. *Final Review; Issuance; Denial.* Unless tolled the City will review and process the application no later than 90 days after receiving it. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee.
- e. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit. Notwithstanding the foregoing, permit renewals involving Section 13-44 of the Columbus Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44 of the Columbus Land Development Ordinance.
- f. *Permit Conditions.* All permits to occupy the right-of-way issued under this Article are issued subject to the following conditions, and each applicant agrees, by accepting such permit, to be bound by the same:
 1. All facilities shall be constructed, operated, maintained, repaired, removed, modified, and restored in strict compliance with all current applicable technical, safety, and safety-related codes adopted by the City, the State of Nebraska, or the federal government. The applicant shall, at its sole cost and expense, inspect, keep, and maintain its facilities in the right-of-way in safe condition, in good order and repair, and as otherwise according to best industry practices.
 2. The applicant shall, at its sole cost and expense, promptly restore the right-of-way to its original condition after it completes work related to the facilities. The City may require an applicant to repair all damage to a right-of-way directly caused by the activities of the applicant in the right-of-way and return the right-of-way to equal or better condition to that before the damage occurred. If the applicant fails to make the repairs that are reasonably required by the City within 14 days after written notice, the City may undertake such repairs and charge the applicant the cost of such repairs. The City shall grant an extension of up to 10 days to complete such repairs if the applicant requests such extension within the original 14-day period. In the event of immediate threat to life or safety or to prevent serious injury, the City may immediately undertake to restore the site and then notify of and charge the applicant for all restoration costs.
 3. Except as provided for in Section 13-44 of the Columbus Land Development Ordinance, the applicant assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way.

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4. The applicant shall undertake only the activities enumerated in its permit to occupy the right-of-way and such permit shall not create a property right or grant authority to the applicant to infringe upon the rights of others who may own or have other interests in a right-of-way, utility easement, or other privately owned property. Except as otherwise provided in this Code or applicable state or federal law, any additions or changes to the facilities or activities enumerated in applicant's existing permit shall require a new permit.
5. Neither the applicant nor its facilities shall interfere with any traffic-control devices and other public works equipment; water, wastewater, stormwater, gas, electrical, or other public utility infrastructure; or the facilities of any other occupant of the right-of-way permitted hereunder.
6. The City shall have the right at any time to require a change of location of the facilities when in its judgement it becomes necessary or advisable as a matter of safety, or on account of a change of grade, resurfacing, repair, or reconstruction of any right-of-way. If the owner of such facilities has not moved or relocated the facilities within 30 days after the City requests the same in writing, the City may undertake such movement or relocation and charge the owner the costs of the same.
7. The City retains the right and privilege to cut or move any facilities, as the City may determine, in its sole discretion, to be necessary, appropriate, or useful in response to any public emergency. If circumstances permit, the City shall notify the applicant and provide an opportunity for applicant to move its own facilities prior to cutting or removing the facilities. In all cases, the City shall notify the applicant after cutting or removing the facilities as promptly as reasonably possible.
8. The applicant shall immediately notify the City in the event of an emergency regarding the applicant's facilities that may affect public health or safety, and such notice shall include, at a minimum, the nature of the emergency and the applicant's planned response to the emergency.
9. In addition to notifying the City, the applicant shall comply with the Nebraska One Call Notification Act before commencing any excavation or similar work in the right-of-way.
10. The applicant acknowledges that applications and all supporting written material applicant submits to the City may be public records subject to the Nebraska Public Records Law. While an applicant may designate any such public records as "proprietary" or "confidential", the City shall treat them as such only to the extent expressly permitted by the Nebraska Public Records Law and, other than the cost of the City's routine response to public records requests, the City shall be under no obligation to incur any costs to protect the same from disclosure.
11. Prior to commencement, and at all times during, any work performed by or on behalf of applicant in the right-of-way, the applicant shall maintain a performance or construction bond, in form acceptable to the City, equal to at least 100% of the estimated cost of the facilities and related work covered by the application.

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12. During the term of any permit to occupy the right-of-way issued hereunder, the applicant shall maintain comprehensive general liability, automobile, workers compensation, employer's liability, and umbrella insurance in form and amount consistent with the City's published requirements for the same. All such insurance policies shall include the City and its agents as additional insureds and shall not be modified or cancelled by the applicant without 30 days prior written notice being given to the City along with proof of replacement coverage. Upon receipt of notice from its insurer(s), the applicant shall provide the City with 30-days prior written notice of any prospective cancellation. The applicant shall provide proof of replacement coverage prior to the effective cancellation date.
13. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, officials and employees from any and all damages, liabilities, injuries, losses, attorneys' fees, costs, and expenses, whether for personal injury, death, or property damage, arising out of or in any way related to the activities or performance of the applicant or its agents. In the event the applicant becomes aware of any actions or claims, the City shall promptly be notified by the applicant. In the event the City is a named defendant in any such claim or lawsuit, it is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the applicant shall reimburse the City for any costs, expenses, and attorneys' fees directly and necessarily incurred by the City in the course of the defense.
14. In addition to all other remedies available to the City under this Code or other applicable law, the City may revoke an applicant's permit to occupy the right-of-way if the applicant fails to comply with any of the conditions set forth in this Article, and upon such revocation, may direct applicant, at applicant's cost, to remove applicant's facilities from the right-of-way and restore the right-of-way to its original condition. If the applicant fails to remove its facilities and restore the right-of-way within 30 days after the City's written request, the City may cause such work to be done and applicant shall reimburse the City for the costs of such work upon City's written demand for the same.

15-4 Fees and Taxes

Applicant shall pay any applicable building permit fee and the application fee set forth in the City's Schedule of Fees. Unless provided otherwise in this Ordinance, applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided under Chapter 111 of the Columbus City Code.

15-5 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to establish guidelines for the design, placement, and installation of facilities in the right-of-way. All facilities placed in the right-of-way pursuant to this Article shall comply with these standards; provided, the City Administrator may authorize the waiver of, partial relief from, or exemption from, any one or more of these standards pursuant to Section 15-7.

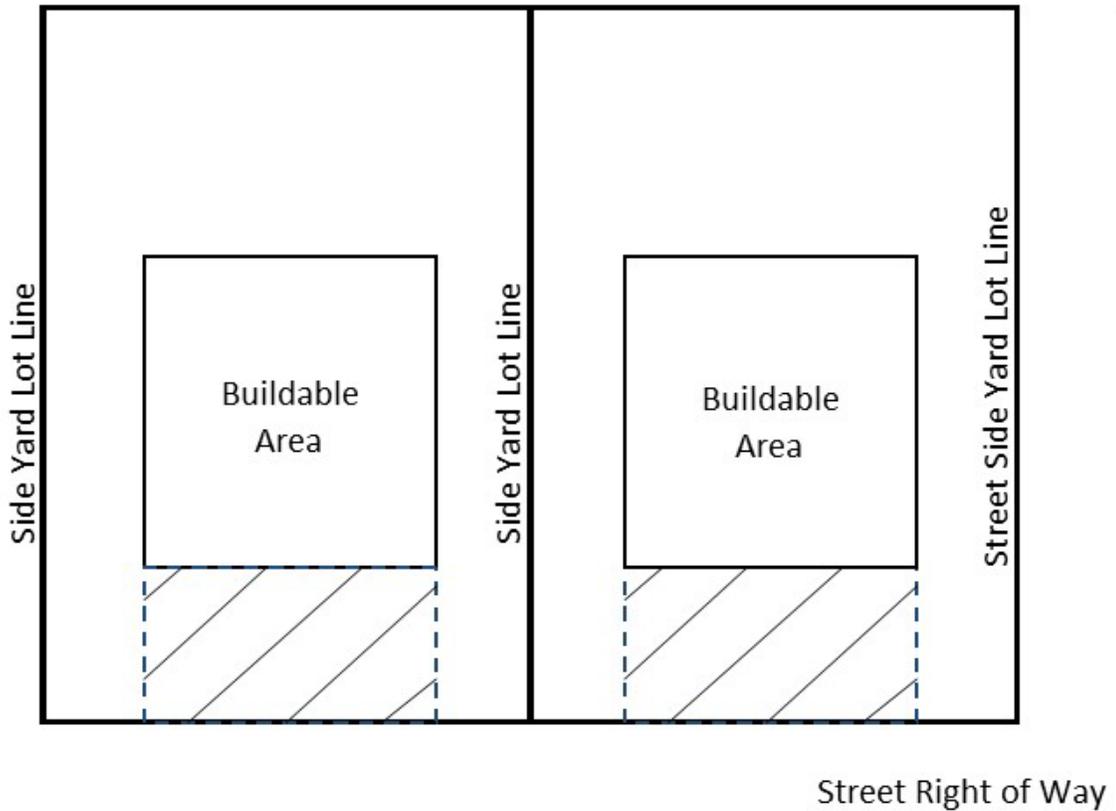
- a. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.
- b. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities shall reasonably match the appearance of existing adjacent developments and infrastructure to promote a uniform appearance.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- c. *Consolidation.* To the extent technically feasible: (1) facilities shall be designed to consolidate all ground-mounted components within approved singular enclosures and (2) all cables, wires, and conduits shall be concealed from view.
- d. *Location.* Except as prohibited by law, the placement of proposed facilities with existing facilities shall be preferred over placement of facilities at new sites. If an applicant chooses not to place its facilities with available existing facilities, the applicant must document that location of its proposed facilities with available existing facilities is not technically feasible.
- e. *Camouflage.* Facilities shall be designed to camouflage and conceal all above-ground components of such facilities to the extent technically feasible.
- f. *Signs.* Ground-mounted facilities shall have a four inch by six-inch metallic sign permanently mounted between four feet and six feet from ground level and clearly visible to the public which provides the identifying information and emergency contact number for the owner of such facilities. No other signs, advertising, or banners are permitted on facilities except to the extent the same are mandated by state or federal law.
- g. *Generators.* Generators are not permitted in the right-of-way.
- h. *Lighting.* Lighting is not permitted on facilities except to the extent required or otherwise allowed by state or federal law.
- i. *Historic Districts.* All ground-mounted facilities and new poles located in a historic district shall be subject to such other design and concealment standards required by the City for such districts to avoid or to remedy the intangible public harm of unsightly or out-of-character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning Ordinance.
- j. *Traffic Signals.* Facilities shall not be allowed on traffic signal systems without permission from the authority or agency in control of said traffic signal systems.
- k. *Placement Guidelines.* All facilities including ground mounted equipment and new utility poles proposed to be located at new sites:
 - 1. Shall be located in a manner or location that (a) does not obstruct, impede, or hinder the usual pedestrian or vehicular travel; (b) does not adversely affect public safety or impair legal access and use of the right-of-way; (c) conforms to applicable law (including the Americans with Disabilities Act of 1990) and right-of-way design standards, specifications, and design requirements, and (d) does not in any way create a risk to public health, safety, or welfare;
 - 2. Shall be located in a manner that does not significantly create a new obstruction to primary and inherently valuable sightline(s) of an adjacent property;
 - 3. Shall be located in alignment with existing trees, utility poles, and streetlights and placed to avoid disturbance within the critical root zone of any tree;
 - 4. All above ground facilities located in zones with no side yard setback, shall be located no more than 25 feet from either side yard lot line.
 - 5. Shall not be located in front of the buildable area of properties as shown in unless otherwise approved by the City.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

Figure 15-5: Street Right of Way



6. Shall be located with separation from any low-pressure natural gas line or intermediate or high-pressure natural gas line and with appropriate clearance as approved from all existing utilities;
7. Shall not materially impact any existing bridges, culverts, or retaining walls; and
8. Shall be located outside of all American Association of State Highway Transportation Officials (AASHTO) clear zones and outside of clear sight triangles (at a minimum) as follows: (a) 5-foot leg pedestrian sight triangle at each residential driveway; (b) 10-foot leg pedestrian sight triangle at each driveway and alley; (c) 30-foot leg corner sight triangle; and (d) roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection.
9. Shall be located with a minimum separation distance of 150 feet from any other facilities including ground mounted equipment or new utility poles to the extent allowed by applicable law and technically feasible.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15-6 Independent Technical and Legal Reviews

Although the City intends for City staff to review permit applications to the extent feasible, the City may retain the services of an independent technical consultant and an attorney of its choice to provide technical and legal evaluations of applications submitted pursuant to this Article. The review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed use of the right-of-way complies with this Article and other applicable provisions of this Ordinance or the Columbus City Code. To the extent permissible under applicable law, the applicant shall pay the reasonable cost for any independent technical consultant and reasonable attorneys' fees in advance through a deposit with the City, estimated by the City, within 10 business days of the City's request. That these shall be a reasonable approximation of cost. When the City requests such payment, the application shall be deemed incomplete until the deposit is received. In the event that such final costs and fees do not exceed the deposit amount, the City shall refund any unused portion within 60 days after a permit to occupy the right-of-way is issued or denied or withdrawn in writing by the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before a permit to occupy the right-of-way is issued. The technical consultant and attorney shall provide an itemization of the final costs of the services provided and related fees.

15-7 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

CHAPTER 2: SUBDIVISIONS

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 2 of this Ordinance shall be known as the Subdivision Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska (CLDO), and shall be incorporated into the Columbus City Code as Title XV, Chapter 152.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Columbus under Section 16, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Columbus and its surrounding jurisdiction;
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities;
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction;
4. Avoid excessive costs to the taxpayers of Columbus or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services;
5. Protect the unique environment of the City of Columbus by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions;
6. Provide the City of Columbus with the ability to grow incrementally through the eventual annexation of new developments.

c. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans and policies for Columbus and its jurisdiction. These include, but not limited to, the Comprehensive Development Plan, Long Range Transportation Plan, Stormwater Management Plan, and State of Nebraska Board of Classifications and Standards.

d. Preservation of Natural Features and Drainage Patterns

1. In accordance with all Federal, State of Nebraska and local requirements and to the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

2. The subdivider shall give maximum consideration to the preservation of the following areas as open space or stormwater treatment facility or detention system, to the extent consistent with reasonable utilization of land:
 - (a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps and policies prepared by the U. S. Fish and Wildlife Service, U.S. Army Corps of Engineers, State of Nebraska Department of Natural Resources, and the Lower Loup Natural Resource District.
 - (b) Flood plain and floodway lands as defined by the Federal Emergency Management Agency, Flood Insurance Rate Map, and the City of Columbus Special Flood Hazard Areas.
- e. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

 1. Reduction and minimization of cut and fill.
 2. No increase of peak flow, area of runoff or encroachment of stormwater runoff onto other properties or the public storm sewer system.
 3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 350 feet.
 4. Respect for the urban character and traditional layout of Columbus, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
- f. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

1-3 Relationship to the Comprehensive Plan

1. The City of Columbus intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
2. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan which includes the Long Range Transportation Plan, the Columbus Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by §16-902, Revised Statutes of Nebraska, 1943. In conjunction therewith, it is hereby designated that the City of Columbus will exercise the powers and duties granted by Sections 16-902 to 16-904, or Section 19-2402, Revised Statutes of Nebraska, 1943, over that portion of the territory located within two miles of the corporate limits of the City of Columbus as shown on the Extra-Territorial Jurisdiction Map. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Chapter of the Columbus Land Development Ordinance. Such changes shall be reflected on the Extra-Territorial Jurisdiction Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.
- b. No owner of real property within the City of Columbus and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

1-6 Fees

The City Council of the City of Columbus may establish reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

1-7 Enforcement

The Administrative Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning Commission, City Council, or other appropriate agency.

1-8 Penalties

- a. Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. An owner, developer, or subdivider of property; any architect or engineer; builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

- c. Notwithstanding this section, the City and the Administrative Official shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Chapter shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Chapter conflicts with any other provision of the Columbus Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.
- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Columbus's Columbus Land Development Ordinance.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2 **ARTICLE TWO: DEFINITIONS**

2-1 **Purpose**

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 **Definitions of Terms**

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 **A.**

1. Administrative Official: Chief Building and Code Official is responsible for the supervision and administration of the Subdivision Ordinance of the City of Columbus.
2. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
3. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
5. Approving Authority: The City Council of the City of Columbus.
6. Administrative Subdivision: An adjustment of lot lines of no more than four lots without creating additional or elimination of any lots and requires no extensions of streets, sewers, utilities, or other municipal facilities; no additional street right-of-way or other public easement and complies with all pre-existing zoning requirements following subdivision.

2-4 **B.**

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized pedestrian recreation.
2. Best Management Practices (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters of storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal and drainage from raw materials storage.
3. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-5 C.

1. **Cartway:** The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from back of curblines to back of curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. **Centerline Offset:** The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. **Channel:** The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.
4. **Common Area:** An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.
5. **Comprehensive Plan:** The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.
6. **Concept Plan:** A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.
7. **Conventional Subdivision:** A subdivision, which literally meets all nominal standards of the Columbus Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
8. **Cul-de-sac:** A local street with only one outlet and with an opposite end providing for the reversal of traffic.
9. **Curb:** A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

2-6 D.

1. **Dedication:** A grant of land to the City or another public agency for a public purpose.
2. **Design Standards:** Standards that set forth specific improvement requirements.
3. **Detention Basin:** An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development. Detention basin must have an overflow pipe or system connecting to the public storm sewer system.
4. **Developer:** The legal or beneficial owner(s) of any land included in a proposed development.
5. **Development:** A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. **Disturbed Area:** Area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading, excavating, stockpiling soil, fill or other materials, clearing, vegetation removal, removal or deposit of any rock, soil or other materials or other activities which expose soil. Disturbed Area does not include the tillage of land that is zoned for and intent is for agricultural use.

CHAPTER 2, ARTICLE 2: DEFINITIONS

7. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
8. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.
9. Drainage System: The system through which water flows.

2-7 E.

1. Easement: A right-of-way granted for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

2-8 F.

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Platte County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, development agreements, posting of required guarantees, and other requirements of this Ordinance.

2-9 G.

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

2-10 H.

2-11 I.

2-12 J.

2-13 K.

1. Key Map: An aerial map a common engineering scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing streets and city limit lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

2-14 L.

1. Lot: A parcel of real property with a separate and distinct number shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/or development which includes, but not limited to, lots for townhouses or clusters of row homes. All lots shall have a direct connection to a public or private street right-of-way regardless of ownership.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot Frontage: The portion of a lot extending along a public street, private street, or private drive line.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-15 M.

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major Subdivision: Any subdivision not defined and approved as an administrative subdivision or as a minor subdivision.
3. Minor Subdivision: An adjustment of lot lines of two or more lots without creating additional lots or a subdivision of land which creates no more than four lots from any single block or lot of an addition or subdivision, tract, or parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; no additional public right-of-way or easement; and complies with all pre-existing zoning requirements following subdivision.
4. Moving Lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.
5. Municipal Separate Storm Sewer System (MS4): Publicly owned facilities which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, pipe storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs and other drainage structures.

2-16 N.

1. National Fire Protection Agency (NFPA)
2. Nebraska Department of Environment and Energy (NDEE): State agency formerly known as the Nebraska Department of Quality and includes some former divisions of the Nebraska Department of Health and Human Services.
3. Notice of Intent (NOI): Associated with the Nebraska Department of Environment and Energy, Construction Storm Water Permit.
4. National Pollutant Discharge Elimination System (NPDES): A permit issued by the Environmental Protection Agency or the Nebraska Department of Environment and Energy as authority delegated pursuant to 33 USC, section 1342(b) that authorizes the discharge of pollutants to waters of the state.

2-17 O.

1. Off-Site: Located outside the boundaries of the parcel that is the subject of an application.
2. Open Space: Any parcel or area of land or water that is retained in an open state and set aside for public or private use.

2-18 P.

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.

CHAPTER 2, ARTICLE 2: DEFINITIONS

3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - (a) Preliminary Plat: A plat indicating the proposed layout of a development, including proposed public infrastructure and streets, stormwater treatment and detention system, and internal site layout and building information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Platte County Register of Deeds.
 - (b) Final Plat: The final plat of the subdivision which is presented for Final Approval. The Final Plat contains detailed information, legal survey and documentation and is designed to be filed with the Register of Deeds. Final plat must be consistent with the preliminary plat.
4. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

2-19 Q.

2-20 R.

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission infrastructure, communication infrastructure, gas pipelines, water mains, sanitary mains, or storm sewer mains.

2-21 S.

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
 - (a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
 - (b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
 - (c) Lateral or Local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic System: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. Sidewalk: A concrete or brick paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a treatment facility, drainage way or stream.

CHAPTER 2, ARTICLE 2: DEFINITIONS

5. Storm Water Treatment Facility (STF). Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as structural BMPs.
6. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel and to the street hierarchy system.
7. Street Hierarchy: The conceptual arrangement of streets based on function. Street types contained within the hierarchy include:
 - (a) Private Street or Frontage Road
 - (b) Local
 - (c) Collector
 - (d) Minor Arterial
 - (e) Major Arterial
 - (f) Expressway
8. Storm Water Management Plan (SWMP): City approved documentation supporting analysis, design, maintenance and inspection of storm water treatment facilities.
9. Storm Water Pollution Prevention Plan (SWPPP): A document which narrates the best management practices and activities to be implemented by a person during the construction activities, which identifies sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters.
10. Subdivision: The division of a lot, tract or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultants lots is equal to 10 acres or less. The term subdivision includes any time the creation of a public street or roadway is involved, but excludes the acquisition of land by the state, county, or city, by eminent domain or otherwise, for the creation, extension or widening of a public street or roadway. The term also includes re-platting and, when appropriate to the context, re-platting shall be subject to the rules and regulations contained in this chapter and shall apply to land previously subdivided.

2-22 T.

1. Topographic Survey: USGA elevation plan to the latest NAVD showing height, depth, size and location of all manmade and natural features and improvements on a given parcel of land and within all adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

2-23 U-Z.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3 ARTICLE THREE: PROCEDURES AND ADMINISTRATION

3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

3-2 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional or eliminating any lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status. The application for final plat approval shall be submitted through the City's website application submittal platform

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

- (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
 - (b) Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (c) Compliance with the conditions contained in Section 3-2 above.
 - (d) Consistency with the Comprehensive Development Plan of the City of Columbus.
 - (e) Potential adverse environmental effects or effects on neighboring properties.
2. Following such review, the Administrative Official may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void.
 3. The Administrative Official retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.
 4. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
 5. Following approval of the Administrative Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Administrative Subdivision, including the Platte County Register of Deeds signed and stamped recording information.

3-3 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, block or lot. Minor subdivisions outside of City Limits, but adjacent to will be required to voluntarily annex.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities, or public improvements and no new dedication of public right of way or easements is involved.

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3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Columbus Land Development ordinance as evidenced by a site plan prepared by a licensed surveyor.
 4. No part of the parcel, tract, block or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), block(s) or lot(s) are eligible for future administrative or minor subdivision.
 5. The Administrative Official reserves the right to request a Development Review Team (DRT) meeting as described in Section 3-4, Pre-Application Procedures, upon which all required of the DRT meeting must be met and followed.
- b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1. The application for final plat approval shall be submitted through the City's website application submittal platform. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
 - (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions for contained in Section 3-3 above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Completed Development Agreement.
3. Following such review, the Administrative Official may approve the Minor Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void.

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4. The Administrative Official retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
6. Following approval of the Minor Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Minor Subdivision, including the Platte County Register of Deeds signed and stamped recording information.

3-4 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, subject to the suggestion of the Administrative Official, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.

2. No later than three calendar days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:
 - (a) An aerial location map showing the relationship of the proposed subdivision to existing and proposed streets in the region, public facilities, special flood hazard areas, waters of the US, wetlands, airport runway protection zones (if applicable) and any other features or areas which may affect the development.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, blocks, public utilities, stormwater treatment facilities and other features and their relationship to existing and proposed site topography for the total proposed development area.

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3. Within ten working days following the pre-application meeting, pending time needed for any action plan inquires or confirmations, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long-Range Transportation Plan and Columbus Land Development Ordinance.
 4. The DRT meeting does not require a formal application or payment of a fee.
 5. Major revisions made to the concept plan may require an additional DRT meeting as determined by the Administrative Official.
- d. Preliminary Plat Application
1. Application Requirements

After the DRT meeting, except for a Concurrent Plat Approval Procedure, the following requirements shall apply. The applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a Subdivision Agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee set by Resolution. Upon receipt of all items required for said application as set forth herein as determined by the Administrative Official, the application shall be placed on the next available Planning Commission agenda.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a Development Agreement on a form provided by the Administrative Official following a format established by the Engineering Department. The Development Agreement, among other things, generally establishes the responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law and other matters as identified by the Administrative Official for said development. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal deadline. This request must follow the DRT meeting.

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3. Preliminary Plat Review Procedure
 - (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. If the application submittal is not complete, staff review will not proceed. Applicant at time of application, shall include a written request to waive any subdivision requirements, if any. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and all utilities known or on the Digger's Hotline submittal along with any responses which may affect the plat.
 - (b) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
 - (c) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided a minimum of 14 calendar days before the Planning Commission Meeting in order to meet the required publication deadline. Failure to provide the required additional information may result in the application being continued to a future meeting as determined by the Administrative Official.
 - (d) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.
 - (e) The Administrative Official shall submit a written recommendation for action to the Planning Commission.
4. Planning Commission and City Council Action
 - (a) The Planning Commission, following at least ten calendar days published notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, non-approval with no recommendation, or denial of the preliminary plat to the City Council.
 - (b) Following action by the Planning Commission, the Commission shall submit minutes summarizing the Commission's action to the City Council.
 - (c) The City Council, upon receipt of the recommendation of the Planning Commission, shall take action on the application.

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- (d) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
- (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.
 - (3) The preliminary plat approval shall stay in force for a period of two years from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.
 - (4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision if indicated by the Developer at the time of submission and included in the initial phase Development Agreement, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

Except for a Concurrent Plat Approval Procedure, the applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted through the City's website application submittal platform. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda. In order to attempt for the final application to be considered the next month after the preliminary plat obtained approval, the application submittal shall be at least nineteen (19) calendar days before the Planning Commission meeting. Meeting this submittal deadline does not guarantee placement on the next Planning Commission Agenda as it is subject to receipt of all items. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission agenda. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application. The applicant shall notify the Board of Education of each school

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district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

2. Final Development Agreement

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developer's attorney shall work with the City's attorney to obtain approval. Developer's ready for signature Final Development Agreement must be obtained and to the City no later than 6 calendar days prior to the Planning Commission meeting acting on the Final Plat.

3. Final Plat Review Procedures

- (a) After submission of a complete application for a final plat, the Administrative Official and staff shall review the application. This includes the mutual approval of the final development agreement between the developer's attorney and city attorney, including the developer's signature and notary, resolution and deed of dedication.
- (b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided 14 calendar days before the Planning Commission Meeting in order to meet the advertisement deadline. Failure to provide the required additional information may result in the application being continued to a future meeting.
- (c) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.
- (d) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Performance Bond

The development agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

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5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City. The developer's attorney shall work with the City's attorney to obtain approval.

6. Final Plat Approval

- (a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for the following criteria: for compliance with the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Development Agreement. Developer's signature of the Final Deed of Dedication must be obtained and submitted to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the final plat meets all the criteria as set forth above, 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 has not met the above criteria it shall take action to recommend approval or denial to the City Council or continue the public hearing to allow the Applicant time to correct the same.
- (b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten calendar days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval, non-approval, or denial thereof to the City Council.
- (c) The City Council, following at least ten calendar days published notice, shall hold a public hearing on each final plat and on the Development Agreement to determine if the final plat meets all requirements of the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Following such public hearing it 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

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the City Council finds in its review that the submitted final plat has not met the above criteria it may continue the public hearing to allow the Applicant time to correct the same. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing, for which at least ten calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall, by separate vote, take final action by way of resolution.

(d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

1. Following City Council approval of a Final Plat that received a prior recommendation from the Planning Commission, the Chair of the Planning Commission and the Mayor of the City of Columbus shall sign the final plat which shall be a reproducible mylar of the subdivision plat.
2. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar days of the City Council approval.
3. Applicant shall provide the City a complete signed original, reproducible final plat within fourteen (14) calendar days of City Council approval.
4. The subdivider must file the plat with the Platte County Register of Deeds along with all applicable covenants and other documents within 90 calendar days of the execution of the plat by the Chair of the Planning Commission and the Mayor in accordance with state statute.

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TABLE 3-1: Application Requirements

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.	X	X	X	X
Aerial boundary map with adjacent features.	X	X	X	X
Present and proposed zoning.		X	X	
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.		X	X	
Signature blocks for Planning Commission Chair and Mayor.			X	X
Signature block for Administrative Official, and Clerk.	X	X		
Appropriate certification block.	X	X	X	X
Monumentation.	X	X	X	X
Acreage of tract.	X	X	X	X

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	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, lot bearings, setback lines, and lot areas in square feet.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	X	X	X
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		X	X	
Floodplain Development Permit	X	X	X	

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross-sections.			X	
Table 3-2 STF identification with completed information			X	
Proposed roadway names.			X	X
Proposed Block and Lot numbers.	X	X	X	X
Easements as requested or required for all public and private utilities.				X

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
GRADING AND DRAINAGE PLAN (separate plan sheet) Submittal of a copy of the preliminary plat or design plans without the additional items below is not acceptable and will be considered an incomplete submission.				
Site plan topographic survey adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.		X	X	
Proposed finish elevations of streets			X	
Proposed finish elevations of ditches/swales		X	X	
Proposed finish grade elevations at each lot building setback		X	X	
Existing site drainage system		X	X	
Proposed site drainage system with elevation at end points		X	X	
Drainage area key map and calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details. Includes Table 3-2 STF identifier on the drainage plan complete with data		X	X	
Floodplain or floodway from latest Flood Insurance Rate Maps (FIRM)		X	X	

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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Table 3-2: Storm Water Treatment Facility Identifier

<i>STF Type</i>	<i>STF Location (Lat/Long)</i>	<i>Drainage Area (Acres)</i>	<i>Design WQCV (cf) or Q_{wQ} (cfs)</i>	<i>WQCV (cf) or Q_{wQ} (cfs) Provided</i>

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4 ARTICLE FOUR: CIRCULATION SYSTEM DESIGN

4-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

4-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

- a. Roadway System Design
 1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
 2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long-Range Transportation Plan the arrangement of public streets shall provide for the logical extension of existing public streets, proposed public streets with area developments, and access to adjacent area properties.
 3. The Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic control features, safety, and so forth. Approval of study is by applicable official and city council is required.
 4. The street network of a subdivision should provide for logical, continuous extensions of public streets to subsequent, later developments as determined by the Administrative Official and City Engineer.
- b. Pedestrian and Bicycle Systems
 1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
 2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or the use of trails to create visual interest.
 3. In overlay districts and Non-traditional Residential Parks and Subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
 4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or Master Trail Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance. Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations.

4-3 Street Hierarchy and Design

1. Characteristics of the Hierarchy
 - (a) Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
 - (b) Each street roadway shall be classified and designed to meet appropriate standards.
 - (c) The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 4-1.
2. Cartway Width
 - (a) Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
 - (b) To promote economic development of streets, minimum cartway widths shall be used. Minimum cartway widths are set forth in Table 4-2.
3. Curbs, Gutters, and Shoulders
 - (a) Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 4-3.
 - (b) Requirements for curbs vary according to street function and the nature of adjacent development and expected future use of the area in accordance with the Future Land Use Map of the Comprehensive Plan. Adjacent development is defined as urban or rural as follows:
 - (1) Rural: Rural Residential or predominately agricultural land.
 - (2) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.
 - (c) Where curbing is not required, edge definition, shouldering, and stabilization shall be provided.
 - (d) Shoulders, when developed, shall be at least six feet in width, or greater if required by the State of Nebraska Board of Classifications and Standards, on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall be stabilized with turf or other acceptable material.

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- (e) All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
 - (1) Curb construction shall follow standards established by the City of Columbus.
 - (2) Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential. Maximum curb cut length as measured along the street back of curb is 40 feet including any radii or wings. Radii or wings matching into the public street must remain within the property as projected.
 - (3) Curb cuts may be ground smooth to a two-inch drop curb in commercial areas with lots less than 4,500 square feet in total size. Maximum throat width is 30 feet with a maximum curb cut length with two 20-foot radii measured along the street back of curb is 70 feet. Radii returns matching into the public street must remain within the developed property as projected.
 - (4) Curb cuts in commercial areas with lots greater than 4,500 square feet in total size shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 40 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 80 feet and 30-foot radii is 100 feet. Radii returns matching into the public street must remain within the development property as projected.
 - (5) Curb cuts in industrial areas shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 50 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 90 feet up to a maximum of 50-foot radii is 150 feet. Radii returns matching into the public street must remain within the development property as projected.

4. Sidewalks

- (a) Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 4-3.
- (b) Where sidewalks are not otherwise required by Table 4-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.
- (c) In conventional residential and commercial development, shall be placed generally parallel to streets within right-of-way located 4-foot from the property line. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.
- (d) In the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.
- (e) Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

- (f) Sidewalks shall provide a clear paved path of at least four foot in width or six feet along parking areas or curb lines, free of any obstructions a minimum of one foot on both sides.
 - (g) All sidewalks shall be constructed according to current standards in use by the City of Columbus. Sidewalks shall be of concrete construction a minimum of four inches thick in residential and five inches thick in commercial and industrial except at points of vehicular crossing where they shall be a minimum of six inches thick or thicker in commercial and industrial areas subject to the approval of the City Engineer.
 - (h) All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.
5. Bikeways and Recreational Trail
- (a) Bikeways and recreational trails shall be required in subdivisions when specified as part of the comprehensive development plan or master trail plan.
 - (b) All off-street recreational trails shall be of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be concrete minimum of 6 inches thick. Gradients for bikeways and recreational trails should not exceed five percent, except for American's with Disability Act ramps or other preapproved rare occurrence. . Requests to revise trail width to eight feet or paving to asphalt and crushed aggregate surfacing are location and usage dependent and subject to the approval of the City Engineer.
 - (c) Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
 - (d) Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
 - (e) All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
 - (f) All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.
6. Right-of-Way
- (a) Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
 - (b) Any right-of-way that continues an existing street shall be no less than that of existing street.
 - (c) The requirements for right-of-ways for functional categories of roads is set forth in Table 4-3.
 - (d) Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

7. Street Design Standards

(a) Pavement

- (1) All streets shall be paved to current standards utilized in the City of Columbus except:
 - a. Local streets in rural intensity residential subdivisions. In these settings, streets may utilize an aggregate or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface. All connections and access to existing paved roadways must be concrete paved.
 - b. Courts or Plaza not within the corporate limits or being annexed as part of the development, may utilize a minimum thickness of six-inch aggregate or crushed rock surfacing, provided that such courts or lanes remain in private or private cooperative ownership.
- (2) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

(b) Continuity of Arterial or Collector Streets

- (1) No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. Private Streets cannot emulate a public street or prevent the logical extension of public streets or those planned in the Comprehensive Plan. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

(c) Arterial Street Construction Alternate

- (1) Where the condition of the existing arterial roadway is in satisfactory condition, concrete, and constructed in accordance with the State of Nebraska Board of Classification and Standards, the developer may elect to pay a Public Infrastructure Improvement Impact Fee in lieu of improving the roadway, earthwork, storm sewer and other potential impacts of such improvements section at the time of development.

(d) Cul-de-sacs and Street Bulb-Outs

- (1) Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length as measure from the radii points, unless a variance is granted. Cul-de-sacs designed with restricted vision from entrance to end shall be required to place a 'No Outlet' sign by the Developer at the entrance of the Cul-de-sac road. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.
- (2) Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

(e) Street Intersections

- (1) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints. No street shall intersect any other street at less than 60 degrees.
- (2) In most cases, no more than two streets should intersect at a single intersection.
- (3) Local street intersections with major arterials should be avoided.
- (4) New intersections along one side of an existing or proposed street shall align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines of any streets, major private street or commercial access. The use of T-intersections is encouraged on local streets within the interior of a subdivision. Roundabouts or residential mini-roundabouts or other traffic calming features are also encouraged or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.
- (5) Street intersections shall be rounded with a minimum radius of 20 feet on Local and Collector roads and a minimum radius of 30 feet on Minor and Other Arterial and Major Arterial roads. Larger radius comparable cutoffs or chords in place of rounded corners may be required on all types of Arterial roads.
- (6) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections. Driveway requests closer than 200 feet in residential area may be requested and are subject to the City Engineer's review and approval.

(f) Block Size

- (1) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

8. Street Names

- (a) No street names shall be used which will duplicate or be confused with the name of existing streets as approved by the City Engineer. Streets shall be named according to the following system subject to City Engineer and City Council approval:

Street Direction and Type	Name
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets and Angles	Named Lanes or Drives
Long Angle Arterial Streets	Named Parkway or Boulevard
Cul-de-sacs	Named Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Named Court (East-West) and Named Plaza (North-South)

9. Adjacency to Arterials and Railroads

- (a) Where the subdivision is adjacent to or contains a street designated as a major or minor arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. Design features may be necessary to provide adequate protection of residential or commercial property and separation of through and local traffic as determined by the City Engineer.
- (b) Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway or arterial, the City Engineer may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grade separations.

