

STUDY SESSION: 4:30 P.M. – CITY COUNCIL CHAMBERS
MEETING: 5:00 P.M. – CITY COUNCIL CHAMBERS

1. Call to Order.
2. Roll Call.
3. Dispense with the reading and approve the minutes of the July 18, 2016, Regular Meeting as prepared.
4. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Deer Pointe Corporation, owner of approximately 3.0 acres located at 1915 N Diers Parkway, for approval of a Zoning Change from AG Agricultural to R-2 Moderate-Density Residential.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
5. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Deer Pointe Corporation, owner of approximately 4.5 acres located at 1800 Deer Run, for approval of a Zoning Change from AG Agricultural to R-1 Single-Family Residential.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
6. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Deer Pointe Corporation, owner of approximately 4.5 acres located at 1800 Deer Run, for approval of a Final Plat to be known as Deer Pointe Fourth Addition to the City of Fremont, Nebraska.
 - Staff report and presentation
 - Recommendation
7. Consider a request of Olsson Associates, on behalf of The Ritz Lake, LLC, owner of approximately 83.9 acres located at 3400 N Luther Rd., for approval of a Replat to be known as Ritz Lake Replat 3, Fremont, Nebraska.
 - Staff report and presentation
 - Recommendation
8. Review and consider amendments to Article 6 of the draft Unified Development Ordinance.

9. Adjournment.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

PRESENT: Chairman, Dev Sookram, Commissioners, Amber Barton, Brad Fooker, Marty Gifford, Rol Horeis, Carl Nielsen, and Mitch Sawyer, and Planning Director, Troy Anderson

ABSENT: Commissioners Aaron Rix and Brian Wiese.

1. Call to Order. Chairman Sookram called the meeting to order at 5:00 p.m.
2. Roll Call. A roll call showed seven (7) members present and two (2) members absent – a quorum was established.

Chairman Sookram then read the following statement: This meeting was preceded by publicized notice in the Fremont Tribune, the agenda displayed in the lobby of the Municipal Building and posted online at www.fremontne.gov in accordance with the Nebraska open meetings act, a copy of which is posted continually in the council chambers for public inspection and said meeting is open to the public. A copy of the agenda was also kept continually current and available to the public in the principle office of the Department of Planning, 400 East Military Avenue. The Planning Commission reserves the right to adjust the order of items on this agenda. This meeting is hereby declared to be duly convened and in open session.

3. Dispense with the reading and approve the minutes of the June 20, 2016, Regular Meeting as prepared.

Chairman Sookram read the item into the record. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Fooker, and seconded by Commissioner Sawyer, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

4. Dispense with the reading and approve the minutes of the June 27, 2016, Regular Meeting as prepared.

Chairman Sookram read the item into the record. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Barton, and seconded by Commissioner Gifford, to dispense with the reading of the minutes and approve the minutes as provided. A roll call vote showed all members present voting aye – the motion carried unanimously.

5. Consider a Redevelopment Plan for properties described as being part of Sections 25, 26, and 36, all in Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 2200 S Downing St., to hereinafter be known as the South Fremont Industrial Redevelopment Plan,

including a specific redevelopment project to be known as Project No. 1 – Costco Poultry Complex.

Chairman Sookram read the item into the record.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. From approximately 5:14 p.m. to approximately 5:16 p.m., the Commission received public comment from two proponents of the request.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Sawyer, and seconded by Commissioner Fooker, to recommend approval of the Redevelopment Plan. A roll call vote showed all members present voting aye – the motion carried unanimously.

6. Consider a request of MBEE, LLC, the owner of approximately 4.2 acres located at 1804 Old Highway 8, for approval of a Zoning Change from R-4 High-Density Residential to LI Limited Industrial.

Chairman Sookram read the item into the record.

Due to a conflict of interest with the next two items on the agenda, Commissioner Sawyer recused himself for the remainder of the meeting.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing. Mr. Gary White, resident of 1948 Morningside Rd., spoke in opposition of the request.

Hearing no other comments, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Barton, and seconded by Commissioner Nielsen, to recommend approval of the Zoning Change. A roll call vote showed all members present voting aye – the motion carried unanimously.

7. Consider a request of Dodd Engineering & Surveying, LLC, on behalf of MBEE, LLC, owners of approximately 8.4 acres located at 1804 Old Highway 8, for approval of a Conditional Use Permit for a Recycling Center.

Chairman Sookram read the item into the record.

Planning Director, Troy Anderson read Staff's Report.

Sookram then proceeded to open the floor to public hearing.

Hearing none, Sookram closed the floor to public hearing and opened the floor to Commission discussion and action. Hearing no discussion, Sookram entertained a motion.

Motion: It was moved by Commissioner Nielsen, and seconded by Commissioner Barton, to recommend approval of the Conditional Use Permit. A roll call vote showed five of the members present voting aye, with Commissioner Gifford abstaining – the motion carried unanimously.

8. Adjournment. Hearing no further business, Chairman Sookram adjourned the meeting at approximately 5:22 p.m.

APPROVED:

Dev Sookram, Chairman

ATTEST:

Troy Anderson, Planning Director

DRAFT

Staff Report

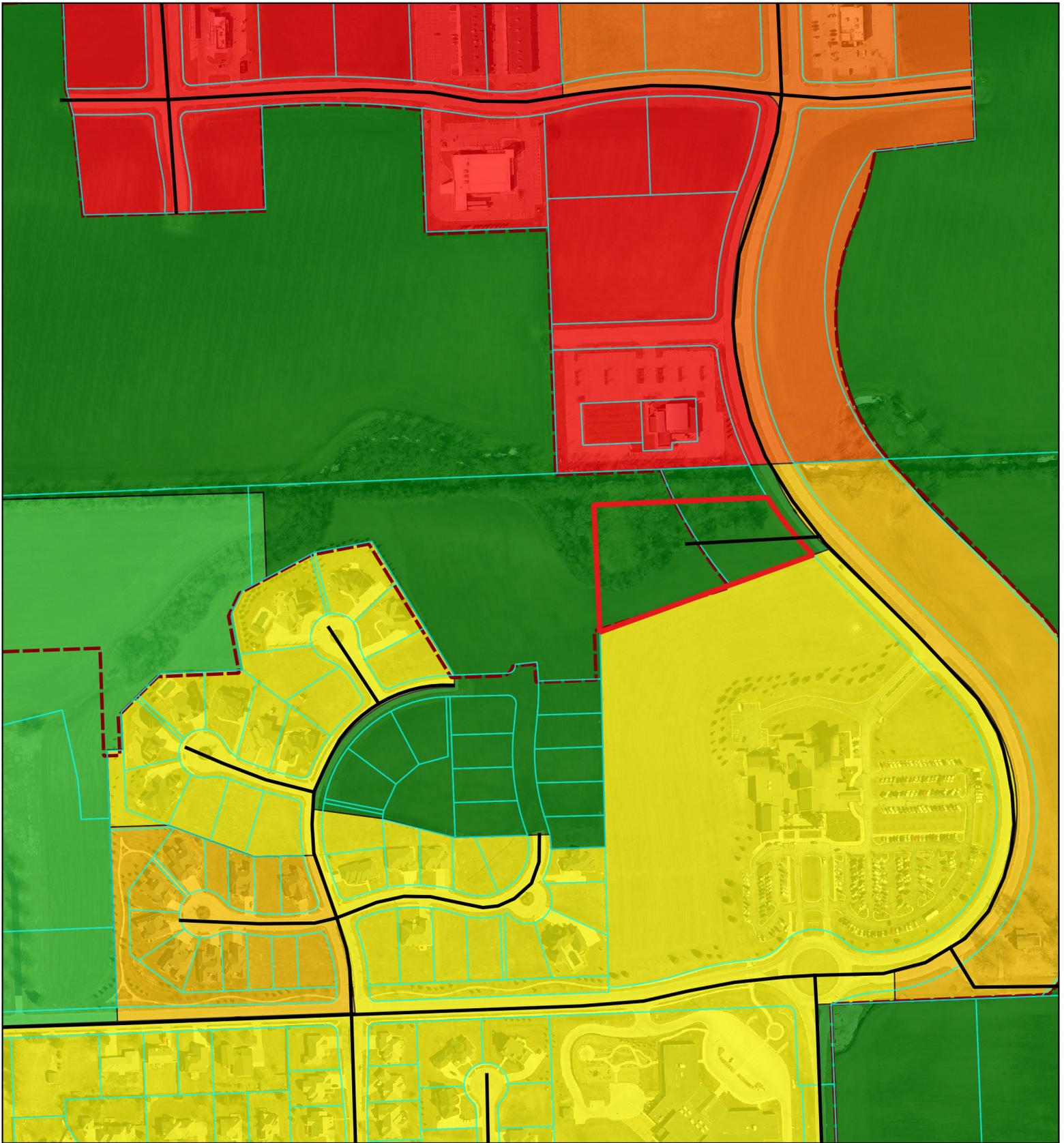
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: August 12, 2016
SUBJECT: Zoning Change – 1915 N Diers Parkway

Background: The agent for the owner of approximately 3.0 acres located at 1915 N Diers Parkway, Dodd Engineering & Surveying, LLC, is requesting approval of a Zoning Change from AG Agricultural to R-2 Moderate-Density Residential. The reason for the request is to further development plans of the subject property.

The subject property is located along N Diers Parkway between E 16th St. and E Elk Ln. Property immediately north, is zoned AG Agricultural and is identified as Rawhide Creek; property to the east, opposite N Diers Parkway is zoned R-2 Moderate-Density Residential, appears to consist of one residence, various outbuildings, and is listed as agricultural; property to the south is zoned R-1 Single-Family Residential, consists of a place of religious assembly, and due to its religious exemption does not include a property class; and property to the west is zoned AG Agricultural, is vacant/undeveloped, and is listed as agricultural. The subject property is currently vacant/undeveloped as well, and is also listed as agricultural.

The Future Land Use Plan identifies the western half of the subject property as Residential and the eastern half as Commercial. R-2 Moderate-Density Residential would therefore be consistent with the City's Comprehensive Plan for Future Land Use and Character for the western half of the subject property and it would be the recommendation of Staff that, despite the Commercial designation on the eastern half of the property, a zoning change to R-2 Moderate-Density Residential would be consistent with development patterns on adjoining properties and that a natural barrier (i.e. Rawhide Creek) provides any buffering and screening from any commercial properties further north.

Fiscal Impact: N/A



Staff Report

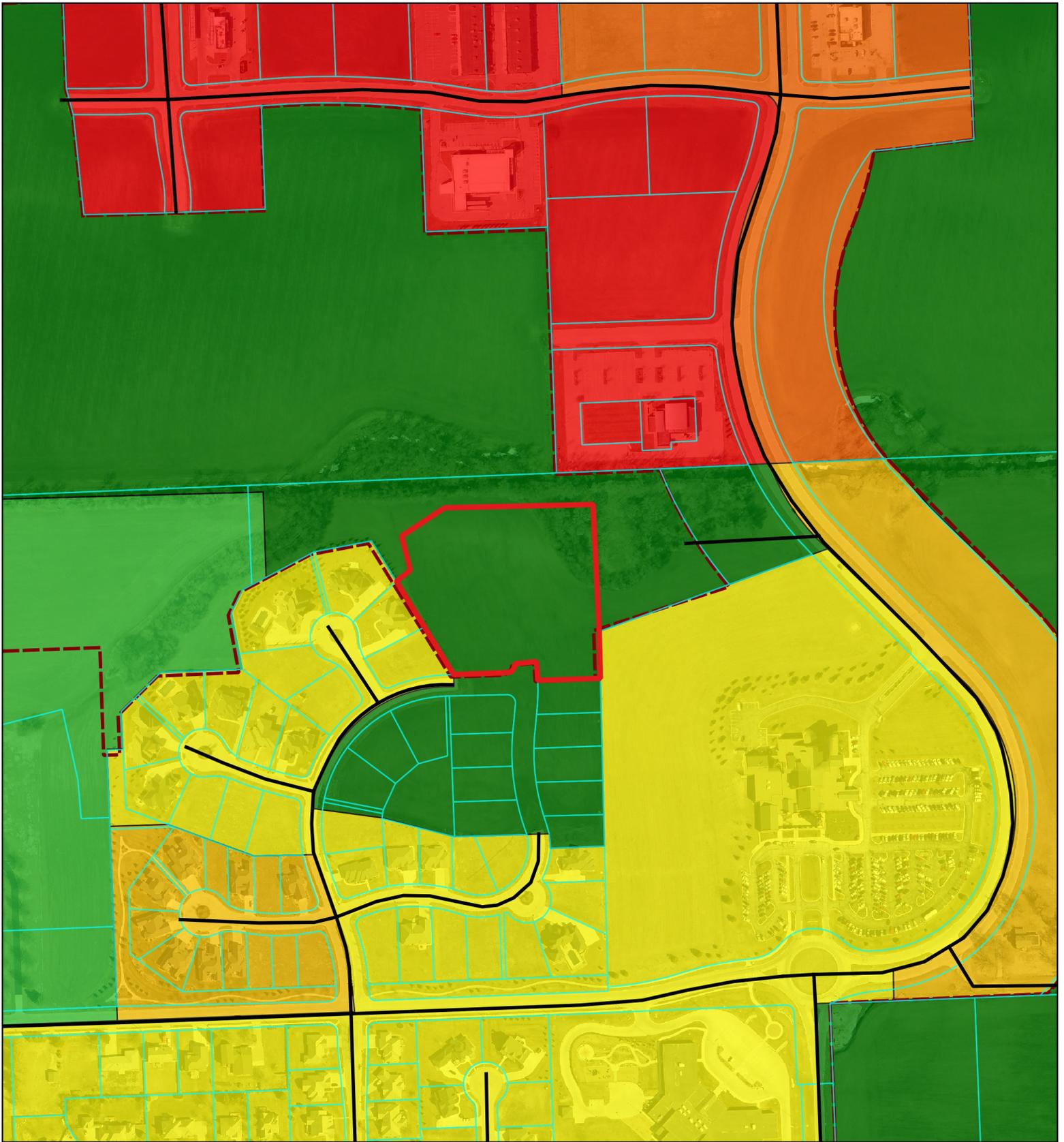
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: August 12, 2016
SUBJECT: Zoning Change – 1800 Deer Run

Background: The agent for the owner of approximately 4.5 acres located at 1800 Deer Run, Dodd Engineering & Surveying, LLC, is requesting approval of a Zoning Change from AG Agricultural to R-1 Single-Family Residential. The reason for the request is to further development plans of the subject property.

The subject property is located at the intersection of Deer Run and Deer Pointe Drive. Property immediately north, is zoned AG Agricultural and is identified as Rawhide Creek; property to the east, is also zoned AG Agricultural, is vacant/undeveloped and is listed as agricultural; also to the east is property zoned R-1 Single-Family Residential, consisting of a place of religious assembly, and due to its religious exemption does not include a property class; property to the south and to the west is zoned R-1 Single-Family Residential, consisting of a number of lots for one-family dwellings - some of which have been developed - and are listed as residential.

The Future Land Use Plan identifies the subject property as Residential. R-1 Single-Family Residential would therefore be consistent with the City's Comprehensive Plan for Future Land Use and Character.

Fiscal Impact: N/A



Staff Report

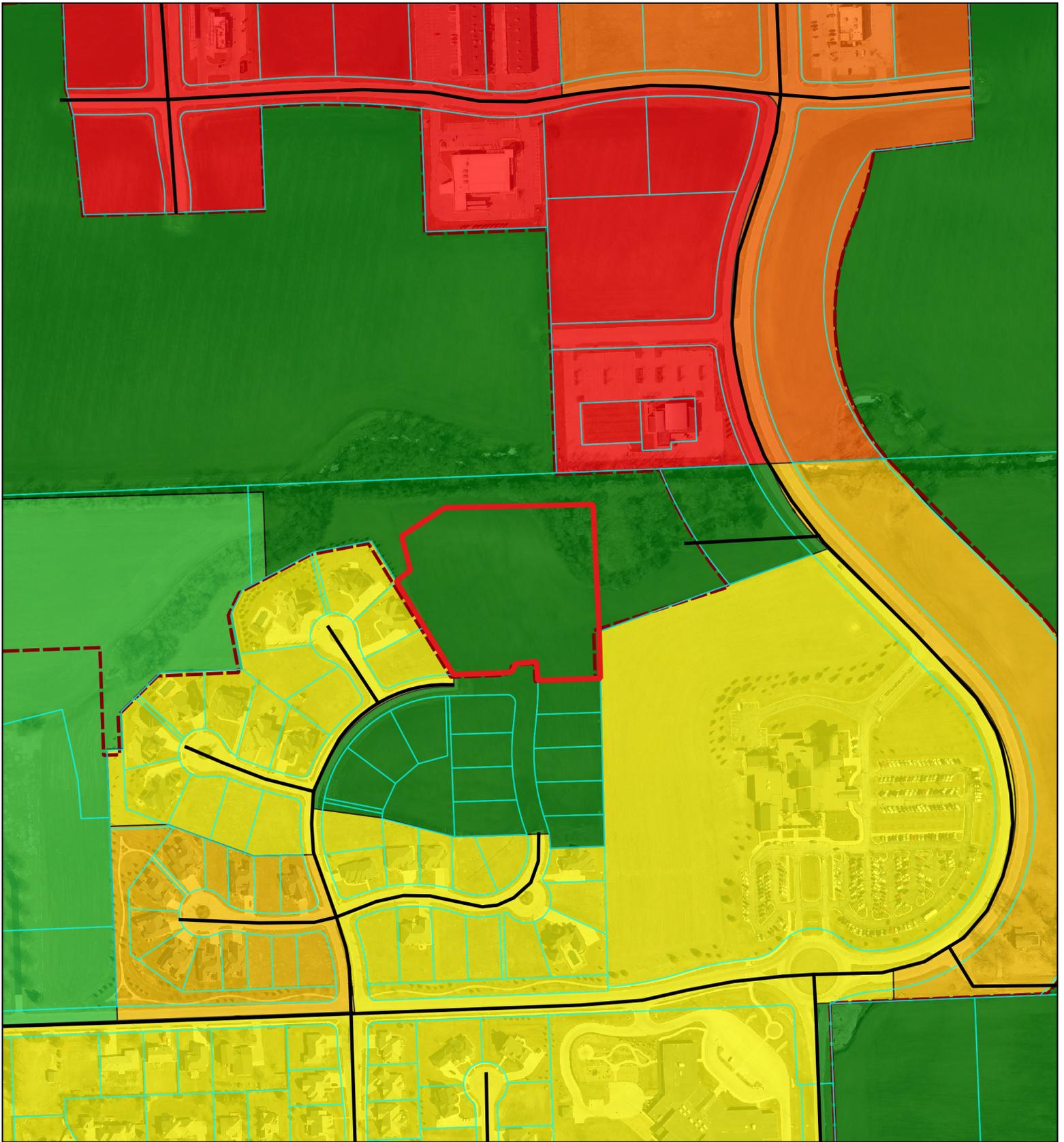
TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: August 12, 2016
SUBJECT: Final Plat – 1800 Deer Run

Background: The agent for the owner of approximately 4.5 acres located at 1800 Deer Run, Dodd Engineering & Surveying, LLC, is requesting approval of a Final Plat to be known as Deer Pointe Fourth Addition. The reason for the request is to subdivide the land for conveyance and dedication purposes.