10. Prohibited Practices

- (a) The following design practices shall be prohibited:
- (1) Privately-owned reserve strips controlling access to streets, sidewalks, trails, utilities or similar.
 - (2) Private Streets emulating public streets and allowing continuation of local, collector or arterial existing roadways or those planned in the Comprehensive Plan.
 - (3) Half-or reduced standard width streets.
 - (4) Public alleys, except in a B1 zoning district.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4-4 Alleys

a. Applicability

Private alleys may be provided to supplement public roadways. Such private alleys may only connect to Local roads.

b. Alley Design

1. Minimum width of alleys shall be 20 feet.
2. Alley intersections and sharp changes in alignment shall be avoided.
3. Valley gutters may be used at alley and T-intersections subject to approval of the City Engineer.
4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission. All barricading and signage is the responsibility of the Developer.
5. Alley design in Commercial zones shall follow the National Fire Protection Agency requirements as administered by the Nebraska State Fire Marshall's Office.
6. Alley design in Residential zones or for residential uses shall follow the International Fire Code.

4-5 Lighting and Wiring

a. Street Lighting

1. Street lighting shall be provided by the Developer along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the local public power utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America. Lamps shall be light emitting diode (LED) and of type and manufacturer approved by the local public power utility.
2. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Columbus.
3. Lighting within the Airport Runway Protection Zone or Approach Zones may require FAA pre and post approval and Nebraska Department of Transportation Aeronautics Division approval.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

b. Underground Wiring

1. All electric, telephone, television, cable TV, data, fiber optics, and other communication lines shall be provided by underground wiring within public easements or public right-of-way, except where in the opinion of the approving authorities, such location is not practical and feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.
2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground. Relocation of existing above ground power lines with above ground power lines which are needed for development is subject to pre-approval of the Administrative Official.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
Private Street or Frontage Road (Private)	Street providing private or controlled access must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards. Private streets may not emulate public streets or prevent the logical extension of existing public roadways or those planned in the Comprehensive Plan.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (Private)	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	Two 12-foot through lanes	May be limited, must meet NFPA standards	33 feet	10%
Minor and Other Arterials	Each through land 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
Major Arterials	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4-6 Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extension of roadway segments, and design as determined by the City Engineer.

TABLE 4-3: Curb, Sidewalk, and Right-of-Way Requirements

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
Local - Rural	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
Local - Urban	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
Collector	Curb	Required both sides	4 feet	60 or 80 feet
Minor or Other Arterial	Curb	Both Sides	4 feet or greater as approved by City Engineer	100 feet or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5 ARTICLE FIVE: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

5-2 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply and future connection agreement acceptable to the City Engineer.
3. If a public water supply system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the Rural Water District, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. All proposals for new water supplies, extensions, or main installation shall be approved by the appropriate public agency, including the State of Nebraska Department of Environment and Energy and the City of Columbus.
5. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
6. City of Columbus final approval of the system, and if applicable, the State Fire Marshall approval of the fire protection system, shall be obtained prior to issuance of building permit or final occupancy permit.

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Water mains shall be a minimum of six inches in residential and commercial zones and a minimum of eight inches in industrial zones, subject to a Developer provided study, which may be required by the City Engineer, Comprehensive Plan and/or Citywide Water Study which may increase the sizes required.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. All property shall be within 300 feet of a fire hydrant. Fire hydrants shall be placed at all intersections and ends of mains.
5. Water mains shall be looped to eliminate permanent or long-standing dead-end lines, including through cul-de-sacs.
6. Installation of water systems shall conform to Nebraska Department of Environment and Energy and community design standards in use within the City of Columbus.
7. All final plats shall include a certification from a registered State of Nebraska Professional Engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-3 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system and in accordance with any and all design and construction manuals. Sewer services lines shall be tapped to sewer mains at the upper pipe limit and not at the flowline.
2. Where City sanitary sewer is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City sanitary sewer is not accessible within 300 feet of the final plat, the subdivider shall make provision for a sanitary sewer supply and future connection agreement acceptable to the City Engineer.
3. If the City creates a sanitary sewer extension district each benefiting property in accordance with State Statutes will have a special assessment. Special assessments shall be computed on the basis of proportionate costs and benefits of necessary extensions including sanitary sewer lift stations. Assessments shall be made on an area basis of benefiting property.
4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions and obtains approval from the Nebraska Department of Environment and Energy. Subsurface or septic systems are not permissible on any lot created if the overall density of the subdivision is greater than one unit per 1.5 acres, if individual lots are smaller than one half of an acre, if restricted by the Nebraska Department of Environment and Energy or any lot which has a property line which is within 300 feet of the public sanitary sewer system.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by the appropriate public agencies including the State of Nebraska Department of Environment and Energy and the City of Columbus.
 7. City of Columbus final approval of the system, and if applicable the State Electrical Inspector for the lift station system, shall be obtained prior to issuance of building permit or final occupancy permits.
 8. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
- b. Capacity
1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
 2. Installation of sanitary sewer systems shall conform to community design standards of the Nebraska Department of Environment and Energy and those in use within the City of Columbus.
 3. Sanitary sewer mains shall be a minimum diameter of eight inches or as required in a developer provided study as may be required by the City Engineer, the City Comprehensive Plan and/or the Citywide Sewer Study.
 4. Sanitary sewer manholes shall be a minimum of 48-inches in diameter and separation shall not be more than 350 feet and shall be placed at bends, main connections, end of mains and all service connections in diameter 6 inches and greater.
 5. All final plats shall include a certification from a registered Professional Engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-4 Storm Sewers and Storm Water Management

- a. Design
1. All subdivisions shall have a post-construction storm water treatment facility and detention system in accordance with the Storm Water Management Plan and City Code Chapters 53 and 54. This system shall be discussed at the pre-application DRT meeting and shall address routing of storm waters after they leave the subdivision, as well as the available drainage courses or storm sewers in the immediate vicinity of the subdivision.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

2. The design of the storm water management and treatment system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan, Storm Water Management Plan, Drainage Manual, and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques and in accordance with the City Stormwater Drainage Manual.
 3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
 4. Adjacent properties which may be pre-development burdened with surface waters should have the effects ameliorated as much as possible.
 5. Peak flow rates out of the subdivision or development shall not exceed pre-development rates. Detention system must be provided within the development, as part of a regional system, or other city program. The detention system must be located a minimum of 10 feet from any public right-of-way.
 6. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
 7. No surface or point source water may be channeled into a sanitary sewer system.
 8. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
 9. The pre-application information should include drainage impacts and shall be discussed with the DRT members.
 10. Post-construction stormwater treatment and detention system within the development must remain to be owned by the Developer, home owners association or similar association or district. They cannot be sold in part of whole to individual property owners in residential or commercial districts. The Environmental Protection Agency and the Nebraska Department of Environment and Energy require privately owned and operated systems to be inspected and maintained in accordance with a Maintenance Agreement as made part of the Development Agreement. Publicly owned and operated systems have the same inspection and maintenance requirements.
- b. Construction Stormwater Pollution Prevention Plan and Notice of Intent
1. In accordance with the Environmental Protection Agency, Nebraska Department of Environment and Energy (NDEE) and City Code Chapters 53 and 54, and the Storm Water Management Plan (SWPPP), prior to disturbance of one acre, the Developer must obtain a NDEE Construction Runoff NOI which includes a Stormwater Pollution Prevention Plan and provide a copy to the City Engineering Department. The SWPPP must be developed and signed by a certified official.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

2. Individual residential or commercial developments which are at or over one acre and which the developer is maintaining their NOI do not have to submit they own NOI or SWPPP. However, if the development NOI is terminated, a NOI must be obtained through the NDEE.
3. Individual residential or commercial developments which are under one acre need to complete an Individual Lot Plan as part of the Building Permit process. If under one acre, you do not need a NDEE NOI unless due to the potential or actual contamination of waters of US, unless one is requested by the City Engineer.
4. The SWPPP Best Management Practice (BMP) must include perimeter stormwater protection by constructing a silt fence or other BMP that is applicable for the topography and situation, such as, waddles on side slopes. The use of earthen berms as a perimeter BMP is not acceptable usage. Additional BMPs shall be provided as designed and shown on the SWPPP including, but not limited to, inlet protection, wet land protection, track out pad(s), concrete wash out (if applicable) and signage.
5. Developer must notify the City Engineering Department, Project Manager, a minimum of 72 hours in advance of the following:
 - (a) Preconstruction conference location and time upon which the NOI, SWPPP, and contact information for the certified inspector shall be provided and discussed. The City Project Manager, and/or City Construction Observer, or another City designee, will attend the meeting.
 - (b) Upon final construction of the initial BMPs for an inspection and approval to proceed with the earthwork or construction phase.
6. BMPs and development must be inspected in accordance with the SWPPP by certified officials, keep SWPPP records and documents updated, and be available to report to the City or NDEE upon any inspection.
7. The Developer and Post-Construction owner or association must provide storm water treatment facility and detention inspections and maintenance in accordance with the Maintenance Agreement and Development Agreement for system on the development. Any required maintenance work must be completed within the required work timeline.

5-5 Easements

a. Utility Easements

Public easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities as required by the utility companies or City.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

c. Drainage or Environmental Easements

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or a permanent drainage or environmental easement shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct and treat storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways. Backlot utility or drainage easements a minimum of 10 feet in width, or wider for that required to carry the design and larger storm events as determined in the drainage calculations, shall be provided and shown on the plat.

d. Other Easements

The subdivision shall provide easements for other public and private utilities that cross through it, in a form acceptable to the City or appropriate public agency.

5-6 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, easements, or other parks and public lands shall be completed as required by this Ordinance.

5-7 Public Infrastructure Improvement Impact Fee

a. Purpose

1. In the event infrastructure present is in a condition adequate to serve a proposed development, as determined by the City Engineer, the developer may elect to pay a public infrastructure improvement impact fee in lieu of making required public improvements or other payment agreement.
2. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
3. If an agreement or impact fee is required, details shall be included in the Development Agreement.

CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

6 ARTICLE SIX: IMPROVEMENT PROCEDURES

6-1 Purpose

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

6-2 Application

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
 1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
 2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
 3. The performance guarantee amounts and requirement, along with the permitted time for installation, shall be included within the Development Agreement negotiated between the City and the Developer and approved with the Final Plat.
 4. An Ordinance stating the requirements of the City can be used in lieu of Items 1, 2, and 3 above.

6-3 Pre-Construction Conference

- a. Prior to beginning construction the developer shall hold a pre-construction conference with adequate advanced notification, a minimum of 72 hours, to the City.
- b. In addition to the developer, attendance at the pre-construction conference shall include a representative from the design professional, city, general contractor, SWPPP inspector, public and private utilities and others which have a direct or indirect interest in the projects successful completion.
- c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city within 7 calendar days of the meeting.

6-4 Notification of Completion and Acceptance by City

- a. Notification
 1. Upon substantial completion of all required improvements, the developer shall notify the Administrative Official and City Engineer in writing, as well as submitting a certification from the project design professional Engineer, registered in the State of Nebraska, attesting to the adequacy of the installation.
- b. Inspection and Acceptance
 1. The Administrative Official, City Engineer, or his/her designee shall reasonably observe all installations, and shall approve, partially approve, or disapprove of the installation.

CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

2. If the installation is approved, the Administrative Official, City Engineer, or his/her designee shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. Prior to acceptance by the City, the developer shall provide to the City an as-built plan of the infrastructure of the subdivision including, but not limited to, all water, sewer and storm sewer utilities and stormwater treatment facilities. An as-built plan shall include elevations of the post-construction stormwater treatment facility. The as-built plan shall be electronic in a format acceptable to the City. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.



The Columbus Land Development Ordinance for the City of Columbus

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CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

CHAPTER 1: ZONING

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 1 of this Ordinance shall be known as the Zoning Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska (CLDO), and shall be incorporated into the Columbus City Code as Title XV, Chapter 151.

1-2 Jurisdiction

The provisions of this Chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by Section 16-901, Revised Statutes of Nebraska, 1943. Except as limited by §16-901 of Nebraska Revised Statutes, 1943, all existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances and ordinances authorized by §16-240 of Nebraska Revised Statutes, 1943, shall apply to the area two miles beyond and adjacent to the City's corporate boundaries to the extent shown on the Extra-Territorial Jurisdiction Map, the City's official map, with the same force and effect as if such outlying area were within the corporate limits of the City of Columbus. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Code. Such changes shall be reflected on the Extra-Territorial Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

1-3 Purpose

The purposes of the Columbus Land Development Ordinance of the City of Columbus are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan and Long-Range Transportation Plan of the City of Columbus.

1-4 Consistency with Comprehensive Development Plan and Long-Range Transportation Plan

The City of Columbus intends that this Columbus Land Development Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan and Long-Range Transportation Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan or Long-Range Transportation Plan because of subsequent amendments to that plan, it is the City's intent to amend this Ordinance to bring it into conformance with the plans.

CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

1-5 Conflicting Provisions

The Columbus Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Columbus Land Development Ordinance conflicts with any other provision of the Columbus Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.

1-6 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

1-7 Severability of Provisions

If any chapter, section, subsection, clause, or phrase of this Columbus Land Development Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO: DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

Illustration

In the case of any real or apparent conflict between the text of this Ordinance and any illustration explaining the text, the text shall apply.

a. Shall and May

"Shall" is always mandatory. "May" is discretionary.

b. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

c. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.

2. "Or" indicates that the connected items or provisions may apply singly or in any combination.

3. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

d. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Columbus.

2-3 Definitions of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-4 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure, which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use, which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction, which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Aerial Map:** An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing lots, streets, public facilities, flood plain and floodway zones, natural features, city limit or extra territorial jurisdiction lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
8. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family.
10. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

2-5 B

1. **Base District:** A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. **Basement:** A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** At the time the site is disturbed or altered for the project.
4. **Blockface:** The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street or a major physical barrier, including, but not limited to, railroads, streams, lakes, the corporate limits of Columbus, or the Extra-territorial Jurisdiction of the City of Columbus.

CHAPTER 1, ARTICLE 2: DEFINITIONS

5. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
6. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
7. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
8. Building Line: The outer boundary of a building established by the location of its exterior walls.
9. Building Official: The ~~Community Development Director~~Chief Building and Code Official is responsible for supervision and operation of the building and land use regulations of the City of Columbus.
10. Business: Activities that include the exchange or manufacture of goods or services on a site.
11. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

2-6 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common area, or the preservation of historically or environmentally sensitive features.
4. City: The City of Columbus, Nebraska.
5. City Council: The City Council of Columbus, Nebraska.
6. Collector Street: A street connecting neighborhoods within Columbus and its Extra-territorial jurisdiction, designed to carry traffic from local to arterial streets.
7. Common Area: An area held, designed, and designated for common or cooperative use within a development.
8. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Columbus.

CHAPTER 1, ARTICLE 2: DEFINITIONS

11. Condominium: A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
12. County: Platte County, Nebraska.
13. Private street access: An approved private street access with easement which provides access to residential properties and meets the following conditions:
 - (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a public street because of its alignment, design, or location.
 - (c) Is completely internal to a development.
 - (d) Provides approved emergency access to all properties.
 - (e) Follow naming requirements (lane/court)
14. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.
15. Creative Subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided the remaining land area is used for common area.

2-7 D

1. Density: The amount of development per specific unit of a site.
2. Drive-in-Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
3. Detached: Fully separated from any other building or attached to another building in such a manner as not to constitute an enclosed or covered connection.
4. Driveway: A permanently surfaced area providing vehicular access between a street and an off- street parking or loading area.
5. Downtown Business District: Area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.
- 5.6. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons; including permanent provisions for living, sleeping, eating, cooking, and sanitation. The minimal dwelling size is 400 square feet.

2-8 E

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land by one owner to others.
2. Enclosed: A roofed or covered space fully surrounded by walls.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-9 F

1. Family: One (1) or more related persons living together and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities; or a group of non-related persons living together by joint agreement and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities on a non-profit, cost-sharing basis. A group of non-related persons shall consist of not more than three (3) persons in a dwelling unit containing two (2) bedrooms or less or a group of not more than four (4) persons living in a dwelling unit containing three (3) bedrooms or more. The following person shall be considered related for the purpose of this Ordinance:
 - (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;
 - (c) Not more than eight (8) persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska;
 - (d) Not more than eight (8) persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska;
 - (e) Person(s) living with a family at the direction of a court.
2. Federal: Pertaining to the Government of the United States of America.
3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.
4. Frontage: The length of a property line of any one lot abutting and parallel to a public street or private access.

2-10 G

1. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, air spaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

2-11 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

CHAPTER 1, ARTICLE 2: DEFINITIONS

3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

2-12 I

1. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

2-13 J

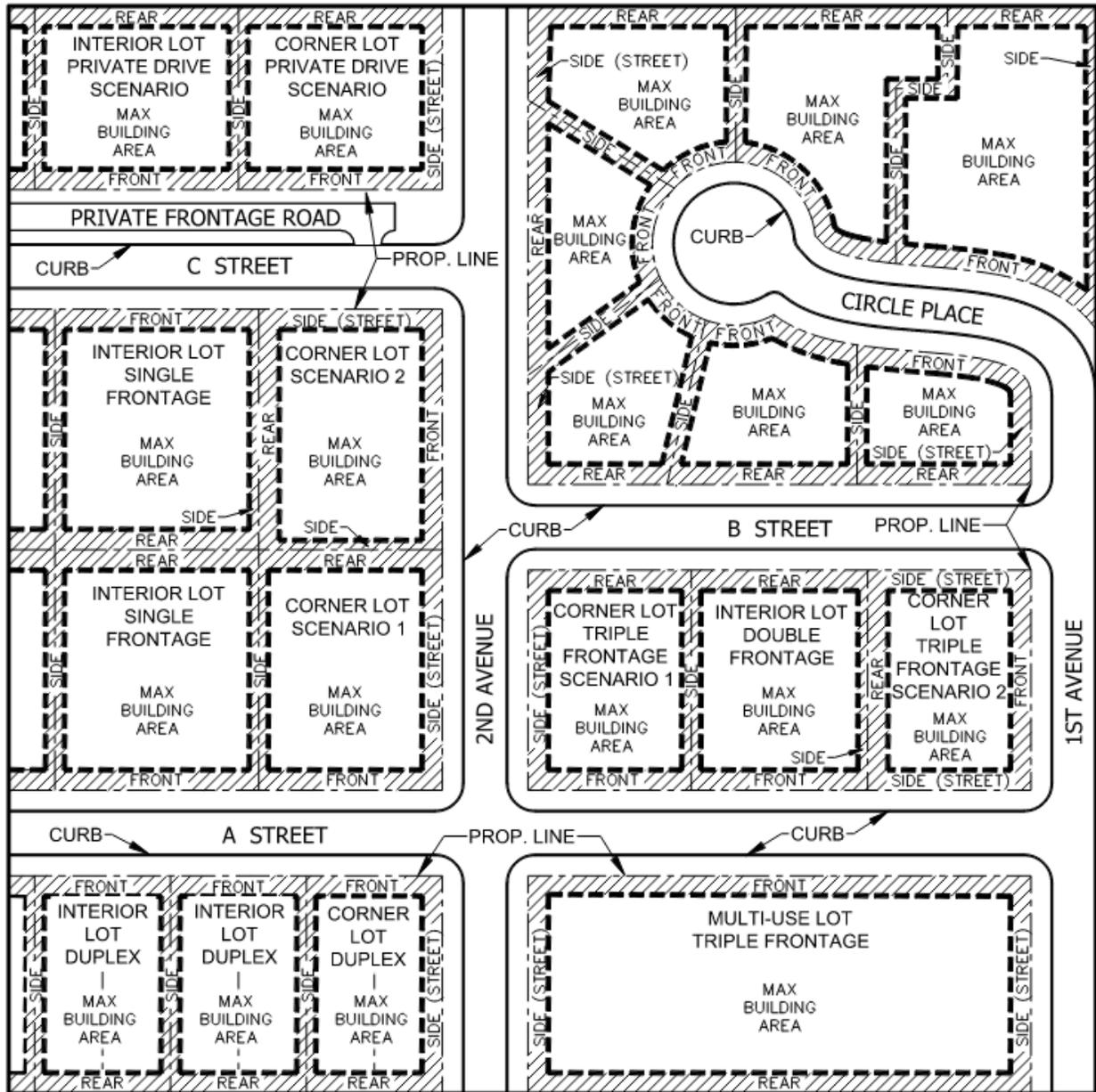
2-14 K

2-15 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily living landscape.
 - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
 - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Long Range Transportation Plan: Transportation Planning Document that discusses how Columbus will grow over the next two decades and identified transportation strategies to enable a more resilient and economically vibrant future.
4. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision. See Figure 2-15.
 - (a) Corner Lot: A lot located at the intersection of two streets, private street access or on two segments of a curved street or private street access forming an angle of no more than 135 degrees.
 - (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets or private access easements.
 - (c) Interior Lot: A lot other than a corner lot.

CHAPTER 1, ARTICLE 2: DEFINITIONS

Figure 2-15: Lot Definitions



CHAPTER 1, ARTICLE 2: DEFINITIONS

Lot Area: The total horizontal area within the lot lines of a lot.

5. Lot Depth: The average horizontal distance between the front and rear lot lines.
6. Lot Line: The lines bounding a lot as herein defined.
 - (a) Front Lot Line: For an interior lot, the lot line separating the lot from the street or private access. For a residential corner lot, the building official may determine which lot line abutting a street or private access shall be the front lot line, or the front lot line may be designated as the front lot line on a subdivision plat or parcel map. For a non-residential corner lot, the lot line abutting a street or private access to which the principal building is oriented, or the line designated as the front lot line on a subdivision plat or parcel map.
7. Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 - (a) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street or private access easement is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

2-16 M

1. Manufactured Home Dwelling: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:
 - (a) The home shall have at least 900 square feet of floor area;
 - (b) The home shall have an exterior width of at least 18 feet;
 - (c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;
 - (d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;
 - (e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - (f) Permanent utility connections shall be installed in accordance with local regulations;
 - (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
 - (h) The home shall be installed upon a permanent foundation that is constructed and built-in accordance with local regulations.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2. Mixed Use Building: A building or structure that incorporates two or more use types within it.
3. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries.
4. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings. Tiny Homes constructed on a permanent chassis or undercarriage shall be considered a mobile home.

2-17 N

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Use: A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
3. Non-Traditional Residential Park: A unified development in which the development is under single ownership, developed, subdivided, planned, and improved for the placement of mobile and/or tiny home units for non-transient use. Mobile or Tiny Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
4. Non-Traditional Residential Subdivision: A unified development in which the development is under common or split ownership, subdivided, planned, and improved for the placement of housing units on lots. Mobile Non-Traditional Residential Subdivisions shall include common areas and facilities for parking, recreation, utility services, enclosed shelter; and may include facilities for management, laundry, storage and other services. Non-Traditional Residential Subdivisions may not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
5. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-18 O

1. Off-Street Parking: Parking which must be provided on a site, but not within public right-of-way or property.
2. Open Space: Area included on any site, subdivision or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
3. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
4. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site or subdivision only in combination with a base district.
5. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

2-19 P

1. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
2. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.
3. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
4. Personal Vehicles: This term includes passenger cars, vans, motorcycles, trucks, pick-up trucks, camper trailers, recreational vehicles, trailers under 40 feet in length and boats, which can be classified as personally owned.
5. Planned Unit Development: A development of land which is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
6. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
7. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. Private Drive-or-Road: Access which is privately owned by one or more person, which has not been dedicated to the public but rather established by the property owner(s) for access to and from the drive-or-road connecting to the public street.

CHAPTER 1, ARTICLE 2: DEFINITIONS

9. Private Garage: A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.

10. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

9-11. Property Line: The line separating parcels.

2-20 Q

2-21 R

1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers; and van conversions.
2. Residential convenience services: Uses that are accessory to the primary residential use in the multi-family or Non-Traditional Residential District such as laundry services, solid waste, open recreational space, shared parking, etc.
3. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.

2-22 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
2. Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.
3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley. One structure or building may not be divided into more than one site for the purpose of zoning.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries and topography of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

CHAPTER 1, ARTICLE 2: DEFINITIONS

6. Special Permit Use: use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
7. State: The State of Nebraska.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
9. Street Level: First floor, which the floor elevation is at or above sidewalk elevation or adjacent ground.
10. Street, Local: A street which is used primarily for access to the abutting properties.
11. Street, Major: A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or highways by the Comprehensive Development Plan and Long-Range Transportation Plan.
12. Structure: That which is built or constructed above or below grade.

2-23 T

1. Tiny Home: A dwelling unit that is 400 square feet or less in floor area excluding lofts.
2. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit. In addition, no more than twelve contiguous townhouses with common or abutting walls.

2-24 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

2-25 V

1. Value: The estimated cost to construct or replace a structure in kind, based on current costs.
2. Vehicle: Includes personal vehicles and recreational vehicles.

2-26 W

2-27 X

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-28 Y

1. Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.
 - (a) Front Yard: A required yard extending the full width of a lot, between the front lot line and the front setback line.
 - (b) Rear Yard: A required yard extending the full width of a lot, between the rear lot line and the rear setback line.
 - (c) Interior Side Yard: A required yard extending the depth of a lot from the front to rear lot lines, between the interior side lot line and the side setback line.
 - (d) Street Side Yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line.

2-29 Z

1. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

CHAPTER 1, ARTICLE 3: USE TYPES

3 ARTICLE THREE: USE TYPES

3-1 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

3-2 Determinations

- a. Classification of Uses: In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Columbus shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Board of Adjustment. In making such determinations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
- b. Records: The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

3-3 Agricultural Use Types

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

- a. Horticulture: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
- b. Crop Production: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
- c. Animal Production: The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising or maintaining of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.
- d. Commercial Feedlots: The use of a site of more than 15,000 square feet for the confined feeding or holding of livestock or poultry which is not normally used for crop production or where grazing of natural vegetation is not the major feed source.
- e. Livestock Sales: Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

CHAPTER 1, ARTICLE 3: USE TYPES

3-4 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

- a. **Single-Family Residential**: The use of a site for one dwelling unit, occupied by one family, excluding a mobile home unit. A single-family residential use in which one dwelling unit is located on one or more lots, with no physical or structural connection to any other dwelling unit. This includes manufactured homes, as defined in Section 2-16.
- b. **Two-Family Residential**: Any residential use that serves two families, including but not limited to a 2-unit townhome, two detached single-family units on a single lot or duplex.
- c. **Mixed-Use Residential**: Attached residential living unit(s) within a building which includes non-residential use types. Example: Downtown apartments.
- d. **Multiple-Family Residential**: The use of a site for three or more dwelling units within one or more buildings.
- e. **Group Residential**: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.
- f. **Non-Traditional Residential**: Attached or Detached residential living units, such as: mobile homes, modular homes, tiny homes, container homes, etc.
- g. **Retirement Residential**: A building or group of buildings which provide residential facilities for more than four residents of at least fifty-five years of age, or households headed by a householder of at least fifty-five years of age. A retirement residence may provide a range of residential building types, and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences with more than 100 units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units.

3-5 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

- a. **General Offices**: Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.
- b. **Medical Offices**: Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

CHAPTER 1, ARTICLE 3: USE TYPES

3-6 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses.

- a. Administration: Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- b. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- c. Clubs: Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.
- d. College and University Facilities: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- e. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.
- f. Cultural Services: A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- g. Day Care Services (Limited): A facility, or use of a building or portion thereof, for day care of twelve (12) or less individuals and licensed by the State of Nebraska as a family child care home may be established and operated in any residential zone within the exercised zoning jurisdiction. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- h. Day Care Services (General): A facility licensed by the State of Nebraska, or use of a building or portion thereof, for day care of more than twelve (12) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities and non-commercial day shelters.
- i. Detention Facilities: A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community; or supervision while under program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
- j. Emergency Residential: A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

CHAPTER 1, ARTICLE 3: USE TYPES

- k. Group Care Facility: A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day/night occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the following:
 - 1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
 - 2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or of intellectual disability if such facility has an overnight occupancy of more than eight persons;
 - 3. Rehabilitation from the effects of drug or alcohol abuse.
- l. Group Home: A facility licensed by the State of Nebraska in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or a disability.
- m. Guidance Services: A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
- n. Health Care: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to out-patients, employees, or visitors.
- o. Hospital: A facility providing medical, psychiatric, or surgical service for sick or injured persons including on an in-patient basis, including, but not limited to emergency treatment, air medical services, diagnostic services, training, administration, and services to patients, employees, or visitors.
- p. Maintenance Facilities: A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or utility yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- q. Non-Commercial Shelters: Facilities which are operated by non-profit organizations and which provide emergency or temporary services and accommodations for people who lack access to permanent housing.

Non-commercial shelters may provide accommodations on a daytime and/or overnight basis. Typical uses include urban missions and shelters for homeless people.
- r. Park and Recreation Services: Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

CHAPTER 1, ARTICLE 3: USE TYPES

- s. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers. Does not include distribution or shipping
- t. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.
- u. Public Assembly: Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
- v. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute *prima facie* evidence of religious assembly use.
- w. Safety Services: Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
- x. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.
- y. Storm Water Treatment Facilities: Drainage and Detention Facilities required at the time of development, such as ditches, wetlands, ponds or similar facilities utilized or constructed to meet requirements established by the City's Storm Water Management Plan.
- z. Utilities: Any above ground structures or facilities, used for the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

3-7 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

- a. Agricultural Sales and Service: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include garden or tree nurseries, farm implement dealerships, feed and grain stores, and tree service firms.

CHAPTER 1, ARTICLE 3: USE TYPES

- b. Automotive and Equipment Services: Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
1. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
 2. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
 3. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
 4. Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
 5. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
 6. Vehicle Storage: Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.
- c. Bed and Breakfast: A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one (1) month.
- Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-3 (Bed & Breakfast)

CHAPTER 1, ARTICLE 3: USE TYPES

- d. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
- e. Business or Trade Schools: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- f. Campground: Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc., are allowed.
- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- h. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.
- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.
- j. Construction Sales and Service: Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials or services used in the construction of buildings. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales; tool and equipment rental or sales; ~~and electrical, plumbing, and mechanical contractors.~~
- k. Convenience Storage: Storage services for goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- l. Crematory: A building or portion of a building which contains a cremation chamber and holding facility pursuant to the Cremation of Human Remains Act, Neb. Rev. Stat. §§71-1355 to 71-1385 along with cremation services as authorized thereunder.

CHAPTER 1, ARTICLE 3: USE TYPES

- m. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - 1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include convenience stores, delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
 - 2. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet or food sales uses of any size that include the accessory sale of fuel for motor vehicles. Typical uses include supermarkets and convenience stores.
- n. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial (excluding crematory services), arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- o. Gaming Facilities: Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities may include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Columbus and the State of Nebraska.
- p. General Retail Services: Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:
 - 1. Automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- q. Kennels: Boarding and care services for dogs, cats, and similar small mammals or small birds used as pets; or any premises on which four or more animals included under this definition over six months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.
- r. Laundry Services: Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry, cleaning, and linen supply services.

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- s. Liquor Sales: Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- t. Lodging: Lodging services involving the provision of room and/or board. Typical uses include hotels and motels. Also includes other rental housing such as Commercial Air Bed and Breakfast, Rental By Owner, and other similar uses.
- u. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- v. Personal Services: Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry-cleaning stations serving individuals and households; driving schools; health or physical fitness studios; reducing salons; dance studios; handicraft and hobby instruction.
- w. Pet Services: Retail sales, incidental pet health services, and grooming and boarding, when confined within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- x. Research Services: Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- y. Restaurants: A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.
 - 1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
 - 2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.
- z. Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center; all as further defined in Article 14.

CHAPTER 1, ARTICLE 3: USE TYPES

- aa. Stables: Boarding, breeding or raising of horses, llamas, or other hooved animals which are not owned by the occupants of the premises; or for the purpose of riding animals included in this definition by members of the public other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables and public stables.
- bb. Surplus Sales: Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets, factory outlets and discount businesses with outdoor display.
- cc. Vehicle Storage: The use of a site for the medium- to long-term storage of vehicles which are either operable or may be made operable with reasonable repairs. Typical uses include auto storage lots, impound lots, or repair yards. Private parking towaways or impound yards but exclude dismantling or salvage.
- dd. Veterinary Services: Veterinary services and hospitals for animals. Typical uses include pet clinics, pet cemeteries and crematories, and veterinary hospitals for all animals.

3-8 Parking Use Types

- a. Off-Street Parking: Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.
- b. Parking Structure: The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

3-9 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

- a. Construction Yards: Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites.

Typical uses are building contractor's yards.
- b. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
 - 1. The use of hand tools, or
 - 2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
 - 3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, candle making shops, 3D Printing.

CHAPTER 1, ARTICLE 3: USE TYPES

- c. Light Industry: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
- d. General Industry: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
- e. Heavy Industry: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.
- f. Recycling Collection: Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- g. Recycling Processing: Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- h. Resource Extraction: A use involving on-site extraction of surface or subsurface mineral products or natural resources, including the removal of dirt, but excluding the grading of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.
- i. Salvage Services: Places of business primarily engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.
- j. Warehousing: Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, or open storage.

CHAPTER 1, ARTICLE 3: USE TYPES

3-10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

- a. Aviation Facilities: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
- b. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
- c. Transportation Terminal: A facility for the loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.
- d. Truck Terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

3-11 Miscellaneous Type Uses

- a. Major Alternative Energy Production Devices: The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include ground mounted solar collector fields, geothermal energy installations serving more than one property, or water-powered mills or generating facilities.

Minor Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include roof mounted solar collector units, geothermal energy installations serving a single property, or other alternative energy production devices that are minimally obtrusive for single property use.

- b. Broadcasting/Receiving Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.
- c. Construction Batch Plant: A permanent or temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.
- d. Wind Energy Conservation System (WECS): Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

CHAPTER 1, ARTICLE 3: USE TYPES

- e. Landfill (Non-Putrescible Solid Waste Disposal): The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.
- f. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal): The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage), and manure.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4 ARTICLE FOUR: ZONING DISTRICT REGULATIONS

4-1 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

4-2 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-2 displays the purposes of these districts.

Table 4-1: Base Districts

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
NTR	Non-Traditional Residential District
O	Office District
LC	Limited Commercial District
UC	Urban Commercial District
B-1	Central Business District
B-2	General Commercial District
ML/C-1	Light Industrial District
MH	General Industrial District
FP/FW	Flood Plain/ Floodway Overlay District
PUD	Planned Unit Development Overlay District
HD	Historic District
ED	Environmental Resources District
A	Agricultural Overlay District

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4-3 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

The Flood Plain/Floodway, Planned Unit Development, Historic, and Environmental Resources Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Agricultural Overlay District may be utilized only in combination with the RR or R-1 zoning districts.

4-4 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4-2, and shall represent a progression from the AG Agricultural District as the least intensive to the MH General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

4-5 Development Regulations

The Development Regulations for each zoning district are set forth in Table 4-3 and Table 4-4. Table 4-3 presents the uses permitted in each zoning district. Table 4-4 presents the Site Development Regulations for each zoning district.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-3.