Currently the subject property is zoned AG Agricultural. Following a change of zoning to R-1 Single-Family Residential, the seven (7) lots being proposed would meet the R-1 Single-Family Residential district requirements for area [sixty-five hundred (6,500) square feet] and width [seventy-five (75) feet]. The lots would front along a public right-of-way [Deer Run] to be dedicated as a public street as part of this Addition, and would be served by all necessary utilities.

The proposed plat appears to meet all state and local requirements for subdivisions.

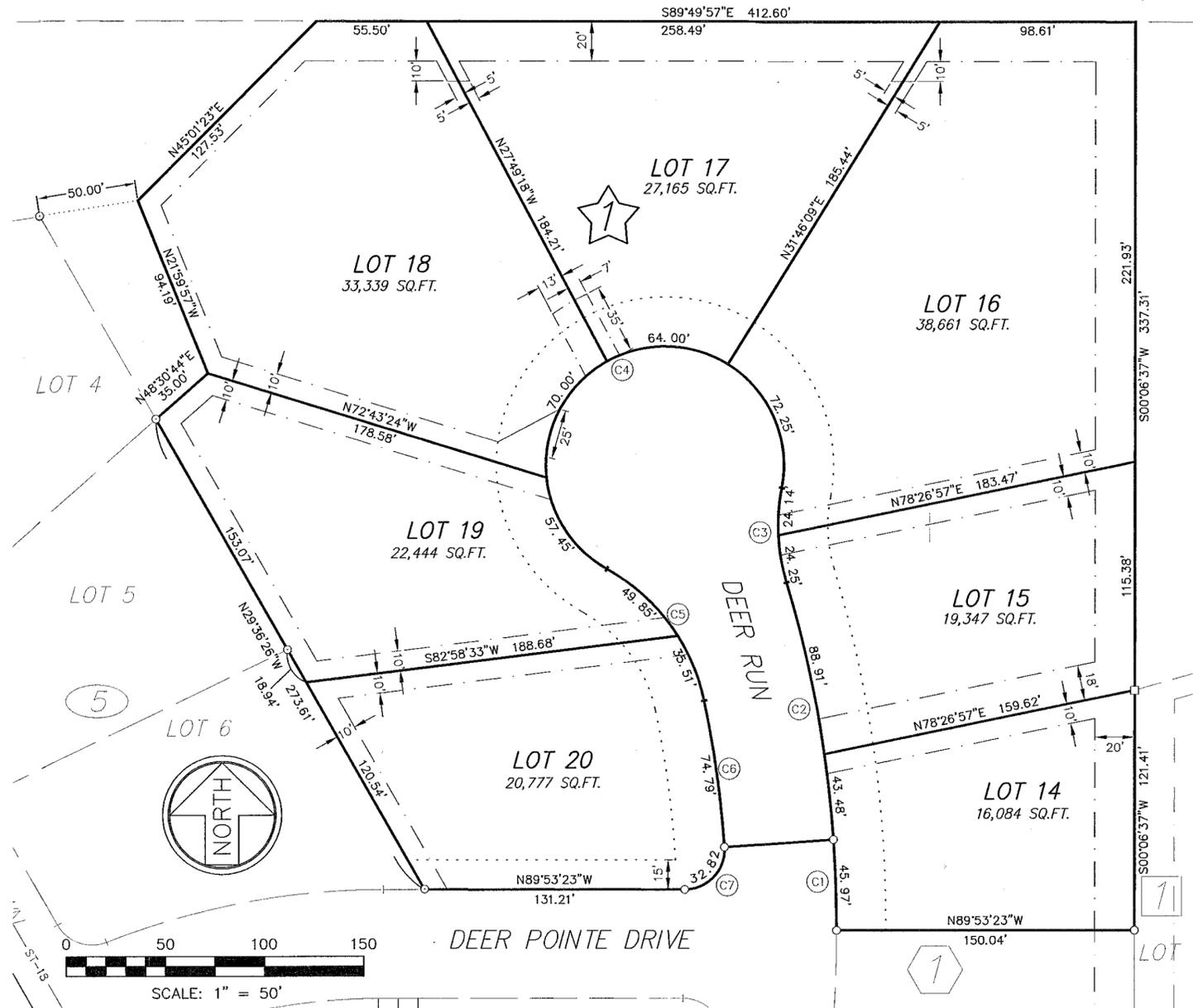
Fiscal Impact: N/A



FINAL PLAT OF DEER POINTE FOURTH ADDITION

TO THE CITY OF FREMONT, NEBRASKA

PART OF THE SE1/4 NW1/4 OF SECTION 18, T17N, R9E
OF THE 6TH P.M., ALL IN DODGE COUNTY, NEBRASKA.



LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SE1/4 NW1/4 OF SECTION 18, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, DIERS ADDITION; THENCE S00°06'37"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 121.41 FEET TO THE NORTHEAST CORNER OF LOT 13, BLOCK 1, DEER POINTE THIRD ADDITION; THENCE N89°53'23"W ALONG THE NORTH LINE OF SAID LOT 13 A DISTANCE OF 150.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTHERLY FOLLOWING THE EASTERLY LINE OF DEER RUN A DISTANCE OF 45.97 FEET ALONG A 677.50 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING N01°57'16"W, AND A CHORD LENGTH OF 45.96 FEET; THENCE S86°06'06"W A DISTANCE OF 55.00 FEET; THENCE SOUTHWESTERLY 32.82 FEET ALONG A 20.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING S43°06'21"W, AND A CHORD LENGTH OF 29.26 FEET TO A POINT ON THE NORTHERLY LINE OF DEER POINTE DRIVE; THENCE N89°53'23"W ALONG SAID NORTHERLY LINE A DISTANCE OF 131.21 FEET TO THE SOUTHEAST CORNER OF LOT 6, BLOCK 5 DEER POINTE FIRST ADDITION; THENCE N29°36'26"W ALONG THE NORTHEASTERLY LINES OF LOTS 5 AND 6, BLOCK 5, DEER POINTE FIRST ADDITION A DISTANCE OF 273.61 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE N48°30'44"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 5, BLOCK 5 A DISTANCE OF 35.00 FEET; THENCE N21°59'57"W A DISTANCE OF 94.19 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 4, BLOCK 5, DEER POINTE FIRST ADDITION, AND BEING 50.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 4; THENCE N45°01'23"E A DISTANCE OF 127.53 FEET TO A POINT ON THE NORTH LINE OF THE PARCEL DESCRIBED IN BOOK 2002, PAGE 6884; THENCE S89°49'57"E ALONG SAID NORTH LINE A DISTANCE OF 412.60 FEET TO A POINT NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1, BLOCK 1, DIERS ADDITION; THENCE S00°06'37"W ALONG SAID NORTHERLY EXTENSION A DISTANCE OF 337.31 FEET TO THE POINT OF BEGINNING; CONTAINING 4.54 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT DEER POINTE CORP., A NEBRASKA CORPORATION, CHARLES H. DIERS, PRESIDENT; OWNER AND PROPRIETOR OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAS CAUSED THE SAME TO BE DIVIDED INTO LOTS AND BLOCKS, SAID SUBDIVISION TO BE KNOWN AS DEER POINTE FOURTH ADDITION, THE LOTS AND BLOCKS TO BE NUMBERED AS SHOWN AND APPROVES OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT AND HEREBY DEDICATES TO THE PUBLIC FOR PERPETUAL PUBLIC USE THE STREET TO BE KNOWN AS DEER RUN AT THE LOCATION AND TO THE WIDTH SHOWN HEREON AND HEREBY GRANTS PERPETUAL EASEMENTS AT THE LOCATIONS AND TO THE WIDTHS SHOWN HEREON TO THE CITY OF FREMONT, ANY PUBLIC OR PRIVATE UTILITY COMPANY, AND FOR THE USE OF ABUTTING PROPERTY OWNERS, FOR THE SOLE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF UTILITY LINES AND PIPES AND DRAINAGE FACILITIES. NO PERMANENT BUILDING OR RETAINING WALL SHALL BE PLACED IN THE ABOVE DESCRIBED EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

IN WITNESS WHEREOF, I DO HEREBY SET MY HANDS THE

_____ DAY OF _____, 2016, A.D.

CHARLES H. DIERS, PRESIDENT
FOR: DEER POINTE CORP., A NEBRASKA CORPORATION

ACKNOWLEDGMENT

STATE OF NEBRASKA)
COUNTY OF DODGE)

SS

ON THIS _____ DAY OF _____, A.D. 2016, BEFORE ME, A GENERAL NOTARY PUBLIC, PERSONALLY APPEARED CHARLES H. DIERS, PRESIDENT OF DEER POINTE CORP., A NEBRASKA CORPORATION, WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME APPEARS ON THE FOREGOING DEDICATION, AND WHO HEREBY ACKNOWLEDGES THE SIGNING OF SAID INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL DATE LAST AFORESAID.

GENERAL NOTARY PUBLIC

COMMISSION EXPIRES _____

PLANNING COMMISSION APPROVAL

ON THIS _____ DAY OF _____, A.D. 2016, THIS PLAT OF DEER POINTE FOURTH ADDITION WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

CHAIR _____

CITY COUNCIL ACCEPTANCE

ON THIS _____ DAY OF _____, A.D. 2016, THIS PLAT OF DEER POINTE FOURTH ADDITION WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

MAYOR _____

CLERK _____

CURVE TABLE

| # | RADIUS | ARC LEN | CH LEN | CH BRG | DELTA |
|----|---------|---------|---------|-------------|------------|
| C1 | 677.50' | 45.97' | 45.96' | N01°57'16"W | 3°53'16" |
| C2 | 593.50' | 132.39' | 132.11' | N10°17'19"W | 12°46'49" |
| C3 | 100.00' | 48.40' | 47.93' | N02°48'49"W | 27°43'49" |
| C4 | 60.00' | 263.70' | 97.20' | S65°08'37"W | 251°48'56" |
| C5 | 100.00' | 85.36' | 82.79' | S36°18'36"E | 48°54'29" |
| C6 | 538.50' | 74.79' | 74.73' | S07°52'38"E | 7°57'27" |
| C7 | 20.00' | 32.82' | 29.26' | S43°06'21"W | 94°00'31" |

LEGEND

- LOT LINE
- - - - UTILITY EASEMENT
- FRONT YARD SETBACK LINE (SEE NOTE 3)
- EXISTING PROPERTY LINE
- (C1) NUMBERED CURVE
- ★ BLOCK NUMBER DEER POINT 4TH ADD.
- ① BLOCK NUMBER DEER POINTE 3RD ADD.
- ⑤ BLOCK NUMBER DEER POINTE 1ST ADD.
- ⑦ BLOCK NUMBER DIERS ADDITION ADD.
- FOUND CORNER (3/4" X 24" REBAR W/PLASTIC CAP STAMPED LS 503)
- FOUND CORNER (5/8" REBAR)

NOTES:

- THE FOLLOWING VALUES WERE USED UNLESS OTHERWISE NOTED:
STREET RIGHT-OF-WAY WIDTH = 55.00'
FRONT YARD SETBACK = 25' (SEE NOTE 3)
- ALL NEW LOT CORNERS, CHANGES IN DIRECTION AND THE BEGINNING AND ENDS OF CURVES ARE MARKED WITH 3/4" X 24" REBAR WITH PLASTIC "LS 503" CAPS.
- MINIMUM CITY ZONING SETBACK. SEE RESTRICTIVE COVENANTS ON FILE AT THE DODGE COUNTY REGISTER OF DEEDS OFFICE FOR ADDITIONAL REQUIREMENTS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR WILL BE SET AS DESCRIBED HEREON, WITHIN 60 DAYS OF THE FILING OF THIS PLAT AT THE DODGE COUNTY REGISTER OF DEEDS OFFICE.

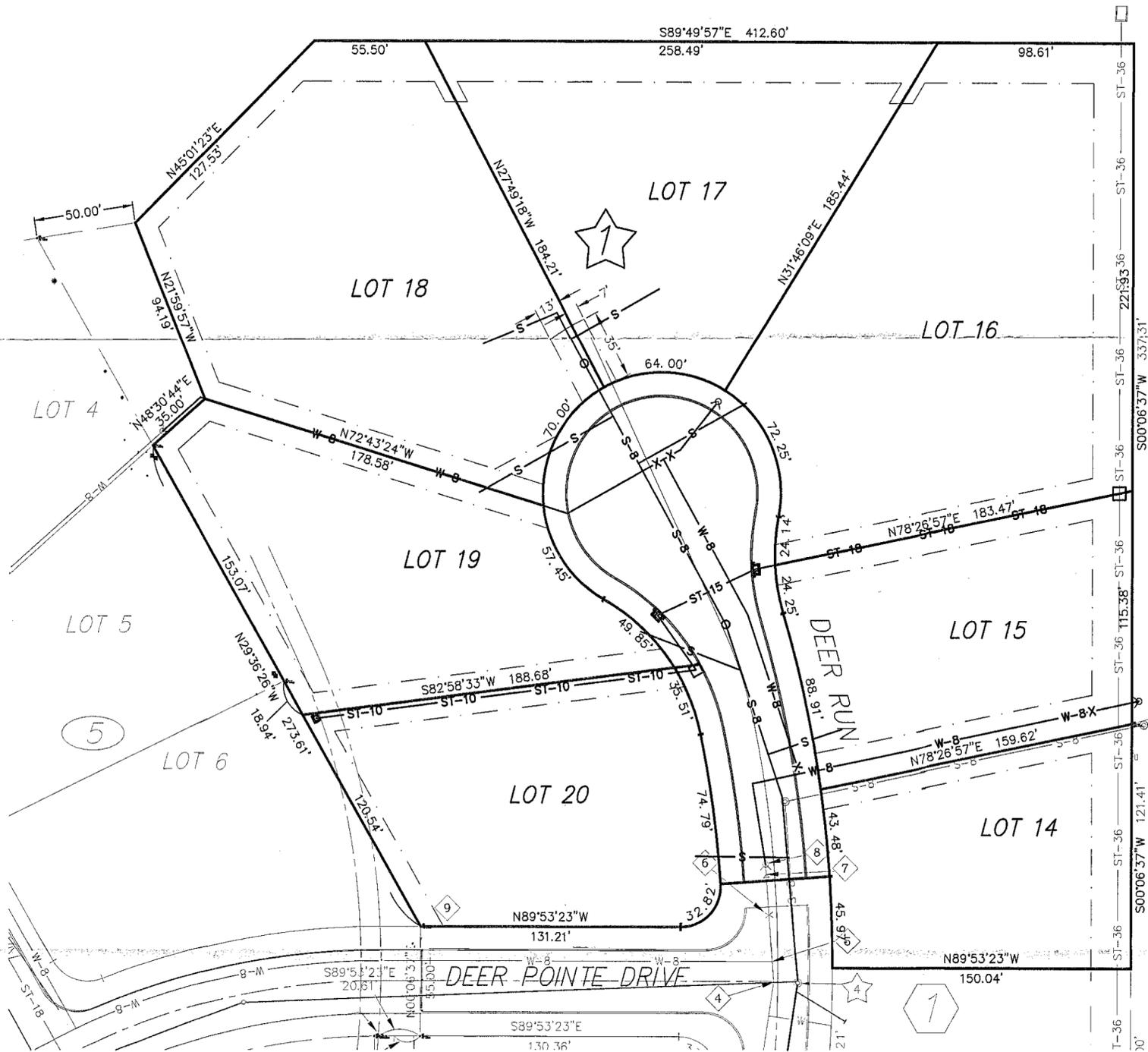
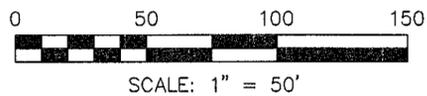
STEPHEN W. DODD, LS-503



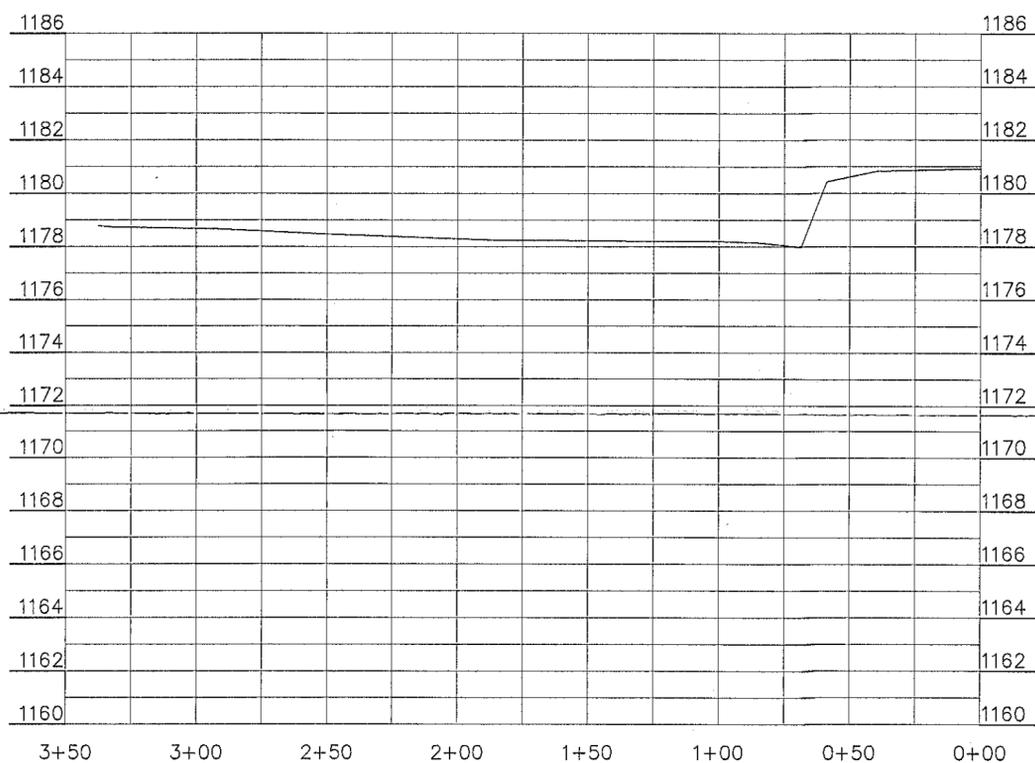
**DEER POINTE FOURTH ADDITION
TO THE CITY OF FREMONT, NEBRASKA.**

FINAL PLAT

Email: Steve@doddengineering.net
 402 North D St., P.O. Box 1855
 Fremont, NE 68026-1855
Dodd Engineering & Surveying LLC
 Stephen W. Dodd, P.E. & L.S. Ph. 402-727-9067



IMPROVEMENT PLAN



Dodd Engineering & Surveying LLC
 Email: Steve@doddengineering.net
 402 North D St., P.O. Box 1855
 Fremont, NE 68026-1855
 Stephen W. Dodd, P.E. & L.S. Ph. 402-727-9067

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: August 12, 2016
SUBJECT: Replat – 3400 N Luther Rd.