4-6 Zoning Map

- a. Adoption of Zoning Map: Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance.
- b. Changes to the Zoning Map: The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve of this Zoning Code. Such changes shall be reflected on the Zoning Map. The City Clerk and City Engineer shall keep a complete record of all changes to the Zoning Map.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4-7 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be considered the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map if no legal description is available from the zoning action.
- d. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

4-8 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Purposes of Zoning Districts

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low-density residential development generally associated with agricultural uses. The district is designed to maintain complete agricultural uses within the Columbus extraterritorial jurisdiction.
RR	Rural Residential <u>District</u>	This district provides for very low-density residential environments, accommodating developments that merge urban living with rural life and institutions which require a residential environment. It permits limited agricultural uses within these settings. The district's regulations assure that density is consistent with the carrying capacity of infrastructure.
R-1	Single-Family Residential <u>District</u>	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Two-Family Residential <u>District</u>	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings and duplexes and two-unit townhomes on small to moderately-sized lots with supporting community facilities. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Multiple-Family Residential <u>District</u>	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses by special use permit in order to develop fully urban, mixed-use neighborhoods.
NTR	Non-Traditional Residential <u>District</u>	This district recognizes that non-traditional residential development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home, tiny home and similar developments within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

O	Office District	This district reserves appropriately located area for office development and distinguishes office uses from other, more intensive commercial activities and to provide suitable office environments in the city. The office district is also designed to permit a mixture of uses that are compatible with office development and to facilitate planning for traffic generation.
LC	Limited Commercial <u>District</u>	This district provides for neighborhood shopping facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
UC	Urban Commercial <u>District</u>	This district is intended to address the special needs of mixed-use neighborhoods that combine residential areas with nearby or adjacent office and commercial development. It permits uses that are mutually compatible. These districts are generally adjacent to major community arterials and, in some cases, include the use of residential properties for office and commercial purposes. The district's regulations recognize the urban and pedestrian character of these environments.
B-1	Central Business District	This district is intended to provide appropriate development regulations for Downtown Columbus. Mixed uses are encouraged within the B-1 District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.
B-2	General Commercial <u>District</u>	This district provides for a variety of commercial, office, <u>high density residential</u> , and service uses and is adapted to Columbus' largest commercial districts outside of Downtown. Uses and developments in the B-2 District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
ML/C-1	Light Industrial District	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
MH	General Industrial District	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family	P	P	P	P	P	P	S	S	P	S	S			
Two Family				P	P		P	S	P	S	S			6-3(a)
Townhouse				P**	P		P	S	P	S	S			6-3(b)
Mixed-Use Residential							P	S	P	P*	P*			
Multiple-Family					P		P	S	P	P	P			6-3(e)
Group Residential					S		P	P	P	P				6-3(e)
Non-Traditional Residential						P								
Retirement Residential				S	P		P	S	P	P	S			
* Only above street level ** Two-unit townhouse only														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Civic Uses														
Administration		S					P	P	P	P	P	P	P	
Cemetery	P	P	S		S									
Clubs	S	S	S	S	S	S	P	P	P	P	P			6-4(a)
College / University		S	S	S	P	S	S	P	P		P			
Convalescent Services					P		P	P	P					
Cultural Services		P	P	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S		
Day Care (General)		S/P*	S/P*	S/P*	P	S/P*	P	P	P	P	P	S	S	6-4(b)
Detention Facilities	S									S	S	S		
Emergency Residential	P	P	P	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S	S	S	S	S	P	P	P	P	P	S		6-4(c)
Group Home	P	P	P	P	P	P	P	P	P	P	P			6-4(c)
Guidance Services					P		P	P	P	P	P	P	P	6-8(b)
Hospitals					S		P	S	S	S	P			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Civic Uses														
Non-commercial Shelters										S	S		S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					S		P	P	P	P	P	P	P	
Primary Education		P	P	P	P	P	S	P	P	P	S			
Public Assembly							S	S	S	P	P			
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	S	
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education		S	S	S	P	S	S	S	S	S	S			
Stormwater Treatment Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
<p>S/P* - P* is hereby defined as permitted if in compliance with <u>Neb. Rev. Stat. § 43-2616</u>. <u>Neb. Rev. Stat. § 43-2616</u> provides that any family child care home licensed by the Department of Health and Human Services pursuant to <u>Neb. Rev. Stat. § 71-1911</u> or by the City or County pursuant to <u>Neb. Rev. Stat. § 71-1914(2)</u> may be established and operated in any residential zone within the exercised zoning jurisdiction.</p>														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Office Uses														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
Commercial Uses														
Agricultural Sales/Service	S										P	P	P	
Automotive Rental/Sales										P	P	S		
Auto Services								S	S	P	P	P	P	6-5(a), 6-5(b)
Body Repair											S	P	P	6-5(a)
Crematory											S	S	P	6-5(f)
Equipment Rental/Sales										S	P	P	P	
Equipment Repair											P	P	P	6-5(a)
Vehicle Storage											S	P	P	
Bed & Breakfast			S	S	P		P	P	P	P	P			6-5(c) * Note 1

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Business Support Services							P	P	P	P	P	P	P	
Business/Trade Schools							S			P	P	P		
Camp Ground	P	S									S			6-5(d)
Cocktail Lounge										P	P	S		
Commercial Recreation	S								S	P	P	P		
Communication Services							S	P	P	P	P	P	P	
Construction Sales and Service										P	P	P	P	
Consumer Services							S	P	P	P	P	P		
Convenience Storage	S	S									S	P	P	6-5(e)
Food Sales (Limited)					S			P	P	P	P	S		
Food Sales (General)								S	P	P	P	S		
Funeral Services							P	P	P	P	P			
General Retail Services							S	P	P	P	P	S		
Kennels	P	S									S	P		
Laundry Services										S	P	P	P	
Liquor Sales		S								P	P	S		
Lodging					S		S	S	P	P	P			
Note 1 – Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019.														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Commercial Uses														
Personal Services					S		P	P	P	P	P	P		
Personal Improvement Services					S		P	P	P	P	P	P		
Pet Services								P	P	P	P	P		
Research Services	S							P	P	P	P	P		
Restaurants (Drive-In)									S		P	S		
Restaurants (General)							P	P	P	P	P	S		
Sexually Oriented Business												S		6-5(g)
Stables	P	S												
Surplus Sales										P	P	P	P	
Veterinary Services	S	S									P	P		
Gaming Facility										P	P			

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Parking Uses														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

*Off-Street Parking in the R-1, R-2 and R-3 Zoning Districts must be in conjunction with Use Types permitted by right and/or in conjunction with Non-Parking Use Types that have been approved by a Special Use Permit.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										S	S	P	P	
General Industry												P	P	
Heavy Industry													P	
Resource Extraction	S	S											P	6-6(a)
Salvage Services													P	6-6(b)
Warehousing												P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	**S	**S										**S	P	
WECS (Wind Energy Conservation System)	P	P			S			S	S		S	P	P	
Landfill (Non-Putrescible)	S												S	
Landfill (Putrescible)	S												S	
Major Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P	P	
Minor Alternative Energy Production Devices	P	P	P	P	P	P	P	P	P	P	P	P	P	

* See Chapter 13 of the Zoning Code. Towers permitted under Section 5 of Chapter 13 or towers that are eligible for administrative approval under Section 6 of Chapter 13 are exempt from the Special Use Permit requirement. For all other towers, Special Use Permits shall be governed by Chapter 13 of the Zoning Code and, particularly, the procedures and criteria set forth in Section 7 thereof.

**** Temporary Construction Batch Plants Only.**

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 Acres	1 acre	5,500	4,840 / 7,480 (5)	5,500
Minimum Lot Width (feet)	300	100	54	44 (2)	50 (2)
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	5,500	4,840 (Single Family) 3,740 (Two Family)	1,500 (3)
Minimum Yards (feet)					
Front Yard	50	50	20	20	20
<u>Front Yard to Building Line</u>	=	=	<u>15</u>	<u>15</u>	<u>15</u>
<u>Front Yard to Garage Line</u>	=	=	<u>20</u>	<u>20</u>	<u>20</u>
Street Side Yard	25	25	20 <u>15</u>	20 <u>15</u>	20 <u>15</u>
Interior Side Yard	25	25	7	7 <u>(Note 1)</u>	7 <u>(Note 42)</u>
Rear Yard	35	35	25 <u>15</u>	25 <u>15</u>	20 <u>15</u>
Maximum Height (feet)	100	36	36 <u>(Note 42,3,6)</u>	36 <u>(Note 42,3,6)</u>	36 <u>(Note 42,3,6)</u>
Maximum Building Coverage	NA	NA	40 <u>50</u> %	40 <u>50</u> % (7)	50%
Maximum Impervious Coverage	NA	NA	50 <u>55</u> %	55 <u>65</u> % (8)	65%
Floor Area Ration	NA	NA	NA	NA	1.00

Note 1: See Section 6 for supplemental regulations governing townhouse residential use types. ~~Note 2:~~

~~Note 2:~~ See Section 6 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

~~Note 3:~~ Density of multi-family residential may exceed this minimum, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

Note 42: Dwellings may exceed the height limit by up to ten feet if the side yard is increased by the same amount as the added height.

~~Note 5:~~ 4,840 square feet for single-family lots; 7,480 square feet for duplex or other residential lots.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Note 63: Accessory buildings cannot be over 20 feet in height to the peak.

~~**Note 7:** Maximum building coverage may be increased to 50%, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.~~

~~**Note 8:** Maximum impervious coverage may be increased to 65%, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.~~

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

Regulator	NTR Park	NTR Subdivision
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (Note 14)	20%	15%

Note 14: Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided and water quality volumes for 2-year storm events and provisions for 100-year storm events are met. These facilities must be located a minimum of 10 feet from any public right-of-way. Common Open Space must be owned, maintained, and inspected by the developer or home owners' association.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

Regulator	O*	LC*	UC*	B-1	B-2*
Minimum Lot Area (square feet)	5,000	5,000	5,000	NONE	5,500
Minimum Lot Width (feet)	50	50	50	NONE	50
Site Area per Housing Unit (square feet)	2,000 (Note 5)	2,000 (Note 5)	2,000 (Note 5)	500	2,000 ^{1,500} (Note 5)
Minimum Yards (feet)					
Front Yard	20	20	15	0	10
Street Side Yard	20	20	10	0	10
Interior Side Yard	10	10	10	0	0
Rear Yard	20	20	20	0	20
Maximum Height (feet)	48	36	36	NO LIMIT	60
Maximum Building Coverage	50%	50%	50%	100%	70%
Maximum Impervious Coverage (Note 6)	70%	70%	80%	100%	90%
Floor Area Ratio	1.00	1.00	1.00	5.0	3.0

*Uses in the O, LC, UC, B-2, ML/C-1, and MH Districts are subject to landscape and screening provisions contained in Article 8.

Note 35: Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council with the recommendation of the Planning Commission.

Note 56: Storm water treatment water quality volumes and detention volumes must be met within the development, as part of a regional system, or other City program.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-4: Site Development Regulations

Regulator	ML/C-1*	MH*
Minimum Lot Area (square feet)	5,000	5,000
Minimum Lot Width (feet)	50	50
Site Area per Housing Unit (square feet)	NA	NA
Minimum Yards (feet)		
Front Yard	15	0
Street Side Yard	10	0
Interior Side Yard	0	0
Rear Yard	10	10
Maximum Height (feet)	72	NONE
Maximum Building Coverage	70%	85%
Maximum Impervious Coverage	90%	100%
Floor Area Ratio	2.0	2.0

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5 ARTICLE FIVE: OVERLAY DISTRICTS

5-1 General Purpose

Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Columbus.

The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City which require specific regulation;
- b. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

PUD: PLANNED UNIT DEVELOPMENT DISTRICT

5-2 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning Commission, assures specific development standards for each designated project.

5-3 Permitted Uses

Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

5-4 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded;
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.

5-5 Access to Public Streets

Each PUD District must abut a public street for at least 60 feet and gain access from that street.

5-6 Application Process

- a. Development Plan: The application for a Planned Unit Development District shall include a Development Plan containing the following information:
 1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5-7 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

5-8 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 5-7.

5-9 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-10 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Board shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

CCD: CREATIVE CLUSTER DEVELOPMENT

5-11 Purpose

The CCD Creative Cluster Development provides a design alternative that provide greater flexibility in subdivision design and design and build developments that are considerate of special natural or artificial features.

5-12 Permitted Uses

Residential uses permitted in a CCD Overlay District are those permitted in the underlying base district.

5-13 Site Development Regulations

Site Development Regulations comply with the overall density requirements of a zoning district, but allow internal variations of such standards as lot size, and setbacks in order to encourage innovative or economic development or protect natural features and open space without loss of economic yield to the developer.

- a. Cluster subdivisions allow the clustering or grouping of residential lots in order to provide common open space.
- b. Cluster Subdivisions may be developed and approved subject to the following standards and variations:
 1. The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.
 2. Individual lot size dimensions, including lot width, may be reduced to 60% of requirement of zoning district. Any savings on lot size shall be devoted to common open space or other approved community facilities.
 3. Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
 4. Street or right-of-way widths set forth in Article 5 may be varied within for local streets within Cluster Subdivisions, subject to the sole discretion of the approving authorities.
 5. Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-14 Access to Public Streets

Each CCD District must abut a public street for at least 60 feet and gain access from that street.

5-15 Application Process

- a. **Development Plan:** The application for a Creative Cluster Development District shall include a Development Plan containing the following information:
 1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;
 2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;
 3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
 4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;
 5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
 6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5-16 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Creative Cluster Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a CCD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to CCD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a CCD Creative Cluster Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the CCD District. All approved plans shall be filed with the City Clerk.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-17 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 5-7.

5-18 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a CCD District unless it is in compliance with the approved Development Plan or any approved amendments.

5-19 Termination of CCD District

If no substantial development has taken place in a Creative Cluster Development District for three years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

ED: ENVIRONMENTAL RESOURCES DISTRICT

5-20 Purpose

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

5-21 Procedure for Adoption

- a. Proposal: The creation of an ED Environmental Resources Overlay District may be initiated by the Planning Commission or the City Council.
- b. Requirements for Application

An application for the creation of an ED Overlay District must include:

1. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district;
2. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries;
3. Supplemental site development regulations and performance standards that apply to the proposed district.

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5-22 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each ED Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to ED District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an ED Environmental Resources Overlay District.
- f. The Ordinance adopting the ED District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an ED Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-23 Building Permits

Building or other development permits issued by the City in an ED District shall be consistent with the adopted ED District Ordinance.

HD: HISTORIC DISTRICT

5-24 Purpose

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Columbus. The district recognizes the importance of historically and architecturally significant districts to the character of Columbus and provides for their conservation.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-25 Procedure for Adoption

- a. **Proposal:** The creation of an HD Historic Overlay District may be initiated by the Planning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.
- b. **Requirements for Application:** An application for the creation of an HD Overlay District must include:
 1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district;
 2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries;
 3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district;
 4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

5-26 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Historic Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-27 Building Permits

Building or other development permits issued by the City in an HD District shall follow procedures for review and approval established within the City's Landmarks Preservation Ordinance.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-28 Statutory Authorization, Finding of Fact and Purposes

- a. Statutory Authorization: The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area. Therefore, the City Council of Columbus, Nebraska ordains as follows:
 - b. Finding of Fact:
 1. Flood Losses Resulting from Periodic Inundation: The flood hazard areas of Columbus, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 2. General Causes of the Flood Losses: These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.
 3. Statement of Purpose: It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1-2 by applying the provisions of this ordinance to:
 4. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
 5. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
 6. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
 7. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.
 - c. Adherence to Regulations: The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5-29 General Provisions

- a. Lands to which Ordinance applies: This ordinance shall apply to all lands within the jurisdictions of the City of Columbus, Nebraska, identified on the Flood Insurance Rate Map (FIRM) panels 3114C0310E, 3114C03020E, 3114C0330E, 3114C0335E, 3114C0340, and 3114C0345E dated April 19, 2010, as Zones A, A1-30, AE, AO, or AH and within the Zoning Districts FW and FF established in Article 3 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Article 4 and Article 5.
- b. Rules for Interpretation of District Boundaries: The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if so desired.
- c. Compliance: Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- d. Abrogation and Greater Restrictions: This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- e. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- f. Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of City of Columbus or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- g. **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

5-30 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated April 19, 2010, and on accompanying FIRM panels as established in Article 2. The flood fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5-31 Floodplain Management Administration

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified by the Flood Insurance Study [and accompany map(s)]. The floodway overlay district (FW) is identified by the flood insurance rate map dated April 19, 2010. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

- a. **Designation of Floodplain Administrator:** The City Engineer of the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, the community CEO shall assume the duties and responsibilities herein.
- b. **Permits Required:** A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.
- c. **Duties of Floodplain Administrator:**
Duties of the City Engineer shall include, but not be limited to the following:
 - 1. Review, approve, or deny all applications for floodplain development permits.
 - 2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - 3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
 - 4. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

5. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
 7. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
 8. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been flood proofed.
 9. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
 10. Ensure comprehensive development plan as amended is consistent with this ordinance.
 11. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.
- d. Application for Permit and Demonstration of Compliance
1. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - (a) Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
 - (b) Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
 - (c) Indicate the use or occupancy for which the proposed development is intended.
 - (d) Be accompanied by plans and specifications for proposed construction.
 - (e) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

2. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - (a) All such proposals are consistent with the need to minimize flood damage.
 - (b) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage.
 - (c) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (d) Construction materials are flood resistant,
 - (e) Appropriate practices to minimize flood damage have been utilized; and
 - (f) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
3. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
4. When flood proofing is utilized for an applicable structure, a flood proofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.

For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
5. Any other such information as reasonably may be required by the City Engineer shall be provided.
6. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are “reasonably safe from flooding.” The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (a) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMRF.
 - (b) Applicant shall demonstrate that the property and any existing or proposed structures will be “reasonable safe from flooding,” according to the minimum design standards in FEMA Technical Bulletin 10-01.

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- (c) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.
- e. Flood Data Required
 - 1. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
 - 2. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.
- f. Variances and Appeals Procedures
 - 1. The Board of Adjustment as established by City of Columbus shall hear and decide appeals and request for variances from the requirements of this ordinance.
 - 2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this ordinance.
 - 3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).

CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

4. In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) The danger to life and property due to flooding or erosion damage.
 - (b) The danger that materials may be swept onto other lands to the injury of others;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to have a waterfront location, where applicable;
 - (f) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (k) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.
- g. Conditions for Variances
 1. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
 2. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
 3. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
5. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
6. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
8. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
9. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

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h. Enforcement

- (a) **Violations:** Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.
- (b) **Notices:** When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - (1) Be in writing;
 - (2) Include an explanation of the alleged violation;
 - (3) Allow a reasonable time for the performance of any remedial act required;
 - (4) Be served upon the property owner or their agent as the case may require; and
 - (5) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

i. Penalties

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
3. Nothing herein contained shall prevent the City of Columbus or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

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5-32 Standards for Floodplain Development

- a. General Provisions
 1. Alteration or Relocation of a Watercourse
 - (a) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
 - (b) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.
- b. Encroachments
 1. When proposing to permit any of the following encroachments, the standards in Section 5-1 shall apply:
 - (a) Any development that will cause a rise in the base flood elevations within the floodway; or
 - (b) Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - (c) Alteration or relocation of a stream; then
 2. The applicant shall:
 - (a) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - (b) Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.
 3. Floodway Overlay District
 - (a) Standards for the Floodway Overlay District
 - (1) New structures for human habitation are prohibited.
 - (2) All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.

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- (3) In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5-1, in meeting the standards of this section.
 - (b) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:
 - (1) Agricultural uses such as general farming, pasture, nurseries, and forestry
 - (2) Residential uses such as lawns, gardens, parking, and play areas
 - (3) Nonresidential uses such as loading areas, parking, and airport landing strips
 - (4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.
4. Elevation and Floodproofing Requirements
- (a) Residential Structures
 - (1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
 - (2) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
 - (3) In the floodway, new structures for human habitation are prohibited.
5. Nonresidential Structures
- (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - (1) The structure is watertight with walls substantially impermeable to the passage of water and
 - (2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

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(b) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:

- (1) The structure is watertight with walls substantially impermeable to the passage of water and
- (2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Elevation and Floodproofing Requirements ~~Section 4~~.

6. Space Below Lowest Floor

- (a) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- (b) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - (2) The bottom of all openings shall not be higher than one (1) foot above grade, and
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

7. Appurtenant Structures

- (a) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:
 - (1) The structure shall not be used for human habitation.
 - (2) The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
 - (3) The floor area shall not exceed 400 square feet.
 - (4) The structure shall have a low damage potential.
 - (5) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

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- (6) The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - b. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
 - (7) No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.
 - (8) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (9) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.
8. Manufactured Homes
- (a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,
 - (5) Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
 - (b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 5-2 be elevated so that either;
 - (1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

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- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).
 - (c) New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (H) "Subdivisions".
 - (d) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - (2) Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - (3) Any additions to the manufactured home be similarly anchored.
9. Existing Structures
- (a) The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iv) shall apply.
 - (b) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
 - (c) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of Section 5-1.
 - (d) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.
10. Design and Construction Standards
- (a) Anchoring: All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

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(b) Building Materials and Utilities

- (1) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
- (2) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

11. Drainage

- (a) Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

12. Water Supply and Sanitary Sewer Systems

- (a) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
- (b) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
- (c) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

13. Other Utilities

All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

(a) Storage of Materials

- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- (2) The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(b) Recreational Vehicles

- (1) Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.
- (2) Recreational vehicles to be placed on sites within the floodplain shall:
- (3) Be on site for fewer than 180 consecutive days;

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- (4) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
- (5) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

14. Subdivisions

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:

- (a) All such proposals are consistent with the need to minimize flood damage;
- (b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

5-33 Nonconforming Use

A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

- (a) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the City Engineer in writing of instances of nonconforming uses where utility services have been discontinued for a period of six (6) months.
- (b) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- (c) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage
- (d) Occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

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5-34 Amendments

- a. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbus. At least 15 days shall elapse between the date of this publication and the public hearing.

A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

5-35 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application:

0.2% Annual Chance Floodplain means the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

Appurtenant Structure shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as "accessory structure."

Area of Shallow Flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation to which floodwaters are expected to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means "structure." See definition for "structure."

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

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Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Fringe is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

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Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

Overlay District is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated April 19, 2010, whichever is later.

Pre-FIRM Structure means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated April 19, 2010, whichever is later.

Principally Above Ground means that at least 51 percent of the actual cash value of the structure is above ground.

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Recreational Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of Construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage means damage of any origin sustained by a structure whereby the cumulative cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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Variance is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

5-36 to 5-39 Reserved for Future Use

5-40 A: Agricultural Overlay District

5-41 Purpose

This district is intended to permit the use of limited agricultural activities in combination with residential land uses. It recognizes the existence in Columbus of specific neighborhoods that, while developed to urban densities, also include certain farm uses, including the raising of both crops and animals. It further recognizes that such uses should be strictly controlled in order to minimize effects on neighboring properties.

5-42 Application of District

This district may be used only in combination with the RR, R-1, or R-2 zoning districts.

5-43 Permitted Uses

In addition to those uses permitted by the base district, the following additional uses are permitted in the Agricultural Overlay District:

1. Horticulture
2. Crop Production
3. Animal Production, subject to the following additional conditions:
 - (a) Any new animal shelter, confinement facility, or animal unit shall require approval by the City Council through the special use permit procedure;
 - (b) Any accessory facilities or shelters must be located at least 50 feet from any residences other than the principal residence on the property where such facilities or shelters located; and at least 50 feet from any lot line of a property under different ownership.

5-44 Pre-Existing Zoning

Any property zoned R-2b on the effective date of this Ordinance shall be considered to be zoned R-2 with an Agricultural Overlay District.

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5-45 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each A Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to A District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an A Agricultural Overlay District.
- f. The Ordinance adopting the A District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

6 ARTICLE SIX: SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance.

6-2 Supplemental Use Regulations: Agricultural Uses

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

- a. Horticulture and Crop Production: Retail Sales: Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:
 1. Garden Centers: A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

Garden centers must conform to all site development regulations for the zoning district.

Any garden center adjacent to a residential district must maintain a 20-foot landscaped Bufferyard consistent with the standards established in Section 8-5.
 2. Roadside Stands: A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

A roadside stand may operate for a maximum of 180 days in any one year.
- b. Commercial Feedlots: No new commercial feedlots shall be established within the zoning jurisdiction of the City of Columbus.

6-3 Supplemental Use Regulations: Residential Uses

- a. Townhouse Residential: Where permitted, townhouse residential is subject to the following regulations:

~~The site area per unit must be 3,740 square feet in the R-2 District and 1,500 square feet in the R3 District;~~

The minimum width for any townhouse lot sold individually shall be ~~25-20 feet,~~ ~~except within an approved creative subdivision;~~

1. Coverage percentages are computed for the site of the entire townhouse common development.

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- b. Two Single Family Residential:
 - 1. The two single family units shall be separated by a minimum of 14 feet.
 - 2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.
- c. Multi-Family and Group Residential in B-1 District:
 - 1. Multi-family and Group Residential uses are permitted in the B-1 District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.
- d. Non-Traditional Residential Parks in NTR District: In the NTR Residential District, which permits mobile home, tiny home and other non-traditional residential use, such use may be configured in a Non-Traditional Residential Park or Non-Traditional Residential Subdivision. A Non-Traditional Residential Park or Subdivision may be approved administratively once all the following regulations are met:
 - 1. Property is properly zoned, Non-Traditional Residential.
 - 2. Completed Development Agreement
 - 3. Density Requirements as defined in Table 4-4: Site Development Regulations.
 - 4. Site Development Minimum Standards:
 - (a) Setbacks: Each Non-Traditional Residential Park and Subdivision shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - (b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Article 8 of this Ordinance. Screening shall be provided in conformance with Section 8-5 for any common property line with another non-residential use.
 - (c) Open Space Requirements, Table 4-4: Each Non-Traditional Residential Park shall provide a minimum of 250 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians.
 - (d) Parking Minimum Requirements, Table 9-1.
 - (e) Parking: Park requires common parking. Subdivision requires on-site parking.

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5. Street Access and Circulation Requirements:
 - (a) Access to Public Street: Each NTR Park and Subdivision must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
 - (b) Vehicular Circulation: The NTR Parks and Subdivisions must provide interior vehicular circulation on a private internal street system.
 - (1) One side on Street Parking Minimum interior street width shall be a minimum of 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 350 feet in length without a variance.
 - (2) No on street parking. Minimum interior street width shall be a minimum of 24 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 350 feet in length without a variance.
 - (c) Sidewalks or Path: Each NTR Park and Subdivision shall provide a sidewalk or path system to connect each lot to common buildings or open space constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk and path width shall be at least four feet. Public sidewalk connectivity must be provided.
 - (d) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
6. Utilities: All living units shall have piped supply of hot and cold water for both drinking and domestic purposes; domestic sewer service; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each living unit.
7. Financial Responsibility: Each application for a NTR Park and Subdivision shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.
8. Completion Schedule: Construction must begin on any approved Non-Traditional Parks and Subdivisions within one year of the date of approval. Such construction shall be completed within two years of approval, unless otherwise extended by the Administrator.
9. Permitting: A set down permit with fee as set by Resolution is required for each mobile home.
10. Anchoring: Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

6-4 Supplemental Use Regulations: Civic Uses

- a. Clubs: Clubs located adjacent to residential uses shall maintain a bufferyard of not less than seven feet along the common boundary with such residential use.
- b. Day Care: Day care facilities are permitted by Special Use permit in the MH General Industrial Zoning District only if incidental to a permitted primary use.
- c. Group Care Facilities and Group Homes: Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

Group homes are permitted in the B-1 District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

6-5 Supplemental Use Regulations: Commercial Uses

- a. Auto Repair, Equipment Repair, and Body Repair:
 1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
 2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
- b. Auto Washing Facilities:
 1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
 2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
- c. Bed and Breakfasts:
 1. Bed and Breakfasts permitted in the B-1 District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by people with physically disabilities may be located on the street level.
- d. Campgrounds
 1. Minimum Size: Each campground shall have a minimum size of one acre.
 2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
 3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances, state and federal regulations; or, alternatively, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

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e. Convenience Storage:

When permitted in the AG, RR, and B-2 Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be 8,712 square feet of lot area;
2. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

f. Crematory:

When permitted in the MH Zoning District or for a Special Use Permit in a B2 or ML/C-1 Zoning District, a crematory shall be subject to the following additional requirements:

1. Shall only be allowed if licensed by the State of Nebraska and in compliance with any applicable regulatory agency(ies).
2. A plan of operation shall be submitted to the City building department and is required to meet all environmental requirements and accompanied by a site plan showing all existing and future or planned facilities on the site. The plan of operation shall address hours of operation, number of licensed persons on site trained to operate the crematory unit, procedures to be followed in processing the remains, including required permits and authorizations to be obtained from doctors and county coroner as the case may require. Said plan of operation is subject to periodic review which will address all life safety codes.
3. The following setback shall be complied with: a 20-foot setback unless a greater setback is otherwise required under this Code. Landscaping and buffer yards as required under this Code.
4. All services and activities associated with said crematory must take place within a completely enclosed building, including the unloading of human remains from the transporting vehicle and must maintain the integrity of the surrounding area.
5. All driveway approaches at least 20 feet outward from the crematory toward the City street must be paved with either concrete or asphalt.

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g. Sexually Oriented Business:

When permitted in an ML/C-1 Zoning District with a Special Use Permit, a sexually oriented business shall be subject to the following additional requirement:

1. Shall not be operated within 300 feet of:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of a residential or historic district;
 - (d) A park or recreational trail;
 - (e) A property line of a lot devoted to a residential use;
 - (f) A hospital; or
 - (g) A fairgrounds.

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction:

Resource extraction, where permitted, is subject to the following additional requirements:

- (a) Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.
- (b) Ponding of Water: The site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission and the Lower Loup Natural Resources District.
- (c) Storage of Topsoil: Topsoil shall be collected and stored for redistribution at the site where mining took place following the end of the operation, except where ponding is approved.
- (d) Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (1) Restoration of slopes to a gradient not exceeding 33% as soon as possible;
 - (2) Installation of perimeter safety fencing of at least 6 feet in height; when located within 300 feet of any residential or public use district. Acceptable fencing types include chain link, wood, metal or vinyl with no opening which would allow a 4-inch sphere to pass through.
 - (3) Installation of visual screening adjacent to any property within a residential or public use district. If fencing required in above (b) is solid, it may be used to fulfill this requirement.

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- (e) Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion.
 - (f) Topographic & Site Plan: Submittal must include a proposed topographic plan and, if applicable, a subdivision layout of the completed project.
- b. Salvage Services
- 1. Screening:
 - (a) The perimeter of each new facility shall be fully enclosed by opaque, free-standing fencing, or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
 - (c) Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
 - (d) No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.
- c. Development within County Designated Industrial Areas:
- 1. All applications for Industrial Areas proposed for designation by Platte County under Neb. Rev. Stat. Sections 13-1111 through 13-1121 shall be referred by the City of Columbus to the Planning Commission for review and recommendations. Following Planning Commission action, the City Council shall act on the request.
 - 2. Any agreement between Columbus and Platte County involving approval of such a designation may include, but not be limited to, the following conditions:
 - (a) The proposed Industrial Area designation is consistent with the principles and objectives of the Comprehensive Plan;
 - (b) The City reserves the right to request and receive an annual report from any owner or renter of property within the designated Industrial Area, accurately indicating the current and proposed use of any land, buildings, or facilities within the area. The annual report may be requested in January of each year is due on or before March 1 of that year. Failure to submit an acceptable annual report within this schedule shall result in revocation of occupancy permits and zoning privileges granted by the City;
 - (c) Any newly created Industrial Area shall be designated for a period not to exceed 10 years. The City Council, after recommendation by the Planning Commission, may extend this term in two-year increments, up to a maximum term of twenty years;

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- (d) These provisions do not apply to Industrial Areas designated before December 5, 1983. However, the City may request the Platte County Board to review existing Industrial Areas within the city's jurisdiction from time to time.

6-7 Supplemental Use Regulations: Home-Based Businesses

The intent of this section is to allow residents the opportunity to use their residence as a place to produce or supplement their personal and family income, while protecting residential areas from adverse effects associated with a home-based business and to achieve and maintain an attractive and efficiently functioning community. Home-based businesses are permitted in residential units subject to the conditions set forth in this section.

a. Violations

1. A home-based business shall comply with all City Codes.
2. If a violation of the City Code exists, the zoning administrative officer or his/her designee shall, in writing, note the specific area of noncompliance and the home-based business shall have a ten (10) day period in which to achieve compliance. Failure to comply with City Codes shall constitute an offense.

b. Building Use

1. The home-based business shall be incidental to the residential use of the property where it is operated. No more than 30% of the total first floor area of the primary residential structure on the premises shall be used for the operation of home-based businesses. To be considered a home-based business, at least one owner of such business must live on the premises.

c. External Activities

Any outdoor activities carried out in conjunction with the home-based business must be in keeping with, and maintain the integrity of, the surrounding residential area.

1. The growing, in an unobtrusive manner, of plants, flowers, vegetables, fruit, and similar materials utilized in the operation of the home-based business need not be screened.
2. Other activities not consistent with the character of the surrounding residential area must be screened from view.

d. External Effects

The home-based business shall not constitute a hazard or nuisance to neighboring properties.

1. Outdoor storage of any equipment, machinery, parts, goods, materials, or other appurtenances of the business shall not be permitted.
2. The home-based business shall not involve the parking or storage of tractor-trailers, semi-trucks, or heavy equipment, such as construction equipment, used in a business.

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3. Welding, vehicle body repair, vehicle painting, mechanical repair, rebuilding or dismantling of vehicles, or other like businesses are not allowed as home-based businesses.
 4. Businesses which involve the production, storage, distribution, or collection of hazardous chemicals, toxic materials, fireworks, or similar materials, or other like businesses, are not allowed as home-based businesses.
 5. The home-based business shall not cause glare, noise, odors, or electronic interference to the residents of surrounding properties.
 6. The home-based business shall not require additional on- or off-street parking.
- e. Employees
- A home-based business may employ individuals under the following conditions:
1. At any given time, a home-based business may employ no more than two (2) individuals that are not a resident of the primary home.
 2. If more than one home-based business is operated from the same residential property, the maximum number of employees applies to all businesses taken together, not to each business separately.
- f. Signage
- Signage designating a home-based business shall be limited to one non-illuminated and non-reflective sign.
1. Signage may include at most the name of the home-based business, a logo symbol, contact information, address, and indication of the appropriate public entrance. The sign may contain less information. The sign may not exceed four square feet and must be attached to the building.
 2. The presence or design of the sign shall not detract from the property or the surrounding residential area; neither shall its size constitute a visual hazard. Signage must be contained entirely on the property and must maintain appropriate distances from the boundaries of neighboring properties.

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6-8 Supplemental Use Regulations: Accessory Uses

a. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages and accessory buildings for the residential use shall not be allowed on more than 50% of the allowable lot coverage and no single detached accessory building shall exceed 35% of the allowable lot coverage
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 6-7 of these regulations.
4. Residential convenience services for multi-family uses and Non-Traditional Residential.
5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous two-month period or four sales during any twelve-month period.
6. Automobile sales are prohibited except those automobiles which are for sale by the owner of the residence on a temporary basis not to exceed two (2) months in any calendar year.
7. Within the RR Rural Residential District only, any lot of two acres and over may maintain one horse, llama, other hooved animal, or large bipedal bird. Such a lot may have one additional animal for each additional full acre of lot area over two acres, up to a maximum total of five animals. The animal or animals provided for in this paragraph shall be subject to the approval of a Special Use Permit.
8. Animal production as defined in Section 3-3 shall be subject to a special use permit within the RR Rural Residential District.

b. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the MH General Industrial zoning districts only as accessory uses to a primary industrial use.

c. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2.
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

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6-9 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the MH General Industrial zoning district, except as provided in this section.

- a. Agricultural Use Types
 1. Outdoor storage is permitted where incidental to agricultural uses.
- b. Civic Use Types
 1. Outdoor storage is permitted where incidental to Maintenance Facilities.
- c. Commercial Use Types
 1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
 2. Outdoor storage is permitted where incidental to Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 8-5. This provision shall apply to any Body Repair use established after the effective date of this Ordinance.
- d. Industrial and Miscellaneous Use Types
 1. Light Industry within the B-1 Central Business District zoning district may not include outdoor storage.
 2. Outdoor storage is permitted where it is incidental to Light Industry outside of the B-1 Central Business District. Any such outdoor storage within General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards is subject to screening requirements set forth in Section Eight.
 3. Outdoor storage is permitted where incidental to landfills.

6-10 Supplemental Use Regulations: Swimming Pools

GENERAL PROVISIONS

- a. DEFINITION:

The term PRIVATE RESIDENTIAL SWIMMING POOL is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings and including all appurtenant equipment, constructed, installed and maintained in or above the ground outside of a building used for family dwelling units; provided the PRIVATE RESIDENTIAL SWIMMING POOL is maintained by an individual primarily for the sole use of the individual's household and guests and not for the purpose or in connection with any business operated for profit.
- b. COMPLIANCE REQUIRED:

Every private residential swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

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c. PERMIT REQUIRED:

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless a permit therefor shall have first been obtained from the Community Development Department.

d. PERMIT FEES:

The fee for a permit for the erection or construction of a swimming pool shall be as set by resolution.

e. DRAWINGS, PLANS AND PERMITS:

1. All drawings and plans for the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances for which a permit is required shall first be presented to the ~~Engineer~~ Building Official or his/her designee, for examination and approval as to the proper location, construction and use.
2. All plans and drawings shall be drawn to a scale of not less than one-eighth of an inch to the foot, on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot lines, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems and all appurtenances pertaining to the swimming pool.
3. All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. If any deviations from the plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this chapter.

f. REGULATIONS

1. LOCATION:

- (a) Private residential swimming pools shall be permitted in residential zones only. No portion of a private residential swimming pool shall be located at a distance less than eight feet from any side or rear property line or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight feet from any side property line. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.

2. RECIRCULATION POOLS:

- (a) All private residential swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.

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3. MATERIALS:

- (a) Private residential swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finished easily cleaned surfaces. The floor or bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be vertical to a depth of at least six feet or shall have a slope or curvature meeting one of the following conditions.
- (b) The pool wall may be vertical for 30 inches from the water level below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and 30 inches.
- (c) To a depth of six feet, except as in division (A)(1), the wall's slope shall not be less than one foot horizontal in six feet vertical.
- (d) Pool walls that are to be lined with a plastic liner shall be constructed of masonry or reinforced concrete.

4. WALK AREAS:

- (a) Unobstructed walk areas not less than 36 inches wide shall be provided to extend entirely around the pool. The walk areas shall be constructed of impervious material and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot designed so as to prevent back drainage from entering the pool.

5. FENCES:

- (a) All private residential swimming pools shall be completely enclosed by a fence erected along the periphery of the pool walks. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be four feet in height above the walk grade level and shall be constructed of a minimum number nine-gauge woven wire mesh corrosion-resistant material or material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

6. STEPS OR LADDERS:

- (a) Two or more means of egress in the form of steps or ladders shall be provided for all private residential swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep end and shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

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7. WATER SUPPLY:

- (a) No source of water other than that secured from the City waterworks distribution system shall be used in private residential swimming pools unless City water is not available.

8. ELECTRICAL REQUIREMENTS:

- (a) All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the Electrical Code ('63 Code, § 4-3-17) Penalty, see § 10.99

9. SAFETY PRECAUTIONS:

- (a) A skilled swimmer shall be present at all times that private residential swimming pools are in use.
- (b) Every private residential swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of three-sixteenths inch manila line attached and one or more light but strong poles with blunted ends and not less than 12 feet in length for making reach assists or rescues.
- (c) No diving board or platform more than three feet above the water level shall be installed for use in connection with any private residential swimming pool.

6-11 Supplemental Use Regulations: Mailboxes

Mailboxes constructed on a base other than a single pole and a footprint larger than 25 square feet need approval from the City Engineer as to location and the Chief Building and Code Official as to the structure and size.

6-12 Supplemental Use Regulations: Cargo Containers and Portable Storage Containers

Cargo containers sixteen (16) feet long and longer are only allowed in light industrial zoning districts and general industrial districts subject to the following requirements:

- a. The time duration that storage containers can be allowed on a particular site shall be established by the Development Review Team (DRT).
- b. Containers shall be limited in quantity to the number allowed by the Development Review Team and shall not be increased without additional review.
- c. Location of containers on the site shall be restricted to the location approved on the site plan by the Development Review Team.
- d. Containers approved for a duration of twelve (12) months or more may require screening view of any adjacent property and public streets in a manner approved by the Development Review Team including, but not limited to, fencing, berming, landscaping or a combination thereof.
- e. All storage containers shall be clean and well-maintained portable storage
 - 1. Containers sixteen (16) feet and less in length are allowed in all zoning districts subject to the following requirements:

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2. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight (8) feet wide by eight (8) feet high by sixteen (16) feet long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed ninety (90) days in a twelve (12) month consecutive period. Additional time is subject to City approval by the Building Official on a case-by-case basis. Additional containers on the same site require City approval by the Building Official prior to placement.
3. Portable storage containers shall not be used for long term storage.
4. No permit is required; however, the street address of the location the container is going to be placed and the date of placement shall be communicated by telephone, electronic mail, or in person, to the Building Official prior to the day the container is placed.
5. The property must be occupied by a principal residential building.
6. Containers are allowed in the front building setback but shall be placed a minimum distance of five (5) feet from any side or rear property lines. Preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way.
7. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.
8. No sales shall be conducted from a portable storage container.
9. All storage containers shall be clean and well maintained.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7 ARTICLE SEVEN: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-1 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

7-2 Setback Adjustments

- a. Lots Adjoining Alleys: In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than ten feet to the near side of the alley.
- b. Exceptions to Openness of Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
 1. Window sills, belt courses, cornices, eaves, flues and chimneys (including enclosed or unenclosed), and ornamental feature may project two feet into a required yard.
 2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or **twenty fifteen** feet from any street property line.
 - ~~3. Uncovered deck may be attached to the rear of a house, and constructed so that it is no closer than 15' from the rear lot line of said property. (Ordinance 94-28)~~
 - ~~4.3.~~ Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
 - ~~5.4.~~ For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
 - ~~6.5.~~ In commercial and business districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
 - ~~7.6.~~ Accessory buildings in residential districts, including private and community garages, may be located a minimum of two feet from the side lot line and ten feet from the rear lot line. The rear yard setback may be reduced to two feet if bounded by an alley if set back is sixty feet or more from the front lot line. An accessory building must have an additional rear and side setback of one foot for every two feet or portion thereof of height over 15 feet. Any such accessory building must be located at least six feet from the main structure. Accessory building in an R-1, R-2 or R-3 district shall not exceed

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

20 feet in height at the peak. No residential accessory buildings permitted on NTR Park or Subdivision lots.

~~8.7.~~ Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces: These provisions apply if any of the buildings on that blockface have front yard setbacks less than those required for the specific district.

(a) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building; excluding garages, refer to Table 4-4: Site Development Regulations.

(b) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.

d. Corner Lots: Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

e. Double Frontage Lots: In Rural Residential zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Antennas: No antennas are permitted in the front yard.

g. Vision Clearance Zones: No structures, plantings to maturity, landscaping, fences, parked vehicles, trucks, trailers, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet or less within, whichever is greater in clear zones, from a triangle formed 1) by a line connecting points thirteen feet along each leg from the property lines from their point of intersection and 2) by a line connecting points forty feet along each leg from the back of curb from their point of intersection and as extended to the public or private street or driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection as shown in Figure 7-2(a). Radii greater than 20 feet shall be subject to the Figure requirements. Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.

h. Attached structures extending into public rights-of-way within the Downtown Business District, excluding roadways.

1. Attached structures, such as awnings, canopies and signs may extend no more than 48 inches from the façade or facewall of the building to which it is attached. These structures must maintain a vertical clearance of at least 7 feet and 6 inches.

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Figure 7-2(a): Vision Clearance Zone

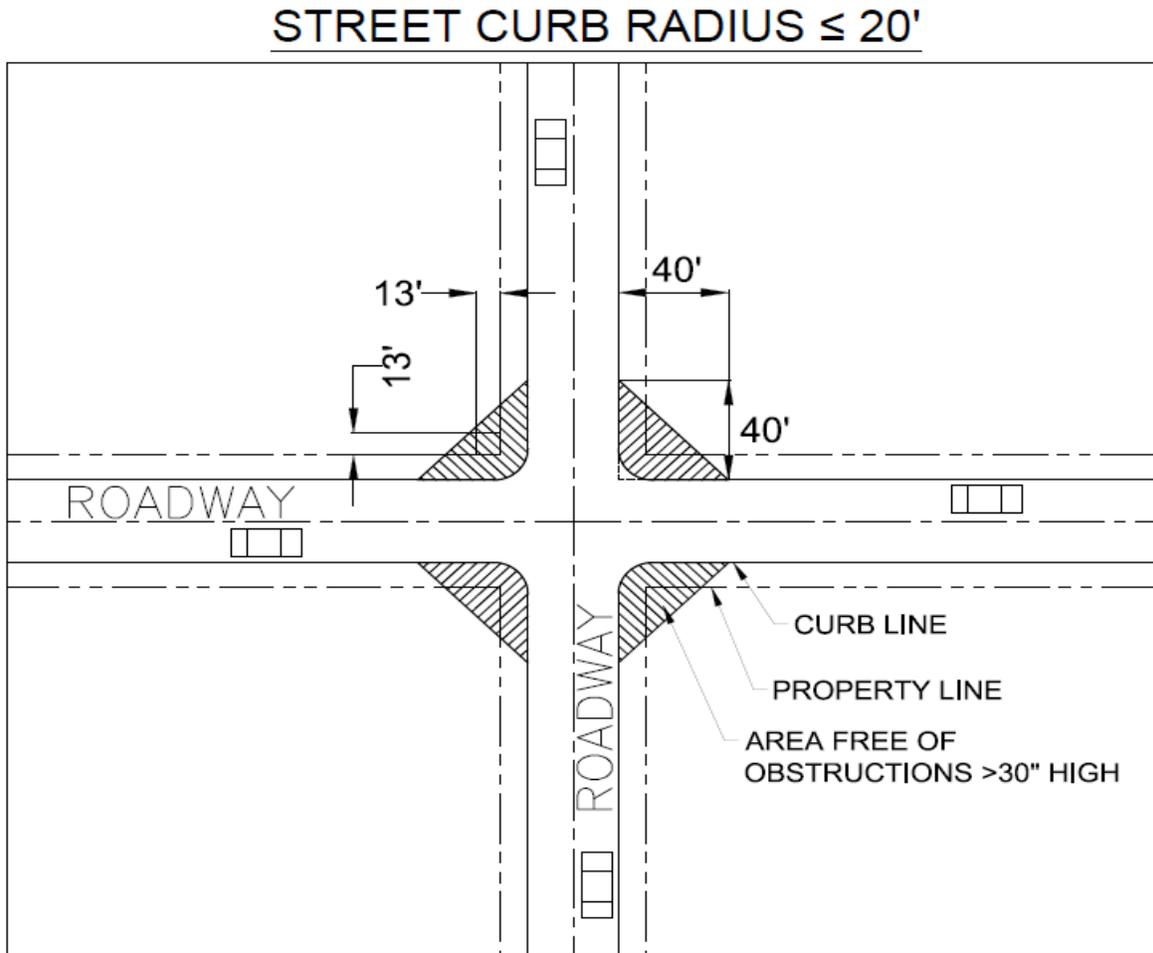


Figure 7-2(b): Vision Clearance Zone

STREET CURB RADIUS > 20'

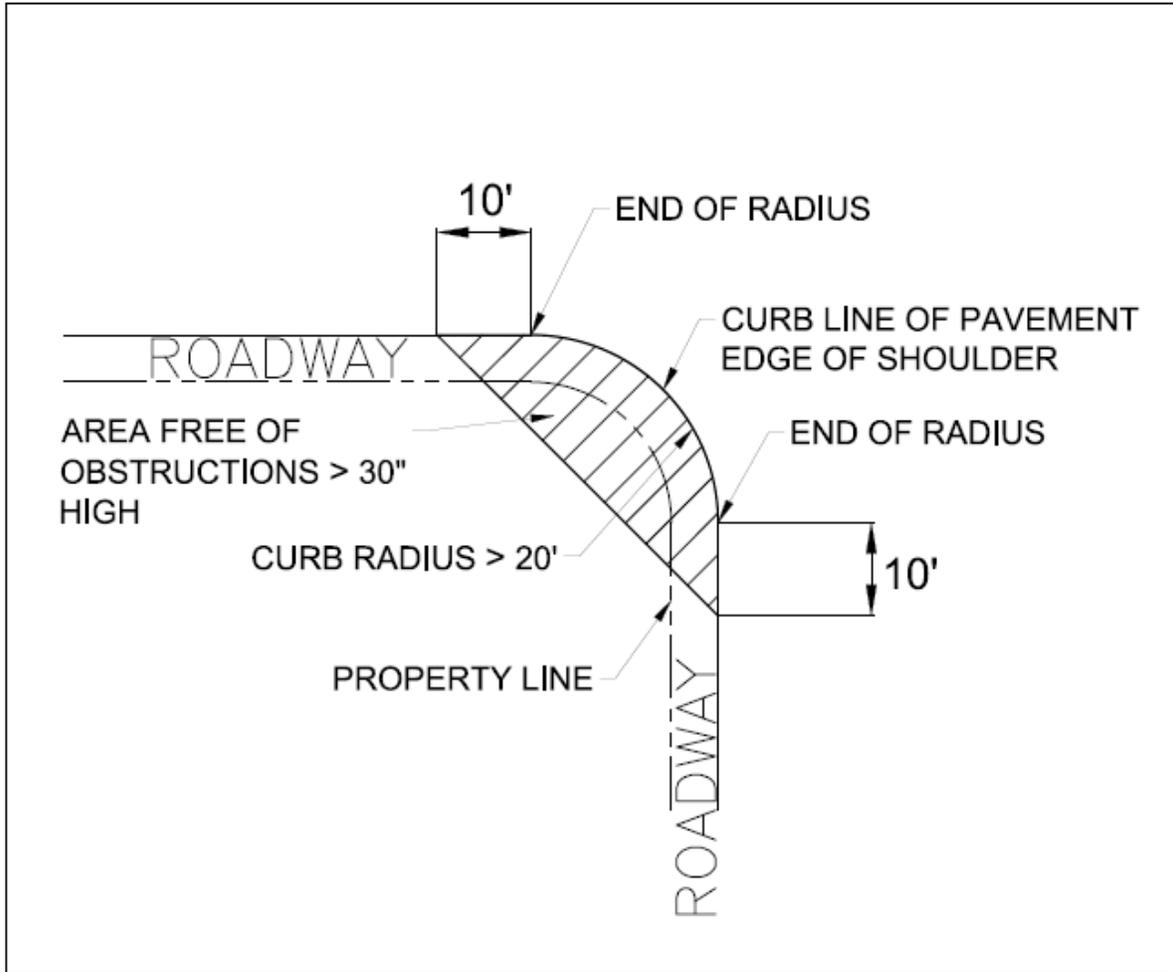


FIGURE 7-2 (b): VISION CLEARANCE ZONE

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-3 Height Exceptions

a. These provisions allow exceptions to the height limit of any zoning district in certain situations.

1. Vertical Projection: Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, City owned towers used for emergency communications and water towers may be built to any height in accordance with existing ordinances.
2. Radio Towers: Radio towers, operated by licensed amateur radio operators, may be built to a height as set forth in paragraph 2 below provided such towers do not exceed the height limitations set by Table 4-4: Site Development Regulations. This exception does not apply to parabolic antennas, designed to receive signals from satellites.

Such radio towers shall not be located within a street yard of the primary use, and shall be located no less than 110 percent of the tower's height from a property line of an adjacent property within any zoning district.
3. Dwellings: Dwellings may exceed the height limit of their zoning districts by a maximum of ten feet, provided that each such building shall have a side yard setback of one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.
4. Wind Energy Conservation Systems (WECS): Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.
5. Federal Aviation Administration Rules: No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Columbus.

7-4 Allowable Adjustments to Site Development Regulations for Creative Subdivisions

- a. Purpose: Section 5-11 of the Land Development Ordinance provides for creative subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to creative subdivisions.
- b. Site Area Per Unit:
 1. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. In the AG or RR Districts, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.
- c. Perimeter Yards
 1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.
 2. The required setback for any structure within the subdivision from any property line which forms the boundary of the subdivision shall be at least ~~20~~ **15** feet.
- d. Area and Yards for Individual Lots: Minimum lot areas may be reduced by a maximum of 50%. Street Side yards may be reduced by a maximum of 25%. Interior and Back yards may be reduced by a maximum of 50%, provided a minimum separation of ten feet shall be established for all residential structures not attached to one another. A creative subdivision must be planned and developed as a common development.
- e. Coverage and Landscaping Requirements: Individual lots in a creative subdivision may increase maximum building and impervious coverage limitations by 20%.

7-5 Fence Regulations

- b. Location Restriction: Unless otherwise provided by this title or other sections of the Columbus Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.
- c. Sight Obstruction: No solid fence permitted or required by this title or other sections of the Columbus Municipal Code shall be built or placed above a maximum height of 30-inches above the established pavement surface or shoulder grade within a triangle formed by a line connecting points twenty-five feet along each leg from the property lines from their point of intersection and as extended to the public or private street, driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection.
- d. Residential Fences: Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard may be up to six feet.
 2. Exception for Back Yards of Double Frontage Lots: A fence built within the required back yard of a double frontage lot, provided no residential access is provided to the back yard street, may be a maximum of six feet in height.
- e. Office, Commercial, and Industrial Fences: Fences constructed in commercial and industrial districts are subject to the following special provisions:
 1. LC, UC, and B-1 Districts: The maximum height of a fence may not exceed six feet if located outside of the required front or street side yards. Fences within the front and street side yards may not exceed four feet.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. B-2, ML/C-1, MH Districts: The maximum height of a fence within a required front yard or street side yard setback may not exceed six feet. The maximum height for a fence outside of required front yard or street side yard setbacks may not exceed ten feet.

7-6 Downtown Building Standards

The Downtown Business District includes the area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public right-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

The City of Columbus has set forth these guidelines as minimum standards whereby properties in the Downtown Business District can be improved or built upon; it is in the best interest of the City and its residents to have a downtown that is pleasing to walk, drive through and conduct business in while maintaining an environment that preserves, to a reasonable extent, the heritage and history of Columbus. Any improvement or building project should be undertaken with care and consideration of these goals.

A majority of the commercial buildings in the Columbus downtown retain their original form and ornamentation in the upper stories. Out of the total of 127 properties in the Downtown, 101 are considered architecturally and historically significant. The majority of the commercial buildings were built between 1910 and 1919 with most of the remaining being built from 1930 to 1946.

The Downtown Building Standards are the regulating document for development within the downtown of Columbus. The Downtown Building Standards recognize the historic character of the downtown and identifies a special set of development standards, allowed use regulations, and other special use regulations that, when applied to new construction and qualifying remodel/s expansions will ensure that the historic character is positively complement. These guidelines apply to any portion of the commercial and/or institutional properties visible to pedestrians and/or motorist within the Downtown Business District.

Building should work together to create a “wall of buildings” effect associated with traditional downtown areas. New construction and infill building must maintain the alignment of facades along the sidewalk edge; exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape, or if the lot size, shape and the intended use of the building require substantial associated onsite parking.

A minimum of 30% of the ground level front façade and 20% of the ground level sides of buildings adjacent to public right of ways shall consist of any combination of windows and doors with large glass panels, as shall a building’s rear façade if it faces public right of way, parking area or open space. Windowless upper floors are not permitted and the windows should be vertically oriented. Arched tops, columns framing and window and decorative lintels, where appropriate are encouraged.

Infill construction should reflect some of the detailing of surrounding buildings in building massing, window shape, cornice lines and brick work.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured in place concrete are required as the primary exterior material facing streets. Other high-quality materials may be proposed to and approved by the Chief Building and Code Official.

Faux brick products (not made of fired clay) are prohibited. Metal is not suitable primary material for building exteriors in the Downtown area.

With the exception of existing, the following materials are not permitted for use on the facades or sides of buildings adjacent to public right of way.

1. Brick larger than 4" in height, 12" in length
2. Aluminum, vinyl or fiberglass siding.
3. Concrete masonry units, other than limited use of split faced block which may be considered accent lines or the emulation of foundation stone if appropriate.
4. Materials that attempt to mimic traditional materials (an example would be fiberglass panels that are molded to look like brick); a singular exception to this is the judicious use of cultured stone.
5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described above. Exception stucco maybe approved by the building official below the 12 (twelve) foot level if the structural integrity of the brick has been compromised.

If a new commercial building is constructed within the Downtown Business District its design should complement its environment and should include design elements, proportion, colors, etc.

Tile, stone, glass block, copper flashing, metal and wood are among the type of materials that should be considered for accents to buildings. Preference is for a high level of design and architectural detail.

7-7 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Section 12-8 and Section 12-9.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8 ARTICLE EIGHT: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-1 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Columbus by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Columbus.

8-2 Applicability

The provisions of Article 8, shall apply to all new development on each lot or site upon application for a building permit or replacement of sidewalk within the B-1 district, except for the following:

- a. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
- b. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater.

8-3 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 8-1.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

TABLE 8-1: Required Landscape Depth

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	50 feet
R-1	20 <u>15</u> feet
R-2	20 <u>15</u> feet
R-3*	20 <u>15</u> feet
NTR Park	10 feet
NTR Subdivision	20 feet
O	20 feet
LC	20 feet
UC	15 of the depth of the street yard. Landscaped area between curb to sidewalk may be counted toward this requirement.
B-1	No Requirement
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement
B-1	Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

* For residential uses only.

B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-4 Bufferyard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 8-2 .

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

The Plan Administrator may waive bufferyard and screen requirements when adjacent to City owned property, excluding right-of-way and property used for recreational purposes.

TABLE 8-2: Bufferyard Requirements (feet)

More Intensive District	Less Intensive District						
		AG*	RR	R-1	R-2	R-3*	RMH
O, LC, UC**	10	10	10	10	10	10	10
B-2**	30	30	20	20	20	20	20
ML/C-1	30	30	30	30	30	30	30
MH	50	50	50	50	50	50	50
* For residential uses only.							
** No buffer required when use is entirely residential use.							

8-5 Screening Standards

- a. Application: Screening is required between adjacent zoning districts indicated in Table 8-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.
 1. The rear elevation of buildings.
 2. Outdoor storage areas or storage tanks, unless otherwise screened.
 3. Loading docks, refuse collection points, and other service areas.
 4. Major machinery or areas housing a manufacturing process.
 5. Major on-site traffic circulation areas or truck and/or trailer parking.
 6. Sources of glare, noise, or other environmental effects.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

- b. Opaque Barrier: A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 8-5 from less intensive uses as follows:
 - 1. A solid wood, vinyl and/or masonry fence or wall at least six feet in height;
 - 2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque hedge-like barrier and attaining a minimum height of six feet within three years of planting;
 - 3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts;
 - 4. Any combination of these methods that achieves a cumulative height of six feet.
- c. Location of Screening Wall: A screening wall or fence shall be installed within the required buffer yard.
- d. Screening: Effect on Drainage: Screening shall not adversely affect surface water drainage.

8-6 General Provisions

- a. Time of Application: The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.
- b. Maintenance of Required Landscaping: Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.
- c. Obstruction of View: Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, trail or sidewalk.
- d. Area between sidewalk and curb/edge of pavement: The area between the sidewalk and street curb or edge of pavement shall be grass turf. A maximum of ten (10) percent of this area may be used for mailboxes, paving, or other ground cover.
- e. Exceptions: A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

8-7 Grade Elevation at Residential Building Setback

The maximum grade elevation at the residential building setback line shall be a slope between 4 and 6 percent as approved by the Building Official as calculated from the top of the pavement curb or edge of roadway to the building setback. Buildings or structures placed further back from the setback, setback larger than 20-feet, roadway right-of-way greater than 60 feet, or other uncommon situations shall have the maximum elevation set by the Building Official. Sidewalk or trail cross slope, including the driveway, cannot exceed two percent (quarter inch per foot) in accordance with the American's is Disability Act.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-8 Performance Standards in the B-2 and ML/C-1 Zoning Districts

a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 8-3 displays the maximum permitted sound levels that may be generated by uses in the LC, UC, B-2 or ML/C-1 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specification for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

TABLE 8-3: Maximum Permitted Sound Levels at Residential Boundaries

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
LC, UC, B-2	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
ML/C-1	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	55
* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.		

Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78-degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9 ARTICLE NINE: OFF-STREET PARKING

9-1 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

9-2 General Applications

- a. Applicability: Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
- b. Exemptions: Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

9-3 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

- a. Computation
 1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
 2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
 3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1.5 spaces per 1 bedroom dwelling units <u>or studios, and</u> , and 1 space per 2 dwelling units for elderly housing.
Downtown Living Units	0 spaces per dwelling unit. Within existing structures only.
Group Residential	1 space for each two residents.
Non-Traditional Residential Park	1 space per dwelling provided in shared parking facility.
Non-Traditional Residential Subdivision	1 space per dwelling unit.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4-person capacity.
Religious Assembly	1 space per 4-person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4-person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1: Off-Street Parking Requirements

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

SCHEDULE A	
This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.	
Function of Element	Requirement
Office or Administration	1 space per 400 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment, Servicing, or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-4 Parking Facility Location

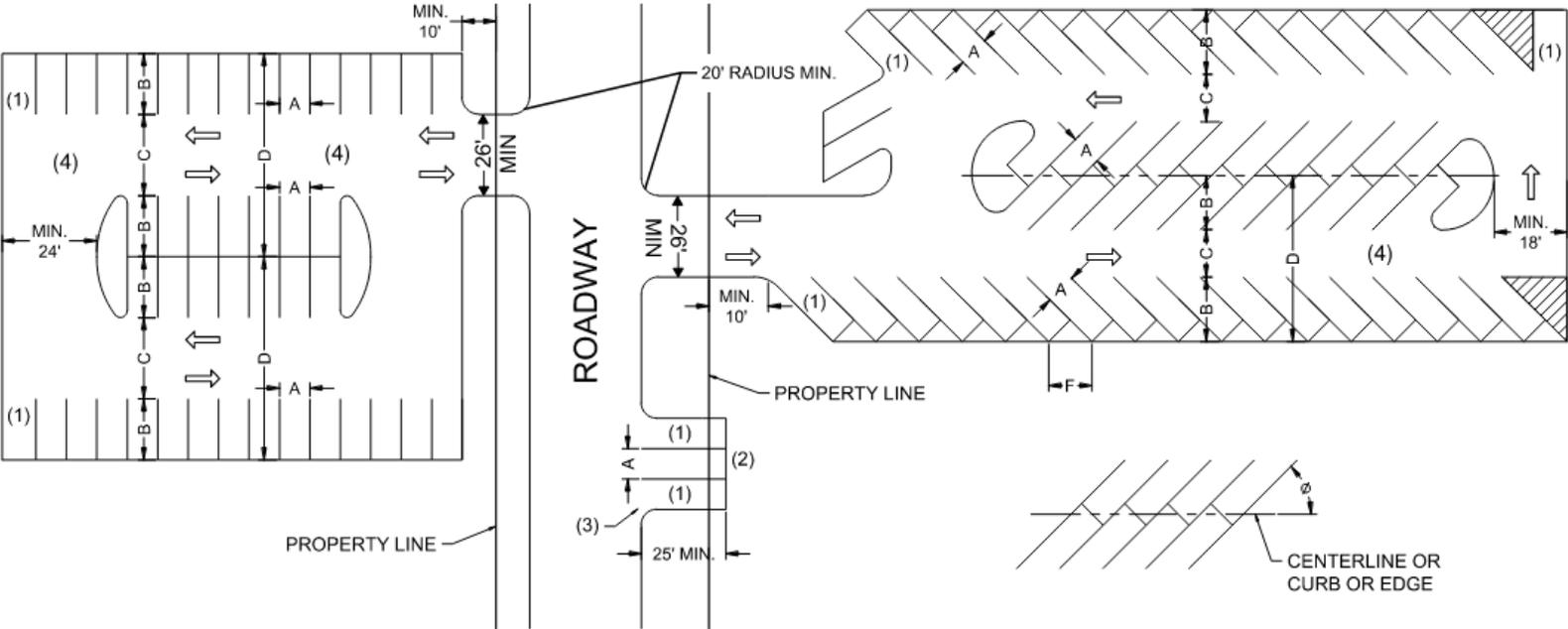
- a. Residential Parking
 1. Off-street parking for residential uses shall be located on the same lot or site as the use.
 2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.
- b. Non-Residential Parking
 1. Off-street parking for non-residential uses shall be located on the same lot or site as the use or within 300 feet of that use if the parking site is zoned for such parking.

9-5 Off-Street Parking Design Standards

Off-Street Parking in all zones must meet the following minimum requirements.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (a): Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
90°	9.0'	18.0'	24.0'	60.0'

- (1) FOR PERPENDICULAR (90°) PARKING, STALL ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET WIDE
- (2) 6' SIDEWALK. PUBLIC SIDEWALK EASEMENT MAY BE REQUIRED.
- (3) NON-ARTERIAL ROADWAYS ONLY. SUBJECT TO CITY ENGINEER APPROVAL
- (4) MAIN ENTRY ACCESS AISLE TO BE 26 FOOT MINIMUM WIDTH

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

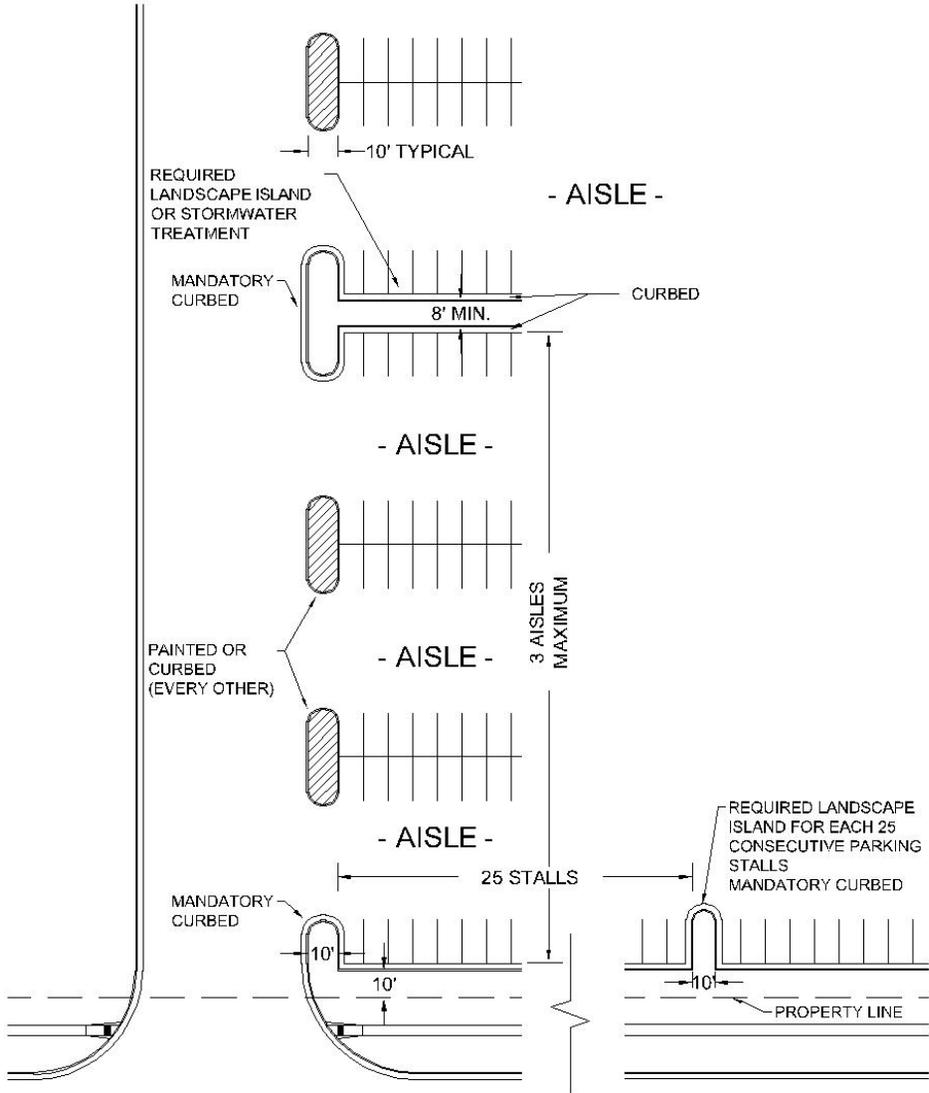
- a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).
- b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall have an internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or nearby and available must be extended into the parking lot for this purpose.

Pavement shall be a minimum of 6-inch-thick concrete, equivalent depth asphaltic concrete with subgrade, or pervious concrete a minimum of 6-inch thickness with an aggregate base and underdrain system. Additional thickness may be required depending on the use and design vehicle.

- c. Landscape and Screening Requirements: Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations during the life of the facility:
 1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line; Ten-foot buffer is not required in the B-1, ML/C1 and MH Districts.
 2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district;
 3. Any parking facility which abuts property in a residential district shall provide a grade change, fence, terrace, or other site feature which blocks the sight line of headlights into a residential property, subject to the determination of the Building Official;
 4. Each parking facility over 4,500 square feet shall have internal landscape islands as shown in Figure 9-5(b). Internal landscape island area shall be equal or greater to the (10) percent of the total parking and aisle pavement area. Non-visitor or employee parking lots in MH districts shall be exempt.
 5. Internal landscape islands shall be planted with a combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses, and flowering perennials. In islands with trees or adequate types and coverage of landscaping, rock cover may be allowed as an alternative to turf groundcover or understory landscaping. Internal parking lot islands shall not be paved.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (b): Parking Lot Internal Island



CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

- d. Entrances and Exits
 1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
 2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.
 3. Minimum width of access driveways and main aisle shall be 26-feet with minimum radii of 20-feet on each side.
- e. Safety Features
 1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
 2. Circulation patterns shall be approved by the Building Official.
- f. Adjustment

For uses subject to Special Use Permit approval, the City Council, with the recommendation of the Planning Commission, may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

9-6 Off-Street Loading

- a. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading dock areas shall be designed to avoid undue interference with the public use of streets and sidewalks.
- b. Design Standards
 1. Each loading dock space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
 2. Loading dock spaces and access to those spaces, must be entirely paved with concrete or asphalt.
 3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.
 4. Loading docks which will catch water, by design, must provide a positive gravity flow drain or pumping system to the storm sewer system or stormwater treatment facility. The collection point in the loading dock must include a sand and oil separator.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-7 Parking for Personal and Recreational Vehicles

a. Applicability

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include passenger cars, vans, pick-up trucks, camper trailers, recreational vehicles, trailers under forty feet in length, and boats.

b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking is permitted outside of an enclosed structure subject to Article 9 of the Columbus Land Development Ordinance, the following conditions and in compliance with the City Code:
 - (a) The parking space is provided on a paved, hard-surfaced or crushed aggregate surfaced driveway or paved pad adjacent to the driveway, any portion of the access or driveway in public right-of-way must be concrete or asphalt paved;
 - (b) The vehicle is parked perpendicular to the front curb;
 - (c) The vehicle does not encroach on public right-of-way.

c. Special Provisions for Recreational Vehicles

Parking and storage of recreational vehicles, campers, trailers, and boats is subject to the following additional conditions:

1. The vehicle is maintained in a clean, well-kept state;
2. The vehicle may be used only by non-paying guests for a maximum of three consecutive days or fourteen days during any calendar year;
3. The vehicle may not be permanently connected to utility lines;
4. The vehicle may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.
5. The length of the vehicle shall not exceed twenty feet if the vehicle is parked or stored in a required front yard or street side yard. Longer vehicles may be parked or stored within rear yards or interior side yards behind the required front yard setback

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10 ARTICLE TEN: SIGN REGULATIONS

10-1 Purpose and Intent

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety. In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- a. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- b. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- c. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- d. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- e. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- f. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;
- g. Facilitate traffic flow and safety of pedestrians, bicyclists, and motorists through enforcement of sight lines and other appropriate sign placement regulations; and
- h. Preserve and promote retention of local businesses and further the economic development goals of the City.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10-2 Applicability, Interpretation, Serviceability, and Non-Commercial Speech Substitution

- a. **Applicability:** Each sign or part of a sign erected within the zoning jurisdiction of the City of Columbus must comply with the provisions of this chapter, other relevant provisions of the City of Columbus' Municipal Code, and applicable building codes. The regulations in this article are applicable to all signs in the City's jurisdiction, except as noted in Article 10-5. B, unless otherwise stated.
- b. **Interpretation:** The City shall interpret and apply the sign regulations of Article 10 of the Columbus Land Development Ordinances (CLDO).
- c. **Severability and Non-Commercial Speech Substitution:** Any provision of the sign standards that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of the sign standards that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from the sign standards in a manner that preserves the standards and protects freedom of speech.

10-3 Definition of Terms

The following definitions shall be used for terms contained in this Article. Terms not defined in this section may be defined in other areas of City Code.

- a. **Sign:** Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers, vending machines, express mail and donation drop-off boxes, drive-thru menu boards, seasonal decorations visible, a building's architectural features visible, or a manufacturer's or seller's markings on machinery or equipment visible.
- b. Sign Related Terms:
 1. **Architectural Detail/Feature/Element:** Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.
 2. **Auxiliary Design Elements:** Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
 3. **Awning:** An architectural projection that provides weather protection, identity, or decoration and is partially or wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight frame structure over which a covering is attached.
 4. **Background Panel:** An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc. from the structure it's attached.

5. **Balloon**: Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.
6. **Cabinet**: A sign structure comprised of a frame and a sign face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet refers only to the frame housing the sign face.
7. **Canopy**: A permanent structure of rigid construction which a covering is attached that provides weather protection, identity, or decoration. A canopy is structurally independent.
8. **Clearance**: The distance between grade and the bottom edge of a sign.
9. **Commercial Building, Multiple Tenant**: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
10. **Commercial Center**: A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.
11. **Frontage**: The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
12. **Illumination**: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 - a. **Direct Illumination**: An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
 - b. **Indirect Illumination**: A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
 - c. **Internal Illumination**: A light source entirely within a sign where the source of the illumination is not directly visible.
 - d. **Neon Illumination**: Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.
13. **Individual Letters**: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
14. **Logo**: A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.
15. **Master Sign Plan**: A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, or large-scale mixed-use developments.

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16. Marquee: A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
 17. Pan-Channel Letter: An individual three-dimensional letter constructed by means of a three-sided metal channel.
 18. Permitted Sign Budget: The permitted square feet of sign area allowed for signage on a premise.
 19. Premises: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
 20. Raceway: A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.
 21. Sign Copy: Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
 22. Sign Face: The area of a sign on which words and images are placed.
 23. Sign Structure: The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
 24. Vision Clearance Triangle: The vision clearance triangle is described in Figure 7-2. For all intersections and intersections of arterial streets.
- c. Sign types:
1. Abandoned sign: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.
 2. Attached Sign: A sign which is structurally connected to a building or depends upon that building for support.
 3. Awning Sign: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
 4. Banner Sign: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that is attached to a structure, building, or fence with cord, rope, cable, or similar method. Detached banner signs are defined as Freestanding Yard Signs.
 5. Balloon Sign: A sign supported by a balloon.
 6. Billboard: See Outdoor Advertising Signs.
 7. Blade Sign: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.
 8. Blinking Sign: See Flashing Sign.
 9. Building Marker: See Integral Sign.

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10. Business Identification Sign: A sign which pertain to the business, service, and/or retail uses and may also include multi-tenant residential uses and other information relative to the conduct of the use located on the premises.
11. Commercial Center Identification Sign: A sign which identifies the name of a commercial center or commercial building with multiple tenants in single ownership or control, sharing parking and access.
12. Canopy Sign: A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
13. Changing Message Sign: A sign designed to permit change of copy manually.
14. Detached Sign: A sign which is self-supporting and structurally independent from any building.
15. Directory Sign: A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.
16. Double-Faced Sign: A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
17. Drive-Through Lane Sign: A sign oriented to occupants of vehicles utilizing a drive-through lane at an establishment that offers transactions through a window, with or without ordering capability.
18. Electronic Information Signs: On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
19. Electronic Changeable Message Sign (ECMS): An Outdoor Advertising Sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used.
20. Flag Sign: Signs which are emblazoned on a flag, with non-commercial emblems or insignias and are intended to be displayed in a free-flowing manner.
21. Flashing Sign: Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
22. Freestanding Yard Sign: Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, or parking lots.
23. Ground Sign: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.