Background: The agent for the owner of approximately 83.9 acres located at 3400 N Luther Rd., Olsson Associates, is requesting approval of a Replat to be known as Ritz Lake Replat 3. The reason for the request is to make boundary line adjustments.

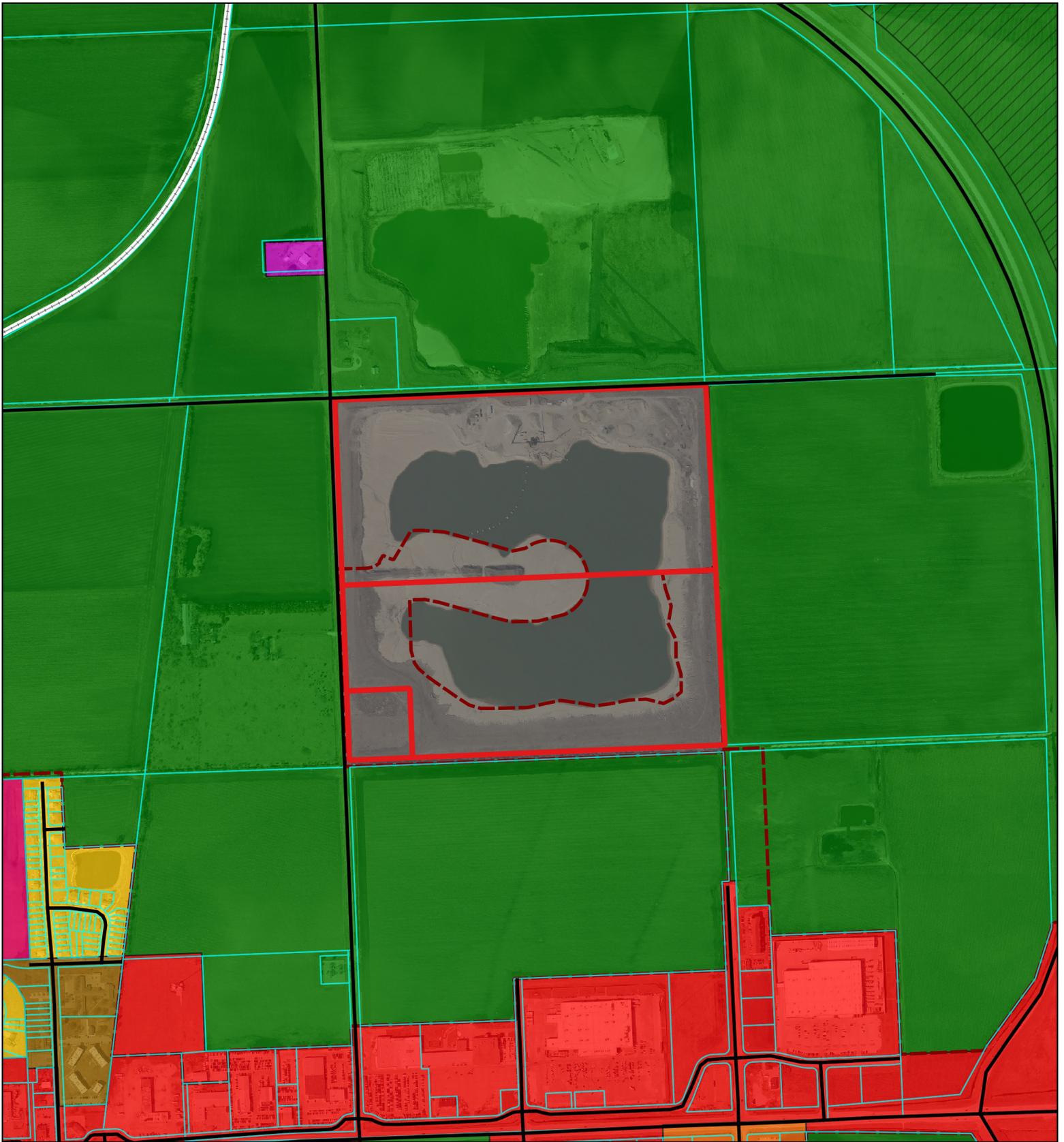
The property is zoned MU Mixed Use. The thirty-nine (39) lots being replated include both lots previously identified for single-family development, and various “outlots” dedicated to “lake” or “open green space.” The proposed forty (40) lots include boundary line adjustments to all of the aforementioned single-family residential lots and various outlots. The increase in the number of lots is simply the result of one (1) open green space lot being divided into two (2) open green space lots – no additional lots have been created for single-family residential development.

There are no specific lot dimension requirements associated with MU Mixed Use zoning only compliance with a “specific plan,” including such things as a detailed site map, a development plan, specific proposed development regulations for the project, and a traffic impact analysis.

The proposed lots appear to remain consistent with previous plats and replats, front along a public right-of-way [E 34th Boulevard, E 34th Court, E 32nd Boulevard, Ritz Place, Robyn Ridge Road, and Bryan Shore Drive], and are served by all necessary utilities.

The proposed plat appears then to meet all state and local requirements for subdivisions.

Fiscal Impact: N/A



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT ALL CORNERS OF LOTS, ANGLE POINTS AND ENDS OF CURVES IN RITZ LAKE REPLAT 3 OF OUTLOTS "A", "G" AND "I", LOTS 1 THROUGH 4, BLOCK 3, LOT 15, BLOCK 4, LOTS 19 THROUGH 21, BLOCK 4, LOT 30, BLOCK 4, LOTS 39 THROUGH 45, BLOCK 4, AND LOTS 47 THROUGH 50, BLOCK 4, RITZ LAKE ADDITION, LOTS 31 THROUGH 36, BLOCK 4, RITZ LAKE REPLAT 1, AND LOTS 6 THROUGH 14, BLOCK 4, RITZ LAKE REPLAT 2 (LOTS NUMBERED AS SHOWN), A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA.

DATE MICHAEL R. JOHNSON LS NUMBER
601 P STREET
SUITE 200
LINCOLN, NE 68508



LEGAL DESCRIPTION
PARCEL 1

A TRACT OF LAND COMPOSED OF OUTLOT "G", AND LOTS 1 THROUGH 4, BLOCK 3, RITZ LAKE ADDITION, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERN CORNER OF OUTLOT "G", RITZ LAKE ADDITION, SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE, SAID POINT ALSO BEING NORTH CORNER OF OUTLOT "H", RITZ LAKE ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHWESTERLY ON A SOUTHEAST LINE OF SAID OUTLOT "G", ON AN ASSUMED BEARING OF S36°55'07"W, A DISTANCE OF 48.19' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 53°04'33", A RADIUS OF 122.50', AN ARC LENGTH OF 113.48' ON A SOUTHEAST LINE OF SAID OUTLOT "G", AND ON A SOUTH LINE OF LOTS 4 AND 3, BLOCK 3, RITZ LAKE ADDITION, A CHORD LENGTH OF 109.46', A TANGENT LENGTH OF 61.18', AND A CHORD BEARING OF S63°27'24"W, TO A POINT; THENCE S89°59'40"W, ON A SOUTH LINE OF SAID LOT 3, A DISTANCE OF 36.82' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°39'06", A RADIUS OF 122.50', AN ARC LENGTH OF 20.64' ON A SOUTH LINE OF SAID LOT 3, A CHORD LENGTH OF 20.61', A TANGENT LENGTH OF 10.34', AND A CHORD BEARING OF N85°10'47"W, TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N00°02'20"W, ON THE WEST LINE OF SAID LOT 3, A DISTANCE OF 8.63' TO A SOUTH CORNER OF SAID OUTLOT "G", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 69°18'37", A RADIUS OF 114.00', AN ARC LENGTH OF 137.84' ON A SOUTHWEST LINE OF SAID OUTLOT "G", A CHORD LENGTH OF 129.59', A TANGENT LENGTH OF 78.76', AND A CHORD BEARING OF N44°59'16"W TO A WEST CORNER OF SAID OUTLOT "G", SAID POINT BEING ON A SOUTH LINE OF LOT 2, BLOCK 3, RITZ LAKE ADDITION; THENCE N89°58'13"W, ON THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 8.63' TO THE SOUTHWEST CORNER OF SAID OUTLOT "G", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°39'06", A RADIUS OF 122.50', AN ARC LENGTH OF 20.64' ON A WEST LINE OF SAID LOT 2, A CHORD LENGTH OF 20.61', A TANGENT LENGTH OF 10.34', AND A CHORD BEARING OF N04°47'46"W TO A POINT; THENCE N00°01'47"E, ON A WEST LINE OF SAID LOT 2, AND ON A WEST LINE OF LOT 1, BLOCK 3, RITZ LAKE ADDITION, A DISTANCE OF 58.89' TO A POINT CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 15°25'10", A RADIUS OF 227.50', AN ARC LENGTH OF 61.22' ON A WEST LINE OF SAID LOT 1, AND ON A WEST LINE OF

SAID OUTLOT "G", A CHORD LENGTH OF 61.04', A TANGENT LENGTH OF 30.80', AND A CHORD BEARING OF N07°40'48"W, TO THE NORTHWEST CORNER OF SAID OUTLOT "G", SAID POINT BEING A NORTH CORNER OF SAID OUTLOT "H", SAID POINT BEING ON A SOUTHEAST RIGHT-OF-WAY LINE OF EAST 32ND BOULEVARD, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°46'29", A RADIUS OF 240.00', AN ARC LENGTH OF 36.76' ON A NORTHWEST LINE OF SAID OUTLOT "G", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 36.72', A TANGENT LENGTH OF 18.41', AND A CHORD BEARING OF N62°08'35"E TO A POINT; THENCE N57°45'21"E, ON A NORTHWEST LINE OF SAID OUTLOT "G", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 44.89' TO A THE MOST NORTHERN CORNER OF SAID OUTLOT "G", SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 16°29'17", A RADIUS OF 527.50', AN ARC LENGTH OF 151.80' ON A NORTHEAST LINE OF SAID OUTLOT "G", SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 151.28', A TANGENT LENGTH OF 76.43', AND A CHORD BEARING OF S44°50'14"E TO A POINT; THENCE S53°04'53"E, ON A NORTHEAST LINE OF SAID OUTLOT "G", SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 146.85' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 48,039.82 SQUARE FEET OR 1.10 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
PARCEL 2

A TRACT OF LAND COMPOSED OF OUTLOTS "A" AND "I", LOT 15, BLOCK 4, LOTS 19 THROUGH 21, BLOCK 4, LOT 30, BLOCK 4, LOTS 39 THROUGH 45, BLOCK 4, AND LOTS 47 THROUGH 50, BLOCK 4, RITZ LAKE ADDITION, LOTS 31 THROUGH 36, BLOCK 4, RITZ LAKE REPLAT 1, AND LOTS 6 THROUGH 14, BLOCK 4, RITZ LAKE REPLAT 2, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 30, BLOCK 4, RITZ LAKE ADDITION, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 29, BLOCK 4, RITZ LAKE ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 30, ON AN ASSUMED BEARING OF N27°26'37"E, A DISTANCE OF 220.00' TO THE NORTHEAST CORNER OF SAID LOT 30, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", RITZ LAKE ADDITION; THENCE N55°01'26"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 101.63' TO A POINT; THENCE N53°04'53"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 240.00' TO A POINT; THENCE N46°54'33"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 96.58' TO A THE MOST NORTHERN CORNER OF LOT 26, BLOCK 4, RITZ LAKE ADDITION; THENCE S53°24'25"W, ON A SOUTHEAST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHWEST LINE OF SAID LOT 26, A DISTANCE OF 220.00' TO THE MOST WESTERN CORNER OF SAID LOT 26, SAID POINT BEING ON A NORTHEAST RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°04'28", A RADIUS OF 472.50', AN ARC LENGTH OF 50.09' ON A SOUTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 50.07', A TANGENT LENGTH OF 25.07', AND A CHORD BEARING OF N33°33'21"W TO THE SOUTHWEST CORNER OF LOT 25, BLOCK 4, RITZ LAKE ADDITION; THENCE N53°24'25"E, ON A NORTHWEST LINE OF SAID OUTLOT "A", SAID LINE BEING A SOUTHEAST LINE OF SAID LOT 25, A DISTANCE OF 220.00' TO THE SOUTHEAST CORNER OF SAID LOT 25, SAID POINT BEING A WEST CORNER OF SAID OUTLOT "A"; THENCE N13°50'16"W, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 92.39' TO A POINT; THENCE N00°00'23"E, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 313.51' TO THE SOUTHEAST CORNER OF LOT 21, BLOCK 4, RITZ LAKE ADDITION, SAID POINT BEING THE NORTHEAST CORNER OF LOT 22, BLOCK 4, RITZ LAKE ADDITION; THENCE N89°59'37"W, ON THE SOUTH LINE OF SAID LOT 21, A DISTANCE OF 220.00' TO THE SOUTHWEST CORNER OF SAID LOT 21, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF ROBYN RIDGE ROAD; THENCE N00°00'23"E, ON A WEST LINE OF SAID LOT 21, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 26.11' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°31'13", A RADIUS OF 477.50', AN ARC LENGTH OF 71.01' ON A WEST LINE OF SAID LOT 21, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 70.94', A TANGENT LENGTH OF 35.57', AND A CHORD BEARING OF N04°15'13"W, TO A POINT; THENCE N08°30'50"W, ON A WEST LINE OF SAID LOT 21, AND ON THE WEST LINE OF LOT 20, BLOCK 4, RITZ LAKE ADDITION, A DISTANCE OF 114.74' TO A THE NORTHWEST CORNER OF SAID LOT 20, SAID POINT BEING THE WEST CORNER OF OUTLOT "I", RITZ LAKE ADDITION, SAID POINT ALSO BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF EAST 34TH BOULEVARD, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 34°21'46", A RADIUS OF 240.00', AN ARC LENGTH OF 143.94' ON A NORTHWEST LINE OF SAID OUTLOT "I", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 141.79', A TANGENT LENGTH OF 74.21', AND A CHORD BEARING OF N57°43'31"E TO THE NORTHWEST CORNER OF SAID OUTLOT "I", SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF EAST 34TH COURT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°19'28", A RADIUS OF 377.50', AN ARC LENGTH OF 114.14' ON THE NORTH LINE OF SAID OUTLOT "I", AND ON A NORTH LINE OF LOT 19, BLOCK 4, RITZ LAKE ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 113.71', A TANGENT LENGTH OF 57.51', AND A CHORD BEARING OF S81°20'25"E TO A POINT; THENCE N89°59'51"E, ON A NORTH LINE OF SAID LOT 19, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 102.26' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°14'48", A RADIUS OF 472.50', AN ARC LENGTH OF 13.99' ON A NORTH LINE OF SAID LOT 19, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 13.99', A TANGENT LENGTH OF 7.00', AND A CHORD BEARING OF S89°09'15"E, TO THE NORTHEAST CORNER OF SAID LOT 19, SAID POINT BEING THE NORTHWEST CORNER OF LOT 18, BLOCK 4, RITZ LAKE ADDITION; THENCE S00°00'05"E, ON THE EAST LINE OF SAID LOT 19, A DISTANCE OF 219.79' TO THE SOUTHEAST CORNER OF SAID LOT 19, SAID POINT BEING A NORTH CORNER OF SAID OUTLOT "A"; THENCE S76°58'40"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 96.61' TO A POINT; THENCE S72°35'59"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 250.00' TO THE SOUTHWEST CORNER OF LOT 15, BLOCK 4, RITZ LAKE ADDITION, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 16, BLOCK 4, RITZ LAKE ADDITION; THENCE N17°24'01"E, ON THE WEST LINE OF SAID LOT 15, A DISTANCE OF 220.00' TO THE NORTHWEST CORNER OF SAID LOT 15, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 16, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF EAST 34TH COURT; THENCE S72°35'59"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 205.63' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 44°45'09", A RADIUS OF 327.50', AN ARC LENGTH OF 255.80' ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 249.35', A TANGENT LENGTH OF 134.83', AND A CHORD BEARING OF N85°01'26"E, TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 299°47'24", A RADIUS OF 55.00', AN ARC LENGTH OF 287.78' ON A EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 55.17', A TANGENT LENGTH OF 31.89', AND A CHORD BEARING OF N31°30'33"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 43°54'41", A RADIUS OF 272.50', AN ARC LENGTH OF 208.84' ON A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 203.77', A TANGENT LENGTH OF 109.85', AND A CHORD BEARING OF S85°26'40"W TO A POINT; THENCE N72°35'59"W, ON A NORTH LINE OF SAID

RIGHT-OF-WAY, A DISTANCE OF 158.42' TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 4, RITZ LAKE REPLAT 2, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 5, BLOCK 4, RITZ LAKE ADDITION; THENCE N17°24'01"E, ON THE WEST LINE OF SAID LOT 6, A DISTANCE OF 220.00' TO THE NORTHWEST CORNER OF SAID LOT 6, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 5, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A"; THENCE N72°35'59"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 250.00' TO A POINT; THENCE N72°45'09"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 140.97' TO A POINT; THENCE N84°15'43"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 167.40' TO A POINT; THENCE S89°59'56"W, ON A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 70.08' TO THE NORTHWEST CORNER OF LOT 1, BLOCK 4, RITZ LAKE ADDITION; THENCE S31°46'44"W, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 241.98' TO THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF EAST 34TH COURT, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°26'55", A RADIUS OF 322.50', AN ARC LENGTH OF 30.67' ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, AND ON A NORTH RIGHT-OF-WAY LINE OF ROBYN RIDGE ROAD, A CHORD LENGTH OF 30.66', A TANGENT LENGTH OF 15.35', AND A CHORD BEARING OF N70°06'23"W TO AN EAST CORNER OF OUTLOT "B", RITZ LAKE ADDITION, SAID POINT BEING A WEST CORNER OF SAID OUTLOT "A"; THENCE N31°46'44"E, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 207.00' TO A WEST CORNER OF SAID OUTLOT "A", SAID POINT BEING A EAST CORNER OF SAID OUTLOT "B"; THENCE N45°39'06"W, ON A SOUTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 93.99' TO A POINT; THENCE N22°16'17"W, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 79.85' TO A POINT; THENCE N00°01'36"E, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 280.00' TO A POINT; THENCE N00°50'14"W, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 181.10' TO A POINT; THENCE N18°22'40"E, ON A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 55.19' TO A POINT; THENCE N74°09'12"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 66.51' TO A POINT; THENCE S79°54'16"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 132.82' TO A POINT; THENCE N89°59'47"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 207.63' TO A POINT; THENCE S80°47'56"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 108.41' TO A POINT; THENCE S43°58'53"E, ON A NORTHEAST LINE OF SAID OUTLOT "A", A DISTANCE OF 107.21' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 50°21'55", A RADIUS OF 454.78', AN ARC LENGTH OF 399.77' ON A NORTHEAST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 387.02', A TANGENT LENGTH OF 213.83', AND A CHORD BEARING OF S58°16'53"E TO A POINT; THENCE N90°00'00"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 168.71' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 51°08'27", A RADIUS OF 424.64', AN ARC LENGTH OF 379.02' ON A NORTHWEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 366.58', A TANGENT LENGTH OF 203.18', AND A CHORD BEARING OF N59°09'49"E TO A POINT; THENCE N41°32'57"E, ON A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 147.15' TO A POINT; THENCE N89°59'47"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 378.65' TO A POINT; THENCE S74°10'09"E, ON A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 58.75' TO A POINT; THENCE S24°43'34"E, ON A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 115.35' TO A POINT; THENCE S29°45'27"W, ON A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 142.37' TO A POINT; THENCE S00°09'19"E, ON A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 590.00' TO A POINT; THENCE S10°00'37"W, ON A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 147.31' TO A POINT, SAID POINT BEING A WEST CORNER OF SAID OUTLOT "B"; THENCE N89°50'41"E, ON A NORTH LINE OF SAID OUTLOT "A", AND ON THE NORTH LINE OF LOT 50, BLOCK 4, RITZ LAKE ADDITION, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 319.00' TO THE NORTHEAST CORNER OF SAID LOT 50, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE; THENCE S00°09'19"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 480.00' TO THE SOUTHEAST CORNER OF LOT 47, BLOCK 4, RITZ LAKE ADDITION, SAID POINT BEING THE NORTHEAST CORNER OF LOT 46, BLOCK 4, RITZ LAKE ADDITION; THENCE S89°50'41"W, ON THE SOUTH LINE OF SAID LOT 47, SAID LINE BEING THE NORTH LINE OF SAID LOT 46, A DISTANCE OF 236.00' TO THE SOUTHWEST CORNER OF SAID LOT 47, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 46, SAID POINT BEING ON A EAST LINE OF SAID OUTLOT "A"; THENCE S01°13'10"W, ON A EAST LINE OF SAID OUTLOT "A", SAID LINE BEING THE WEST LINE OF SAID LOT 46, A DISTANCE OF 125.04' TO THE SOUTHWEST CORNER OF SAID LOT 46, SAID POINT BEING THE NORTHWEST CORNER OF LOT 45, BLOCK 4, RITZ LAKE ADDITION; THENCE N89°50'41"E, ON THE SOUTH LINE OF SAID LOT 46, SAID LINE BEING THE NORTH LINE OF SAID LOT 45, A DISTANCE OF 239.00' TO THE SOUTHEAST CORNER OF SAID LOT 46, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 45, SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE; THENCE S00°09'19"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 27.42' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°04'02", A RADIUS OF 607.50', AN ARC LENGTH OF 21.92' ON A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 21.92', A TANGENT LENGTH OF 10.96', AND A CHORD BEARING OF S01°11'20"E, TO A POINT; THENCE S02°13'22"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 244.18' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 88°32'35", A RADIUS OF 242.50', AN ARC LENGTH OF 374.75' ON A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 338.56', A TANGENT LENGTH OF 236.41', AND A CHORD BEARING OF S42°02'56"W, TO A POINT; THENCE S86°19'13"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 141.71' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 03°40'27", A RADIUS OF 592.50', AN ARC LENGTH OF 38.00' ON A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 37.99', A TANGENT LENGTH OF 19.00', AND A CHORD BEARING OF S88°09'27"W, TO A POINT; THENCE S89°59'40"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 298.45' TO THE SOUTHWEST CORNER OF LOT 39, BLOCK 4, RITZ LAKE ADDITION, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 37, BLOCK 4, RITZ LAKE REPLAT 1; THENCE N00°00'20"W, ON A WEST LINE OF SAID LOT 39, SAID LINE BEING THE EAST LINE OF SAID LOT 37, A DISTANCE OF 234.00' TO THE NORTHWEST CORNER OF SAID LOT 39, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 37, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT "A"; THENCE S83°20'24"W, ON A NORTH LINE OF SAID LOT 37, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 120.81' TO A POINT; THENCE N78°14'14"W, ON A NORTH LINE OF SAID LOT 37, SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 107.25' TO THE NORTHWEST CORNER OF SAID LOT 37, SAID POINT BEING THE NORTH EAST CORNER OF LOT 36, BLOCK 4, RITZ LAKE REPLAT 1; THENCE S00°00'20"E, ON THE WEST LINE OF SAID LOT 37, SAID LINE BEING THE EAST LINE OF SAID LOT 36, A DISTANCE OF 241.88' TO THE SOUTHWEST CORNER OF SAID LOT 37, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 36, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF BRYAN SHORE DRIVE; THENCE S89°59'40"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 660.82' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 27°26'56", A RADIUS OF 472.50', AN ARC LENGTH OF 226.36' ON A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 224.20', A TANGENT LENGTH OF 115.40', AND A CHORD BEARING OF N76°16'52"W, TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 3,606,345.59 SQUARE FEET OR 82.79 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT THE RITZ LAKE, LLC., A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID LAND TO BE PLATTED INTO THIRTY SIX (36) LOTS AND FOUR (4) OUTLOTS, TO BE NAMED AND NUMBERED AS SHOWN, SAID PLAT TO BE HEREAFTER KNOWN AS RITZ LAKE REPLAT 3 OF OUTLOTS "A", "G" AND "I", LOTS 1 THROUGH 4, BLOCK 3, LOT 15, BLOCK 4, LOTS 19 THROUGH 21, BLOCK 4, LOT 30, BLOCK 4, LOTS 39 THROUGH 45, BLOCK 4, AND LOTS 47 THROUGH 50, BLOCK 4, RITZ LAKE ADDITION, LOTS 31 THROUGH 36, BLOCK 4, RITZ LAKE REPLAT 1, AND LOTS 6 THROUGH 14, BLOCK 4, RITZ LAKE REPLAT 2, SAID OWNER HEREBY RATIFIES AND APPROVES OF THE DISPOSITION OF THEIR PROPERTY, AS SHOWN ON THIS PLAT, SAID OWNER GRANTS UTILITY EASEMENTS AT THE LOCATIONS AND WIDTHS SHOWN ON THIS PLAT. WE DO ALSO GRANT EASEMENTS TO THE CITY OF FREMONT, SAID EASEMENTS ARE RESERVED FOR THE USE OF PUBLIC UTILITIES, AND ARE SUBJECT TO THE PARAMOUNT RIGHT OF THE PUBLIC UTILITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

THE RITZ LAKE, LLC., A NEBRASKA LIMITED LIABILITY COMPANY

KENT DOUGLAS RITTHALER
MANAGING MEMBER

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
DODGE COUNTY } SS

ON THIS _____ DAY OF _____, 20____, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME KENT DOUGLAS RITTHALER, MANAGING MEMBER, THE RITZ LAKE, LLC., A NEBRASKA LIMITED LIABILITY COMPANY.

NOTARY PUBLIC

FREMONT CITY COUNCIL APPROVAL

THIS PLAT AND DEDICATION SHOWN ON THIS PLAT ARE HEREBY ACCEPTED BY THE FREMONT CITY COUNCIL, DODGE COUNTY, NEBRASKA.

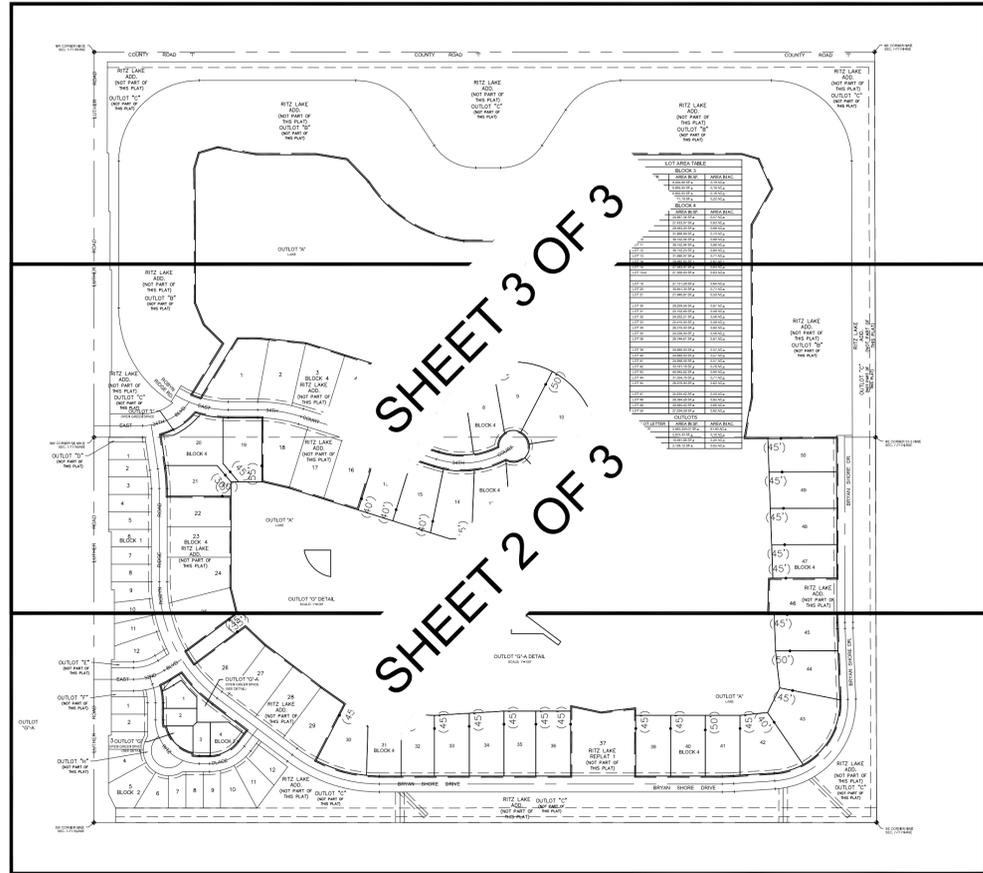
THIS _____ DAY OF _____, 20____.

SCOTT GETZSCHMAN, MAYOR KIMBERLY VOLK, CITY CLERK

PLANNING COMMISSION APPROVAL

THIS PLAT OF RITZ LAKE REPLAT 3 OF OUTLOTS "A", "G" AND "I", LOTS 1 THROUGH 4, BLOCK 3, LOT 15, BLOCK 4, LOTS 19 THROUGH 21, BLOCK 4, LOT 30, BLOCK 4, LOTS 39 THROUGH 45, BLOCK 4, AND LOTS 47 THROUGH 50, BLOCK 4, RITZ LAKE ADDITION, LOTS 31 THROUGH 36, BLOCK 4, RITZ LAKE REPLAT 1, AND LOTS 6 THROUGH 14, BLOCK 4, RITZ LAKE REPLAT 2, WAS APPROVED BY THE FREMONT CITY PLANNING COMMISSION.

CITY PLANNING DIRECTOR DATE

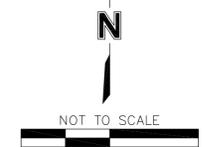


SHEET 3 OF 3
SHEET 2 OF 3

VICINITY MAP

INDEX OF SHEETS:

- SHEET 1 OF 3: COVER SHEET, VICINITY MAP, LEGAL DESCRIPTION, SURVEYOR'S CERTIFICATE, DEDICATION, ACKNOWLEDGMENT OF NOTARY, CITY OF FREMONT PLANNING COMMISSION APPROVAL, FREMONT CITY COUNCIL APPROVAL.
SHEET 2 OF 3: FINAL PLAT DRAWING, CURVE DATA, OUTLOTS AND EASEMENT DETAILS.
SHEET 3 OF 3: FINAL PLAT DRAWING, LOT AREA TABLE.



USER: mjohnson
DATE: Jul 07, 2016 11:17 am
PROJECT: F:\Projects\20060565_VSRVY\MasterXrefs\Replat-3\Drawings\006-0565_RLRP-3.dwg
XREFS: MICHAEL_JOHNSON_LIS_NE
060565_PBASE_CURRENT LOTS
060565_PBASE_CURRENT LOTS

OLSSON ASSOCIATES logo and contact information. Includes address: 1111 Lincoln Mall, Suite 111, Lincoln, NE 68501-4608. Phone: 402.474.6311, Fax: 402.474.1580. Revision table with columns for REV. NO., DATE, REVISIONS DESCRIPTION, and REVISIONS. SHEET 1 of 3.

Staff Report

TO: Planning Commission
FROM: Troy Anderson, Director of Planning
DATE: August 12, 2016
SUBJECT: Draft Unified Development Ordinance (UDO) Amendments – Article 6

Background: Staff has prepared the following amendments to Article 6 of the Draft UDO for review and consideration. This Article was broken into three (3) parts. The first part addressed parking, loading, and access. The second part addressed landscaping, buffering, and screening. This part addresses signs. The most significant revisions include:

- Reorganization;
- Removing redundant language;
- Revising language to accommodate content-neutrality as a result of the Reed case;
- Clarifying distinctions between commercial and noncommercial messaging, as well as on- and off-premise advertising and elaborating on prohibitions associated with off-premise advertising;
- General categorizing of signs as either permanent or temporary and either attached or detached; and
- General word-smithing.

~~[15-6]~~11-720 SIGNS

~~[Sec. 15-6]~~§11-721 Purpose~~[- Objectives]~~, Authority, and Findings

- A. **Purpose.** The purpose of these regulations is to provide standards for communicating information in the environment of the City and its extraterritorial jurisdiction. The regulations recognize the need to:
1. Protect public health, safety, and welfare;
 2. Maintain the City's attractive appearance;
 3. Provide for adequate business identification, advertising, and communication of information; and
 4. Encourage the fair enforcement of sign regulations.
- B. ~~[Certain Protections. The regulations set out in this Section are unrelated to the suppression of constitutionally protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers. The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Section. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.]~~
- C. **Authority.** The City has the authority to regulate signs under the United States Constitution. This Section advances important and substantial governmental interests. The regulations set out in this Section are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers. The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Section. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.
- D. **General Findings of Fact and Objectives.**
1. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech;
 2. The City has an important and substantial interest in preventing ~~{sign clutter}~~ a proliferation of signs because ~~{sign clutter}~~ a proliferation of signs distracts motorists causing a hazard to traffic safety, degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes all the messages displayed along the City's streets by creating visual confusion and aesthetic blight;
 3. ~~{Sign clutter}~~ A proliferation of signs can be prevented by regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community in safeguarding life, health, property and public welfare, as well as providing for a high quality community character;

Commented [AT1]: While the decision in the Reed case helped clarify what was once differing opinions about the definition of content-neutrality in the lower courts, it has raised other questions as to whether sign regulations that distinguish between on-premise versus off-premise signs and commercial speech versus noncommercial speech are content-based. Since the ruling in the Reed case, several lower courts have heard cases on such questions, and thus far the majority of court decisions favor viewing these distinctions as content neutral based on Supreme Court rulings prior to Reed.

Commented [AT2]: Clutter can be construed as subjective.

4. ~~{Temporary}~~ Signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the City's commercial corridors;
5. The City has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter; and
6. The ~~{uncontrolled}~~ use of off-premises outdoor advertising signs and their location, density, size, shape, motion, illumination, and demand for attention can be injurious to the purposes of this Section, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable.

Commented [AT3]: This statement is true of all signs, permanent and temporary.

Commented [AT4]: A number of court cases have found that billboards are "real and substantial hazards to traffic safety." *Metromedia, Inc. v. City of San Diego*

This does not include noncommercial messages. An off-premise sign is defined as, "advertising a business, product or service not sold or offered on the premises on which the sign is located." *Messer v. City of Douglasville*, faced the content neutrality issue directly, and held a definition of off-premise signs similar to the one quoted above was content-neutral.