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24. Handheld Sign: A sign carried by persons, which may include persons dressed in costume, for the purpose of advertising a business, service, product, event, or activity.
25. Historic Marker: A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
26. Inflatable Sign: A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. May also be referred to as Air-Activated Sign.
27. Integral Sign: A sign which includes the name of a building, date of erection, monumental citation, commemorative tablet, or other similar sign when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
28. Marquee Sign: A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
29. Monument Sign: An on-premise freestanding sign with the appearance of a solid base.
30. Moving Sign: A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.
31. Mural-Advertising: See Painted Wall Sign.
32. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
33. Numeric Display Signs: On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
34. Obsolete Sign: Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
35. Off-Premise Sign: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
36. On-Premise Sign: A sign that advertises or otherwise directs attention to a business, person, organization, activity, event, place, service, or product that occurs on the same parcel where the sign is located.
37. Outdoor Advertising Signs: A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on premise or off-premise businesses or products, also referred to as a Billboard.

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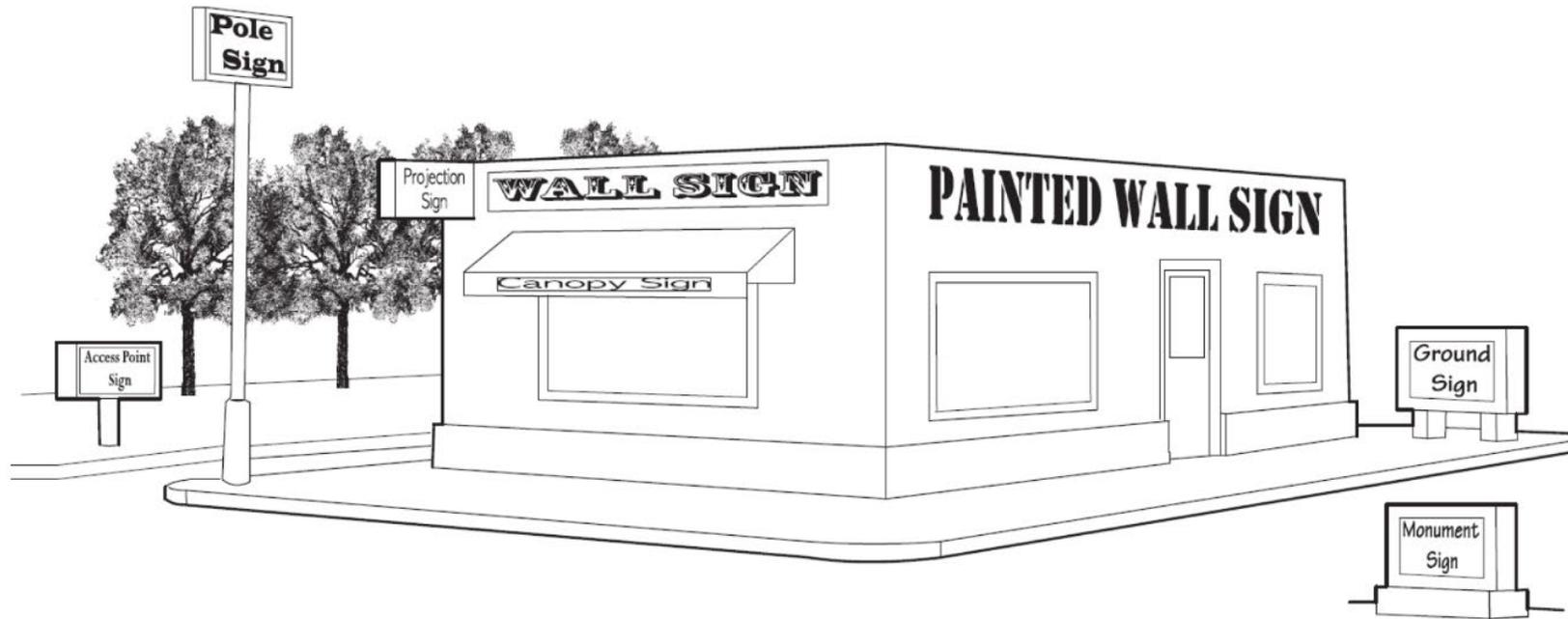
38. Painted Wall Sign: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. Permanent Sign. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
40. Pole Sign: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
41. Portable Sign: A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
42. Portable Message Center Sign: A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.
43. Projecting Sign: A sign other than a wall sign that is attached to and projects from a building face.
44. Public Sign: A sign of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern. This includes all signs erected by the City for government purposes.
45. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - (a) Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - (b) Above-Peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
46. Rotating Sign: A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
47. Sidewalk Sign: A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base. May also be referred to as Sandwich Board Sign, A-Frame Sign, or T-Frame sign.
48. Snipe Sign: A sign made of any material when such sign is tacked, taped, nailed, posted, pasted, glued, or otherwise attached to or placed on public property or in the public right-of-way such as, but not limited to, a utility pole, street sign, utility box, fire hydrant, tree, street furniture, or items located on public property; except for A-frame and T-frame signs.

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49. Street Pole Banner Sign: A display containing changeable copy which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.
50. Temporary Signs: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
51. Traffic Control Device Sign: Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
52. Unlawful Vehicle Sign: A sign which covers more than twenty (20) square feet of the vehicle and/or equipment which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized vehicle or piece of equipment, and is parked and visible from the public right-of-way; unless said vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.
53. Wall Sign: A sign permanently fastened to a wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure. For a sign that is painted on a wall, see Painted Wall Sign.
54. Window Sign: A sign applied or attached to a window or visible through a window from the public right-of-way. Window Signs do not include merchandise in a window display.

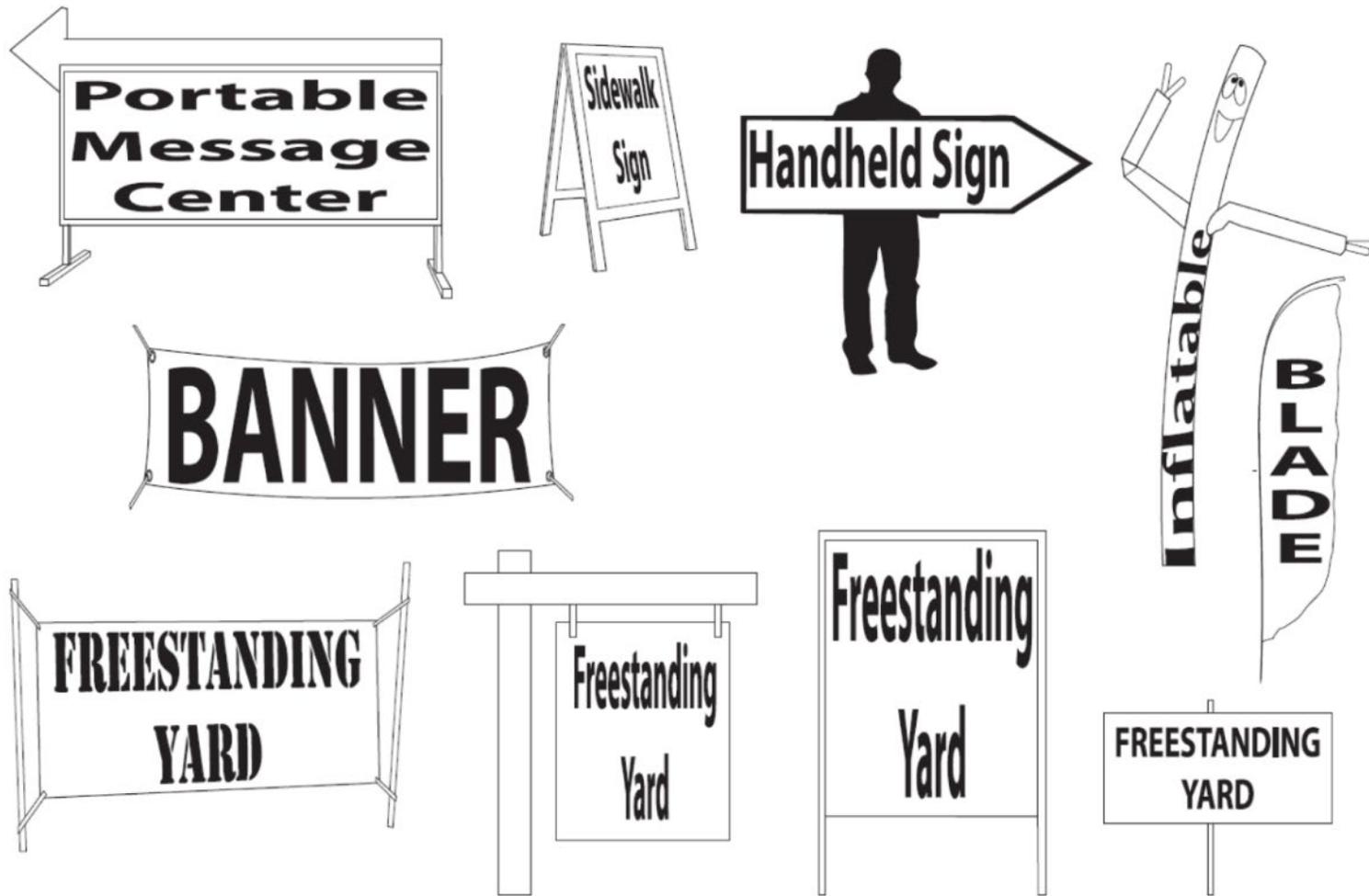
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Figure 10-3 (a): Permanent Signs Example



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Figure 10-3 (b): Temporary Signs Example



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10-4 General Sign Regulations

Construction, Permits, Clearances and Projections, Inspections, Maintenance, Fees, Violations, and Enforcement. All signs shall be erected, reinstalled, altered, repaired, relocated, permitted, and inspected in compliance with this Article.

- a. Permanent Sign; Registration of Installers: No person, firm, or corporation shall engage in the business of installing, altering, repairing, or removing any sign within the corporate limits of the City, unless he/she is registered as Contractor with the City.
- b. Revocation of Registration; Sign Installers:
 1. The City Council, by a majority vote, shall have the power to revoke the registration of any sign installer pursuant to this article, upon recommendation of the Building Official, if such registration was fraudulent, or if the sign installer is shown to be grossly incompetent or has twice, within a 12-month period, been found in violation of any provisions of this article. This penalty shall be cumulative and in addition to any and all penalties prescribed for the violation of the provisions of this article.
 2. Before registration can be revoked, notice shall be issued in writing enumerating the charges against him/her, and he/she shall be entitled to a hearing before the City Council, by appealing in writing no later than five (5) business days from the date of receipt of the notice. The registrant shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All such testimony before the City Council shall be given under oath. The City Council shall have the power to administer oath, issue subpoenas, and compel the attendance of witnesses in such cases.
- c. Certificate of Insurance
Every person applying for registration as a Registered Sign Installer shall present evidence to the Building Official that he/she has an insurance policy providing:
 1. Worker's compensation insurance.
 2. Minimum public liability and property damage insurance for the general public in the amounts of: one million dollars (\$1,000,000.00) for each person, one million dollars (\$1,000,000.00) each accident, and one hundred thousand dollars (\$100,000.00) property damage, executed by an insurance company authorized to do business in the State of Nebraska and acceptable to the City.
 3. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.
 4. A thirty (3) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.
- d. Permit Procedures
 1. Applicability. A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all applicable signs and/or sign parts within corporate limits of the City or the extra-territorial jurisdiction conforming to this title. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is exempt from requiring a permit.

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2. Plans Submittal. A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign, the reuse of existing elements, and its installation by a Nebraska registered professional engineer or architect with specialization in structures.
 3. Incomplete Applications. In the event insufficient information is received to issue a permit, the Community Development Department will request the balance of required information. If no response is received within thirty (30) calendar days of the request, said application will become null and void and information will no longer be kept on file. Any fees paid will be forfeited by applicant.
 4. Expiration. If the work authorized by a permit issued under the provisions of the Community Development Department has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
 5. Appeals. Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this Code section, may appeal such decision to the Board of Adjustment.
 6. Application Fees. Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
 - (a) Where work, for which a permit is required, for this article, is started prior to obtaining the prescribed permit, the fee specified in the City of Columbus Comprehensive Fee Schedule shall be doubled. The payment of such double fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed herein.
 - (b) A separate electrical permit is required for the hook-up of an electric sign. Fees are set forth in the City of Columbus Comprehensive Fee Schedule.
- e. Design Standards
1. Design; General Requirements. Signs shall be designed and constructed to comply with the provisions of the City of Columbus code for use of materials, loads, and stresses.
 2. Design; Drawings and Specifications. Where a permit is required, as provided in the adopted edition of the International Building Code, construction documents shall be required. These documents shall show the location, dimensions, materials, and required details of construction, including loads, stresses, and anchors
- Design; Clearances and Projections. All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.
- (a) Clearances: The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
 - (1) Seven (7) feet, six (6) inches over sidewalks;
 - (2) Fifteen (15) feet over parking lots;
 - (3) Eighteen (18) feet over driveways.

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(b) Projections: The projection regulation below shall stand, unless otherwise stated in this Article

(1) No sign or sign structure shall project into any street right-of-way.

(2) No sign or sign structure shall project into any public alley right-of-way.

3. Design; Wind Load. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City adopted edition of the International Building Code.
4. Design; Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City adopted edition of the International Building Code.
5. Design; Working Stresses. In outdoor signs, the allowable working stresses shall conform to the requirements in the City adopted edition of the International Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners.

Exceptions:

(a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ($\frac{1}{5}$) of the ultimate strength of such chains, cables, guys, or steel.

6. Design; Footing Design and Loading. The footing design and/or loading of signs shall be certified by an architect or engineer registered in the State of Nebraska with specialization in structures.
7. Design; Identification. Every sign and awning erected in the City shall be plainly marked with the name of the person/company erecting such sign or awning, including the permit number under which it was erected. Every electric sign and awning shall have plainly marked thereon the voltage, amperage, rating, and the name of the person/company manufacturing such sign or awning. It shall be unlawful for any person to remove from any sign or awning the identification tag. However, whenever a sign or awning company assumes the maintenance of a sign or awning erected by another, he/she shall place his/her identification thereon. The identification tag shall be maintained so it is legible at all times.

f. Construction Standards

1. Construction; General. A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with building exit signs, required by the International Building Code, or with official traffic signs, signals, or devices.

Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape or any window, door, or other opening used as a means of egress, or so as to prevent free passage from one part of a roof to other part thereof. A sign shall not be attached in any way, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

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2. Construction; Materials. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the City adopted edition of the International Building Code.

(a) Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.

3. Construction; Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

No wooden blocks, plugs, or anchors used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements of parapet walls, specified for seismic zones as defined in the City adopted edition of the International Building Code.

4. Construction; Display Surfaces. Display surfaces in all types of signs may be made of metal, glass, approved plastics, or wood where permitted elsewhere by this article. Glass thickness and area limitations shall be as set forth in Table 10-1.

Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

(a) Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.

(b) Section of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.

(1) Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

5. Construction; Approved Plastics. Notwithstanding any other provisions of this Code, plastics that burn at a rate not faster than two and a half (2 ½) inches per minute when tested in accordance with ASTM D635 shall be approved for use as the display surface material and for the letters, decorations, and facings on signs and outdoor display structures. Signs erected within five (5) feet of an exterior wall in which there are openings shall be constructed of noncombustible material.

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- 6. Construction; Electrical. Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:
 - (a) Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically
 - (b) Over seven hundred fifty (750) volts: Ten (10) feet horizontally and vertically

The term "overhead conductors" as used in this article means any electrical conductor, bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- 7. Construction; Illumination. A sign shall not be illuminated by means other than electrical and electrical devices and wiring shall be installed in accordance with the requirements of NFPA 70. An open spark or flame shall not be used for display purposes unless specifically approved.

Signs that require electrical service shall comply with NFPA 70. Every electric sign installed in the City shall bear the label of an approved testing agency and shall meet the applicable articles of the National Electric Code as adopted by the City.
- 8. Construction; Inspection. All ground, monument, and pole signs must have a footing inspection approved prior to the placement of the footing and foundation materials. The City requires property lines to be clearly marked at the time of footing inspection, by identified corner pins with string line or survey markers. All signs must have a footing inspection approved by the Community Development Department. It shall be the responsibility of the permit holder to call for these required inspections.

Table 10-1: Maximum Size of Exposed Glass Panel

Any Dimension (in)	Area (in²)	Minimum Thickness of Glass (in)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	1/4	Plain, plate, or wired
Over 144	Over 3600	1/4	Wired

- g. Maintenance and Alterations
 - 1. Maintenance. Sign and sign support structures, together with their braces, guys, supports and anchor, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times. Any sign or component thereof which is found to be defective must be repaired or replaced in accordance with the current requirements of this Code.

The changing of moveable parts of an approved sign that is designed for such changes, or repainting of display matter shall not be deemed an alteration.

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2. Alterations. No such sign may be enlarged, modified, or altered in any way; however, reasonable repairs may be permitted. Alterations also include the removal and replacement of the sign housing, cabinet, or decorative elements. Any alteration shall require a permit. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is not considered an alteration.

h. Nonconformance

1. Nonconformance of Signs. Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title or at the effective date of this Article, such sign shall be deemed a lawful nonconforming sign as it remains, subject to the following provisions:
 - (a) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
 - (b) Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

j. Violations and Enforcement

2. Violation a Public Nuisance. If any person erects, alters, relocates, or maintains a sign in violation of the provisions of the sign standards, it is declared a public nuisance, and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.
3. Violation Declared a Civil Infraction. It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
4. Discontinuance of Signs. If a sign or sign structure is in disrepair to a point of over fifty percent (50%) of the sign's total replacement value, the City Manager or designee may order the structure removed, at the owner's expense.
5. Removal of Abandoned, Prohibited, and Illegal Signs by the Building Official. The Building Official shall enforce the sign standards in accordance with one or more of the following procedures:
 - (a) Administrative Enforcement.
 - (1) For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record owner or occupier of the property to abate the nuisance within a reasonable time.
 - (2) The Building Official shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:
 - a. Removal of the sign; or
 - b. Obtaining the required permits and bringing the sign into compliance with the sign standards.

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(b) Summary Abatement: The Building Official or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The Building Official may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.

(c) Civil Citation: The Building Official or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

(1) Location.

- a. Right-of-Way. Signs are prohibited in any public right-of-way or public property, including streets, sidewalks, parks, and public facilities unless otherwise stated in this Article or approved by the City of Columbus.
- b. Ingress/Egress Clearance. No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.
- c. Vision Clearance Triangle. Signs shall not be located within the vision clearance triangle as defined: No sign shall be built to a height of more than 30 inches above the established curb grade on the part of the lot within a vision clearance triangle where the street curb or edge of pavement radius is less than or equal to 20 feet. The vision clearance triangle shall be the greater clear zone area of 1) a triangle measured from the property line to a point 13 feet in each direction from the intersection along the property line or 2) a triangle measured from the extensions of the back of curb to a point 40 feet in each direction from the intersection. Where the street curb or edge of pavement is greater than 20 feet, the vision clearance triangle shall extend 10 feet from the end of the radius point along the curb or pavement edge. No sign shall be placed in such area which will materially obstruct the view of drivers approaching the street intersection at the discretion of the Building Official. See Figure 7-2(a) for a depiction of Vision Clearance measurement.

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10-5 Prohibited and Exempt Signs

- a. *Prohibited Signs.* The following signs are prohibited in all zoning districts:
 1. Abandoned or Obsolete Signs, if present for a continuous period of six (6) months.
 2. Balloon Signs.
 3. Blinking Signs.
 4. Flashing Signs.
 5. Moving Signs.
 6. Off-Premise Signs on Public Property, unless approved by the City.
 7. Off-Premise Permanent Signs on Private Property. Other than Outdoor Advertising Signs, see Section 10-14 Outdoor Advertising Signs; Regulations for New Installations.
 8. Roof Signs.
 9. Signs with exposed raceways or pan-channels.
 10. Snipe or Bandit Signs.
- b. *Exempt Signs.* The following signs are exempt from regulation of Article 10. Not exempt signs shall be erected within the vision clearance triangle and must meet all other applicable building codes.
 1. City of Columbus Special Event Sign. A sign advertising a public event, providing that specific approval for the event, and associated signage, is granted by the City of Columbus.
 2. Historic Markers.
 3. Integral Signs.
 4. Public Signs.
 5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
 6. Signs, which are not visible from a public right-of-way, private way, court, or from a property, other than that on which the sign is installed.
 7. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
 8. Signs on a vehicle, other than an Unlawful Vehicle Sign.
 9. Signs protected by Federal/State law.
 10. Traffic Control Device Signs.
 11. Works of graphic art painted or applied to building walls which contain no logos, advertising, or business identification messages.

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10-6 Method of Measurement for Regulations

Permitted Sign Budget. The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property, follow the instructions below:

1. Identify the zoning of the premises.
2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). See Figure 10-6(a). For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 10-2.
4. Find the permitted sign budget by using the lesser of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget shown in Table 10-2. Compare the Calculated Permitted Sign Budget in step 3 to the Maximum Permitted Sign Budget for the premise's zoning district:
 - (a) If the Calculated Permitted Sign Budget, in step 3, is over the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is limited to the Maximum Permitted Sign Budget.
 - (b) If the Calculated Permitted Sign Budget, in step 3, is under the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is greater of the Calculated Permitted Sign Budget or the allowable minimum.

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Table 10–2: Permitted Permanent Sign Budget by District

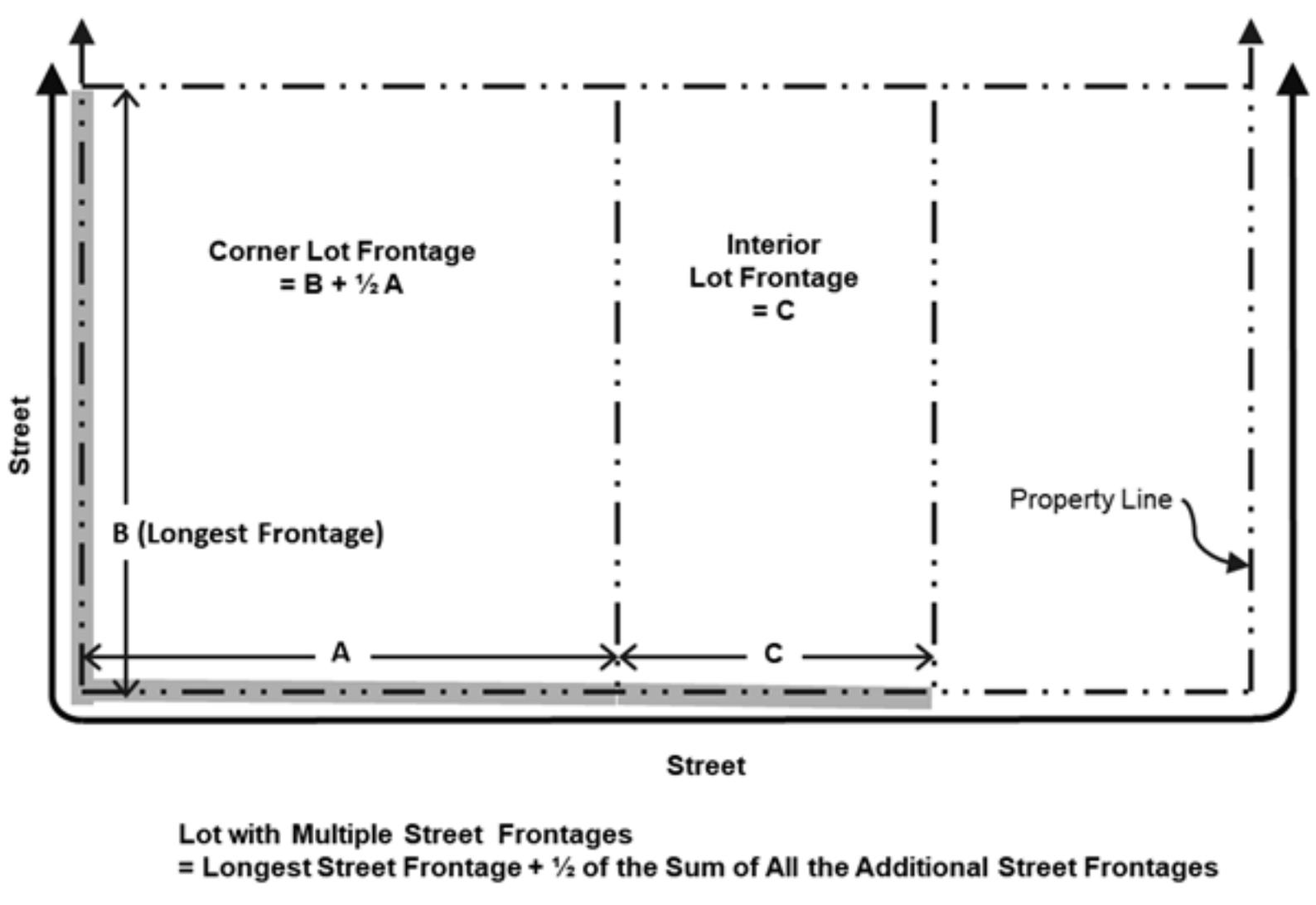
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated Permitted Sign Budget	0.5	1	1	1	0.5	0.75	1.5	1.5	2
Allowable Minimum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
Maximum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150 RU, 300 NRU	400	800	500	800	800

RU: Residential Uses includes all residential uses plus permitted home based businesses and excludes multi-family and non-traditional residential use types.

NRU: Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

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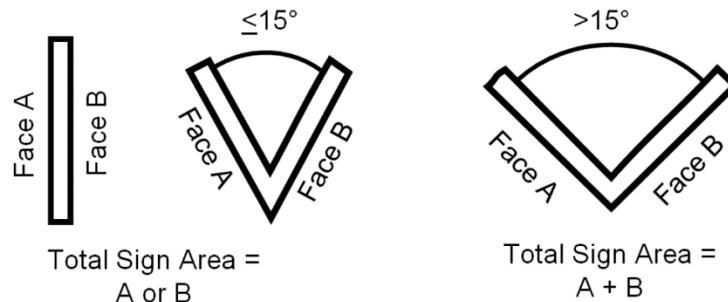
Figure 10-6 (a): Lot Frontage Determination



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- a. *Sign Area.* Sign area is measured or calculated as follows:
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
 2. *Wall Sign without Background Panel.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, which has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy. This area shall be measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that will enclose each letter, word, graphic, or discrete visual element in the total sign.
 3. *Sign with Illuminated Background.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface, illuminated element, or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 4. *Signs with Two (2) or More Faces.* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed four (4) feet, or when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Figure 10-6(b), below, for a graphic representation.

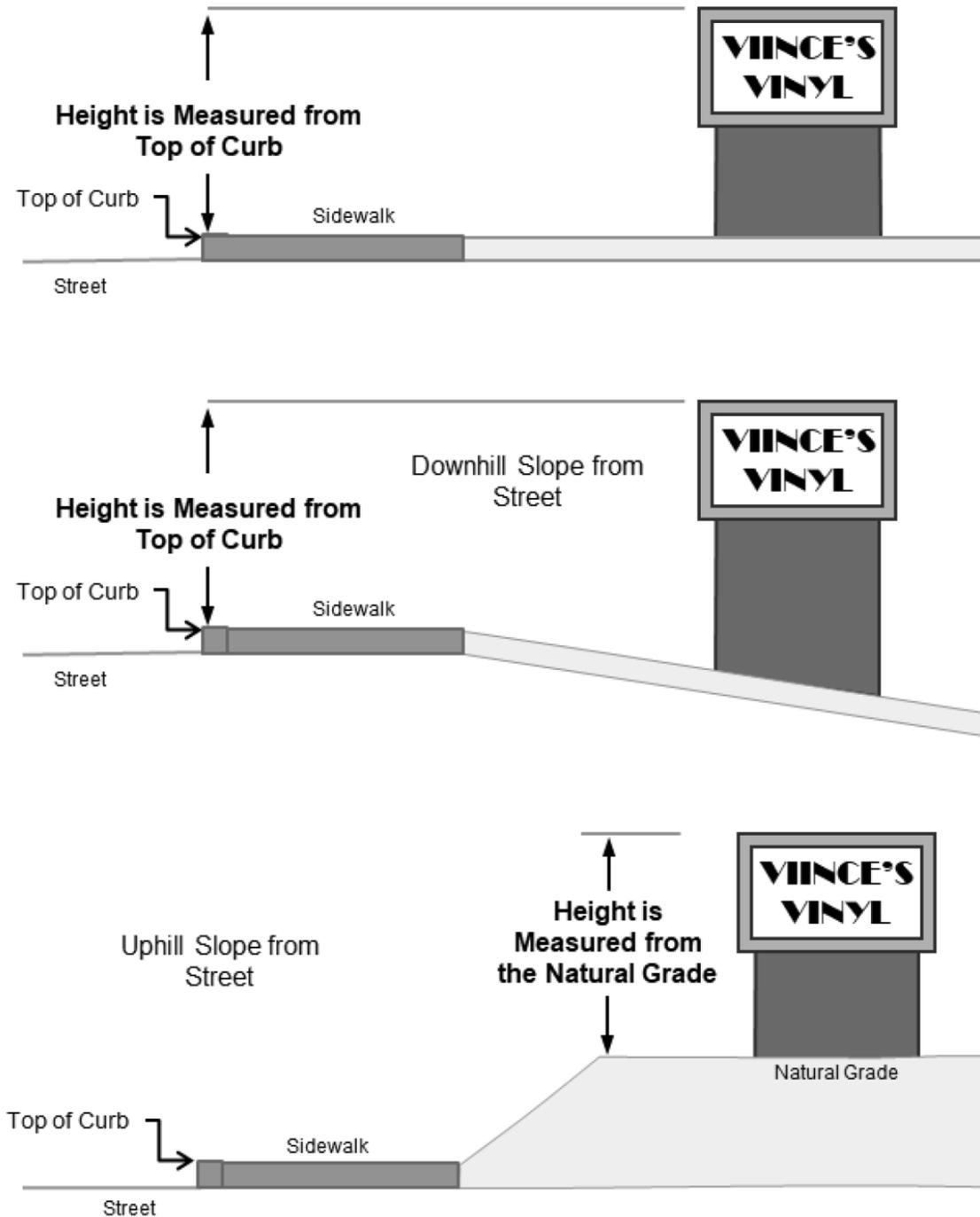
Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces



- b. *Measurement of Sign Height.* The height of a detached sign shall be measured as the vertical distance from the average finished grade of the ground below the sign, excluding any filling, berming, mounding, or excavating for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a detached sign is shown in Table 10-5. For the purposes of this section, average finished grade shall be considered the lower of: (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located. See Figure 10-6(c) for Measurement of Sign Height graphic.

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Figure 10-6 (c): Measurement of Sign Height



- c. *Setback*. The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

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10-7 Permitted Permanent Sign Type by Zoning District

Table 10 - 3: Permitted Permanent Signs by Type and Zoning District

	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Detached Signs												
Ground	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	N	N	N	N	N	N	N	N	P	P	P
Billboard	N	N	N	N	N	N	N	P(A)	P(A)	P(A)	P(A)	P(A)
Attached Signs												
Awning	N	N	N	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NRU	NRU	NRU	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information*	N	<u>N/SP*</u>	<u>N/SP*</u>	NRU	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NRU	P	P	P	P	P	P	P	P

N = Not Permitted

P = Permitted

NRU = Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

P(A) = Permitted along expressways.

SP = Special Use Permit; can only be obtained by education and religious uses

* Electronic Information Sign requires issuance of a Special Use Permit pursuant of Section 12-3

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10-8 Illumination/Lighting Sign Elements

Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway, and in accordance with the Outdoor Lighting provisions. No sign illumination shall impair vehicular or pedestrian circulation on the same premise or adjoining properties. Permitted illumination/lighting elements for signs is outlined in Table 10-4 below.

Table 10 - 4: Permitted Permanent Signs by Type and Zoning District

	Illumination Type											
	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Indirect	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Direct	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Internal	P	NRU	N	NRU	P	P	P	P	P	P	P	P
Neon	N	N	N	NRU	N	N	P	P	P	P	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Blub	N	N	N	N	N	N	N	P	P	N	N	N

N: Not Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and mobile home park development use types.

(A/L): Permitted along arterial and local collector streets.

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10-9 Sign Type Supplemental Regulations: Permanent Signs

a) *Detached Signs.* Ground, Monument, and Pole signs. Table 10-5 below regulates detached signs.

Table 10-5: Permitted Site Development Standards for Detached Signs by Zoning Districts

Regulation Item <i>(All Detached Signs, Except Where Noted)</i>	Zoning Districts								
	AG	RR, R-1, R-2	R-3, NTR	O	LC, UC	DBD	B-1	B-2	MLC-1, MH
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200
Maximum Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	45 25	25
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0	-	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	-	2	2

NA - Not Applicable

N - Not Permitted

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- b) *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, in order to determine the maximum percentage of street façade coverage.

Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts

Regulation Item	Zoning Districts							
	AG	RR R-1 R-2 R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH
Maximum Size of Attached Sign (square feet)	100	32	50	150	150	300	300	300
Maximum % of Street Façade	15%	15%	15%	20%	20%	25%	20%	25%

- c) *Awnings and Awning Signs.* Awnings and awning signs, where permitted, are subject to the following regulations:
- (a) The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
 - (b) Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.
 - (c) Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
 - (d) Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.

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2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:
 - (a) The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
 - (b) All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.
3. *Marquees and Marquee Signs.* Marquee signs, where permitted, are subject to the following regulations:
 - (a) The maximum projection of any marquee or marquee sign shall be as follows:
 - (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
 - (2) Eight (8) feet over sidewalks twelve (12) feet wide or more.
 - (b) All marquee and marquee signs must maintain the minimum clearances and projections and design and construction standards outlined in the of City Code.
4. *Projecting Signs.* Projecting signs are subject to the following general regulations.
 - (a) The maximum projection of any projecting sign shall be as follows:
 - (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
 - (2) Five (5) feet over sidewalks twelve (12) feet wide or more.
 - (b) Within the DBD District, a projecting sign shall not be within five (5) feet of the back of curb line's vertical plane. Each projecting sign must maintain at least a twelve (12) foot vertical clearance over sidewalks.
 - (c) Projecting signs must minimize the visible support structure.
5. *Wall Signs and Painted Wall Signs.* Wall signs are subject to the following general regulations:
 - (a) A wall sign must be parallel to the wall to which it is attached.
 - (b) A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
 - (c) A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - (d) A wall sign may not extend beyond its building's roof line.
 - (e) A wall sign in the DBD District attached to a building on its front property line may encroach upon public right-of-way by no more than eighteen (18) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches.
2. *Other Regulated Signs.* Access Point, Commercial Center Identification, Electronic Information, and Numeric Display signs, where permitted, are subject to the following supplemental regulations.
 1. *Access Point Signs.* Access Point Signs, where permitted, are subject to the following supplemental regulations based on the level of permission. An access point sign shall be constructed as a detached ground or monument sign type and does not count against the Permitted Sign Budget.

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- (a) NRU Access Point Signs:
 - (1) Limited to one (1) sign at each on-property driveway or access point off of a public street or access road, and one (1) additional sign at any critical decision point internal to the premise.
 - (2) Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.
- (b) In R3 and NTR:
 - (1) Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.
 - (2) Shall not exceed thirty-two (32) sq. ft. in maximum size and four (4) ft. in maximum height.
- 2. *Commercial Center Identification Signs.* Commercial Center Identification Signs, where permitted, are subject to the following regulations:
 - (a) A Commercial Center Identification Sign shall only be a wall sign, painted wall sign, or detached sign type.
 - (b) The sign shall display no more than the name and location of the commercial center.
 - (c) Each sign shall be subject to all other regulations for attached and detached signs set forth in this Article.
- 3. *Electronic Information Signs.* Electronic Information Signs, where permitted, are subject to the following regulations:
 - (a) Electronic Information Signs shall be set back a minimum of two (2) feet from any property line.
 - (b) No more than one (1) Electronic Information Sign is permitted per premise.
 - (c) The closest point of any Electronic Information Sign shall be a minimum of one hundred (100) feet from the closest point of any residential use structure.
 - (d) No Electronic Information Sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.
 - (e) Electronic Information Signs shall be programmed in a way that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of two (2) seconds, however, full animation video is allowable provided such video does not flash or blink.
 - (f) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.
 - (g) Electronic Information Signs shall be deducted from the total sign budget allowed for the premise.

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4. *Numeric Display Signs.* Numeric Display Signs, where permitted, are subject to the following regulations:
 - (a) Numeric Display Signs shall be set back a minimum of two (2) feet from any property line.
 - (b) Numeric Display Signs shall not be located within the vision clearance triangle.
 - (c) Numeric Display Signs shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.
 - (d) All illuminated Numeric Display Signs shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated signs shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night intensity level in accordance with the standards set herein.
 - (e) Numeric Display Signs shall be deducted from the total sign budget allowed for the premise.

10-10 Master Sign Plan; Permanent Signs

- a. *Purpose.* The purpose of this section is to provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design and a well-organized visual environment. The Master Sign Plan process will be submitted, reviewed, and approved at an administrative level through the Community Development Department. The Master Sign Plan process was created for mixed-use, larger-scale, and/or unique developments. A Master Sign Plan may be submitted to the City for review and approval for the uses and/or developments listed below:
 1. Multiple-tenant commercial, office, employment, or multi-family residential uses.
 2. A multiple-building complex for a single commercial or employment use in a project exceeding eight (8) net acres.
 3. Stand-alone office/employment buildings exceeding one hundred thousand (100,000) square feet.
 4. Indoor or Outdoor Entertainment and Recreation uses.
 5. Hospitals.
 6. Schools.
 7. Hotels and Commercial Lodging having at least one hundred twenty-five (125) guest rooms and a full-service restaurant or conference and meeting rooms.
 8. Regional retail shopping malls.
 9. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 10. Other similar uses may request to be approved for the Master Sign Plan submission. It is the discretion of the building official to accept or deny this request.
- b. *Conditions.* Development Services Staff may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Outdoor Advertising Signs shall not be included in a Master Sign Plan.

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- c. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on all of the following criteria:
1. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 2. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
 3. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Article.
 4. *Design Features and Materials.* Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
 5. *Site Development Standards.* The City may not reduce any site development standard to less than fifty (50) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
 6. *Permitted Sign Budget.* An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.
- d. *Review of Master Sign Plan.* Applicant shall submit the completed Master Sign Plan application and submit all required documentation to the Community Development Department. All applications for a Master Sign Plan shall be considered and approved by the building official. In no event does the submittal of a Master Sign Plan guarantee an applicant's approval of all requests.
- e. *Master Sign Plan Approval.*
1. *Action.* The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by "findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.

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2. *Limitations of Administrative Approval.* This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review.
3. *Permitting.* After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.
- f. *Modifications/Amendments to Master Sign Plan.* Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.
- g. *Noncompliance.* The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.
- h. *Termination.* If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void. If a premise with an approved Master Sign Plan becomes compliant with the current standards of this Article, the property owner may request, in writing to the Community Development Department, the termination of the Master Sign Plan.

10-11 Permitted Temporary Sign Type By Zoning District

- a. *General Regulations.* All temporary signs shall follow the regulations set forth in Section 10-11. Temporary signs are permitted by type and zoning district as outlined in Table 10-7, below.
 1. *Location.* For any off-premise, temporary sign, the sign owner shall have written approval from the property owner of where such sign will be located.
 2. *Maintenance.* All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this Section.
 3. *Removal.* The building official or his/her designee shall order the removal of any sign not in compliance with any provisions of this Section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the building official or his/her designee shall be authorized to remove the sign. Any costs associated with the removal of a sign may be assessed to the owner of the property.

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Table 10-7: Permitted Temporary Signs by Type and Zoning District

Sign Types	Permit Required	Sign Types								
		AG	RR	R-1 R-2 R-3 NTR	O LC UC	B-1	B-2	DBD	ML/C-1	MH
Banner	Yes*	P	P	P	P	P	P	P	P	P
Blade	No	P	N	N	P	P	P	P	P	P
Flag	No	P	P	P	P	P	P	P	P	P
Freestanding Yard	Yes*	P	P	P	P	P	P	P	P	P
Handheld	No	N	N	N	N	P	P	P	P	P
Inflatable/ Air-Activated	No	N	N	N	N	P	P	P	P	P
Portable Message Center	Yes	P	N	N	N	P	P	P	P	P
Sidewalk	Yes	N	N	N	N	N	N	P	N	N
Window	No	P	P	P	P	P	P	P	P	P

*Banner and Freestanding Yard Signs thirty-two (32) square feet or larger require a Sign Permit.

N - Not Permitted

P - Permitted

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10-12 Sign Type Supplemental Regulations: Temporary Signs

- a. *Banner Signs.* Banner Signs, where permitted, are subject to the following supplemental regulations.
1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
 2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.
 3. Non-Residential Uses: Includes all non-residential uses plus multi-family and Non-Traditional Residential use types. Number permitted, total sign area of premise, and maximum area is dependent on the street frontage of the lot as shown in Table 10-8 below.
 4. Banner Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.

Table 10-8: Permitted Banner Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)
Less than 75	2	16
75-300	2	36
Greater than 300	3	64

- b. *Blade Signs.* Blade Signs, where permitted, are subject to the following supplemental regulations.
1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign. Blade Signs are allowed within the public right-of-way, only within the DBD District.
 2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
 3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the vision clearance triangle as defined in Figure 7-2(a).
 4. No Blade Sign shall be wider than three and a half (3.5) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.
 5. Blade Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.

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- c. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
 - 1. All Flag Signs shall meet clearance standards found this article.
 - 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.
 - 3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in Section 7-2.
- d. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.
 - 1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.
 - 2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 - 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in Figure 7-2(a).

Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)	Maximum Height (feet)
Less than 75	2	16	6
75-300	3	36	8
Greater than 300	4	64	10

Handheld Signs. Handheld Signs, where permitted, are subject to the following supplemental regulations.

- 4. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
- 5. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
- 6. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- 7. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

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- e. *Inflatable Signs/Air-Activated Signs.* Inflatable or Air-Activated Signs, where permitted, are subject to the following supplemental regulations.
 - 1. Inflatable Signs and Air-Activated Signs are restricted to on-premise and must comply with all applicable building and electrical codes.
 - 2. For safety purposes, any Inflatable Sign or Air-Activated Sign must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
 - 3. The minimum setback for any Inflatable Sign or Air-Activated Sign is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any vision clearance triangle as defined in Figure 7-2(a).
 - 4. Maximum Height: Twenty-five (25) feet.
 - 5. Only one (1) Inflatable Sign or Air-Activated Sign shall be allowed on a premise at any time.
 - 6. Inflatable Signs and Air-Activated Signs may only be displayed during the hours of operation for the on-premise business services.
- f. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
 - 1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building and electrical codes and shall be anchored securely to the ground.
 - 2. Portable Message Center Signs with any electronic message shall comply with all supplemental regulations of Electronic Information Signs, Section 10-9.
 - 3. No Portable Message Center Sign shall exceed six (6) feet in height.
 - 4. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 - 5. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 - 6. Portable Message Center Signs are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of six (6) occurrences per calendar year per premise.
- g. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following supplemental regulations.
 - 1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 - 2. No Sidewalk Sign shall exceed three (3) feet in height.
 - 3. No Sidewalk Sign shall exceed six (6) square feet, per side or three (3) feet in width.
 - 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 - 5. For safety reasons, no encroachments shall be made near corners of sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot area, beginning at the curb line at all corners or ends of blocks.
 - 6. Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.

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7. Sidewalk Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
8. No illumination is allowed for Sidewalk Signs.

10-13 Outdoor Advertising Signs

- a. *Conformance Required.* No billboard sign shall be erected, placed maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all the regulations established in this article.
- b. *Maintenance.* For the purposes of this section, maintenance shall mean the routine repairing, restoring, or replacing of the sign to its constructed condition with the same type of materials used in the original sign structure and face, or to approved upgraded materials.
- c. *Required Maintenance for Nonconforming Signs.*
 1. Cleaning and painting of the structure including supports, faces trim, ladders, catwalks, railings and any other structural features and the immediate area around the sign structure.
 2. Changes in advertising messages and content including use of a vinyl overlay or wrap. If structural modifications are required to secure the vinyl overlay or wrap, a sign permit is required and said changes must be approved by the building official.
 3. Faces and trim shall be maintained, replaced or repaired as necessary. The same number of faces, or less shall be maintained and the size of any given face shall not be increased.
 4. Lighting system may be added or replaced on any billboard as long as the lighting complies with Section 8-7 of the Columbus Land Development Ordinance, requiring shielded, sharp cutoff, downcast lighting fixtures. Existing fixtures may be repaired with like equipment. Changes or additions of lighting fixtures shall require an electrical permit and said changes shall be approved by the permitting agency.
 5. Safety features including ladders, catwalks, safety cables and railings may be replaced, repaired or added. Said safety features shall be designed to conform to accepted industry standards. A sign permit shall be required if safety features are added and said changes must be approved by the building official.
- d. *Reconstruction and Modification of Existing Nonconforming Outdoor Advertising Signs.* No sign shall be reconstructed or modified except as specified in paragraph E below. The following shall constitute a substantial change to a sign and are therefore not considered maintenance or acceptable reconstruction and are herein prohibited:
 1. Any change in the location of the sign.
 2. Any increase in the size or dimension or height of the sign.
 3. The addition of additional face or faces.
 4. An increase in the number of poles supporting the structure.
 5. An increase in the height of the poles.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- e. *Modifications to Existing Nonconforming Outdoor Advertising Signs.* An existing legal or nonconforming sign may be modified or reconstructed as follows:
 - 1. The structural supports may be replaced with like materials or upgraded to steel.
 - 2. Any existing sign damaged by any cause, natural or manmade, may be replaced or repaired to original condition, or modified as stated in 1. Above, provided there is no increase in size, height, or number of faces. Nonconforming roof-mounted signs that are damaged by any cause in excess of fifty (50) percent of their replacement value shall be permanently removed.
 - 3. Message area attachment systems may be changed or updated provided the area of the message surface is not increased.
 - 4. A sign required to be moved to a new location because of a local, state or federal project requires approval of the new location by the building official and the relocated sign need not comply with all regulations in force and effect at the time the relocation is approved, except those regulations which effect safety.
- f. *Electronic Changeable Message Signs.* Electronic Changeable Message Signs, hereinafter known as ECMS, are considered outdoor advertising signs and shall be subject to the following requirements:
 - 1. For each ECMS face erected, a minimum of two (2) existing sign faces must be permanently removed.
 - 2. The proposed ECMS must be located where one of the existing structures was removed to meet the 2: 1 replacement requirement, or, if at a new location, the ECMS must meet all Code requirements pertaining to outdoor advertising signs and meet the 2: 1 replacement requirement.
 - 3. No two ECMS structures may have sign facings erected less than five thousand (5,000) feet apart measured from the center of the monopole along a line parallel with the expressway. ECMS structures may be located on either side of the highway; however, each sign must only be visible from one direction of travel and must comply with the five thousand (5,000)-foot spacing on each side.
 - 4. The ECMS sign faces shall not be more than three hundred (300) square feet in size and shall be no taller than thirty-five (35) feet.
 - 5. Each advertisement displayed must remain fixed for at least ten (10) seconds. If there is more than one (1) advertisement per face, then when any advertisement changes, the entire face shall remain fixed for at least ten (10) seconds.
 - 6. When an advertisement is changed, it must be accomplished within an interval of two (2) seconds or less.
 - 7. Each ECMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10-14 Outdoor Advertising Signs; Regulations for New Installations

Within the total amount of sign area permitted to them, some parcels in the B-2, ML/C-1 and MH districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. For installation of new Electronic Changeable Message Signs (ECMS) refer to the regulations provided in Section 10-13 of this Article.

- a. *Location.* Eligible properties must be located within one hundred (100) feet of the right-of-way line of Highways 30 or 81.
- b. *Impact on Business Identification and Other Signage.* Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.
- c. *Maximum Size and Height.*
 1. The size of an outdoor advertising sign shall not exceed three hundred (300) square feet.
 2. The maximum height of such a sign shall be thirty-five (35) feet.
- d. *Separation Factors.*
 1. Where permitted along other settings, outdoor advertising signs shall be separated by one thousand (1,000) feet from any other outdoor advertising sign of any size and three hundred (300) feet from any other detached sign.
 2. Any such outdoor advertising sign shall be separated by two hundred (200) feet from any property in a residential zoning district, including RR through R-3, and NTR.
- f. *Other Standards.*
 3. New installations of stacked signs or other installations of two (2) signs facing the same direction on a single structure are prohibited. Double-faced, back-to-back signs are permitted, provided that the angle formed by the sign faces does not exceed fifteen (15) degrees.
 4. Side-by-side signs are not permitted regardless of which direction they face.

10-15 Additional Regulations for the Downtown Business District

- a. *Definition and Application*

These additional regulations apply to that area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

- b. *Projection Signs*

1. No sign other than a public service sign shall project more than 18 inches from any facade or wall of a building to which it is attached.
2. Lighted canopy signs may extend no more than 48 inches from any facade or wall of a building to which it is attached.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

c. Temporary Sign

1. Items such as or similar to streamers, ribbons, spinners, or similar moving, fluttering, or revolving devices used for the purpose of advertising or attracting attention shall not be permitted for a period longer than 30 days.
2. Signs pertaining to special events which refer to particular periods of time such as conventions, fairs, meetings, sales, exhibitions, and vacancy announcements shall be permitted provided that such signs shall be erected subsequent to approval by the Mayor, City Council, and Chief of Police; and that such signs shall be removed when no longer applicable in time.

d. Public Agency Signs

1. The provisions in this section shall not apply to the signs erected by federal, state, county, or city governmental agencies, including traffic, informational, and ornamental Christmas or other seasonal decorations.

e. Nonconforming Signs

1. Every sign erected before the effective date of this section shall not be replaced, expanded, enlarged, modified, or changed in any manner except in conformance with this section.
2. Affected nonconforming signs must be removed or modified to conform to this section within 30 days after receiving written notification by the City of the violation.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

11 ARTICLE ELEVEN: NONCONFORMING DEVELOPMENT

11-1 Purpose

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- (a) To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts;
- (b) To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts;
- (c) To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts;
- (d) To limit the continuation and provide for the gradual replacement of nonconforming uses.

11-2 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

11-3 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Columbus Land Development Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

11-4 Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Article.

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:

- (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements;

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

- (b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district;
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
- 2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
- 3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.
- c. **Moving of Nonconforming Structures**

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.
- d. **Repair of Nonconforming Structures**

A lawful nonconforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with floodplain development regulations.
- e. **Conversion of a Conforming Building**

A conforming building shall not be changed in any way that will result in a nonconforming development.
- f. **Applicability of Landscaping and Screening Regulations**

Provided the pre-existing use continues, a pre-existing structure, building, or development shall be exempt from Section 8-1, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Section 8-1:

 - (a) Expansion of a structure, building or parking lot
 - (b) Development onto an adjacent lot

11-5 Nonconforming Uses

- a. **Continuation of Nonconforming Uses**

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.
- b. **Enlargement of Nonconforming Uses**

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

d. Change of Use

A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the assessed value of the structure, the nonconforming use shall no longer be permitted.

g. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Section 12-1.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Columbus Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Columbus Land Development Ordinance; and granting variances.

12-2 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Columbus Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Building Official shall review, evaluate and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

All applications or requests for the approval of plans for alleys, off-street parking, loading, non-residential driveways, non-residential curb cuts, and access to an egress from property, shall be submitted to the Building Official. Upon review, the Building Official shall have the authority to either approve or deny said application or request.

c. Uses Requiring Site Plan Review

All uses shall follow the Site Plan review procedure prior to the issuance of a building permit.

d. Application Requirements

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Building Official. The application shall include the following information:

1. Name, mailing and email address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan;
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements;

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (c) The location, size, and use of proposed and existing structures on the site;
- (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, required temporary and permanent stormwater treatment facilities, fencing, screening, landscaping, and lighting;
- (e) A topographic survey of the site and adjacent public rights-of-way.
- (f) Identification of all federal, state and local environmental features, including, but not limited to: floodplain, floodways, wetlands, and other environmental features.
- (g) Identification of all adjacent zoning districts and use types.
- (h) Any other information that may be required for review by the Building Official.

5. The Site Plan must be stamped by a Nebraska Registered Professional Engineer.

e. Administrative Action and Appeal

The Building Official must act upon each complete application within twenty-one working days of filing. An applicant may appeal a denial to the Board of Adjustment. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Building Official or the Board of Adjustment shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Columbus Land Development Ordinance.
2. The Building Official or the Board of Adjustment shall make the following findings before approval of the site plan:
 - (a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1;
 - (b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects;
 - (c) The site plan conforms to the Columbus Land Development Ordinance.

g. Modification of Site Plan

The Building Official or Board of Adjustment may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation, rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, or welfare.

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h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Official may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Building Official may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run with Land

An approval pursuant to this section shall run with the land until such time as a change in use has the potential to significantly affect the traffic circulation or land uses in adjacent neighborhoods.

12-3 Special Use Permit Procedure

a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

c. Application Requirements

An application for a Special Use Permit may be filed by the owner(s) of a property or by the property owner's authorized agent with the Community Development Office. Any such application will not be deemed submitted until all of the information set forth below is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application may be held subject to administrative official approval to proceed. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and be submitted on a form approved by the Community Development Office:

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address and legal description of the property.

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4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. Be signed by the property owner or the property owner's duly authorized agent.

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TABLE 12-1: Criteria for Site Plan Review and Special Use Permits

CRITERIA		APPLICATION TO	
Land Use Compatibility		Site Plan Review	Special Use Permit
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

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TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
		Site Plan Review	Special Use Permit
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
Land Use Compatibility			
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

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TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Operating Characteristics		Site Plan Review	Special Use Permit
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X

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d. Approval Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-3 (f), shall hold a public hearing on each proposed Special Use Permit and following such public hearing, shall recommend action to the City Council.
2. The City Council, after the ten days notice as required by Paragraph 12-3 (f) and after public hearing, shall act on the Special Use Permit. The City Council may apply any reasonable conditions to the approval of the permit.
3. The applicant shall be responsible for preparing and furnishing in proper form a “draft” Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A “final” ordinance for said special use permit shall be thereafter submitted by applicant for action by the City Council. Applicant’s attorney shall work with the City Attorney on review and final versions.

e. Required Notice and Publication

Prior to consideration of and/or approval of a Special Use Permit by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed on or near such premises that it is easily visible from the street and shall be posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice by Publication:** At least ten days before the date of hearing the City Clerk shall have published in a newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** At least 10 days prior to the date of the hearing the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate which is the subject of the Special Use Permit;
 - (2) all properties whether in whole or in part which are located within 300 feet of the real estate which is the subject of the Special Use Permit; and

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- (3) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 “Posted Notice” and Subsection 3 “Notice by Personal Service or Mail” shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the **City Clerk/Community Development office** prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the “Posted Notice” requirements set forth in Subsection 1 above and that the “Notice by Personal Service or Mail” requirements set forth in Subsection 3 above were both complied with. ~~Said Affidavit shall be submitted on a form approved by the City Clerk’s office.~~

f. Scope of Approval

The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval or six (6) months from said failure to pass a motion to approve this special use permit.

i. ~~Denial-Non-Approval~~ of Special Use Permit; Waiting Period

In the event that a Special Use ~~p~~Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said ~~denial-non-approval~~ thereof or six (6) months from said failure to pass the same.

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12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Columbus Land Development Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application may be held subject to administrative official approval to proceed. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on by the Planning Commission. The application shall include the following information and shall be submitted on a form approved by the Community Development Office:

1. Name, email, mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address, email address and legal description of the property.
4. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
5. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 Site Plan Review Procedure.
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

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d. Amendment Process

1. The Planning Commission, following ten days notice as required by 12-4 Amendment Procedure, shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals and the general welfare.
2. The City Council, after ten days notice as required by Section 12-4 and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals and the general welfare. In furtherance thereof, the City Council may condition rezoning on the adoption of an agreement between the developer and the City.
3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City Council.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** In the case of rezonings, a notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.

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3. Notice by Personal Service or Mail: In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate to be zoned or rezoned;
 - (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
 - (3) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. "Notice of Publication" above shall be applicable.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the ~~City Clerk~~Community Development office on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. ~~Said Affidavit shall be submitted on a form approved by the City Clerk's office.~~

- f. ~~Denial-Non-Approval~~ of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is not approved by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said ~~denial-non-approval~~ thereof or six (6) months from said failure to pass the same.

12-5 Extension of the Extra-Territorial Jurisdiction

There shall be an automatic extension of the extra-territorial jurisdiction due to annexation or incorporation of any addition into the City. The City Council with the recommendation of the Planning Commission, shall zone properties within the newly established Jurisdiction concurrent with, or within 90 days thereafter, of the adoption of the annexation ordinance or resolution incorporating said property into the City. The zoning shall consider the Comprehensive Development Plan of the City of Columbus and the present use of the land. In the event the City takes no action within the time period, said property within the newly established Jurisdiction shall be deemed as zoned RR, Rural Residential.

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12-6 Building Permits and Certificates of Occupancy

a. Administration and Enforcement

The Building Official shall administer and enforce this ordinance.

If the Building Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

c. Application for Building Permit

All applications for building permits shall include a complete site plan and shall include plans drawn to scale and an electronic copy, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including the existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families and/or persons, and the number of units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Official, after he/she shall have marked such copy either as approved or disapproved and attested the same by his/her signature on such copy. The electronic copy of the plans shall be retained by the Building Official.

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d. Certificates of Occupancy for New, Altered, or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy is issued by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance and that all plans submitted with the application for building permit have been completed. Prior to the issuance of a Certificate of Occupancy, the Building Official, or his/her designee, shall conduct a final inspection of said building or premises to determine compliance with the requirements of the Columbus City Ordinances and it shall be the duty of the property owner to cooperate with said final inspection.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building Official may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction which varies from the approved permit shall be deemed a violation of this ordinance, and punishable as provided by Section 12-14 hereof.

12-7 Schedule of Fees, Charges and Expenses

The City Council shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for building permits, re-zoning application fees, special use permit application fees, board of adjustment filing fees, site plan review, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application for appeal.

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12-8 Board of Adjustment

a. Establishment

1. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this Section. The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one of the regular members is unable to attend for any reason. At least one member of the Board shall be a member of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commission member to the Board. At least one member of the Board shall reside outside of the corporate boundaries of the City, but within its extra-territorial zoning jurisdiction.
2. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Chairman of the Board shall be elected annually by the members of the Board. All members of the Board shall serve without compensation.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914 of Nebraska Revised Statutes. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment within reasonable time of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. The Board shall provide a written notice to the appealing party of the date and time set for public hearing. The Board shall provide a minimum of ten days' notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Columbus setting forth the time, place and subject matter of such hearing. Notice of hearing shall be posted by the

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appealing party in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the appealing party to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the appealing party to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed it shall be the duty of the appealing party to promptly post a new sign for the remainder of the ten-day period. The appealing party shall be responsible for filing with the Building Official on the date of the hearing an Affidavit of Posting Notice. Said Affidavit shall verify that the requirements concerning posting notice as set forth herein were complied with and said Affidavit shall be submitted on a form approved by the Building Official.

3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any Building Official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to affect any variation in such ordinance.

12-9 Powers and Duties of the Board of Adjustment

1. The Board of Adjustment shall have only the following powers and duties:
 - (a) Administrative Review To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.
 - (b) Interpretation of Zoning Map To hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
 - (c) Variances to Relieve Hardships Relating to Property To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

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- (1) Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:
 - a. Strict application of the zoning ordinance will produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
 - d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;
 - e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
- (2) Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 12-9 have been met by the applicant for a variance.
- (3) Conditions for Grant of Variance.
 - a. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 12-14 of this Ordinance.
 - b. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - c. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(d) Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official

In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.

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12-10 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

12-11 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal

- a. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- b. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or permits, or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 12-1 of this ordinance.

12-12 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

12-13 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this ordinance.

12-14 Penalties for Violation

- a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12-15 Development Review Team (DRT)

a. Purpose

The DRT meets weekly with project representatives to identify opportunities and resolve potential issues before project and development plans are finalized. Through the DRT process all aspects of a project can be discussed including key issues and expectations such as site issues, time lines, processing of applications, phasing, design issues and code requirements. The DRT provides the best possible customer service by maintaining allowing close contact with project representatives, by providing thorough review and feedback on every major proposed project, and by working to resolve issues at the earliest possible stage of development.

b. Administration

Members of the DRT are the City Administrator, Chief Building and Code Official and/or other Building Officials, City Engineer, City Surveyor, Public Works Director and City Planner and Economic Developer. These members may invite other staff and professionals as they see fit based on project scope. If applicable, DRT members will visit the project location prior to the DRT meetings and be prepared to discuss all potential issues and opportunities. The DRT shall take notes during the meeting and shall provide those notes to all participants. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council. It is understood the information provided at the DRT meetings are preliminary in nature and thus final decisions or recommendations are not final and subject to review of official submittals for review.

c. Application Requirements

Project representatives will be provided an application for the DRT. Complete development plans are not necessary for the initial meeting however, as many details as possible are encourage to be shared in the application in order to jointly develop the most efficient and successful project. At a minimum the project representative shall provide:

- (1) Project Representative information.
- (2) Description of the project.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days prior to the meeting date desired by the project representative but subject to date, time, and DRT staff availability.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

13 ARTICLE THIRTEEN: PART A - WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

13-1 Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the City of Columbus' authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Columbus, Nebraska finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Columbus, Nebraska.

13-2 Title

Article 13, Part A, shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the City of Columbus, Nebraska, and herein referred to as Article 13, Part A.

13-3 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part A, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part A, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Any Special Use Permit issued for Wireless Telecommunications Facilities shall follow the Special Use Permit Rules and Procedures under Article 12.

13-4 Definitions

For purposes of Article 13, Part A, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

- a. **"Accessory Facility"** or **"Structure"** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- b. **"Applicant"** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- c. **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- d. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- e. **“Certificate of Compliance”** means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.
- f. **“Collocation”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- g. **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercial impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- h. **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- i. **“Council”** or **“City Council”** means the City Council of the City of Columbus, Nebraska.
- j. **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- k. **“Eligibility Facility”** means a facility as defined in FCC 14-153.
- l. **“Eligible Facility Permit”** means the official zoning permit approved and issued by the Community Development Director ~~or his or her~~ for designee for application which meets the definition of an eligible facility.
- m. **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- n. **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- o. **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

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- p. **“Modification”** or **“Modify”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- q. **“NIER”** means Non-Ionizing Electromagnetic Radiation.
- r. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.
- s. **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
- t. **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PTS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- u. **“Planning Commission”** means the Planning Commission for the City of Columbus.
- v. **“Repairs and Maintenance”** means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- w. **“Right-of-Way”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private Easement.
- x. **“Small wireless facility”** means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

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- y. **“Specialized Mobile Radio”** or **“SMR”** means an analogue or digital trunked two-way radio system, operated by a service in the VHF, 220, UHF, 700,800 or 900 MHz bands.
- z. **“State”** means the State of Nebraska.
- aa. **“Stealth”** or **“Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- bb. **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- cc. **“Telecommunications Site”** See definition for Wireless Telecommunications Facilities.
- dd. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of “Wireless Telecommunications Facilities”.
- ee. **“Temporary”** means temporary in relation to all aspects and components of Article 13, something intended to, or that does not exist for more than ninety (90) days.
- ff. **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- ~~gg.~~ **“Wireless Telecommunications Facilities”** or **“WTF”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and s
- ~~hh.~~gg. **Structures**, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

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13-5 Overall Policy and Desired Goals for Eligible Facility and Special Use Permits for Wireless Telecommunications Facilities

- a. In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in Article 13, Part A, the City hereby adopts an overall policy with respect to an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:
- b. Requiring an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for any new, co-location or modification of a Wireless Telecommunications Facility.
- c. Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.
- d. Establishing a policy for examining an application for and issuing an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
- e. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.
- f. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- g. That in granting an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the City.

13-6 Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities Required; Exceptions

- a. Except as otherwise provided by Article 13, no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of January 2, 2018, without having first obtained either an Eligible Facility Permit or a Special Use Permit for Wireless Telecommunications Facilities prior to the application for a building permit. Notwithstanding anything to the contrary in this section, no Permits for Wireless Telecommunications Facilities shall be required for those non-commercial exclusions noted in Section 13-7.
- b. All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before January 2, 2018, shall be allowed to continue as they existed, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Article 13.

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- c. Any Repair and Maintenance of a Wireless Telecommunications Facilities does not require an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-7 Exclusions

The following shall be exempt from Article 13:

- a. The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- b. Any facilities expressly exempt from the City's siting, building and permitting authority.
- c. Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- d. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- e. Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than 200'.
- f. Small Wireless Facilities located in a right-of-way. Said right-of-way shall be deemed governed by the provisions of Neb. Rev. Stat. Section 86-1201 to Section 86-1244 known as the Small Wireless Facilities Deployment Act and by Article 13 and Article 15 of the Columbus Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

- a. All Applicants for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in Article 12 and Article 13, Part A, of the Zoning Ordinance. Applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities must be made pursuant to Article 12 and Article 13, Part A, of the Zoning Ordinance. Upon the recommendation from the Planning Commission, the City Council is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate other official agencies or officials of the City to review, analyze, evaluate and make recommendations to the Planning Commission and the City Council concerning matters involving Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities.
- b. All applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be filed with the Community Development **Director's** office pursuant to Section 12-3.
- c. The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

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- d. No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities has been issued.
- e. Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City.
- f. An Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- g. The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- h. The Applicant shall include a statement in writing:
 - 1. That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;
 - 2. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.
- i. Where a certification is called for in Article 13, such certification shall bear the signature and seal of a Registered Professional licensed in the State.
- j. In addition to all other required information as stated in Article 13, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
 - 1. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - 2. Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage; for a new tower drive test data is required. If documentation is provided by the applicant that this site qualifies as an Eligible Facility, proof of need is not required;

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3. The name, address and phone number of the person preparing the report;
4. The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
5. The postal address and tax map parcel number of the property;
6. The Zoning District or designation in which the property is situated;
7. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
8. The location of nearest residential structure;
9. The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
10. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
11. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
12. The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
13. The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;
14. A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
15. The frequency, modulation and class of service of radio or other transmitting equipment;
16. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
17. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
18. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
19. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
20. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.

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- k. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.
- l. Additional requirements for an Application for New Tower.
 - 1. In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.
 - 2. In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a “balloon test”. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The Applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application.

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3. The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - (a) The foreseeable number of FCC licenses available for the area;
 - (b) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - (c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
 - (d) Available space on existing and approved Towers.
4. Upon completing construction and before the issuance of the Certificate of Compliance, to ensure the tower was constructed as permitted, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
5. The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
 - (a) Respond within 60 days to a request for information from a potential shared-use Applicant;
 - (b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
 - (c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;
 - (d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for Wireless Telecommunications Facilities.

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- m. The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, city, state and federal structural requirements for loads, including wind and ice loads.
- n. If application is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- o. All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.
- p. If the application is for a new Tower, a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:
 - 1. If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
 - 2. Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 - 3. A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- q. The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- r. The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.

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- s. All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the most recently adopted versions of the National Electrical Safety Code and the National Electrical Code where appropriate.
- t. At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- u. All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- v. A holder of an Eligible Facility Permit or Special Use Permit for a Wireless Telecommunications Facilities granted under Article 13, shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- w. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- x. An Applicant shall submit to the City the number of completed Applications determined to be needed.
- y. The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

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13-9 Location of Wireless Telecommunications Facilities

Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority of selection and ten (10) being the lowest priority.

- (1) On existing Towers or other structures on city owned properties, including the right-of-way.
 - (2) On existing Towers or other structures on other property in the City.
 - (3) A new Tower on City-owned properties, including the right-of-way.
 - (4) A new Tower on property in areas zoned MH, "General Industrial District."
 - (5) A new Tower on property in areas zoned ML/C-1, "Light Industrial District."
 - (6) A new Tower on property in areas zoned AG, "Agricultural District."
 - (7) A new Tower on property in areas zoned B-2, "General Commercial District."
 - (8) A new Tower on property in areas zoned B-1, "Central Business District."
 - (9) A new Tower on property in areas zoned "O", "Office District", LC, "Limited Commercial District", UC, "Urban Commercial District."
 - (10) A new Tower on property in areas zoned RR, "Rural Residential District", R-1, "Single-Family Residential District", R-2, "Urban-Family Residential District", R-3, "Multiple-Family Residential District", and NTR, "Non-Traditional Residential District."
- b. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
 - c. An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the City why co-location is commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.
 - d. Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

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- e. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- f. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons:
 - 1. Conflict with safety and safety-related codes and requirements;
 - 2. Conflict with the historic nature or character of a neighborhood or historical district;
 - 3. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - 4. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
 - 5. Conflicts with the provisions of Article 13.

13-10 Shared Use of Wireless Telecommunications Facilities and Other Structures

- a. The City, as opposed to the construction of a new Tower, shall prefer locating on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within two (2) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- b. An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.
- c. Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

13-11 Height of Telecommunications Towers

- a. The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies
- b. Must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown. The height limitations in this section shall supersede the height limitations set forth in Article 12.

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- c. No Tower constructed after the effective date of Article 13, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with city, state, and/or any federal statute, law, local law, city ordinance, code, rule or regulation.

13-12 Visibility of Wireless Telecommunications Facilities

- a. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- b. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of Article 13.
- c. If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

13-13 Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- a. All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- b. Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

13-14 Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. RF radiation warning signage shall be posted on all four sides of the compound. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

13-15 Lot Size and Setbacks

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

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13-16 Retention of Expert Assistance and Reimbursement by Applicant

- a. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- b. An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The ~~Initial dDeposit~~ required for a new tower or facility shall be \$8,500, and for an eligible facility is \$5,000, unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.
- c. Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.
- d. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

13-17 Public Hearing and Notification Requirements

The procedure for obtaining a Special Use Permit for Wireless Telecommunications Facilities shall follow the procedure set forth in Section 12-3 of the Columbus Zoning Ordinance with the exception that no public hearing or notifications are required for Eligible Facility applications.

The procedures of Article 12 are amended for purposes of Special Use Permits for Wireless Telecommunication Facilities to require written notice of such public hearing to be given to the owners of all real estate located within 500 feet instead of 300 feet of the real estate, which is the subject of the Special Use Permit for Wireless Telecommunication Facilities.

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13-18 Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities

- a. The City will undertake a review of an Application pursuant to the Special Use Permit procedure of Section 12-3 and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- b. Except as modified herein, the Special Use Permit Procedure of Article 12 of the Zoning Ordinance shall be followed. The decision of the City Council shall be set forth in the minutes and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of a Special Use Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- c. If the City ~~denies~~ does not approve the Special Use Permit for Wireless Telecommunications Facilities or if such an ordinance fails to pass, then the Applicant shall be notified of such ~~denial~~ non-approval or failure to pass, in writing, within ten (10) calendar days of the City's action.

13-19 Action on an Application for an Eligible Facility Permit for Wireless Telecommunications Facilities

- a. Authorization of an Eligible Facility Permit. For any Eligible Facility Permit application, a complete application shall be approved by the Community Development Director or his or her designee only if he or she determines that such complete application is in compliance with Article 13.
- b. The burden of proof for the granting of an Eligible Facility Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- c. If the City ~~denies~~ does not approve the Eligible Facility Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such ~~denial~~ non-approval or failure, in writing, within ten (10) calendar days of the City's action.

13-20 Extent and Parameters of Eligible Facility Permit and Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- a. Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall not be assigned, transferred or conveyed without the express prior written notification to the City.
- b. Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Eligible Facility or Special Use Permit, or for a material violation of Article 13, after prior written notice to the holder of the Special Use Permit.

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13-21 Application Fee

At the time that a Person submits an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for a new Tower, such Person shall pay a non-refundable application fee therefor to the City in an amount as set by resolution by the Columbus City Council. If the Application is for an Eligible Facility Permit or Special Use Permit which involves modifying or co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, or for a temporary facility the non-refundable fee shall be in an amount as therefor set by resolution by the Columbus City Council.

13-22 Small Cell / DAS Facilities

Small Cell Facilities have the potential to require either an Eligible Facilities Permit or a Special Use Permit depending on the proposed facility. The information required for an Eligible Facility or a Special Use Permit is required as outlined in Article 13.

Batch applications can be submitted to expedite the permitting process. Applicant will be required to maintain the Minimum Escrow Account Balances. The total amount of the funds needed may vary with the scope and complexity of the project. The Cap established in Section 13-16 does not apply for batch applications.

13-23 Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit for Wireless Telecommunications Facilities and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Eligible Facility Permit or Special Use Permit, for Wireless Telecommunications Facilities.

13-24 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

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13-25 Liability Insurance

- a. A holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit for Wireless Telecommunications Facilities in amounts as set forth below:
 1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 2. Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
 3. Workers Compensation and Disability: Statutory amounts.
- b. For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- c. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- d. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- e. Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- f. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Special Use Permit, the holder of the Eligible Facility Permit or Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

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13-26 Indemnification

- a. Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to Article 13, Part A, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- b. Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-27 Fines

- a. In the event of a violation of Article 13, or any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13, Part A, the City may impose and collect, and the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.
- b. The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities failure to comply with provisions of Article 13, Part A,, shall constitute a violation of Article 13, Part A, and shall subject the Applicant to the code enforcement provisions and procedures as provided in Section 12-14 of the Columbus Land Development Ordinance, Zoning Article of the City of Columbus and Article 86 of Nebraska Revised Statutes.
- c. Notwithstanding anything in Article 13, Part A, the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with Article 13, or any section of Article 13. An attempt to do so shall subject the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities to termination and revocation of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities. The City may also seek injunctive relief to prevent the continued violation of Article 13, without limiting other remedies available to the City.

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13-28 Default and/or Revocation

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of Article 13, or of the Eligible Facility Permit or Special Use Permit for Wireless Communications Facilities, then the City shall notify the holder of the Eligible Facility Permit or Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as set forth in Section 13-27 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time said Eligible Facility Permit or Special Use Permit is subject to revocation.

13-29 Removal of Wireless Telecommunications Facilities

- a. Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.
 1. Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 2. Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 3. Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or any other necessary authorization and the Eligible Facility or Special Permit for Wireless Telecommunications Facilities may be revoked.
- b. If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

The holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.