~~{Sec. 15-6}~~ §11-722 Application

- A. **Generally.** All construction, relocation, enlargement, alteration, and modification of signs within the City and extraterritorial jurisdiction shall conform to the requirements of this Section, all State and Federal regulations concerning signs and advertising, and applicable building and electrical codes as adopted by this City, as amended from time to time. Approval of a sign shall be by sign permit, ~~{which may be issued with a building permit}~~.
 1. Unless specifically exempted, a permit must be obtained from the code official for the erection, alteration, modification and maintenance of all signs erected, altered, modified or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of these regulations.
 2. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or less of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.
 3. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a property permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
 4. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.
- B. ~~{Design Requirements. All signs shall comply with the general design requirements of Section 15-624, General Design and Maintenance Standards.}~~
- C. ~~{Signs That Do Not Require Permits. The following signs may be posted in compliance with these regulations without a sign permit:}~~
 1. ~~{Temporary Signs. Provided they comply with the general standards of Section 15-624, General Design and Maintenance Standards, and the standards of Section 15-626, Temporary Signs.}~~
 2. ~~{Flags. Flags that display a noncommercial message, provided that:}~~
 - a. ~~{Not more than three flagpoles (which may be vertical or mast arm) are installed on the lot or parcel; and}~~

Commented [AT5]: Redundant.

b. ~~The total area of flags does not exceed 45 square feet (e.g., one flag that is five feet by nine feet; or three flags that are three feet by five feet each).~~

D. **Exempt Signs.** The following are exempt from the application of this Section, but may be subject to building or electrical codes or other provisions of this ~~(UDO)~~UDC if they involve structures or equipment that are regulated by such ordinances or other Sections:

5. ~~{Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency;~~
6. ~~Temporary signs designed to call the attention of the public to any detour or public danger.~~Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution;
7. ~~{Painting and routine maintenance of sign structures and supports, if the sign area is not increased and no structural improvements, alterations, or replacements are made;}~~Works of art that do not include a commercial message.
8. ~~{Signs that are carried by people (however, such signs are not exempt if they are set down or propped against objects in view of a public right-of-way);}~~
9. Signs that are not visible from ~~{abutting property or public rights-of-way}~~ a public roadway and not intended to be visible to and readable from the public way or from adjacent property;
10. Signs that are affixed to a building wall within five feet of the principal entrance to the building that are:
 - a. ~~Not more than five square feet in area; and~~
 - b. ~~Are not legible from the street.~~
11. Signs that are ~~less than one square foot in area, that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets; and~~ Incidental building markers, provided they are less than two (2) square feet in area, containing no commercial message;
12. ~~{Seasonal decorations that are displayed for not more than two months per year.}~~ Religious and other holiday lights and decorations, containing no commercial message, and displayed only during the appropriate time of year;
13. ~~{Integral signs that are carved or etched in 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 it is part.}~~ Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
14. ~~{Signs displayed on the inside of windows or within a building provided the signage does not exceed 25 percent of the first-floor window surface. Signs in windows above the first floor are prohibited, except in the Downtown Commercial (DC) district.}~~
15. Freestanding/yard signs ~~{in residential districts}~~ provided they {are less than two square feet}meet all of the freestanding/yard sign regulations set forth in either [Title 11-726.01.01. Permissible Temporary Sign Types](#) or [Title 11-726.01.02. Permissible Temporary Sign Types](#).
16. ~~{Signs at the points of ingress and egress to neighborhoods provided that do not exceed 50 square feet.}~~

Commented [AT6]: Not a sign type.

Commented [AT7]: We'll need to define commercial and noncommercial messages. (i.e. commercial message – any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity; noncommercial message – any sign wording, logo, or other representation that is not defined as a commercial message.)

Commented [AT8]: Not a sign type.

Commented [AT9]: This should take care of any signage within a building, or other venue, where the audience is the patrons/clients *within* the facility/complex and not the general public.

Commented [AT10]: Incidental building markers.

Commented [AT11]: Incidental building markers.

Commented [AT12]: Incidental building markers.

Commented [AT13]: Window signs are a sign type that we will regulate elsewhere in code.

Commented [AT14]: This takes care of all development/construction and real estate signs and political/non-commercial message signs.

17. ~~Banners or semitransparent boards that are no more than 32 square feet or eight feet in height that are displayed on perimeter fences facing inward to an athletic field, provided they are placed one hour prior to and removed one hour after the athletic event.~~

Commented [AT15]: See D.5. above.

18. ~~Signs posted during the time of construction of a building, which shall be non-illuminated, shall not exceed 50 square feet or 10 feet in height above average grade level, and set back a distance equal to that of the district in which the sign is located. Such sign shall be removed within seven days following completion of building construction and issuance of a certificate of occupancy. See Sec. 15-626, *Temporary Signs*.]~~

E. ~~[**Exemption for Addressing.** The City finds that the posting of the address of buildings in locations that are visible from the street is necessary for the effective delivery of public safety services. The efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the City requires that street addresses shall be posted as follows:~~

Commented [AT16]: The International Fire Code (IFC) addresses premise identification for both nonresidential and residential.

1. ~~*Nonresidential and Mixed Use Districts.* In nonresidential and mixed use districts, street addresses shall be posted at:~~

- a. ~~All primary building entrances; and~~
- b. ~~On detached signage if the address on the building is not visible from the street.~~

2. ~~*Residential Districts.* In residential districts, street addresses shall be posted:~~

- a. ~~On the façade of the building that faces the street from which the address is taken; and~~
- b. ~~On the mailbox or mailbox support, if the mailbox is detached from the building.~~

3. ~~*Exclusion from Sign Area Calculation.* Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than 14 inches in height.]~~

F. **Signs Permitted Before Effective Date.** If a permit for a sign was issued in accordance with all City ordinances in effect prior to the effective date of this Ordinance, and provided that construction began within six (6) months of the effective date and diligently proceeded to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit was issued, subject thereafter, if applicable, to the provisions of this UDO regarding nonconforming signs (see **Subsection 15-723.07.**, *Signs* and **Subsection 15-724.01.**, *Termination, Restoration, and Removal*).

[Sec. 15-6] §11-723 Measurements and Calculations

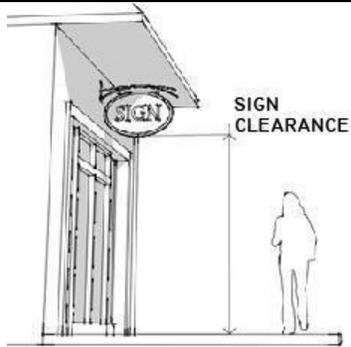
[15-6] 11-723.01. Measurements

A. **Generally.** The regulations of this Section shall be applied using the measurements set out in this Subsection.

B. **Clearance.** Clearance is the distance between the bottom of a sign and the nearest point on the surface under it. See **Figure 15-623.01.01.**, *Sign Clearance*,

Figure [15-6] 11-723.01.01.

Sign Clearance



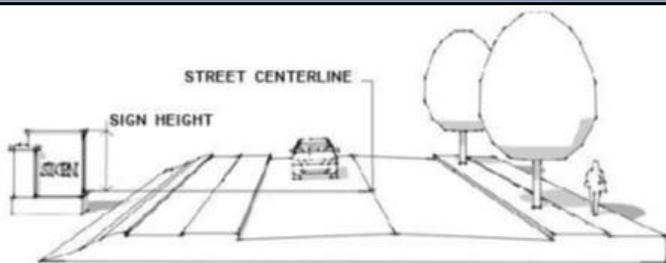
C. Sign Height.

1. *Generally*. Sign height is the distance from the average grade of the surface under the sign to the top of the sign or sign structure, whichever is higher. ~~However, chains or brackets that suspend a single sign from a horizontal plane of the building, awning, or canopy are not counted.~~
2. ~~Monument~~ **Freestanding** Signs. The height of ~~monument~~ **freestanding** signs is measured as provide in **Subsection C.1.**, above, unless **1)** the surface under the sign is lower than the centerline of the abutting street, **or 2) the sign is constructed on a graded earthen mound or berm higher than the centerline of the abutting street**, in which case the height is measured from the ~~average~~ elevation of the centerline of the abutting street ~~along the frontage of the parcel proposed for development~~ to the top of the sign or sign structure, whichever is higher. See **Figure 15-623.01.02, Monument Sign Height.**

Commented [AT17]: Sign height does not apply to projecting signs or under-canopy signs.

Figure [15-6] 11-723.01.02.

Monument Sign Height



- D. ~~[Items of Information. An item of information is a word, logo, abbreviation, symbol, geometric shape, image, or number with 10 or fewer digits (punctuation of numbers does not increase the number of items of information). See Figure 15-623.01.03., Items of Information.]~~

~~[Figure 15-623.01..03~~

~~Items of Information]~~

~~[The sign below has 7 items of information: 4 words + one 10-digit number (with punctuation) + 2 symbols]~~

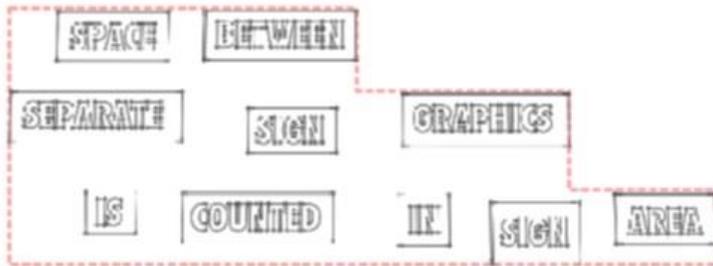


~~[15-6]~~ 11-723.02. Calculations

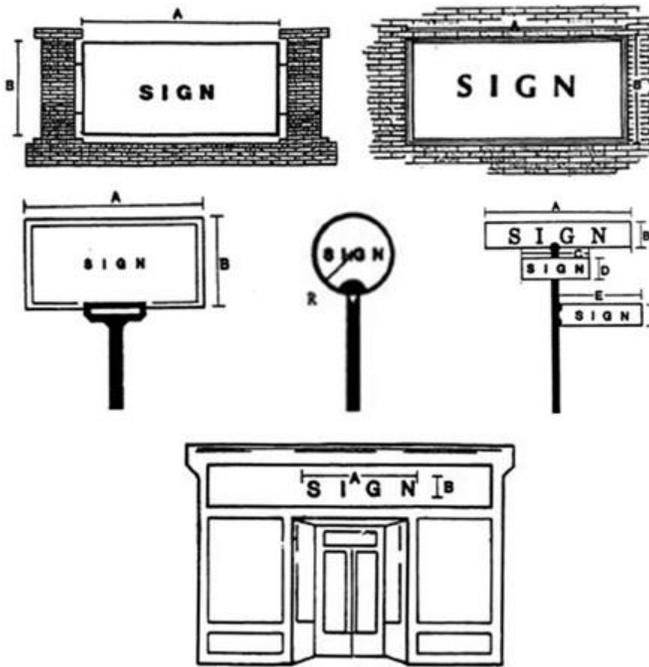
- A. **Generally.** The calculations required by the regulations of this Section shall be according to the methodologies of this Subsection.
- B. **Setback.** The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.
- C. **Sign Area.** Sign area is calculated by computing the entire area of the smallest, square, circle, rectangle, or triangle that encompasses the outer ~~[limited]~~ limits of the sign face, including any open areas within the sign face or faces individually. The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it). When the signage consists of individual letters, comprising individual words on a building, the area is calculated by computing the smallest square, circle, rectangle, or triangle that will encompass each word, logo, or symbol. ~~[The open spaces between words or other individual components is not included in the calculation].~~ See **Figure** 15-623.02.01., *Sign Area, Generally*, below. For projecting or double-faced signs (see **Figure** 15-623.02.02., *Sign Area, Illustration of Double-Faced Signs*, below), only one (1) display face is measured in computing sign area where the sign faces are parallel, or where the interior angle formed by the faces is sixty (60) degrees or less, provided that the signs are mounted on the same structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

Figure 15-6) 11-723.02.01.

Sign Area, Generally



The sign area of the following signs is measured as A x B, or in the case of a round sign, the circumference measured by the sign radii.



1. ~~Maximum Permitted Sign Area. The maximum permitted sign area for a premises is set out as a numerical limit or as a function of the frontage of the premises on a street or private street. For~~

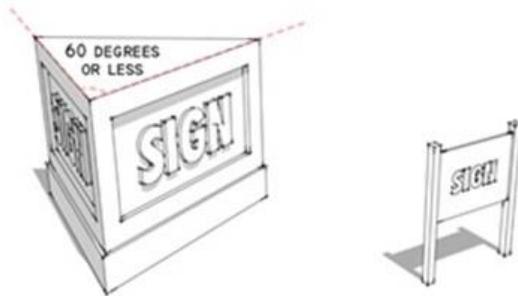
Commented [AT18]: A.k.a. aggregate area - typically associated with residential. We're going to try and get away from aggregate sign areas and focus more on individual sign location, quantity, and area regulations.

properties with frontage on more than one street or private street, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

2. ~~Double-Faces.~~ For projecting or double-faced signs (see Figure 15-623.02.02., *Sign Area, Illustration of Double-Faced Signs*, below), only one display face is measured in computing sign area which the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less, provided that the signs are mounted on the same structure. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

Figure ~~15-6~~ 11-723.02.02.

Sign Area, Illustration of Double-Faced Signs



D. **Signable Area:**

1. ~~Wall Signs.~~ A two-dimensional area on the façade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.
2. ~~Window Signs.~~ The area of glass within a window frame.
3. ~~Other Signs.~~ The area of the face of a sign which is designed to be used for text and graphics (the signable area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics).
 - a. ~~The sign area for ground signs, monument signs, and architectural sign bands are calculated as the area enclosing the extreme limits of the copy only.~~
 - b. ~~In the case of individual letters mounted to a wall, only the total area of the letters themselves is included with the sign area.~~
 - c. ~~In the case of multi-prism indexing sign, sign area is calculated as the area within the perimeter enclosing the extreme limits of the sign face, regardless of the number of individual messages displayed on the sign.~~

E. **Signable Area Ratio:** Signable area ratio is the sign area divided by the signable area. It is expressed as a percentage.

F. **Relationship Between Maximum Sign Area and Maximum Area Ratio:** Where both a maximum sign area and a maximum signable area ratio are set out, the standards that results in the least sign area applies.}]

Commented [AT19]: Not found in other model codes.

Commented [AT20]: Not found in other model codes. What is found is the percentage of building elevation/façade.

~~[Sec. 15-6]~~ §11-724 Design and Maintenance Standards

~~[15-6]~~ 11-724.01. Design Guidelines

- A. **Generally.** The guidelines set out in this Subsection address issues related to sign compatibility, legibility, placement, and illumination. They are intended to complement the standards of ~~Section 15-620, Signs~~, and to guide design decisions so as to result in quality visual environs.
- B. **Compatibility.** Signs that are well-designed are those that complement rather than detract from a building's architecture. Generally, all signs must be designed in a manner so as to be compatible with the building and property for which they are attached or located.
1. *Quality Design and Materials.* Signs should contribute positively to the streetscape aesthetic and the character of development.
 2. *Proportional Size and Scale.* The scale of a sign relative to the building and other site improvements should be appropriate for the building on which it is placed and the area where it is located.
 3. *Integrated Signs.* Signs should be designed as an integrated element of the building whereby its materials, colors, and shapes complement the building architecture. New signs proposed for existing multi-tenant buildings should be compatible in size, scale, and type with the existing signage of other tenants.
- C. **Legibility.** A sign that is effective in conveying its message should be designed to communicate its message clearly. To a large degree, this is accomplished by the readability of words and phrases. The most significant influence on legibility is lettering style and spacing. Legible signs tend to:
1. Use a brief message as it is less cluttered and easier to read.
 2. Use common typefaces.
 3. Limit the number of lettering styles to no more than two for most signs.
 4. Occupy no less than fifty (50) percent and no more than seventy-five (75) percent of the sign area.
 5. Use recognizable symbols and logos.
 6. Use regular shapes.
 7. Use substantially contrasting colors and materials between the background and the letter or symbols.
- D. **Placement.** The placement of signs on buildings should be clearly visible and in logical locations where most patrons would expect to see a sign. Appropriate sign locations are as follows:
1. *Respect Building Architecture.* Signs should align to and be compatible with the architectural details of the building's façade.
 2. *Create Visual Interest.* On buildings that have a monolithic or plain façade, signs can be used to establish or continue appropriate design rhythm, scale, and proportion. Well-designed signs create visual interest and continuity with other storefronts on the same or adjacent buildings.
 3. *Place within Structural Boundaries.* Signs should not project above the edge of the rooflines or building walls.
 4. *Mark Main Building Entries.* Signs should be placed at or near the main entrance to a building or parking area to indicate that most direct access to the business.

Commented [AT21]: None of this is regulatory.

Commented [AT22]: This seems like a circular argument. What are we trying to say?

E. **Illumination.** Well-designed signs are appropriately illuminated with careful consideration as to the type and strength of illumination.

1. *Use Illumination Only as Necessary.* Not all signs warrant illumination. In fact, non-illuminated signs and window displays may be sufficient to identify many businesses.
2. *Use a Projected Light Source.* Illumination by a projected light, such as an indirect spotlight or gooseneck down light, is preferred to internal illumination. External lighting fixtures should be small and unobtrusive and should not cast light or glare above the horizontal plane of the top of the sign.
3. *Shield the Light Source.* The light source, whether internal or external, should be shielded from view or directed so that the light intensity or brightness is not objectionable to surrounding areas. Signs should feature the minimum level required for nighttime readability.
4. *Illuminated Signs.* Individual illuminated letters, either internally illuminated or backlit (halo lit) solid letters (reverse channel) are preferred. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's façade as a backdrop better integrating them with the structure.
5. *Neon Lighting.* Generally, neon lighting is discouraged. Where artistically appropriate exposed neon tubing may be used in conjunction with other types of materials to attractively emphasize the business name and/or logo.
6. *Sign Electrical Raceways and Conduits:*
 - a. Electrical transformer boxes and raceways should be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway should be finished to match the background wall or integrated into the overall sign design.
 - b. If raceways are necessary, they should be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics.

~~15-6~~11-724.02. Prohibited Signs and Design Elements

A. **Generally.** This Subsection identifies signs and sign elements that are not allowed anywhere in the City.

B. **Prohibited Signs.** The following signs are prohibited in all areas of the City:

1. ~~Signs with more than two sign faces.~~
2. Signs that are a traffic hazard because they ~~stimulate~~ simulate or imitate (in size, color, lettering, or design) any traffic sign or signal, or signs located in such a manner as to obstruct or otherwise interfere with a drivers view of approaching, merging or intersecting traffic.
3. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
4. Animated or moving signs that are visible from public rights-of-way, including any moving, swinging, rotation, flashing, blinking, scintillating, fluctuating, or otherwise animated light (except as allowed in **Subsection** 15-624.06., *Message Centers*).
5. Portable signs except as allowed for temporary signs.
6. ~~Vehicle~~ Signs attached to or placed on a vehicle or trailer parked on public or private property except for signs meeting the following conditions:

Commented [AT23]: Why? Not found in other model codes.