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- c. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit for Wireless Communications Facilities holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities holder.

If the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned and sell them and their components.

- d. Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, subject to approval of the City, and an agreement to such plan shall be executed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

13-30 Relief

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of Article 13, may request such, provided that the relief or exemption is contained in the submitted Application for either a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or in the case of an existing or previously granted Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption, it will have no significant effect on the health, safety and welfare of the City, its residents and other service providers.

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13-31 Periodic Regulatory Review by the City

- a. The City may at any time conduct a review and examination of Article 13.
- b. If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal Article 13, at any time.
- c. Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Article 13.

13-32 Adherence to State and/or Federal Rules and Regulations

- a. To the extent that the holder of a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- b. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, then the holder of such an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

13-33 Adherence to International Building Code

To the extent applicable, the holder of an Eligible Facility Permit or a Special Use Permit for Wireless Communication Facilities shall adhere to the latest version of the International Building Code adopted by the City of Columbus and towers shall be reviewed under the Structure Class III Standards as currently defined in TIA/EIA-222-G.

13-34 Conflict with Other Laws

Where Article 13, differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, state or federal government, Article 13, shall apply.

13-35 Effective Date

Article 13, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

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13-36 Authority

Article 13, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

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: PART B - SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

13-40 Title

Article 13, Part B, shall be known and cited as “Small Wireless Facilities in the Right-of-Way” for the City of Columbus, Nebraska, and herein referred to as Article 13, Part B.

13-41 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part B, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part B, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

13-42 Definitions

For purposes of Part B of this Article, the definitions of this Section shall apply.

“**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

“**Applicable Codes**” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with the Small Wireless Facilities Deployment Act, Neb. Rev. Stat. Section 86-1201 et seq., and to the extent such codes have been adopted by the City and are generally applicable in the City.

“**Applicant**” means any person who submits an application and is a wireless provider.

“**Application**” means a written request submitted by an applicant to the City for (1) a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or (2) a permit for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility.

“**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.

“**Collocate**” or “**collocation**” means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole. Neither “collocate” nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

“**Communications facility**” means the set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C. 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.

“**Communications network**” means a network used to provide communications service.

“**Communications service**” means a cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as

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such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.

“Communications service provider” means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.

“Decorative pole” means a City pole that is specially designed and placed for aesthetic purposes.

“FCC” means the Federal Communications Commission.

“Fee” means a one-time nonrecurring charge.

“Historic District” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC codified at 47 C.F.R. part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.

“Law” means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.

“Make-ready work” generally means the modification or replacement of a City pole or associated lines, including the installation of guys and anchors on the same, required to accommodate a small wireless facility.

“Microwireless facility” means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

“Permit to occupy the right-of-way” means a written authorization from the City issued pursuant to this Article which allows an applicant to site, place, construct, operate, maintain, repair, remove, modify, or prepare one or more small wireless facilities in the City’s rights-of-way.

“Person” means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.

“Pole” means as a utility, lighting, or similar pole made of wood, concrete, metal, or other material, located or to be located within the right-of-way.

“Public power supplier” means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.

“Rate” means a recurring charge.

“Right-of-way” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in section 39-1302, the National System of Interstate and Defense Highways, or a private easement.

“Routine maintenance” means any inspections, tests, or repairs that (1) maintain a functional capacity, aesthetic standards, or structural integrity of a small wireless facility and

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the associated utility pole or wireless support structure and (2) do not impede, damage, or disturb any portion of the right-of-way.

“Small wireless facility” means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

“Technically feasible” means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.

“Utility pole” means a pole located in the right-of-way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right-of-way. “Utility Pole” does not include (1) wireless support structures or (2) any transmission infrastructure owned or operated by a public power supplier.

“Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (1) equipment associated with wireless communications and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. “Wireless facility” does not include the structure or improvements on, under, or within the equipment, which is collocated; coaxial or fiber optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna; or a wireline backhaul facility.

“Wireless infrastructure provider” means any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

“Wireless provider” means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.

“Wireless services” means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.

“Wireless services provider” means a person who provides wireless services.

“Wireless support structure” means a structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. Wireless support structure does not include a utility pole.

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“**Wireline backhaul facility**” means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

13-43 Purpose and Scope

This Article supplements the generally applicable right-of-way permitting provisions in Article 15 with specific provisions for the placement, permitting, and use of small wireless facilities in the City’s right-of-way. In the event of a conflict between Article 15 and this Article, this Article shall control. This Article is intended to comply with the Small Wireless Facilities Deployment Act as adopted by the 106th Nebraska Legislature First Session, referred to in this Article as the “Act”. Nothing in this Chapter shall restrict any authority of the City as provided in the Act.

A. *Applicability of this Article.* No person shall site, place, construct, operate, maintain, repair, remove, modify, or prepare any small wireless facility, any wireless support structure, any utility pole built or modified solely to accommodate a small wireless facility, or any other structure built solely to support a wireless facility, in the City’s right-of-way, without first having received a permit from the City to occupy right-of-way pursuant to Article 15. Any small wireless facility, wireless support structure, or any utility pole or other structure built or modified solely to support a wireless facility, which is located outside the City’s right-of-way, is not subject to this Article; however, such facilities and structures are subject to the City’s Zoning Ordinance.

B. Exceptions and Limitations.

Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

- a. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.
- b. Except as provided in Article 13, Part B, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way so long as such facilities and poles do not obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by utilities or the safe operation of their systems or provision of service.
- c. Article 13, Part B, Section 13-44 to Section 13-47 shall not apply to public power suppliers or to the collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier.

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13-44 Permits to Occupy the Right-of-Way

a. Application for Permits.

1. Applications for permits to occupy the right-of-way are available from the Community Development Office. Completed applications shall be submitted to the City's On-line permit application process. In addition to the information required by Section 15-3, applicants shall submit the following information with each completed application:
 - (a) an attestation that the small wireless facilities covered by the application will be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date unless a delay is caused by lack of commercial power or communications transport facilities to the site; and
 - (b) an attestation that each proposed small wireless facility satisfies each of the aesthetic and design standards set forth in Article 15, Section 15-5, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7; and
 - (c) for any small wireless facilities collocated on utility poles or wireless support structures owned, operated, or managed by a person other than the City or a public power supplier, a copy of the authorization of such person consenting the application; and
 - (d) if the collocation of the small wireless facility is on utility poles owned, operated, or managed by a public power supplier pursuant to a negotiated pole attachment agreement as provided in Neb. Rev. Stat. §86-1244(1), then a copy of said agreement; and
 - (e) all permit fees required under Section 15-4; and
 - (f) information directly related to the impairment of wireless service in the immediate area; and
 - (g) construction and engineering drawings and information demonstrating compliance with the criteria set forth in Section 13-44; and
2. An applicant that collocates a small wireless facility within the City right-of-way or on a utility pole assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way, except to the extent such loss or damage is due to or caused by the negligence or willful misconduct of the City.

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3. An applicant may file a consolidated application for up to five individual small wireless facilities instead of filing a separate application for each such facility. An applicant shall submit the information required under Section 15-3 for each small wireless facility covered by a consolidated application; otherwise, the applicant may submit a single set of documents that apply to all of the small wireless facilities covered by such a consolidated application. Each small wireless facility within a consolidated application shall be subject to individual review; provided, that a decision regarding all small wireless facilities shall be rendered in a single determination by the Community Development Director, or his designee and provided further that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole.
- b. Review of Permits.
1. Within 20 days after receiving an application, the Community Development Director, or his or her designee, shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline set forth in subsection (B)(2) below shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a resubmission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled (a) if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 13-48 or (b) by agreement between the City and the applicant.
 2. Unless tolled, the City will process an application no later than 90 days after receiving it. Subject to the tolling under subsection ~~(B)(1)~~b.1 above, the application shall be deemed approved if the City fails to approve or deny the application within 90 days after receipt of the same. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. Upon mutual agreement between the applicant and the City, the City may extend the period for consideration of an application for 30 days.
 3. The City may propose technically feasible alternative utility pole locations; provided, the City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. The wireless provider shall cooperate with the City to address the City's reasonable proposal. The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit and shall be for a period not less than five years.

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- c. Denial of Permit Applications.
1. The City may deny an application for a proposed collocation of a small wireless facility or installation, modification or replacement of a utility pole that meets the requirements of this Article 13, Part B, if the proposed operation: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Article 15 of the Columbus Land Development Ordinance; (e) fails to comply with applicable codes of general applicability which do not apply exclusively to wireless facilities; (f) fails to comply with the aesthetic and other design requirements set forth in Article 15, Section 13-46 and Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the wireless provider obtains the written consent of the public power supplier that owns or manages the electrical conductor.
 2. The City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based, and send such documentation to the applicant on or before the date the City denies the application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee, and the City shall have 30 days after receiving such resubmitted application to approve or deny the same; provided, such review shall be limited to deficiencies cited in the City's denial.
- d. *Issuance of Permits.* All permits to occupy the right-of-way issued under this Article are issued subject to the conditions set forth in Section 15-3 and, in addition thereto, the following conditions:
1. The small wireless facilities covered by the application shall be operational for use by a wireless services provider no later than one year after the later of the completion of all make-ready work or the permit issuance date; provided, upon applicant's request, the City (a) shall grant a one-time extension for up to nine months if the applicant demonstrates that the delay is caused by the lack of commercial power to communications transport facilities to the site and (b) may grant one or more additional extensions on such terms as mutually agreed upon by the City and applicant.
 2. The City may reserve space on the City's poles and the applicant shall cooperate with the City in any such reservation, except that the City shall first notify the applicant in writing that it is interested in reserving such pole space or sharing the trenches or bores in the area where the collocation is to occur. The applicant shall allow the City to place its infrastructure in the applicant's trenches or bores or on the utility pole as requested by the City, except that the City shall incur the incremental costs of placing the conduit or infrastructure as requested. The City shall be responsible for maintaining its facilities in the trenches and bores and on the City's pole.
- e. *Renewal of Permits.* The City shall renew a permit issued hereunder for an equivalent duration as long as the applicant is in compliance with the criteria set forth in Section 13-44 as such criteria existed at the time the permit was granted.

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13-45 Rates

- a. *Applicability of Section.* The fees and taxes set forth in this Section shall apply to permits issued hereunder in lieu of the fees and taxes set forth in Section 15-4.
- b. *Application Fees.* For each collocation of a small wireless facility on an existing or replacement City pole, the applicant shall pay the City the small wireless facility collocation application fee in the amount set forth in the Schedule of Fees. For each installation, modification, or replacement of a utility pole and the collocation of an associate small wireless facility on such pole, the applicant shall pay the City the small wireless facility site application fee in the amount set forth in the Schedule of Fees.
- c. *Occupation Tax.* If applicable to applicant, the applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided in Chapter 111 of the Columbus City Code. If applicant is not required to pay an occupation tax under said Chapter, applicant shall pay the City the rate of \$250 per small wireless facility per year.
- d. *City Pole Rate.* For each City pole on which the applicant collocates a small wireless facility, the applicant shall pay annually the City pole rate in the amount set forth in the City's Schedule of Fees.
- e. Make Ready Work Fees.

13-46 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to supplement the aesthetic and design standards set forth in Section 15-5. All small wireless facilities in the right-of-way to which Article 13, Part B, applies, shall comply with each standard set forth in in Section 15-5 and those set forth in this Section 13-46.

- a. *Spacing of Ground Mounted Equipment and New Utility Poles.* All proposed ground mounted facilities and new utility poles shall be located pursuant to the spacing requirements of Section 15-5 from any other small wireless facility, provided, however, that such spacing requirements shall not prevent a wireless provider from serving any location.
- b. *Additional Design Rules for Pole-Mounted Facilities.* All small wireless facilities proposed to be mounted on utility poles shall conform to the following guidelines:
 1. To the maximum extent technically feasible, and provided the limits of a small wireless facility are not exceeded, all antennae and all of each antenna's exposed elements and shroud transitions shall be mounted at the top of the proposed pole and shall be enclosed within a single cylindrical antenna shroud which (a) reasonably color-matches the pole; (b) should have a diameter no greater than 14 inches; (c) should have a uniform diameter once transitioned from the pole shaft; (d) should include only visually concealed cables, wires, and other components; and (e) should be no greater than 6 feet in height;
 2. All components of the facility, other than those described in subsection (B)(1) above, shall be placed below grade to the maximum extent technically feasible and, when undergrounding is not technically feasible, shall be fully enclosed with a base shroud that: (a) is structurally sound to fully support the pole while maximizing equipment volume; (b) is cylindrical and is as small as technically feasible with a maximum consistent diameter of 30 inches; (c) does not exceed a height of six feet from mounting surface; (d) reasonably matches pole color and finish; and (e) is as solid as feasible to visually conceal and lock all contents and wiring; and

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3. Subject to the placement and other requirements in subsections (B)(1) and (B)(2) above, any components of a freestanding facility that are attached to support poles must be mounted so that all parts are at least seven feet or higher above adjacent surface grade.
- c. Height Restrictions.
1. Any new or modified utility pole installed in a right-of-way shall not exceed the greater of (a) 5 feet in height above the tallest existing utility pole located within 500 feet of the new utility pole in the same right-of-way or (b) 50 feet above ground level.
 2. New small wireless facilities in a right-of-way shall not extend more than the greater of (a) 50 feet in height, including antennae, or (b) more than 5 feet above an existing utility pole in place as of September 1, 2019 and located within 500 feet in the same right-of-way.
 3. The City shall have the right, at its sole discretion, to consider and approve an application to install a utility pole or wireless support structure that exceeds the height limits in this subsection (C); provided, any facility which exceeds the height restrictions set forth in the definition of "small wireless facility" provided in Section 13-42 shall also be subject to the City's Zoning Ordinance.
- d. *Decorative Poles (Streetlights)*. If decorative poles serving as streetlights have been installed in a neighborhood, small wireless facilities shall first be collocated on such poles at intersections as combination poles with streetlights, with poles mid-block as secondary sites so that removal of decorative streetlights mid-block is minimized and preservation of the intended decorative aesthetics is maximized. The City may, in its discretion authorize the replacement of a decorative pole but any replacement pole shall strictly conform to the design aesthetics of the decorative pole being replaced.

13-47 Independent Technical and Legal Review

In the event applicant is requesting make ready work on City poles, the City may request a deposit for such make ready work based on a good faith estimate.

13-48 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

14 ARTICLE FOURTEEN: SEXUALLY ORIENTED BUSINESS

14-1 Purpose and Intent

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

14-2 Definitions

As used in this section, the following terms shall have the meanings indicated:

- a. ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
- b. ADULT BOOKSTORE or ADULT VIDEO STORE – A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; and/or
 2. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”
- c. A commercial establishment is not exempt from being categorized as an “Adult Bookstore” or “Adult Video Store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”
- d. ADULT CABARET – A night club, bar, restaurant or similar commercial establishment which regularly features:
 1. Persons who appear in a state of nudity; or
 2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 3. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

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- e. ADULT MOTEL – A hotel, motel or similar commercial establishment which:
 - 1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, digital video discs or other electronic media, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- f. ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- g. ADULT STORE – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."
- h. A commercial establishment is not exempt from being categorized as an "Adult Store" so long as one of its principal business purposes is the offering for sale of instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."
- i. ADULT THEATER – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- j. BUSINESS – An enterprise or entrepreneurial activity located in the City of Columbus' jurisdiction, which includes all types of vocations, occupations, professions, enterprises, establishments (including sales of tangible personal property and furnishing of services), together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, gain, pecuniary benefit or advantage, either directly or indirectly.
- k. CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.
- l. CITY – City of Columbus, Nebraska located in Platte County.
- m. CITY COUNCIL – The City Council of the City of Columbus, Nebraska.
- n. EMPLOYEE – Means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.
- o. ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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- p. ESCORT AGENCY -- A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- q. ESTABLISHMENT -- Includes any of the following:
 - 1. The opening or commencement of any sexually oriented business as a new business.
 - 2. The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - 3. The addition of any sexually oriented business.
 - 4. The relocation of any sexually oriented business.
- r. EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.
- s. LICENSEE – Any person, individual, partnership, corporation, firm, estate, trust, association, joint venture or other entity which a license to operate a sexually oriented business has been issued, as well as those listed as an applicant on the application for a license.
- t. LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.
- u. NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- v. NUDITY or STATE OF NUDITY:
 - 1. The appearance of a human bare buttocks, anus, male genitals, female genitals or female breasts; or
 - 2. The state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.
- w. OPERATES OR CAUSES TO BE OPERATED – To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.
- x. PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.
- y. PREMISES – All lands, structures, lodges, stores, offices, sales rooms, warehouses and the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business within the city's jurisdiction which is owned, leased or occupied by the business.
- z. PRINCIPAL BUSINESS PURPOSE (Factors Determining) – A primary factor which shall be considered in determining the "principal business purpose" shall be whether the business publicly advertises such materials either through media or signs located on the exterior of its premises or signs located inside the business that can be seen from the exterior. Additional factors which may be considered are the gross income generated by adult materials compared to over-all gross income, and the amount of floor space, both retail and storage, devoted to adult materials.

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- aa. SEMI-NUDE – A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- bb. SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - 1. Physical contact in the form of wrestling or tumbling between the opposite sex; or
 - 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- cc. SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
- dd. SPECIFIED ANATOMICAL AREAS – Shall mean and include any of the following:
 - 1. human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
 - 2. human male genitals in a discernibly turgid state even if completely and opaquely covered.
- ee. SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - 3. Masturbation, actual or simulated; or
 - 4. Excretory functions as part of an or in connection with any of the activities set forth in Subsections 1 through 3 above.
- ff. SUBSTANTIAL ENLARGEMENT – Of a sexually oriented business means the increase in floor area occupied by the business by more than 25% as the floor area exists.
- gg. TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:
 - 1. The sale, lease or sublease of the business;
 - 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - 3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

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14-3 Classification

Sexually oriented businesses are classified as they exist on the effective date of this section as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion-picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

14-4 Location of Sexually Oriented Businesses

- a. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.
- b. A sexually oriented business cannot be operated within 300 feet of:
 1. A church;
 2. A public or private elementary or secondary school;
 3. A boundary of a residential or historic district;
 4. A park or recreational trail;
 5. A property line of a lot devoted to a residential use;
 6. A hospital; or
 7. A fairgrounds.
- c. The operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 2,500 feet of another sexually oriented business is prohibited.
- d. The operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business is prohibited.
- e. For the purposes of subsection 2 of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or hospital or to the nearest boundary of an affected public park, residential district, historic district or residential lot.

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- f. For purposes of subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- g. Any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of subsections 1, 2, 3, or 4 of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
- h. A sexually oriented business fully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district, historic district, residential lot or hospital within 300 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

14-5 Appeals, Exemption from Location Restrictions

- 1. If the City denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of Article 14, Section 14-4, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exemption from the locational restrictions of Section 14-4.
- 2. If the written request is filed with the City Clerk within the ten-day limit, the City Council, shall consider the request. The City Clerk shall set a date for the hearing within 60 days from the date the written request is received.
- 3. A hearing by the City Council may proceed if at least five of the City Council members are present. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
- 4. The City Council may, in its discretion, grant an exemption from the locational restrictions of Section 14-4 if it makes the following findings:
 - (a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - (b) That the granting of the exemption will not violate the spirit and intent of this chapter of the Zoning Code;
 - (c) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - (d) That the location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and

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(e) That all other applicable provisions of this chapter will be observed.

5. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
6. If the City Council grants the exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the location restrictions of Section 14-4 until the applicant applies for and receives another exemption.
7. If the City Council denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the City Council's action.
8. The grant of an exemption does not exempt the applicant from any other provisions of this chapter other than the locational restrictions of Section 14-4.

14-6 Signs for Sexually Oriented Businesses

- a. No sign for a sexually oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations that emphasize specified anatomical areas or specified sexual activities.
- b. In addition to complying with all City of Columbus sign regulations, a sexually oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually oriented business and of the fact that the premises is off limits to those under the age of 21 years.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15 ARTICLE FIFTEEN: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15-1 Definitions

For purposes of this Article, the definitions of this Section shall apply.

- a. **“Applicant”** means any person submitting an application for a permit under this Article.
- b. **“Facilities”** means pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or components.
- c. **“Franchise agreement”** means a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its right-of-way.
- d. **“Right-of-way (ROW)”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- e. **“Technically feasible”** means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in functionality.

15-2 Purpose; Scope; Exceptions

- a. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.
- b. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:
 1. Use of a right-of-way by an adjoining property owner as provided for under the Columbus Land Development Ordinance or the Columbus City Code.
 2. Use of the right-of-way by an adjacent business as approved by Resolution of the City Council or conducting other outdoor activities in the right-of-way as allowed by the Columbus City Code and approved by the City Administrator.
 3. Closure and use of a right-of-way for an event, provided such closure and use shall have been approved according to City of Columbus procedures.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- c. *Exceptions.* The City shall not require an application, permit, or other approval or charge fees or rates under this Article for (1) routine maintenance of facilities where such maintenance is conducted by or on behalf of an applicant issued a permit for such facilities hereunder or (2) replacement of facilities with substantially similar facilities where such replacement is conducted by or on behalf of an applicant issued a permit for such facilities hereunder.

15-3 Permits

- a. *Permit Required.* Unless otherwise specifically provided by law, it shall be unlawful for any person to lay, construct, operate, maintain, offer for lease, or make available for any use whatsoever, any facilities across, along, over, above, or under any public right-of-way for any private or commercial purpose unless such person has been issued a permit to occupy such right-of-way under this Article, unless said occupation is pursuant to a franchise agreement between user and the City.
- b. *Permit Applications.* Applications for permits under this Article shall be made to the City of Columbus Engineering Department. Each such application shall include the following:
1. A complete set of construction plans for all facilities to be located in the right-of-way under the permit, bundled into a single file, formatted to 11" x 17", which includes:
 - (a) the name, location, address (if available), and GPS coordinates for the facilities;
 - (b) labeled and dimensioned site plan and elevation plans of the facilities with, as applicable, key symbols, ROW lines, property lines, street information, topographical information, existing and proposed utilities, adjacent property uses, and easements;
 - (c) structural plans of the facilities signed and stamped by a professional engineer licensed in Nebraska;
 - (d) dimensions of the facilities, and a description of type, color, and finish of all visible construction materials;
 - (e) accurate visual depictions or representations of all above-ground components of the facilities;
 - (f) an applicant for a permit for a small wireless facility who is a wireless provider and submits an application for a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or for a permit for approval for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility shall not be required to provide more information to obtain a permit than a communication service provider that is not a wireless provider, except as directly related to the impairment of wireless service in the immediate area of the proposed wireless facility and except that an applicant may be required to include construction and engineering plans and information demonstrating compliance with the criteria set forth below in Section 15-3 and Section 13-40, Section 13-44.
 - (g) anticipated duration of project in calendar days; and
 - (h) a copy of the current Franchise Agreement which allows said applicant to occupy the right-of-way, as allowed by State law and
 - (i) proof that a flood plain development permit and approval as required by Section 5-23 and Section 5-25 of the Columbus Land Development Ordinance has been obtained, if applicable.

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2. An attestation that the proposed facilities satisfy each of the aesthetic and design standards set forth in this Article, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7.
 3. Evidence that, prior to commencement of any work in the right-of-way, pursuant to the application, the applicant will have the performance or construction bond required under this Article in place.
 4. Evidence of the applicant's insurance required under this Article.
 5. All applicable building and permit fees.
 6. The deposit, if any, requested by the City pursuant to Section 15-6 for independent technical and legal review.
 7. Such other submission requirements set forth in the City's published application form.
 8. A statement disclosing any prior permit violations:
 9. The city may deny a permit if the proposed application: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Section 15-5; (e) fails to comply with applicable codes; (f) fails to comply with the aesthetic and other design requirements set forth in Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the applicant obtains the written consent of the public power supplier that owns or manages the electrical conductor.
- c. *Initial Review of Application; Completeness.* The City Engineer shall review the application and, within 20 days after receipt, shall notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a re-submission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 15-7 or otherwise by agreement between the City and the applicant.

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- d. *Final Review; Issuance; Denial.* Unless tolled the City will review and process the application no later than 90 days after receiving it. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee.
- e. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit. Notwithstanding the foregoing, permit renewals involving Section 13-44 of the Columbus Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44 of the Columbus Land Development Ordinance.
- f. *Permit Conditions.* All permits to occupy the right-of-way issued under this Article are issued subject to the following conditions, and each applicant agrees, by accepting such permit, to be bound by the same:
 1. All facilities shall be constructed, operated, maintained, repaired, removed, modified, and restored in strict compliance with all current applicable technical, safety, and safety-related codes adopted by the City, the State of Nebraska, or the federal government. The applicant shall, at its sole cost and expense, inspect, keep, and maintain its facilities in the right-of-way in safe condition, in good order and repair, and as otherwise according to best industry practices.
 2. The applicant shall, at its sole cost and expense, promptly restore the right-of-way to its original condition after it completes work related to the facilities. The City may require an applicant to repair all damage to a right-of-way directly caused by the activities of the applicant in the right-of-way and return the right-of-way to equal or better condition to that before the damage occurred. If the applicant fails to make the repairs that are reasonably required by the City within 14 days after written notice, the City may undertake such repairs and charge the applicant the cost of such repairs. The City shall grant an extension of up to 10 days to complete such repairs if the applicant requests such extension within the original 14-day period. In the event of immediate threat to life or safety or to prevent serious injury, the City may immediately undertake to restore the site and then notify of and charge the applicant for all restoration costs.
 3. Except as provided for in Section 13-44 of the Columbus Land Development Ordinance, the applicant assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way.

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4. The applicant shall undertake only the activities enumerated in its permit to occupy the right-of-way and such permit shall not create a property right or grant authority to the applicant to infringe upon the rights of others who may own or have other interests in a right-of-way, utility easement, or other privately owned property. Except as otherwise provided in this Code or applicable state or federal law, any additions or changes to the facilities or activities enumerated in applicant's existing permit shall require a new permit.
5. Neither the applicant nor its facilities shall interfere with any traffic-control devices and other public works equipment; water, wastewater, stormwater, gas, electrical, or other public utility infrastructure; or the facilities of any other occupant of the right-of-way permitted hereunder.
6. The City shall have the right at any time to require a change of location of the facilities when in its judgement it becomes necessary or advisable as a matter of safety, or on account of a change of grade, resurfacing, repair, or reconstruction of any right-of-way. If the owner of such facilities has not moved or relocated the facilities within 30 days after the City requests the same in writing, the City may undertake such movement or relocation and charge the owner the costs of the same.
7. The City retains the right and privilege to cut or move any facilities, as the City may determine, in its sole discretion, to be necessary, appropriate, or useful in response to any public emergency. If circumstances permit, the City shall notify the applicant and provide an opportunity for applicant to move its own facilities prior to cutting or removing the facilities. In all cases, the City shall notify the applicant after cutting or removing the facilities as promptly as reasonably possible.
8. The applicant shall immediately notify the City in the event of an emergency regarding the applicant's facilities that may affect public health or safety, and such notice shall include, at a minimum, the nature of the emergency and the applicant's planned response to the emergency.
9. In addition to notifying the City, the applicant shall comply with the Nebraska One Call Notification Act before commencing any excavation or similar work in the right-of-way.
10. The applicant acknowledges that applications and all supporting written material applicant submits to the City may be public records subject to the Nebraska Public Records Law. While an applicant may designate any such public records as "proprietary" or "confidential", the City shall treat them as such only to the extent expressly permitted by the Nebraska Public Records Law and, other than the cost of the City's routine response to public records requests, the City shall be under no obligation to incur any costs to protect the same from disclosure.
11. Prior to commencement, and at all times during, any work performed by or on behalf of applicant in the right-of-way, the applicant shall maintain a performance or construction bond, in form acceptable to the City, equal to at least 100% of the estimated cost of the facilities and related work covered by the application.

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12. During the term of any permit to occupy the right-of-way issued hereunder, the applicant shall maintain comprehensive general liability, automobile, workers compensation, employer's liability, and umbrella insurance in form and amount consistent with the City's published requirements for the same. All such insurance policies shall include the City and its agents as additional insureds and shall not be modified or cancelled by the applicant without 30 days prior written notice being given to the City along with proof of replacement coverage. Upon receipt of notice from its insurer(s), the applicant shall provide the City with 30-days prior written notice of any prospective cancellation. The applicant shall provide proof of replacement coverage prior to the effective cancellation date.
13. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, officials and employees from any and all damages, liabilities, injuries, losses, attorneys' fees, costs, and expenses, whether for personal injury, death, or property damage, arising out of or in any way related to the activities or performance of the applicant or its agents. In the event the applicant becomes aware of any actions or claims, the City shall promptly be notified by the applicant. In the event the City is a named defendant in any such claim or lawsuit, it is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the applicant shall reimburse the City for any costs, expenses, and attorneys' fees directly and necessarily incurred by the City in the course of the defense.
14. In addition to all other remedies available to the City under this Code or other applicable law, the City may revoke an applicant's permit to occupy the right-of-way if the applicant fails to comply with any of the conditions set forth in this Article, and upon such revocation, may direct applicant, at applicant's cost, to remove applicant's facilities from the right-of-way and restore the right-of-way to its original condition. If the applicant fails to remove its facilities and restore the right-of-way within 30 days after the City's written request, the City may cause such work to be done and applicant shall reimburse the City for the costs of such work upon City's written demand for the same.

15-4 Fees and Taxes

Applicant shall pay any applicable building permit fee and the application fee set forth in the City's Schedule of Fees. Unless provided otherwise in this Ordinance, applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided under Chapter 111 of the Columbus City Code.

15-5 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to establish guidelines for the design, placement, and installation of facilities in the right-of-way. All facilities placed in the right-of-way pursuant to this Article shall comply with these standards; provided, the City Administrator may authorize the waiver of, partial relief from, or exemption from, any one or more of these standards pursuant to Section 15-7.

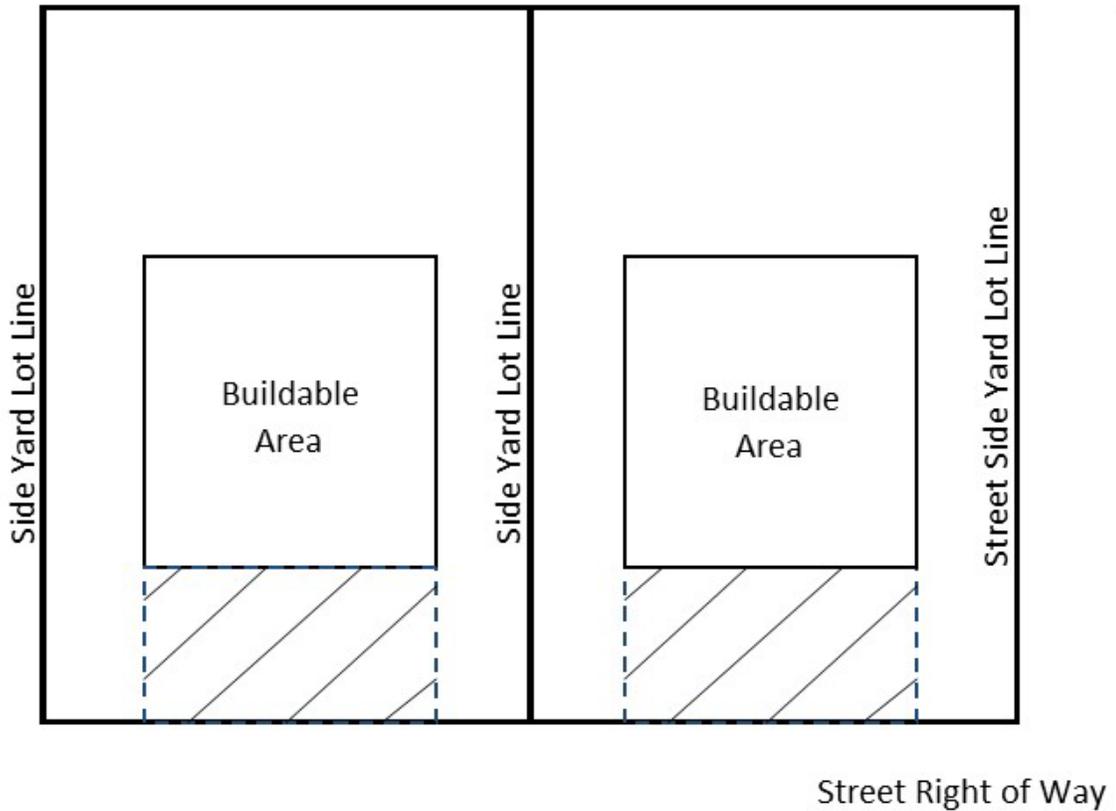
- a. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.
- b. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities shall reasonably match the appearance of existing adjacent developments and infrastructure to promote a uniform appearance.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- c. *Consolidation.* To the extent technically feasible: (1) facilities shall be designed to consolidate all ground-mounted components within approved singular enclosures and (2) all cables, wires, and conduits shall be concealed from view.
- d. *Location.* Except as prohibited by law, the placement of proposed facilities with existing facilities shall be preferred over placement of facilities at new sites. If an applicant chooses not to place its facilities with available existing facilities, the applicant must document that location of its proposed facilities with available existing facilities is not technically feasible.
- e. *Camouflage.* Facilities shall be designed to camouflage and conceal all above-ground components of such facilities to the extent technically feasible.
- f. *Signs.* Ground-mounted facilities shall have a four inch by six-inch metallic sign permanently mounted between four feet and six feet from ground level and clearly visible to the public which provides the identifying information and emergency contact number for the owner of such facilities. No other signs, advertising, or banners are permitted on facilities except to the extent the same are mandated by state or federal law.
- g. *Generators.* Generators are not permitted in the right-of-way.
- h. *Lighting.* Lighting is not permitted on facilities except to the extent required or otherwise allowed by state or federal law.
- i. *Historic Districts.* All ground-mounted facilities and new poles located in a historic district shall be subject to such other design and concealment standards required by the City for such districts to avoid or to remedy the intangible public harm of unsightly or out-of-character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning Ordinance.
- j. *Traffic Signals.* Facilities shall not be allowed on traffic signal systems without permission from the authority or agency in control of said traffic signal systems.
- k. *Placement Guidelines.* All facilities including ground mounted equipment and new utility poles proposed to be located at new sites:
 - 1. Shall be located in a manner or location that (a) does not obstruct, impede, or hinder the usual pedestrian or vehicular travel; (b) does not adversely affect public safety or impair legal access and use of the right-of-way; (c) conforms to applicable law (including the Americans with Disabilities Act of 1990) and right-of-way design standards, specifications, and design requirements, and (d) does not in any way create a risk to public health, safety, or welfare;
 - 2. Shall be located in a manner that does not significantly create a new obstruction to primary and inherently valuable sightline(s) of an adjacent property;
 - 3. Shall be located in alignment with existing trees, utility poles, and streetlights and placed to avoid disturbance within the critical root zone of any tree;
 - 4. All above ground facilities located in zones with no side yard setback, shall be located no more than 25 feet from either side yard lot line.
 - 5. Shall not be located in front of the buildable area of properties as shown in unless otherwise approved by the City.

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Figure 15-5: Street Right of Way



6. Shall be located with separation from any low-pressure natural gas line or intermediate or high-pressure natural gas line and with appropriate clearance as approved from all existing utilities;
7. Shall not materially impact any existing bridges, culverts, or retaining walls; and
8. Shall be located outside of all American Association of State Highway Transportation Officials (AASHTO) clear zones and outside of clear sight triangles (at a minimum) as follows: (a) 5-foot leg pedestrian sight triangle at each residential driveway; (b) 10-foot leg pedestrian sight triangle at each driveway and alley; (c) 30-foot leg corner sight triangle; and (d) roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection.
9. Shall be located with a minimum separation distance of 150 feet from any other facilities including ground mounted equipment or new utility poles to the extent allowed by applicable law and technically feasible.

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15-6 Independent Technical and Legal Reviews

Although the City intends for City staff to review permit applications to the extent feasible, the City may retain the services of an independent technical consultant and an attorney of its choice to provide technical and legal evaluations of applications submitted pursuant to this Article. The review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed use of the right-of-way complies with this Article and other applicable provisions of this Ordinance or the Columbus City Code. To the extent permissible under applicable law, the applicant shall pay the reasonable cost for any independent technical consultant and reasonable attorneys' fees in advance through a deposit with the City, estimated by the City, within 10 business days of the City's request. That these shall be a reasonable approximation of cost. When the City requests such payment, the application shall be deemed incomplete until the deposit is received. In the event that such final costs and fees do not exceed the deposit amount, the City shall refund any unused portion within 60 days after a permit to occupy the right-of-way is issued or denied or withdrawn in writing by the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before a permit to occupy the right-of-way is issued. The technical consultant and attorney shall provide an itemization of the final costs of the services provided and related fees.

15-7 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

CHAPTER 2: SUBDIVISIONS

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 2 of this Ordinance shall be known as the Subdivision Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska (CLDO), and shall be incorporated into the Columbus City Code as Title XV, Chapter 152.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Columbus under Section 16, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Columbus and its surrounding jurisdiction;
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities;
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction;
4. Avoid excessive costs to the taxpayers of Columbus or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services;
5. Protect the unique environment of the City of Columbus by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions;
6. Provide the City of Columbus with the ability to grow incrementally through the eventual annexation of new developments.

c. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans and policies for Columbus and its jurisdiction. These include, but not limited to, the Comprehensive Development Plan, Long Range Transportation Plan, Stormwater Management Plan, and State of Nebraska Board of Classifications and Standards.

d. Preservation of Natural Features and Drainage Patterns

1. In accordance with all Federal, State of Nebraska and local requirements and to the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

2. The subdivider shall give maximum consideration to the preservation of the following areas as open space or stormwater treatment facility or detention system, to the extent consistent with reasonable utilization of land:
 - (a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps and policies prepared by the U. S. Fish and Wildlife Service, U.S. Army Corps of Engineers, State of Nebraska Department of Natural Resources, and the Lower Loup Natural Resource District.
 - (b) Flood plain and floodway lands as defined by the Federal Emergency Management Agency, Flood Insurance Rate Map, and the City of Columbus Special Flood Hazard Areas.
- e. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

 1. Reduction and minimization of cut and fill.
 2. No increase of peak flow, area of runoff or encroachment of stormwater runoff onto other properties or the public storm sewer system.
 3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 350 feet.
 4. Respect for the urban character and traditional layout of Columbus, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
- f. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

1-3 Relationship to the Comprehensive Plan

1. The City of Columbus intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
2. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan which includes the Long Range Transportation Plan, the Columbus Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by §16-902, Revised Statutes of Nebraska, 1943. In conjunction therewith, it is hereby designated that the City of Columbus will exercise the powers and duties granted by Sections 16-902 to 16-904, or Section 19-2402, Revised Statutes of Nebraska, 1943, over that portion of the territory located within two miles of the corporate limits of the City of Columbus as shown on the Extra-Territorial Jurisdiction Map. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Chapter of the Columbus Land Development Ordinance. Such changes shall be reflected on the Extra-Territorial Jurisdiction Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.
- b. No owner of real property within the City of Columbus and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

1-6 Fees

The City Council of the City of Columbus may establish reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

1-7 Enforcement

The Administrative Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning Commission, City Council, or other appropriate agency.

1-8 Penalties

- a. Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. An owner, developer, or subdivider of property; any architect or engineer; builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

- c. Notwithstanding this section, the City and the Administrative Official shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Chapter shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Chapter conflicts with any other provision of the Columbus Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.
- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Columbus's Columbus Land Development Ordinance.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO: DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 Definitions of Terms

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 A.

1. Administrative Official: Chief Building and Code Official is responsible for the supervision and administration of the Subdivision Ordinance of the City of Columbus.
2. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
3. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
5. Approving Authority: The City Council of the City of Columbus.
6. Administrative Subdivision: An adjustment of lot lines of no more than four lots without creating additional or elimination of any lots and requires no extensions of streets, sewers, utilities, or other municipal facilities; no additional street right-of-way or other public easement and complies with all pre-existing zoning requirements following subdivision.

2-4 B.

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized pedestrian recreation.
2. Best Management Practices (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters of storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal and drainage from raw materials storage.
- 4-3. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-5 C.

1. Cartway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from back of curblines to back of curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.
4. Common Area: An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.
5. Comprehensive Plan: The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.
6. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.
7. Conventional Subdivision: A subdivision, which literally meets all nominal standards of the Columbus Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
8. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
9. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

2-6 D.

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design Standards: Standards that set forth specific improvement requirements.
3. Detention Basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development. Detention basin must have an overflow pipe or system connecting to the public storm sewer system.
4. Developer: The legal or beneficial owner(s) of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading, excavating, stockpiling soil, fill or other materials, clearing, vegetation removal, removal or deposit of any rock, soil or other materials or other activities which expose soil. Disturbed Area does not include the tillage of land that is zoned for and intent is for agricultural use.

CHAPTER 2, ARTICLE 2: DEFINITIONS

~~5-7.~~ 5-7. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.

~~6-8.~~ 6-8. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.

~~7-9.~~ 7-9. Drainage System: The system through which water flows.

2-7 E.

1. Easement: A right-of-way granted, ~~but not dedicated~~, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

2-8 F.

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Platte County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, development agreements, posting of required guarantees, and other requirements of this Ordinance.

2-9 G.

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

2-10 H.

2-11 I.

2-12 J.

2-13 K.

1. Key Map: An aerial map a common engineering scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing streets and city limit lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

2-14 L.

1. Lot: A parcel of real property with a separate and distinct number shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/or development which includes, but not limited to, lots for townhouses or clusters of row homes. All lots shall have a direct connection to a public or private ~~roadway street~~ right-of-way regardless of ownership.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot Frontage: The portion of a lot extending along a public street, ~~private street~~, or private drive line.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-15 M.

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major Subdivision: Any subdivision not defined and approved as an administrative subdivision or as a minor subdivision.
3. Minor Subdivision: An adjustment of lot lines of two or more lots without creating additional lots or a subdivision of land which creates no more than four lots from any single block or lot of an addition or subdivision, tract, or parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; no additional public right-of-way or easement; and complies with all pre-existing zoning requirements following subdivision.
4. Moving Lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.
5. Municipal Separate Storm Sewer System (MS4): Publicly owned facilities which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, pipe storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs and other drainage structures.

2-16 N.

1. National Fire Protection Agency (NFPA)
2. Nebraska Department of Environment and Energy (NDEE): State agency formerly known as the Nebraska Department of Quality and includes some former divisions of the Nebraska Department of Health and Human Services.
3. Notice of Intent (NOI): Associated with the Nebraska Department of Environment and Energy, Construction Storm Water Permit.
- 2.4. National Pollutant Discharge Elimination System (NPDES): A permit issued by the Environmental Protection Agency or the Nebraska Department of Environment and Energy as authority delegated pursuant to 33 USC, section 1342(b) that authorizes the discharge of pollutants to waters of the state.

2-17 O.

1. Off-Site: Located outside the boundaries of the parcel that is the subject of an application.
2. Open Space: Any parcel or area of land or water that is retained in an open state and set aside for public or private use.

2-18 P.

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.

CHAPTER 2, ARTICLE 2: DEFINITIONS

3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - (a) Preliminary Plat: A plat indicating the proposed layout of a development, including proposed public infrastructure and streets, stormwater treatment and detention system, and internal site layout and building -information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Platte County Register of Deeds.
 - (b) Final Plat: The final plat of the subdivision which is presented for Final Approval. The Final Plat contains detailed information, legal survey and documentation and is designed to be filed with the Register of Deeds. Final plat must be consistent with the preliminary plat.
4. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

2-19 Q.

2-20 R.

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission infrastructure, communication infrastructure, gas pipelines, water mains, sanitary mains, or storm sewer mains.

2-21 S.

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
 - (a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
 - (b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
 - (c) Lateral or Local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic System: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. Sidewalk: A concrete or brick paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a treatment facility, drainage way or stream.

CHAPTER 2, ARTICLE 2: DEFINITIONS

5. Storm Water Treatment Facility (STF). Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as structural BMPs.
6. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel and to the street hierarchy system.
7. Street Hierarchy: The conceptual arrangement of streets based on function. Street types contained within the hierarchy include:
 - (a) Private Street or Frontage Road
 - (b) Local
 - (c) Collector
 - (d) Minor Arterial
 - (e) Major Arterial
 - (f) Expressway
8. Storm Water Management Plan (SWMP): City approved documentation supporting analysis, design, maintenance and inspection of storm water treatment facilities.
9. Storm Water Pollution Prevention Plan (SWPPP): A document which narrates the best management practices and activities to be implemented by a person during the construction activities, which identifies sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters.
- ~~8.~~10. Subdivision: The division of a lot, tract or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultants lots is equal to 10 acres or less. The term subdivision includes any time the creation of a public street or roadway is involved, but excludes the acquisition of land by the state, county, or city, by eminent domain or otherwise, for the creation, extension or widening of a public street or roadway. The term also includes re-platting and, when appropriate to the context, re-platting shall be subject to the rules and regulations contained in this chapter and shall apply to land previously subdivided.

2-22 T.

1. Topographic Survey: USGA elevation plan to the latest NAVD showing height, depth, size and location of all manmade and natural features and improvements on a given parcel of land and within all adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

2-23 U-Z.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3 ARTICLE THREE: PROCEDURES AND ADMINISTRATION

3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

3-2 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional or eliminating any lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status. The application for final plat approval shall be submitted through the City's website application submittal platform

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

- (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
 - (b) Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (c) Compliance with the conditions contained in Section 3-2 above.
 - (d) Consistency with the Comprehensive Development Plan of the City of Columbus.
 - (e) Potential adverse environmental effects or effects on neighboring properties.
2. Following such review, the Administrative Official may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void.
 3. The Administrative Official retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.
 4. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
 5. Following approval of the Administrative Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Administrative Subdivision, including the Platte County Register of Deeds signed and stamped recording information.

3-3 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, block or lot. Minor subdivisions outside of City Limits, but adjacent to will be required to voluntarily annex.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities, or public improvements and no new dedication of public right of way or easements is involved.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Columbus Land Development ordinance as evidenced by a site plan prepared by a licensed surveyor.
 4. No part of the parcel, tract, block or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), block(s) or lot(s) are eligible for future administrative or minor subdivision.
 5. The Administrative Official reserves the right to request a Development Review Team (DRT) meeting as described in Section 3-4, Pre-Application Procedures, upon which all required of the DRT meeting must be met and followed.
- b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1. The application for final plat approval shall be submitted through the City's website application submittal platform. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
 - (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
- 1.2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions for contained in Section 3-3 above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Completed Development Agreement.
- 2.3. Following such review, the Administrative Official may approve the Minor Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

~~3-4.~~ The Administrative Official retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.

4-5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.

5-6. Following approval of the Minor Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Minor Subdivision, including the Platte County Register of Deeds signed and stamped recording information.

3-4 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, subject to the suggestion of the Administrative Official, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.

2. No later than three calendar days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:
 - (a) An aerial location map showing the relationship of the proposed subdivision to existing and proposed streets **in the region**, public facilities, special flood hazard areas, waters of the US, wetlands, airport runway protection zones (if applicable) and any other features or areas which may affect the development.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, blocks, public utilities, stormwater treatment facilities and other features and their relationship to existing and proposed site topography for the total proposed development area.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Within ten working days following the pre-application meeting, pending time needed for any action plan inquires or confirmations, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long-Range Transportation Plan and Columbus Land Development Ordinance.
 4. The DRT meeting does not require a formal application or payment of a fee.
 - 4.5. Major revisions made to the concept plan may require an additional DRT meeting as determined by the Administrative Official.
- d. Preliminary Plat Application
1. Application Requirements

After the DRT meeting, except for a Concurrent Plat Approval Procedure, the following requirements shall apply. The applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a Subdivision Agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee set by Resolution. Upon receipt of all items required for said application as set forth herein as determined by the Administrative Official, the application shall be placed on the next available Planning Commission ~~a~~Agenda. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application.
 2. Draft Development Agreement

The preliminary plat application shall include a draft of a Development Agreement on a form provided by the Administrative Official following a format established by the Engineering Department. The Development Agreement, among other things, generally establishes the responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law and other matters as identified by the Administrative Official for said development. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal deadline. This request must follow the DRT meeting.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Preliminary Plat Review Procedure

(a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. If the application submittal is not complete, staff review will not proceed. Applicant at time of application, shall include a written request to waive any subdivision requirements, if any. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and ~~local~~ all utilities known or on the Digger's Hotline submittal along with any responses which may affect the plat.

~~(a)~~(b) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.

(c) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided a minimum of ~~13~~ 14 calendar days before the Planning Commission Meeting in order to meet the required publication deadline. Failure to provide the required additional information may result in the application being continued to a future meeting as determined by the Administrative Official.

~~(b)~~(d) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

~~(e)~~(e) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Planning Commission and City Council Action

(a) The Planning Commission, following at least ten calendar days published notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, non-approval with no recommendation, or denial of the preliminary plat to the City Council.

(b) Following action by the Planning Commission, the Commission shall submit minutes summarizing the Commission's action to the City Council.

(c) The City Council, upon receipt of the recommendation of the Planning Commission, shall take action on the application.

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- (d) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
- (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.
 - (3) The preliminary plat approval shall stay in force for a period of two years from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.
 - (4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision if indicated by the Developer at the time of submission and included in the initial phase Development Agreement, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

Except for a Concurrent Plat Approval Procedure, the applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted through the City's website application submittal platform. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda. In order to attempt for the final application to be considered the next month after the preliminary plat obtained approval, the application submittal shall be at least nineteen (19) calendar days before the Planning Commission meeting. Meeting this submittal deadline does not guarantee placement on the next Planning Commission Agenda as it is subject to receipt of all items. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission aAgenda. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial

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application. The applicant shall notify the Board of Education of each school district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

2. Final Development Agreement

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developer's attorney shall work with the City's attorney to obtain approval. Developer's ready for signature signature of the Final Development Agreement must be obtained and to the City no later than 6 calendar days prior to the Planning Commission meeting acting on the Final Plat.

3. Final Plat Review Procedures

(a) After submission of a complete application for a final plat, the Administrative Official and staff shall review the application. This includes the mutual approval of the final development agreement between the developer's attorney and city attorney, including the developer's signature and notary, resolution and deed of dedication.

(b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided ~~13~~ 14 calendar days before the Planning Commission Meeting in order to meet the advertisement deadline. Failure to provide the required additional information may result in the application being continued to a future meeting.

(c) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

~~(b)~~(d) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Performance Bond

The development agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

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5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City. The developer's attorney shall work with the City's attorney to obtain approval.

6. Final Plat Approval

- (a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for the following criteria: for compliance with the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Development Agreement. Developer's signature of the Final Deed of Dedication must be obtained and submitted to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the final plat meets all the criteria as set forth above, the Commission shall have no recourse but to recommend approval of the final plat. The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for consistency with the approved preliminary plat and for compliance with the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Subdivision Development Agreement. Developer signature of the Final Deed of Dedication must be obtained and submitted to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the final plat meets all requirements of the Columbus Land Development Ordinance, has satisfied all requirements of the Engineering Department, has met the conditions, if any, upon which preliminary plat approval was based and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to recommend approval of the final plat. If the Planning Commission finds in its review that the submitted final plat has not met the above criteria it shall take action to recommend approval or denial to the City Council or continue the public hearing to allow the Applicant time to correct

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~~the same is not substantially consistent with the preliminary plat, it shall take action to recommend approval or denial to the City Council.~~

- (b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten calendar days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval, non-approval, or denial thereof to the City Council.
- (c) ~~The City Council, following at least ten calendar days published notice, shall hold a public hearing on each final plat and on the development agreement. Following such public hearing shall take final action by way of resolution on the application. Any contingencies, deficiencies or changes attached to the preliminary plat approval and/or requirements of the Engineering Department must be completed prior to the final plat approval. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing for which at least ten calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.~~ The City Council, following at least ten calendar days published notice, shall hold a public hearing on each final plat and on the Development Agreement to determine if the final plat meets all requirements of the Columbus Land Development Ordinance and other applicable local, state or federal statutes and regulations, 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. Following such public hearing it 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 the City Council finds in its review that the submitted final plat has not met the above criteria it may continue the public hearing to allow the Applicant time to correct the same. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing, for which at least ten calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall, by separate vote, take final action by way of resolution.
- (d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

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- f. Filing the Final Plat
 1. Following City Council approval of a Final Plat that received a prior recommendation from the Planning Commission, the Chair of the Planning Commission and the Mayor of the City of Columbus shall sign the final plat which shall be a reproducible mylar of the subdivision plat.
 2. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar days of the City Council approval.
 3. Applicant shall provide the City a complete signed original, reproducible final plat within fourteen (14) calendar days of City Council approval.
 4. The subdivider must file the plat with the Platte County Register of Deeds along with all applicable covenants and other documents within 90 calendar days of the execution of the plat by the Chair of the Planning Commission and the Mayor in accordance with state statute.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: Application Requirements

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.	X	X	X	X
<u>Aerial boundary map with adjacent features.</u>	X	X	X	X
Present and proposed zoning.		X	X	
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.		X	X	
Signature blocks for Planning Commission Chair and Mayor.			X	X
Signature block for Administrative Official, and Clerk.	X	X		
Appropriate certification block.	X	X	X	X
Monumentation.	X	X	X	X
Acreage of tract.	X	X	X	X

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	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, <u>lot bearings</u> , <u>setback lines</u> , and lot areas in square feet; lot bearings.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	X	X	X
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		X	X	
Floodplain Development Permit	X	X	X	

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross-sections.			X	
<u>Table 3-2 STF identification with completed information</u>			X	
Proposed roadway names.			X	X
Proposed Block and Lot numbers.	X	X	X	X
Easements as requested or required for all public and private utilities.				X

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
GRADING AND DRAINAGE PLAN (separate plan sheet) <u>Submittal of a copy of the preliminary plat or design plans without the additional items below is not acceptable and will be considered an incomplete submission.</u>				
<u>Site plan topographic survey adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.</u>		X	X	
<u>Proposed finish elevations of streets</u>			X	
<u>Proposed finish elevations of ditches/swales</u>		X	X	
Proposed finish grade elevations at each lot building setback		X	X	
Existing site drainage system		X	X	
Proposed site drainage system with elevation at end points		X	X	
Drainage <u>area key map and</u> calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details. <u>Includes Table 3-2 STF identifier on the drainage plan complete with data</u>		X	X	
Floodplain or floodway from latest Flood Insurance Rate Maps (FIRM)		X	X	

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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Table 3-2: Storm Water Treatment Facility Identifier

<i><u>STF Type</u></i>	<i><u>STF Location</u></i> <i><u>(Lat/Long)</u></i>	<i><u>Drainage</u></i> <i><u>Area</u></i> <i><u>(Acres)</u></i>	<i><u>Design WQCV</u></i> <i><u>(cf) or Q_{wo} (cfs)</u></i>	<i><u>WQCV (cf) or</u></i> <i><u>Q_{wo} (cfs)</u></i> <i><u>Provided</u></i>

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4 ARTICLE FOUR: CIRCULATION SYSTEM DESIGN

4-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

4-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long-Range Transportation Plan the arrangement of **public** streets shall provide for the logical extension of existing **public** streets, proposed **public** streets with area developments, and access to adjacent area properties.
3. The Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic control features, safety, and so forth. Approval of study is by applicable official and city council is required.
4. The street network of a subdivision should provide for logical, continuous extensions of **public** streets to subsequent, later developments **as determined by the Administrative Official and City Engineer**.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or the use of trails to create visual interest.
3. In overlay districts and Non-traditional Residential Parks and Subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or ~~Trail~~ Master Trail Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance. Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations.

4-3 Street Hierarchy and Design

1. Characteristics of the Hierarchy
 - (a) Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
 - (b) Each street roadway shall be classified and designed to meet appropriate standards.
 - (c) The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 4-1.
2. Cartway Width
 - (a) Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
 - (b) To promote economic development of streets, minimum cartway widths ~~should~~ generally shall be used. Minimum cartway widths are set forth in Table 4-2.
3. Curbs, Gutters, and Shoulders
 - (a) Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 4-3.
 - (b) Requirements for curbs vary according to street function and the nature of adjacent development and expected future use of the area in accordance with the Future Land Use Map of the Comprehensive Plan. Adjacent development is defined as urban or rural as follows:
 - (1) Rural: Rural Residential or predominately agricultural land.
 - (2) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.
 - (c) Where curbing is not required, edge definition, shouldering, and stabilization shall be provided.
 - (d) Shoulders, when developed, shall be at least six feet in width, or greater if required by the State of Nebraska Board of Classifications and Standards, on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall be stabilized with turf or other acceptable material.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

- (e) All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
- (1) Curb construction shall follow standards established by the City of Columbus.
- ~~(2)~~ Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential ~~and commercial areas with lots less than 4,500 square feet in total size~~. Maximum curb cut length as measured along the street back of curb is 40 feet including any radii or wings. Radii or wings matching into the public street must remain within the property as projected.
- ~~(2)(3)~~ Curb cuts may be ground smooth to a two-inch drop curb in commercial areas with lots less than 4,500 square feet in total size. Maximum throat width is 30 feet with a maximum curb cut length with two 20-foot radii measured along the street back of curb is 70 feet. Radii returns matching into the public street must remain within the developed property as projected.
- ~~(4)~~ Curb cuts in commercial areas with lots greater than 4,500 square feet in total size ~~and in industrial areas~~ shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 40 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 80 feet and 30-foot radii is 100 feet. Radii returns matching into the public street must remain within the development property as projected. is 50 feet (throat width) plus the length of radii or wings on each side.
- ~~(3)(5)~~ Curb cuts in industrial areas shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 50 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 90 feet up to a maximum of 50-foot radii is 150 feet. Radii returns matching into the public street must remain within the development property as projected.

4. Sidewalks

- (a) Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 4-3.
- (b) Where sidewalks are not otherwise required by Table 4-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.
- (c) In conventional residential and commercial development, shall be placed generally parallel to streets within right-of-way located 4-foot from the property line. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.
- (d) In ~~commercial areas in~~ the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.
- (e) Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.

- (f) Sidewalks shall provide a clear **paved** path of at least four foot in width or six feet along parking areas or curb lines, free of any obstructions a minimum of one foot on both sides.
- (g) All sidewalks shall be constructed according to current standards in use by the City of Columbus. Sidewalks shall be of concrete construction a minimum of four inches thick **in residential and five inches thick in commercial and industrial** except at points of vehicular crossing where they shall be a minimum of six inches thick or thicker in commercial and industrial areas subject to the approval of the City Engineer.
- (h) All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

5. Bikeways and Recreational Trail

- (a) Bikeways and recreational trails shall be required in subdivisions **only** when specified as part of the comprehensive development plan or master trail plan.
- (b) All off-street recreational trails shall be ~~o~~**a minimum o**f ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be concrete minimum of 6 inches thick. Gradients for bikeways and recreational trails should not exceed five percent, except for **American's with Disability Act ramps or other preapproved rare occurrence. short distances**. Requests to revise trail width to eight feet or paving to asphalt and crushed aggregate surfacing are location and usage dependent and subject to the approval of the City Engineer.
- (c) Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
- (d) Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
- (e) All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
- (f) All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

6. Right-of-Way

- (a) Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
- (b) Any right-of-way that continues an existing street shall be no less than that of existing street.
- (c) The requirements for right-of-ways for functional categories of roads is set forth in Table 4-3.
- (d) Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

7. Street Design Standards

(a) Pavement

- (1) All streets shall be paved to current standards utilized in the City of Columbus except:
 - a. Local streets in rural intensity residential subdivisions. In these settings, streets may utilize an an travel aggregate or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface. All connections and access to existing paved roadways must be concrete paved.
 - b. Courts or Plaza not within the corporate limits or being annexed as part of the development, which may utilize a minimum thickness of six-inch concrete aggregate or crushed rock surfacing, provided that such courts or lanes remain in private or private cooperative ownership.
- (2) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

(b) Continuity of Arterial or Collector Streets

- (1) No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. Private Streets cannot emulate a public street or prevent the logical extension of public streets or those planned in the Comprehensive Plan. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

(c) Arterial Street Construction Alternate

- (1) Where the condition of the existing arterial roadway is in satisfactory condition, concrete, and constructed in accordance with the State of Nebraska Board of Classification and Standards, the developer may elect to pay a Public Infrastructure Improvement Impact Fee in lieu of improving the roadway, earthwork, storm sewer and other potential impacts of such improvements section at the time of development.

(d) Cul-de-sacs and Street Bulb-Outs

- (1) Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length as measure from the radii points, unless a variance is granted. Cul-de-sacs designed with restricted vision from entrance to end shall be required to place a 'No Outlet' sign by the ~~d~~Developer at the entrance of the Cul-de-sac road. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.
- (2) Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

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(e) Street Intersections

- (1) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints. No street shall intersect any other street at less than 60 degrees.
- (2) In most cases, no more than two streets should intersect at a single intersection.
- (3) Local street intersections with major arterials should be avoided.
- (4) New intersections along one side of an existing or proposed street shall align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines of any streets, major private ~~road~~ **street** or commercial access. The use of T-intersections is encouraged on local streets within the interior of a subdivision. Roundabouts or residential mini-roundabouts or other traffic calming features are also encouraged or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.
- (5) Street intersections shall be rounded with a minimum radius of 20 feet on Local and Collector roads and a minimum radius of 30 feet on Minor and Other Arterial and Major Arterial roads. Larger radius comparable cutoffs or chords in place of rounded corners may be required on all types of Arterial roads.
- (6) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections. Driveway requests closer than 200 feet in residential area may be requested and are subject to the City Engineer's review and approval.

(f) Block Size

- (1) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

8. Street Names

- (a) No street names shall be used which will duplicate or be confused with the name of existing streets as approved by the City Engineer. Streets shall be named according to the following system subject to City Engineer and City Council approval:

Street Direction and Type	Name
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets and Angles	Named Lanes or Drives
Long Angle Arterial Streets	Named Parkway or Boulevard
Cul-de-sacs	Named Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Named Court (East-West) and Named Plaza (North-South)

9. Adjacency to Arterials and Railroads

- (a) Where the subdivision is adjacent to or contains a street designated as a major or minor arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. Design features may be necessary to provide adequate protection of residential or commercial property and separation of through and local traffic as determined by the City Engineer.
- (b) Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway or arterial, the City Engineer may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grade separations.

10. Prohibited Practices

- (a) The following design practices shall be prohibited:
- (1) Privately-owned reserve strips controlling access to streets, sidewalks, trails, utilities or similar.
 - ~~(1)~~(2) Private Streets emulating public streets and allowing continuation of local, collector or arterial existing roadways or those planned in the Comprehensive Plan.
 - ~~(2)~~(3) Half-or reduced standard width streets.
 - ~~(3)~~(4) Public alleys, except in a B1 zoning district.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4-4 Alleys

a. Applicability

Private alleys may be provided to supplement public roadways. Such private alleys may only connect to Local roads.

b. Alley Design

1. Minimum width of alleys shall be 20 feet.
2. Alley intersections and sharp changes in alignment shall be avoided.
3. Valley gutters may be used at alley and T-intersections subject to approval of the City Engineer.
4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission. All barricading and signage is the responsibility of the Developer.
5. Alley design in Commercial zones shall follow the National Fire Protection Agency requirements as administered by the Nebraska State Fire Marshall's Office.
6. Alley design in Residential zones or for residential uses shall follow the International Fire Code.

4-5 Lighting and Wiring

a. Street Lighting

1. Street lighting shall be provided by the Developer along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the local public power utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America. Lamps shall be light emitting diode (LED) and of type and manufacturer approved by the local public power utility.
2. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Columbus.
3. Lighting within the Airport Runway Protection Zone or Approach Zones may require FAA pre and post approval and Nebraska Department of Transportation Aeronautics Division approval.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

b. Underground Wiring

1. All electric, telephone, television, cable TV, data, fiber optics, and other communication lines shall be provided by underground wiring within public easements or public right-of-way, except where in the opinion of the approving authorities, such location is not practical and feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.
2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground. Relocation of existing above ground power lines with above ground power lines which are needed for development is subject to pre-approval of the Administrative Official.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
Private Street or Frontage Road (Private)	Street providing private or controlled access to no more than twelve housing units m. Must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards. <u>Private streets may not emulate public streets or prevent the logical extension of existing public roadways or those planned in the Comprehensive Plan.</u>	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

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TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (Private)	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	Two 12-foot through lanes	May be limited, must meet NFPA standards	33 feet	10%
Minor and Other Arterials	Each through lane 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
Major Arterials	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4-6 Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extension of roadway segments, and design as determined by the City Engineer.

TABLE 4-3: Curb, Sidewalk, and Right-of-Way Requirements

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
Local - Rural	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
Local - Urban	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
Collector	Curb	Required both sides	4 feet	60 or 80 feet
Minor or Other Arterial	Curb	Both Sides	4 feet or greater as approved by City Engineer	100 feet or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5 ARTICLE FIVE: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

5-2 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply and future connection agreement acceptable to the City Engineer.
3. If a public water supply system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the Rural Water District, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. All proposals for new water supplies, extensions, or main installation shall be approved by the appropriate public agency, including the State of Nebraska Department of Environment and Energy and the City of Columbus.
5. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
6. City of Columbus final approval of the system, and if applicable, the State Fire Marshall approval of the fire protection system, shall be obtained prior to issuance of building permit or final occupancy permit.

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Water mains shall be a minimum of six inches in residential and commercial zones and a minimum of eight inches in industrial zones, subject to a Developer provided study, which may be required by the City Engineer, Comprehensive Plan and/or Citywide Water Study which may increase the sizes required.

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4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. All property shall be within 300 feet of a fire hydrant. Fire hydrants shall be placed at all intersections and ends of mains.
5. Water mains shall be looped to eliminate permanent or long-standing dead-end lines, including through cul-de-sacs.
6. Installation of water systems shall conform to Nebraska Department of Environment and Energy and community design standards in use within the City of Columbus.
7. All final plats shall include a certification from a registered State of Nebraska Professional Engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-3 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system and in accordance with any and all design and construction manuals. Sewer services lines shall be tapped to sewer mains at the upper pipe limit and not at the flowline.
2. Where City sanitary sewer is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City sanitary sewer is not accessible within 300 feet of the final plat, the subdivider shall make provision for a sanitary sewer supply and future connection agreement acceptable to the City Engineer.
3. If the City creates a sanitary sewer extension district each benefiting property in accordance with State Statutes will have a special assessment. Special assessments shall be computed on the basis of proportionate costs and benefits of necessary extensions including sanitary sewer lift stations. Assessments shall be made on an area basis of benefiting property.
4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions and obtains approval from the Nebraska Department of Environment and Energy. Subsurface or septic systems are not permissible on any lot created if the overall density of the subdivision is greater than one unit per 1.5 acres, if individual lots are smaller than one half of an acre, if restricted by the Nebraska Department of Environment ~~or~~ and Energy or any lot which has a property line which is within 300 feet of the public sanitary sewer system.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by the appropriate public agencies including the State of Nebraska Department of Environment and Energy and the City of Columbus.
 7. City of Columbus final approval of the system, and if applicable the State Electrical Inspector for the lift station system, shall be obtained prior to issuance of building permit or final occupancy permits.
 8. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
- b. Capacity
1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
 2. Installation of sanitary sewer systems shall conform to community design standards of the Nebraska Department of Environment and Energy and those in use within the City of Columbus.
 3. Sanitary sewer mains shall be a minimum diameter of eight inches or as required in a developer provided study as may be required by the City Engineer, the City Comprehensive Plan and/or the Citywide Sewer Study.
 4. Sanitary sewer manholes shall be a minimum of 48-inches in diameter and separation shall not be more than 350 feet and shall be placed at bends, main connections, end of mains and all service connections in diameter 6 inches and greater.
 5. All final plats shall include a certification from a registered Professional Engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-4 Storm Sewers and Storm Water Management

- a. Design
1. All subdivisions shall have a post-construction storm water management and treatment facility and detention system in accordance with the Storm Water Management Plan and City Code Chapters 53 and 54. This system shall be discussed at the pre-application DRT meeting and shall address routing of storm waters after they leave the subdivision, as well as the available drainage courses or storm sewers in the immediate vicinity of the subdivision.

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2. The design of the storm water management and treatment system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan, Storm Water Management Plan, Drainage Manual, and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques and in accordance with the City Stormwater Drainage Manual.
 3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
 4. Adjacent properties which may be pre-development burdened with surface waters should have the effects ameliorated as much as possible.
 - 4.5. Peak flow rates out of the subdivision or development shall not exceed pre-development rates. Detention system must be provided within the development, as part of a regional system, or other city program. The detention system must be located a minimum of 10 feet from any public right-of-way.
 - 5.6. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
 - 6.7. No surface or point source water may be channeled into a sanitary sewer system.
 - 7.8. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
 - 8.9. The pre-application information should include drainage impacts and shall be discussed with the DRT members. ~~Building Official and members of the Planning Commission.~~
 10. Post-construction stormwater treatment and detention system within the development must remain to be owned by the Developer, home owners association or similar association or district. They cannot be sold in part of whole to individual property owners in residential or commercial districts. The Environmental Protection Agency and the Nebraska Department of Environment and Energy require privately owned and operated systems to be inspected and maintained in accordance with a Maintenance Agreement as made part of the Development Agreement. Publicly owned and operated systems have the same inspection and maintenance requirements. Storm sewer design shall be in accordance with the City's Stormwater Drainage Manual
- b. Construction Stormwater Pollution Prevention Plan and Notice of Intent
- 9.1. In accordance with the Environmental Protection Agency, Nebraska Department of Environment and Energy (NDEE) and City Code Chapters 53 and 54, and the Storm Water Management Plan (SWPPP), prior to disturbance of one acre, the Developer must obtain a NDEE Construction Runoff NOI which includes a Stormwater Pollution Prevention Plan and

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provide a copy to the City Engineering Department. The SWPPP must be developed and signed by a certified official.

- 40-2. Individual residential or commercial developments which are at or over one acre and which the developer is maintaining their NOI do not have to submit their own NOI or SWPPP. However, if the development NOI is terminated, a NOI must be obtained through the NDEE.
3. Individual residential or commercial developments which are under one acre need to complete an Individual Lot Plan as part of the Building Permit process. If under one acre, you do not need a NDEE NOI unless due to the potential or actual contamination of waters of US, unless one is requested by the City Engineer.
4. The SWPPP Best Management Practice (BMP) must include perimeter stormwater protection by constructing a silt fence or other BMP that is applicable for the topography and situation, such as, waddles on side slopes. The use of earthen berms as a perimeter BMP is not acceptable usage. Additional BMPs shall be provided as designed and shown on the SWPPP including, but not limited to, inlet protection, wet land protection, track out pad(s), concrete wash out (if applicable) and signage.
5. Developer must notify the City Engineering Department, Project Manager, a minimum of 72 hours in advance of the following:
 - (a) Preconstruction conference location and time upon which the NOI, SWPPP, and contact information for the certified inspector shall be provided and discussed. The City Project Manager, and/or City Construction Observer, or another City designee, will attend the meeting.
 - (b) Upon final construction of the initial BMPs for an inspection and approval to proceed with the earthwork or construction phase.
6. BMPs and development must be inspected in accordance with the SWPPP by certified officials, keep SWPPP records and documents updated, and be available to report to the City or NDEE upon any inspection.
- 44-7. The Developer and Post-Construction owner or association must provide storm water treatment facility and detention inspections and maintenance in accordance with the Maintenance Agreement and Development Agreement for system on the development. Any required maintenance work must be completed within the required work timeline.

5-5 Easements

a. Utility Easements

Public easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities as required by the utility companies or City.

CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

b-c. Drainage or Environmental Easements

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or a permanent drainage or environmental easement shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct and treat storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways. Backlot utility or drainage easements a minimum of 10 feet in width, or wider for that required to carry the design and larger storm events as determined in the drainage calculations, shall be provided and shown on the plat.

e-d. Other Easements

The subdivision shall provide easements for other public and private utilities that cross through it, in a form acceptable to the City or appropriate public agency.

5-6 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, easements, or other parks and public lands shall be completed as required by this Ordinance.

5-7 Public Infrastructure Improvement Impact Fee

a. Purpose

1. In the event infrastructure present is in a condition adequate to serve a proposed development, as determined by the City Engineer, the developer may elect to pay a public infrastructure improvement impact fee in lieu of making required public improvements or other payment agreement.
2. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
3. If an agreement or impact fee is required, details shall be included in the Development Agreement.

CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

6 ARTICLE SIX: IMPROVEMENT PROCEDURES

6-1 Purpose

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

6-2 Application

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
 1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
 2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
 3. The performance guarantee amounts and requirement, along with the permitted time for installation, shall be included within the Development Agreement negotiated between the City and the Developer and approved with the Final Plat.
 4. An Ordinance stating the requirements of the City can be used in lieu of Items 1, 2, and 3 above.

6-3 Pre-Construction Conference

- a. Prior to beginning construction the developer shall hold a pre-construction conference with adequate advanced notification, a minimum of 72 hours, to the City.
- b. In addition to the developer, attendance at the pre-construction conference shall include a representative from the design professional, city, general contractor, SWPPP inspector, public and private utilities and others which have a direct or indirect interest in the projects successful completion.
- c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city within 7 calendar days of the meeting.

6-4 Notification of Completion and Acceptance by City

- a. Notification
 1. Upon substantial completion of all required improvements, the developer shall notify the Administrative Official and City Engineer in writing, as well as submitting a certification from the project design professional Engineer, registered in the State of Nebraska, attesting to the adequacy of the installation.
- b. Inspection and Acceptance
 1. The Administrative Official, City Engineer, or his/her designee shall reasonably observe all installations, and shall approve, partially approve, or disapprove of the installation.

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2. If the installation is approved, the Administrative Official, City Engineer, or his/her designee shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. Prior to acceptance by the City, the developer shall provide to the City an as-built plan of the infrastructure of the subdivision including, but not limited to, all water, sewer and storm sewer utilities and stormwater treatment facilities. An as-built plan shall include elevations of the post-construction stormwater treatment facility. The as-built plan shall be electronic in a format acceptable to the City. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

18. **CONSIDERATION OF PAYROLL AND BILLS ON FILE - Included in Consent Agenda.**
19. **UNFINISHED BUSINESS - None**
20. **ADJOURNMENT**