- a. The primary purpose of such a vehicle or trailer is not the display of signs.
- b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally design by the manufacturer, and do not break the silhouette of the vehicle.
- c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- d. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

- 7. ~~{Cabinet signs, illuminated and non-illuminated.}~~
- 8. ~~{Inflatable signs.}~~
- 9. ~~{Portable signs, except as specifically permitted in Section 15-626, Temporary Signs.}~~
- 10. ~~{Obsolete signs.}~~
- 11. ~~{Roof signs.}~~
- 12. Signs which contain or consist of ~~{banners,}~~ balloons (including signs which are inflatable or may otherwise be inflated), posters, pennants, ribbons, streamers, spinners, or other similarly moving devices ~~{, except as specifically provide in Section 15-626, Temporary Signs.}~~ These devices when not part of any sign shall also be prohibited.
- 13. ~~{Signs that create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.}~~
- 14. ~~{Portable signs that are not permanently anchored or secured to either a building or the ground except as provide by Section 15-626, Temporary Signs.}~~
- 15. Off premise signs ~~{located on public property which are being used for public purposes.}~~
- 16. ~~Off premise signs painted on building walls.}~~
- 17. All other signs not expressly permitted herein.

C. Prohibited Design Elements.

- 1. ~~The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:~~
 - a. ~~Sound, smoke, or odor emitters.~~
 - b. ~~Awnings that are back lit and/or made of plastic.~~
 - c. ~~Stacked products (e.g., tire, soft drink cases, bagged soil or mulch).~~
 - d. ~~Unfinished wood support structures, except that stake signs may use unfinished stakes.~~
- 2. ~~The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent, which are visible from public rights-of-way:~~
 - a. ~~Flags, banners, or comparable elements that are designed to move in the wind, but only when such elements are attached to another sign type (e.g., flags may be attached to flagpoles, but may not be attached to monument signs).~~
 - b. ~~Spinning or moving parts.~~
 - c. ~~Bare light bulbs, except on holiday displays.~~
 - d. ~~Flashing bulbs, except on holiday displays.~~

Commented [AT24]: Why? Not found in other model codes.

Commented [AT25]: This will be addressed as part of nonconforming signs.

Commented [AT26]: Are you sure?

Commented [AT27]: A number of court cases have found that billboards are "real and substantial hazards to traffic safety." *Metromedia, Inc. v. City of San Diego*

Commented [AT28]: Redundant.

e. ~~Motor vehicles, unless:~~

- ~~1. The vehicles are functional, used as motor vehicles, and have current registration and tags;~~
- ~~2. The display of signage is incidental to the motor vehicle use; and~~
- ~~3. The motor vehicle is properly parked in a marked parking space or is parked behind the principal building.~~

f. ~~Semi-trailers, shipping containers, or portable storage units, unless:~~

- ~~1. The trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags;~~
- ~~2. The display of signage is incidental to the use for temporary storage, pick-up, or delivery; and~~
- ~~3. The semi-trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.~~

D. ~~Prohibited Content:~~

- ~~1. The following content is prohibited without reference to the viewpoint of the individual speaker:~~
 - ~~a. Text or graphics of an indecent or immoral nature and harmful to minors;~~
 - ~~b. Text or graphics that advertise unlawful activity;~~
 - ~~c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or~~
 - ~~d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (e.g., signs that use the words "Stop", "Yield", "Caution", or "Danger", or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).~~
- ~~2. The narrow classifications of content that are prohibited by this Subsection are either not protected by the United States or the Nebraska Constitution, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this Subsection (e.g., Subsection D.1.a.d., D.1.b., D.1.c., or D.1.d.) be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Nebraska Constitutions.~~

E. ~~Prohibited Sign Colors. Non-spectrum and iridescent colors are prohibited.~~

~~[15-6]11-724.03. Unsafe and Prohibited Locations~~

A. ~~[Generally. Attached signs shall be installed on signable areas of buildings, as defined by Section 15-623, Measurement and Calculations. Detached signs shall be set back as required by Subsection 15-625.02., Detached Signs. Signs that are in violation of this Subsection are subject to immediate removal.]~~

B. **Prohibited Obstructions.** In no event shall a sign, whether temporary or permanent, obstruct:

1. Building ingress or egress, including doors, egress windows, and fire escapes.

Commented [AT29]: Not content neutral.

Commented [AT30]: Not content neutral.

Commented [AT31]: This has nothing to do with unsafe and prohibited locations.

2. Features of the building or site that are necessary for public safety, including standpipes and fire hydrants.
 3. Sight triangles that are required by **Subsection 15-513.08**, *Sight Distance Requirements*.
- C. **Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, or mounted on any of the following location:
1. Trees or shrubs.
 2. Utility ~~or light~~ poles ~~unless:~~
 - a. ~~There is not less than eight feet of sign clearance; and~~
 - b. ~~If the pole is maintained or owned by a utility company, the utility company has granted permission for the brackets to be mounted on the pole;~~
 3. On utility cabinets, except signs posted by the utility that are necessary for public safety or identification of the facility by the utility provider.
- D. **Prohibited Locations.** In addition to the setback requirements ~~of this Section~~, and ~~the~~ other restrictions ~~of this Subsection~~, no sign shall be located in any of the following locations:
1. In or over public rights-of-way ~~(which, in addition to streets, may include other elements, such as sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within the public right of way)~~, except:
 - a. Traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity (e.g., permanent traffic control devices such as stop, yield, and speed limit signs, as well as temporary signs related to street construction or repair);
 - b. Signs in the Downtown Commercial (DC) district ~~for which an encroachment permit has been issued~~;
 - c. Signs posted by governmental entities that support emergency management, such as way-finding to disaster relief locations; and
 - d. ~~Signs constructed~~ Way-finding signage where reviewed and approved by the City Council as part of a way-finding signage plan that implements an adopted community identity program.
 2. In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of Nebraska and the regulations duly promulgated by agencies thereof.
 3. Within easements for ~~overhead~~ access, drainage, or utilities ~~(placement in other utility easement areas is allowed only if approved by the utility service provider and if the other applicable requirements of this UDO are met)~~.

Commented [AT32]: Redundant and confusing.

Commented [AT33]: What's an encroachment permit? Can't this just be authorized as part of the sign permit?

~~**15-611-724.04. Items of Information**~~

~~No sign face contains more than 20 items of information. Items of information are measured as provided in Section 15-623, *Measurement and Calculations*.~~

Commented [AT34]: Non content neutral.

~~**15-624.05. Illumination**~~

- A. **Generally.** Signs shall be internally illuminated or, if external illumination is used, the source of illumination shall be shielded.
- B. **Shielding of Light Source/Prevention of Glare.** The source of light shall be oriented or otherwise controlled to prevent glare toward any party of an existing residence, a residential area or district, or a public street or highway.
- C. **Color.** External illumination shall be in white light only.
- D. **Code Compliance.** Illuminated signs shall be constructed in accordance with all applicable building and electrical codes.
- E. **Sign Illumination.** Signs shall not exceed the illumination levels set out in **Table 15-624.05.**, *Maximum Sign Illumination Standards*.
- F. **Electrical Service.** ~~When electrical service is provided to a sign, all such electrical service shall be placed underground.~~ Signs may not be served by overhead electrical service.

| Table 15-6 11-724. 05 04. | | | | |
|---|---|--------------------------------------|--------------------------------------|--|
| Maximum Sign Illumination Standards | | | | |
| Type of Illumination | Distance from Sign to {AG, R} , SR , {GR} AR, {HR} , UR , MH or {NC} SC District | | | Not Visible from {AG, R} , SR , {GR} AR, {HR} , UR , MH or {NC} SC District |
| | Less than 200' | 200' to 500' | More than 500' | |
| {Direct} Internal or Backlit | {90} 43.8 foot-lamberts | {150} 109.5 foot-lamberts | {250} 218.9 foot-lamberts | {250} 218.9 foot-lamberts |
| {Indirect} External or Reflected | 10 foot-candles | 25 foot-candles | 50 foot-candles | 50 foot-candles |

Commented [AT35]: Equivalent to 750 candela/meter² as recommended by the USSC Foundation.

~~15-624.06. Message Centers~~

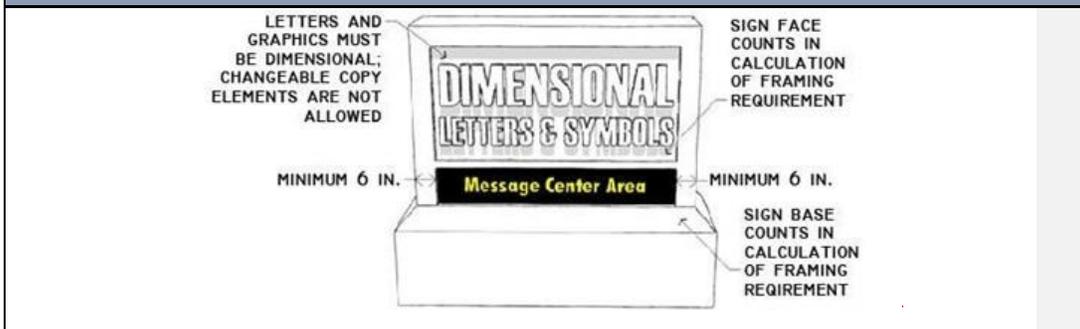
Commented [AT36]: Relocated to 11-725.04.

- A. ~~Generally. Manual and electronic message centers may be used in detached signs and marquee signs to a limited degree, pursuant to the applicable standards of this Subsection.~~
- B. ~~Removal of Portable Changeable Copy Signs. If a message center is incorporated into a new or existing sign, then all portable message center signs shall be removed from the property upon completion of the new or modified sign as a condition of the sign permit.~~
- C. ~~Electronic Message Centers. Electronic message centers may be incorporated into signage as follows:~~
 - 1. ~~Design Requirements:~~
 - a. ~~Electronic message centers are only permitted on monument signs or marquee signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the electronic message center in all directions.~~
 - b. ~~Electronic message centers shall make up not more than 25 percent of the sign area of a monument sign or 40 percent of the sign area of a marquee sign. The balance of the sign area shall utilize permanent, dimensional letters or symbols.~~

- c. No sign structure that includes a cabinet, box, or manual changeable copy sign may also include an electronic message center. See Figure 15-624.06.01., *Electronic Message Center Design Requirements*, below.
- 2. **Operational Requirements.** Electronic message centers:
 - a. Shall be monochromatic;
 - b. Shall contain static messages only;
 - c. Shall display messages for a period of not less than one minute;
 - d. Shall not use transitions or frame effects between messages;
 - e. Shall include an automatic dimmer that dims the sign at dusk or low-light conditions; and
 - f. Shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use.

Figure 15-624.06.01.

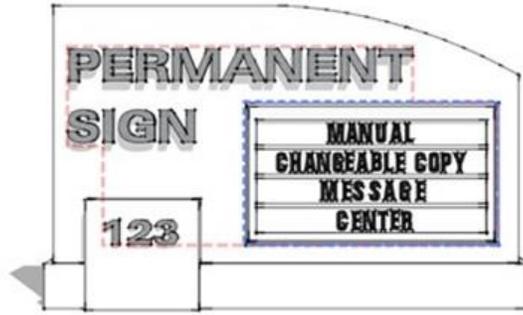
Electronic Message Center Design Requirements



- D. **Manual Changeable Copy Message Centers.** Manual changeable copy signs may be incorporated into signage as follows:
 - 1. Manual changeable copy message centers are only permitted on monument signs or marquee signs which enclose the message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six inches from the message center in all directions.
 - 2. Manual changeable copy message centers, including their frames, shall make up not more than 50 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See Figure 15-624.06.02., *Manual Changeable Copy Centers*, below.
 - 3. Manual changeable copy message centers shall not be internally lit unless:
 - a. They use opaque inserts with translucent letters, numbers, or symbols (see Figure 15-624.06.03., *Changeable Copy Inserts*, below);
 - b. Blank opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
 - c. The opaque portion of the letters, numbers, and symbols is the same color.

Figure 15-624.06.02.

Manual-Changeable Copy-Centers



Changeable copy message centers may be internally lit if they use opaque inserts with translucent letters, numbers, or symbols (see A below), but shall not be internally lit if they use clear or translucent inserts with opaque or translucent letters, numbers, or symbols (see below).

Figure 15-624.06.03.

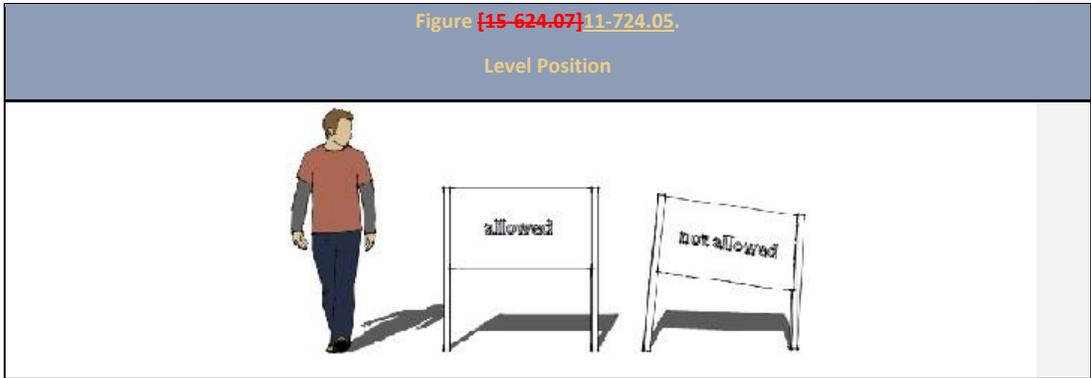
Changeable Copy Inserts]



~~15-624.07~~11-724.05. Maintenance

- A. **Generally.** Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as provided in this Subsection. Signs shall be maintained in a good state of repair, including but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
- B. **Message.** Signs shall display messages. Signs that do not display a message for a period of more than ninety (90) days ~~are~~ shall be considered abandoned. See Subsection 15-724.01., *Termination, Restoration, and Removal*.
- C. **Paint and Finishes.** Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not part of the original design.
- D. **Mineral Deposits and Stains.** Mineral deposits and stains shall be promptly removed.

- E. **Corrosion and Rust.** Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
- F. **Level position.** Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position. See [Figure 15-624.07.](#), *Level Position*.



~~Sec. 15-6~~ §11-725 Permanent Signs

~~15-6~~ 11-725.01. Attached Signs

- A. **Generally.** There are many forms of attached signs. This Subsection sets out which forms of attached signs are allowed in each district and the standards that apply to them. Attached signs that are not listed in ~~the table are not allowed in any of the districts set out in~~ either [Table 15-625.01.01](#), *Permissible Attached Sign Types* or [Table 11-725.01.02](#), *Permissible Attached Sign Types*, are not allowed.
- B. ~~Agricultural,~~ Rural, Residential, ~~Public Use~~ Campus/University, and ~~Residential~~ Parks and Open Space Districts.
 1. The standards of [Table 15-625.01.01](#), *Permissible Attached Sign Types*, apply to rural, residential including multi-family, mixed-uses including campuses and universities, and nonresidential uses including parks and open space in the districts that are set out in the table.
 2. Attached signs are not allowed for home occupations, except for required address signs.
- C. **Nonresidential Districts.** The standards of [Table 15-625.01.02](#), *Permissible Attached Sign Types*, apply to the districts that are set out in the table.

| Table 15-6 11-725.01.01. Permissible Attached Sign Types | | | | | | |
|---|--|--|--|--|--------------------|--|
| [Agricultural,] Rural, Residential, [Public Use] Campus/University, and [Residential] Parks and Open Space Districts | | | | | | |
| District | [AG] R | [PU] PO | [RR] SR | [NC] AR | [SR] UR | [GR] MH [HR/UR/TND] CU |
| Attached Signs, Generally | | | | | | |
| Allowances | Each tenant/legal entity operating a business within a building is permitted not more than two (2) , attached signs (as set out herein) on each exterior business wall enclosing such business, unless otherwise limited herein, provided the maximum sign area of any one (1) attached sign or any combination of attached signs does not exceed twenty (20) percent of the building elevation to which the sign(s) are attached, and: | | | | | |
| | 1. The wall contains a public entrance serving only such occupancy; | | | | | |
| | 2. The wall is fronting on or most directly facing a public street right-of-way; or | | | | | |
| | 3. The wall abuts a parking lot with a parking module width of 55 feet or more for the same or an adjacent or abutting property. | | | | | |
| Building, Wall, or Fascia Sign¹ | Allowed | | | | | |
| Number Allowed | 1 per building | 1 per [façade] building | 1 per building | | | |
| Maximum Sign Area | {75-sf.} 1 sf. per lf. of building frontage | {35-sf.} 1 sf. per lf. of building frontage | {25-sf.} 1 sf. per lf. of building frontage | {35-sf.} 2 sf. per lf. of building frontage | | |
| {Maximum Signable Area Ratio} | 50% | 60% | 50% {50%} | | | |
| Other Limitations | {Not allowed if fascia or parapet sign is used} None. | | | | | |
| {Fascia Sign or Parapet Sign} | Allowed | Allowed | Not Allowed | | | |
| Number Allowed | 1 per building | 1 per façade | None | | | |
| Maximum Sign Area | 25-sf. | 25-sf. | - | | | |
| Maximum Signable Area Ratio | 75% | 75% | - | | | |
| Other Limitations | Not allowed, if a wall sign is used. Also, see Note 4. | | | None | | |
| {Blade Sign or Shingle} Projecting Sign | Not Allowed | Allowed | | | | |
| Number Allowed | - | 1 per primary building/store entrance | 1 per {single or two family dwelling} (permitted home occupations only)} primary building/store entrance | | | |
| Maximum Sign Area | - | 6 sf. | {2} 6 sf. | | | |
| Minimum Clearance | - | 8 ft. | {1} 8 ft. | | | |

Commented [AT37]: Move column to the far right to reflect hierarchy of district designation.

Commented [AT38]: For example, a business might incorporate 1 building, wall, or fascia sign (since only 1 per building is permitted) with 1 projecting sign (again, only 1 per building/store entrance being permitted) for a total of 2 attached signs.

Commented [AT39]: Explore.

Commented [AT40]: Industry standard says that these are the same as building/wall signs.

| Table (15-6) 11-725.01.01. | | | | | | |
|---|-------------------|--|--------------------|--------------------|--|--|
| Permissible Attached Sign Types | | | | | | |
| (Agricultural,) Rural, Residential, (Public Use) Campus/University, and (Residential) Parks and Open Space Districts | | | | | | |
| District | (AG) R | (PU) PO | (RR) SR | (NC) AR | (SR) UR | (GR) MH (HR/UR/TND) CU |
| Maximum Height | - | 12 ft. | | | | (-) 12 ft. |
| Other Limitations | - | {Allowed under awnings on front facade only} 1. Shall not be illuminated. {Allowed with a wall, fascia, or parapet sign} 2. Projecting signs must be attached to the building elevation to which the primary building/store entrance is associated. | | | {Unlighted} 1. Shall not be illuminated. {Single signs shall be affixed flat against a building wall only} 2. Projecting signs must be attached to the building elevation to which the primary building/store entrance is associated. | |

Commented [AT37]: Move column to the far right to reflect hierarchy of district designation.

| Table (15-6) 11-725.01.02. | | | | | | |
|---------------------------------------|--|--|--|--|--|----------------|
| Permissible Attached Sign Types | | | | | | |
| Nonresidential Districts | | | | | | |
| District | (HN) SC | (BP) GC | (GC) DC ^(S) | (DC) BP | LI | GI |
| Attached Signs, Generally | | | | | | |
| Allowances | Each <u>tenant</u> /legal entity operating a business within a building is permitted not more than <u>two (2)</u> , attached signs (as set out herein) on each exterior business wall enclosing such <u>occupancy</u> business, unless otherwise limited herein, <u>providing</u> provided the <u>following</u> maximum sign area of any one (1) sign or any combination of attached signs does not exceed twenty (20) percent of the building elevation to which the sign(s) are attached, and: <ol style="list-style-type: none"> The wall contains a public entrance serving only such occupancy; The wall is fronting on or most directly facing a public street right-of-way; or The wall abuts a parking lot with a parking module width of <u>40</u> <u>fifty-five (55)</u> feet or more for the same or an adjacent or abutting property. <p>{Occupants located on the interior of a building without store frontage shall be allowed one sign with a maximum sign face of 24 sf, attached at the entrance nearest the occupant's space}</p> | | | | | |
| Building, Wall, or Fascia Sign | Allowed | | | | | |
| Number Allowed | 1 per building | 1 per (façade) building/unit frontage | 1 per building |

Commented [AT41]: Consider percentage allowance (ref. ussfoundation).

Table ~~(15-6)~~ 11-725.01.02.

Permissible Attached Sign Types

Nonresidential Districts

| District | {HN} SC | {BP} GC | {GC} DC ^{S1} | {DC} BP | LI | GI |
|--|---|---|--|--|--------------------|--------------------|
| Maximum Sign Area | {Aggregate (total) sign area of 0.5 sf. per linear ft. of facade width, or 50 sf., whichever is less} <u>1 sf. per lf. of building frontage</u> | {Aggregate (total) sign area of 1.0 sf. per linear ft. of facade width, or 300 sf., whichever is less; provided a minimum sign area of 32 sf. is allowed} <u>2 sf. per lf. of building/unit frontage</u> | {Aggregate (total) sign area of 0.5 sf. per linear ft. of facade width, or 132 sf., whichever is less} <u>2 sf. per lf. of building/unit frontage</u> | {Aggregate (total) sign area of 0.5 sf. per linear ft. of facade width, or 300 sf., whichever is less} <u>2 sf. per lf. of building/unit frontage</u> | | |
| | {See Note 6} | | | {See Notes 6 & 7} | | |
| {Maximum Signable Area Ratio} | 50% | 50% | 65% | 85% | 50% | |
| Other Limitations | <p><u>1.</u> All wall signs shall maintain a minimum distance of one <u>(1)</u> foot from the lease line of the occupant's portion of the facade.</p> <p><u>2.</u> The linear footage shall be measured along the wall of the facade on which the sign will be located.</p> <p><u>3.</u> On building frontages located at the corner of a building, which face two <u>(2)</u> separate street frontages, or if a business occupies an entirely separate structure within a center, additional wall signs are allowed provided there is a minimum of <u>thirty (30)</u> ft. maintained between the nearest edge of any two <u>(2)</u> signs and each sign is mounted on a separate wall facing a separate direction.</p> | | | | | |
| {Fascia Sign or Parapet Sign} | Allowed | Allowed | Allowed | Allowed | Allowed | Allowed |
| Number Allowed | 1 per primary building/store entrance. | | | | | |
| Maximum Sign Area | 20 sf. | 40 sf. | 40 sf. | 20 sf. | 40 sf. | 50 sf. |
| Maximum Signable Area Ratio | 20% | | | | | |
| Other Limitations | <p>In the case of multiple building/store entrances, no fascia sign shall exceed 200 square feet. In cases where a tenant has two structures, one of which is accessory, whether attached or not, only one of the structures will be permitted fascia signage when both face the same adjacent public right-of-way.</p> <p>Not allowed if wall or marquee signs are used.</p> | | | | | |
| Other Allowances | <p>If a building is located on a through lot and is set back from the rear right-of-way less than 30 feet, then one additional sign per primary building entrance is permitted for display on the rear facade of the building, provided that no facade includes more signs than the total number of primary building entrances.</p> | | | | | |

Commented [AT42]: Define building unit (i.e. tenant space).

Commented [AT43]: Industry standard says that these are the same as building/wall signs.

Table ~~15-6~~ 11-725.01.02.

Permissible Attached Sign Types

| Nonresidential Districts | | | | | | |
|--|---|--|--|------------------------------|------------------------------|----------------|
| District | {HN} SC | {BP} GC | {GC} DC ^{IS1} | {DC} BP | LI | GI |
| Window Sign | Allowed | | | | | |
| Number Allowed | 1 per building | 1 per building/unit frontage | 2 per building/unit frontage | 1 per building/unit frontage | 1 per building/unit frontage | 1 per building |
| Minimum Window Transparency | 75% | | 65% | 75% | | |
| Neon Signs ^{IS2} | Not Allowed | 1 per {façade} building/unit frontage | | Not Allowed | | |
| Maximum Size of Neon Signs | - | 6 sf. | | - | - | - |
| <u>Other Limitations</u> | Window panels separated by muntins or mullions shall be considered as one (1) continuous window. | | | | | |
| Awning or Canopy Sign | Allowed | | | | | |
| Number Allowed | 1 per awning or canopy | | | | | |
| Maximum Sign Area | 5 sf. | | | | | |
| {Maximum Signable Area Ratio} | 90% of valence for copy and graphics on valence; 50% of other areas for copy and graphics on other areas. | | | | | |
| Marquee Sign | Not Allowed | | Allowed | Not Allowed | | |
| Number Allowed | - | - | 1 per building | - | - | - |
| Maximum Sign Area | - | - | 20 sf. per face, up to 3 faces | - | - | - |
| Other Limitations | - | - | <ol style="list-style-type: none"> 1. Not allowed on facades that face a residential use or district. 2. Not allowed on buildings that have less than 12,000 sf. of gross floor area. 3. Not allowed if a building, wall, fascia, parapet, awning, or canopy sign is used. | - | - | - |
| {Blade Sign or Shingle} | Allowed | Not Allowed | Allowed | Not Allowed | Not Allowed | |

Commented [AT44]: Industry standard says these are the same as projecting signs.

Table ~~15-6~~ 11-725.01.02.

Permissible Attached Sign Types

| Nonresidential Districts | | | | | | |
|--------------------------|--|--------|---|----------------------|----------------|----------------|
| District | {HN/}SC | {BP}GC | {GC}DC ^{IS1} | {DC ^S }BP | LI | GI |
| Number Allowed | 1 per primary building/store entrance | - | 1 per primary building/store entrance | | - | - |
| Maximum Sign Area | 6 sf. | - | 6 sf. | | - | - |
| Minimum Clearance | 8 ft. | - | 8 ft. | | - | - |
| Maximum Height | 12 ft. | - | 12 ft. | | - | - |
| Other Limitations | Allowed under awnings or arcades on front facades only | - | Allowed under awnings or arcades on front facades only | | - | + |
| Roof Sign | Not Allowed | | Allowed | | | |
| Number Allowed | - | - | 1 per building or set of building units in cases of a multi-tenant center | | 1 per building | 1 per building |
| Maximum Sign Area | - | - | 50 sf. | | 50 sf. | 75 sf. |
| Maximum Height | - | - | 8' above top of building wall, fascia, or parapet | | | |
| Other Limitations | - | - | Not allowed if a wall sign is used. | | | |
| Projection Sign | Allowed | | | | Not Allowed | |
| Number Allowed | 1 per façade | | | | - | - |
| Maximum Sign Area | 4 sf. | 8 sf. | 8 sf. | 6 sf. | - | - |
| Clearance | 8' | | | | - | - |

| Table 15-6 11-725.01.02. | | | | | | |
|---|------------------------|---|--|--------------------|----|----|
| Permissible Attached Sign Types | | | | | | |
| Nonresidential Districts | | | | | | |
| District | {HN} SC | {BP} GC | {GC} DC ^{S} | {DC} BP | LI | GI |
| Other Limitations | | | No projecting sign shall project more than 45 inches into public right-of-way or over a sidewalk or public easement. Any such projecting sign shall be oriented so that the face of the sign is perpendicular to the building façade from which it projects. | | | |
| {Other Allowed Signs} | Not Allowed | | | Allowed | | |
| Rear-Door Sign | - | An identification wall sign must be displayed on or at a rear door of each separate business entity for the purposes of emergency access and deliveries only. Such sign shall be limited in size to 2 sf. Rear doors are only those not utilized as a primary entrance for patrons during normal business hours and those that do not open directly or indirectly to the patron area of the premises. | | | | |
| <p>TABLE NOTES:</p> <p>1. [The permissible attached sign types in this district] are applicable to NC.1, NC.2, NC.3, NC.4, and NC.5.</p> <p>2. Multi-family units may display one temporary sign per frontage and per point of ingress or egress, with a maximum of four signs. Such signs may be two-sided, with a maximum sign face on each side of 6 sf. The sign shall not be placed on public property.</p> <p>3. Walls signs may be mounted on or affixed to a building wall provided it does not extend above the wall or fascia, project more than two horizontal feet from the building, or project into or over vehicular access drives, required setbacks, landscape or bufferyard areas, or property lines. Refer to Subsection 15-623.02., Calculations, regarding double-faced signs.</p> <p>4. In cases where a tenant has two structures, one of which is accessory, whether attached or not, only one of the structures will be permitted fascia or parapet signage when both face the same public right-of-way.</p> <p>5. Refer, also to Subsection 15.625.031, Downtown Commercial (DC) District Sign Standards.</p> <p>6. For any one business or venture, 3 sf. of sign area for each lineal foot of building frontage or 132 sf., whichever is less. If such business has more than one public street frontage, it shall have up to 132 sf. for each frontage provided the signage faces such frontage.</p> <p>7. See Subsection 15.625.031, Downtown Commercial (DC) District Sign Standards, for additional limitations on wall signs.</p> <p>8. 2. The sign area of a neon sign counts as opaque in the measurement of window transparency. Neon signs must be turned off at the close of business each day.</p> | | | | | | |

Commented [AT45]: Not consistent with industry standards.

Commented [AT46]: Contradictory to allowed.

Commented [AT47]: Contradictory to permissible.

Commented [AT48]: No longer applicable.

Commented [AT49]: Not applicable to a permanent sign table.

Commented [AT50]: It's no longer a building, wall, or fascia sign at that point, it's a roof sign.

Commented [AT51]: It's no longer a building, wall, or fascia sign at that point, it's a projecting sign.

Commented [AT52]: Prohibited location anyway.

Commented [AT53]: Why not?

Commented [AT54]: Contrary to Downtown Commercial applications.

~~15-6~~11-725.02. Detached Signs

- A. **Generally.** This Subsection sets out which forms of detached signs are allowed in each district, and the size and height standards that apply to them. Detached signs that are not listed in **Table 15-625.02.**, *Permissible Detached Sign Types* are not allowed ~~[in any of the districts set out in the table].~~
- B. **Design and Materials of ~~Monument and~~ Freestanding Signs.** All ~~[monument and]~~ freestanding signs shall be designed and constructed to substantially ~~appear~~ **appear** as a solid mass, such as cylinder, block, rectangle, or square, from ground level to the highest portion of the sign. All ~~[monument and]~~ freestanding signs must be made of masonry, stucco, metal, routed wood planks or beams, or durable plastic.
- C. ~~[Sign Height. This sign height shall be measured from the grade at the edge of the adjacent right-of-way or the grade of the sign site if such grade is above the grade at the edge of the street right-of-way to the uppermost part of the sign face, base, or structure. If the sign is located below the grade at the edge of the right of way, sign height shall be measured from the edge of the right of way to the uppermost part of the sign face, base, or structure.]~~
- D. **Required Setbacks.** All detached signs shall be set back at least five **(5)** feet from all property lines. ~~[This standard may be waived if:~~
- ~~1. The sign is proposed to be affixed to an existing retaining wall that is closer than five feet to the property line (but not across it); or~~
 - ~~2. The waiver would lower the elevation of the base of the sign by more than three feet and:~~
 - ~~a. The sign will be set back at least one foot from any sidewalk;~~
 - ~~b. The sign will not encroach on any utility easement;~~
 - ~~c. The sign will not obstruct a required sight distance as set out in Subsection 15-513.08., *Sight Distance Requirements*; and~~
 - ~~d. There is at least five feet of landscaped parkway between the edge of pavement and the property line.]~~

Commented [AT55]: Not a sign type. The terms pylon, pole with cladding, multi-panel pylon, pole, monument, canopy, and monolith are colloquial and all refer to freestanding signs.

Commented [AT56]: Redundant and potentially contradictory. See subsection 11-723.01.C.

| Table (15-6) 11-725.02.01. | | | | | | | |
|---|---|--------------------|-----------------------------|--------------------|--------------------|--------------------|---------------------------|
| Permissible Detached Sign Types | | | | | | | |
| [Agricultural,] Rural, Residential, [Public Use] Campus/University, and [Residential] Parks and Open Space Districts | | | | | | | |
| District | [AG] R | [PU] PO | [RR] SR | [NC] AR | [SR] UR | [GR] MH | [HR/UR/IND] CU |
| Detached Signs, Generally | | | | | | | |
| Allowances | Freestanding signs shall be limited to 1 per property held in single and separate ownership except for a property that has frontage on more than 1 street, unless otherwise limited herein, in which case 1 such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds 300 lineal feet on any given roadway, 1 additional such sign on such frontage shall be permitted; and for each multiple of 300 lineal feet of frontage thereafter, 1 additional such sign shall be permitted for each separate street frontage. | | | | | | |
| [Artisan Sign] | Not Allowed | Allowed | Allowed | | | | |
| Number Allowed | - | 1 per site | 1 per lot | | | | |
| Minimum Setback | - | 20 ft. | Same as applicable district | | | | |
| Maximum Sign Area | - | 12 sf. | 2 sf. | | | | |

Commented [AT57]: Move column to the far right to reflect hierarchy of district designation.

Commented [AT58]: I don't know what an artisan sign is. This is not an industry standard term. According to the definition in the UDC, this would be comparable to a "development or construction sign" and is a temporary sign, not a permanent sign.

Table ~~15-6~~ 11-725.02.01.

Permissible Detached Sign Types

~~{Agricultural,}~~ Rural, Residential, ~~{Public Use}~~ Campus/University, and ~~{Residential}~~ Parks and Open Space Districts

| District | {AG} R | {PU} PO | {RR} SR | {NC} AR | {SR} UR | {GR} MH | {HR/UR/TND} CU |
|--|--|---|--------------------|---------------------------|--------------------|--------------------|---------------------------|
| Maximum Sign Height | - | 4 ft. | 3 ft. | | | | |
| Flags and Flagpoles ¹ | Not Allowed | | | | | | Allowed |
| Number Allowed | {1 flag; 1 pole.} | {1 flag; 1 pole.} | | | | | 1 flag; 1 pole |
| Flag Size | {40 sf.} | {60 sf.} | | | | | {32} 60 sf. |
| Pole Height | {25 sf.} | {50 sf.} | | | | | {15} 45 ft. |
| {Monument} Freestanding Sign | {Not} Allowed | Allowed | | | | | |
| Number Allowed | 1 per lot or tract | {2 signs per subdivision or development ingress/egress, located on commonly owned open space.} 1 sign per {nonresidential parcel} lot or tract | | | | | |
| Maximum Sign Area | 12 sf for agricultural uses | 2 sf. for commercial use of the home; 32 sf. for multifamily and institutional uses; and, 12 sf. for {nonresidential} recreation and amusement uses | | | | | |
| {Minimum Setback} | 5 ft. | | | | | | |
| Maximum Sign Height | 5 ft. | 3 ft. for commercial use of the home; and, 5 ft. for all other uses | | | | | |
| {Maximum Signable Area Ratio} Other limitations | Freestanding signs associated with uses other than agricultural are not allowed. | {60%} 1. Freestanding signs associated with residential subdivision identification shall be limited to 1 per property held in single and separate ownership, regardless of frontage on more than 1 street. 2. Freestanding signs associated with single-family residential, commercial, industrial, utility, transportation, or communication uses are not allowed. | | | | | |
| {On-Premise Identification Sign} | Not Allowed | Allowed | Not Allowed | Allowed | Not Allowed | Not Allowed | Allowed |
| Number Allowed | - | 1 per property | - | 1 per multifamily complex | - | - | 1 per multifamily complex |
| Maximum Sign Area | - | 32 sf. | - | 32 sf. | - | - | 32 sf. |
| Maximum Signable Area Ratio | - | 75% | - | 50% | - | - | 75% |
| Sign Height | - | 8 ft. | - | 5 ft. | - | - | 5 ft. |
| Other Limitations | - | - | - | NC 4 only | - | - | Multi-family only |

Commented [AT57]: Move column to the far right to reflect hierarchy of district designation.

Commented [AT59]: Flags not exempt under subsection 11-722.B (i.e. Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes) are advertising a business and should not be flown in rural, residential, or parks and open space.

Commented [AT60]: Redundant.

Commented [AT61]: What's the difference between an "on-premise identification sign" and any other freestanding sign?

| Table 15-6 11-725.02.01. | | | | | | | |
|--|-------------------|--------------------|--------------------|--------------------------------|--------------------|--------------------|---------------------------------------|
| Permissible Detached Sign Types | | | | | | | |
| [Agricultural,] Rural, Residential, [Public Use] Campus/University, and [Residential] Parks and Open Space Districts | | | | | | | |
| District | [AG] R | [PU] PO | [RR] SR | [NC⁵] AR | [SR] UR | [GR] MH | [HR/UR/TND²] CU |
| TABLE NOTES: | | | | | | | |
| 1. [The permissible detached sign types in this district are applicable to NC.1, NC.2, NC.3, NC.4, and NC.5.] Applicable to flags not meeting the exemption as set forth in Section 11-722.D. Exempt Signs. | | | | | | | |
| 2. Maximum two parallel sign faces. | | | | | | | |
| 3. The message must refer exclusively to the products or services dispensed by the device. Time and temperature displays are allowed. | | | | | | | |
| 4. The linear footage shall be measured along the wall of the façade with frontage on public street right-of-way. | | | | | | | |
| 5. For purposes of calculation, each side of a building that abuts upon public rights-of-way shall be considered separate building frontage; however, the surface area of signage attributable to each frontage must face such frontage. | | | | | | | |
| 6. See Subsection 15-625.03., Special Area Sign Standards, for additional limitations on menu holders.] | | | | | | | |

Commented [AT57]: Move column to the far right to reflect hierarchy of district designation.

Commented [AT62]: This footnote reference does not appear in the table.

Commented [AT63]: This footnote reference does not appear in the table. Nor does it apply to freestanding signs.

Commented [AT64]: This footnote reference does not appear in the table. Nor does it apply to freestanding signs.

Commented [AT65]: This footnote reference does not appear in the table.

| Table 11-725.02.02. | | | | | | |
|--|---|----|-----------------|----|----|----|
| Permissible Detached Sign Types | | | | | | |
| Nonresidential Districts | | | | | | |
| District | SC | GC | DC ⁵ | BP | LI | GI |
| Detached Signs, Generally | | | | | | |
| <u>Allowances</u> | Freestanding signs shall be limited to 1 per property held in single and separate ownership except for a property that has frontage on more than 1 street, unless otherwise limited herein, in which case 1 such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds 300 lineal feet on any given roadway, 1 additional such sign on such frontage shall be permitted; and for each multiple of 300 lineal feet of frontage thereafter, 1 additional such sign shall be permitted for each separate street frontage. | | | | | |
| <u>Flags and Flagpoles¹</u> | Allowed | | | | | |
| <u>Number Allowed</u> | 1 flag; 1 pole | | | | | |
| <u>Flag Size</u> | 60 sf. | | | | | |
| <u>Pole Height</u> | 45 ft. | | | | | |
| <u>Freestanding Sign</u> | Allowed | | | | | |
| <u>Number Allowed</u> | See allowances above. | | | | | |
| <u>Maximum Sign Area²</u> | 50 | 78 | 24 | | 78 | |

Table 11-725.02.02.

Permissible Detached Sign Types

Nonresidential Districts

| District | SC | GC | DC ⁵ | BP | LI | GI |
|----------------------------------|-----|-----|-----------------|----|-----|----|
| Maximum Sign Area ³ | 128 | 200 | H | | 200 | |
| Maximum Sign Area ⁴ | H | 378 | - | | 378 | |
| Maximum Sign Height ² | 22 | 26 | 14 | | 26 | |
| Maximum Sign Height ³ | 34 | 42 | - | | 42 | |
| Maximum Sign Height ⁴ | - | 56 | - | | 56 | |

Commented [AT66]: You shouldn't find DC zoning adjacent to streets with speed limits 40+ mph.

Commented [AT67]: You shouldn't find SC zoning adjacent to streets with speed limits of 55+ mph.

TABLE NOTES:

1. Applicable to flags not meeting the exemption as set forth in [Section 11-722.D. Exempt Signs.](#)

2. Adjacent to roadways marked as 25-35 mph

3. Adjacent to roadways marked as 40-50 mph

4. Adjacent to roadways marked as 55+ mph

~~E. **Billboards.** Billboards, because of their size, design, visual impact along public roadways and potential interference with public safety, are permitted only in the AG, LI, and GI districts, and are subject to conditional use approval and the following standards:~~

- ~~1. **Location.** Billboards may be located only on property that abuts a right-of-way.~~
- ~~2. **Permits from Other Jurisdictions.** No permit from the City will be issued unless it is demonstrated that other entities with jurisdiction to issue billboard permits (e.g., NDOR) have issued the required permits.~~
- ~~3. **Maximum Height.** No billboard shall exceed 25 feet in height.~~
- ~~4. **Maximum Sign Area.** Three hundred square feet.~~
- ~~5. **Orientation of Sign Faces.** If two sign faces are located on the same structure, the sign faces shall be parallel to each other.~~
- ~~6. **Visibility.** Billboards shall not impair traffic visibility.~~
- ~~7. **Off Site.** Off-site billboards are allowed when all the requirements of Subsection E. are met.~~
- ~~8. **Billboard Separation Requirement.**~~
 - ~~a. No billboard shall be located less than 500 feet from any other billboard.~~
 - ~~b. No billboard shall be located less than 500 feet from any residential district or use in any jurisdiction, measured in a straight line in any direction from the nearest point on the sign structure to the residential district boundary or property line.]~~

Commented [AT68]: This is not a permanent sign type. Permanent sign types include attached (i.e. wall signs) and detached (i.e. freestanding). On-premise and off-premise advertising is addressed elsewhere in code.

F. **Identification Signs for Multi-Tenant Center or Buildings.** A multi-tenant center or ~~(building) multi-occupancy development complex such as shopping centers or planned industrial parks,~~ may include, in addition to ~~(and) or~~ as an attachment to an other wise permissible freestanding sign, ~~(sign information further identifying the name of each of its occupants)~~ identification of the center or complex, provided that:

1. No such identification sign, when considered independent of any other permissible freestanding sign (i.e. no business identification being included), may exceed ~~(eight square feet in sign area or 16 square feet for a two-sided sign)~~ the area allowance for freestanding signs as set forth in [Table 11-725.02.02. Permissible Detached Sign Types](#);
2. No such identification sign, when attached to any otherwise permissible freestanding sign, may exceed twenty (20) percent of the sign area of the freestanding sign to which it is attached (identification signage shall be considered signage in addition to the maximum signage allowed per freestanding sign); and
3. Any such sign must conform to the character, materials, and type of the identifying sign to which it is attached;
4. ~~The aggregate area of such attachment may not exceed 50 percent of the area of the sign to which it is attached; and~~
5. ~~All occupants desiring to display exterior signage in the center shall take part in the plan for onsite signage).~~

[15-6] 11-725.03. [Special Area] Downtown Commercial (DC) District Sign Standards

[Downtown Commercial (DC) District Sign Standards]

A. **Generally.** Downtown is the symbolic center of the community, which is conducive to a pedestrian environment. Signs help to convey an image and communicate a message of businesses, which also contribute significantly to the character and visual harmony of Downtown Fremont. Therefore, signs in Downtown must be pedestrian-scaled and be of an artistic quality and creative design to reinforce the aesthetic and historic integrity of the area. The standards set out in this Subsection are to implement this vision. The appropriate types of signs in the DC district are set out below and illustrated in [Figure 15-625.03.](#), *Downtown Commercial (CD) District Signage*.

Commented [AT69]: In other words, if there is already 1 multi-tenant freestanding sign that does not include center identification, then a second freestanding sign with center identification only is permitted; just because you incorporate center identification does not authorize a second multi-tenant sign (unless otherwise allowed on lots fronting on multiple streets)

Commented [AT70]: Redundant.

Commented [AT71]: In other words, if a freestanding sign is permitted 200 square feet, center identification of 40 square feet can be added to the sign; that doesn't mean that the sign area allowance is now 240 square feet though; the total area of the sign dedicated to business identification cannot exceed the 200 square feet allowed by code.

Figure 15-6]11-725.03.

Downtown Commercial (DC) District Signage



- B. **Attached Signage.** The standards for attached signs set out in [Table 15-625.01.](#), *Permissible Attached Sign Types*, are applicable in the DC district.
- C. **Detached Signage.** The standards for detached signs set out in [Table 15-625.02.](#), *Permissible Detached Sign Types*, are applicable in the DC district.
- D. **Temporary Signage.** The standards for temporary signs set out in [Table 15-626.01.](#), *Permissible Freestanding Temporary Sign Types*, are applicable in the DC district.
- E. ~~**Wall Signs.** Wall signs attached to the façade of buildings shall only be permitted in an area of the façade between the top of the ground floor windows and one foot below the cornice or, in the case of two-story buildings, the bottom sill of the second floor windows (otherwise known as the sign band). The maximum vertical dimension of signage in this area shall be no more than 18 inches in height. Wall signs shall have raised trim or a raised border of some fashion other than paint.~~
- F. ~~**Projecting Signs.** One projection sign is permitted per storefront provided the sign is no larger than two feet by three feet (2' x 3') in size. A projection sign shall be supported by a decorative chain or bracket, designed and constructed with craftsmanship and detail. The sign shall have a minimum clearance of eight feet and a maximum height of 12 feet. No projecting sign shall project more than 45 inches into public right of way or over a sidewalk or public easement. Any such projecting sign shall be oriented so that the face of the sign is perpendicular to the building façade from which it projects.~~
- G. ~~**Directory and Upper Floor Signs:**~~
- ~~For two-story multi-tenant buildings, one small directory sign with nameplates of the individual tenants is permitted on the ground floor. The maximum size of the directory is two square feet. The design of the sign shall be integrated with and compliment the building design.~~

Commented [AT72]: Redundant. See Table.

Commented [AT73]: Redundant. See Table.

Commented [AT74]: This should be addressed in the Table.

2. ~~Where a second-story tenant has a separate entry door on the street, a small projecting sign is permitted, in addition to the projecting sign for the ground floor storefront. Such sign shall be placed near the tenant street entry.~~

3. ~~Commercial uses on an upper floor that do not have ground floor occupancy may have window signs in addition to permitted attached signs. One window sign is permitted per framed window area, which cannot exceed 15 percent of the total second floor glass area for the subject use and building. Upper floor window signs shall not be illuminated. Window signs above the second floor are not allowed.~~

H. ~~**Menu Holders.** A freestanding menu holder is permitted on the exterior storefront of a restaurant. Such holder shall be limited to the size of two pages of the menu for which lettering shall not exceed one inch in height. The menu holder shall not be located so as to cause a safety hazard for pedestrians. The menu holder shall not be used for additional signage.~~

I. ~~**Prohibited Signs.** Cabinet-style, internally illuminated, and monument signs are prohibited in the DC district.]~~

~~**U.S. Highway Frontage**~~

A. ~~**Generally.** The large retail and mixed-use developments adjacent to U.S. 30, U.S. 77, and U.S. 275 have unique needs for communicating their messages due to the rate of speed of highway traffic.~~

B. ~~**Development Criteria.** The regulations of this Subsection apply to development that meets all of the following criteria:~~

- ~~1. Unified nonresidential retail developments of more than 50,000 square feet of gross floor area, or mixed-use developments that contain more than 90,000 square feet of gross floor area;~~
- ~~2. A minimum area of the parcel proposed for development of 10 acres; and~~
- ~~3. The parcel proposed for development directly abuts or is within 200 feet of highway right-of-way.~~

C. ~~**Freestanding Signs.** Development that meets all the criteria of Subsection B., above, may display a freestanding sign that is subject to the following standards:~~

- ~~1. The maximum sign height is 40 feet.~~
- ~~2. The point of measurement for sign height is the centerline of U.S. 30, U.S. 77, and U.S. 275 at its nearest location to the sign.~~
- ~~3. The maximum sign area is 210 square feet.~~
- ~~4. The sign shall be located in the yard that abuts U.S. 30, U.S. 77, and U.S. 275, and shall be set back a minimum of 10 feet; provided, however, that the sign shall be set back from all residential property lines a distance equal to its height.~~
- ~~5. The minimum spacing from other highway-oriented freestanding signs is 300 feet.~~
- ~~6. The sign shall include landscaping in the form of shrubs, decorative grasses, perennials, or other ornamental materials around the base of the structure.~~

~~**Off-Premise Signs**~~

A. ~~**Generally.** Retail, mixed-use, and certain other developments that are not located on property with frontage on an arterial street have unique needs for communicating their messages due to decreased visibility and the high volumes of traffic that seek the use.~~

B. ~~**Development Criteria.** The regulations of this Subsection apply to development that meets all of the following criteria:~~

- ~~1. Commercial retail developments of more than 75,000 square feet of gross floor area;~~

Commented [AT75]: This should be addressed in the Table.

Commented [AT76]: This should be addressed in the Table.

Commented [AT77]: We've addressed this elsewhere.

Commented [AT78]: A number of court cases have found that billboards are "real and substantial hazards to traffic safety." *Metromedia, Inc. v. City of San Diego*

- ~~2. A minimum area of the parcel proposed for development of five acres; and~~
 - ~~3. A location without frontage but within 2,500 feet on an arterial street.~~
- ~~C. **Off-Premise Billboards.** Development that meets all the criteria of Subsection B., above, may communicate their messages on billboards, subject to the standards set out in Subsection 15-625.02., *Detached Signs*, Item E, Billboards.~~
- ~~D. **Off-Premise Monument Signs.** Development that meets all the criteria of Subsection B., above, may display one off-premise monument sign, provided that each sign meets all of the following criteria:~~
- ~~1. The sign must be located within 2,500 feet from the parcel proposed for development;~~
 - ~~2. The sign must be located along an arterial street;~~
 - ~~3. The sign must be located in the GC, BP, LI, or GI districts;~~
 - ~~4. The sign must be approved by the Director of Public Works if it is proposed to be located within public right-of-way;~~
 - ~~5. The sign must be no more than four feet in height and eight feet in length, including any frame or border, and may have no more than two sign faces;~~
 - ~~6. The sign may be illuminated as set out in Subsection 15-624.05., *Illumination*;~~
 - ~~7. The sign is limited to directional signage only;~~
 - ~~8. The minimum distance between off-premise signs permitted by this Subsection is at least 500 feet;~~
 - ~~9. The minimum distance between on-premise and off-premise signs is 50 feet;~~
 - ~~10. The sign must be compatible with surrounding architecture in general appearance and materials;~~
 - ~~11. The sign shall include landscaping in the form of shrubs, decorative grasses, perennials, or other ornamental materials around the base of the structure that are maintained by a subsurface irrigation system; and~~
 - ~~12. The sign permitted by this Subsection is in addition to the on-premise signs that are permitted by 15-620, *Signs*.)~~

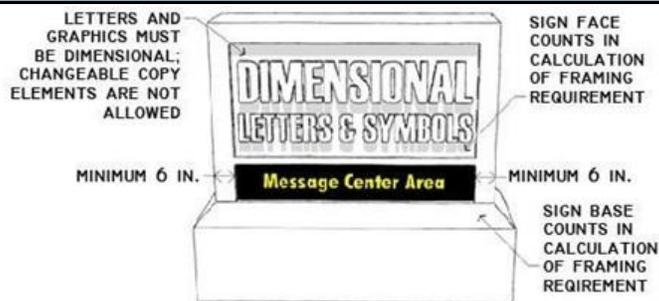
11-725.04. Message Centers

- A. Generally. Manual and electronic message centers may be used in detached signs and marquee signs to a limited degree, pursuant to the applicable standards of this Subsection.
- B. Removal of Portable Changeable Copy Signs. If a message center is incorporated into a new or existing sign, then all portable message center signs shall be removed from the property upon completion of the new or modified sign as a condition of the sign permit.
- C. Electronic Message Centers. Electronic message centers may be incorporated into signage as follows:
1. *Design Requirements.*
 - a. Electronic message centers are only permitted on monument signs or marquee signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six (6) inches from the electronic message center in all directions.
 - b. Electronic message centers shall make up not more than twenty-five (25) percent of the sign area of a monument sign or forty (40) percent of the sign area of a marquee sign. The balance of the sign area shall utilize permanent, dimensional letters or symbols.

- c. [No sign structure that includes a cabinet, box, or manual changeable copy sign may also include an electronic message center. See \[Figure 15-624.06.01., *Electronic Message Center Design Requirements*, below.\]\(#\)](#)
- 2. [Operational Requirements. Electronic message centers:](#)
 - a. [Shall be monochromatic;](#)
 - b. [Shall contain static messages only;](#)
 - c. [Shall display messages for a period of not less than one \(1\) minute;](#)
 - d. [Shall not use transitions or frame effects between messages;](#)
 - e. [Shall include an automatic dimmer that dims the sign at dusk or low-light conditions; and](#)
 - f. [Shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use.](#)

Figure 11-724.06.01.

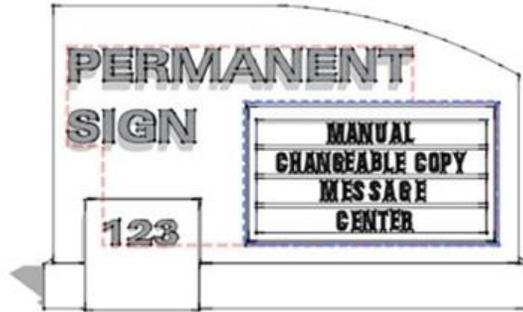
Electronic Message Center Design Requirements



- D. [Manual Changeable Copy Message Centers. Manual changeable copy signs may be incorporated into signage as follows:](#)
 - 1. [Manual changeable copy message centers are only permitted on monument signs or marquee signs which enclose the message center component on all sides with a finish of brick, stone, stucco, or sign face that extends not less than six \(6\) inches from the message center in all directions.](#)
 - 2. [Manual changeable copy message centers, including their frames, shall make up not more than fifty \(50\) percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See \[Figure 15-624.06.02., *Manual Changeable Copy Centers*, below.\]\(#\)](#)
 - 3. [Manual changeable copy message centers shall not be internally lit unless:](#)
 - a. [They use opaque inserts with translucent letters, numbers, or symbols \(see \[Figure 15-624.06.03., *Changeable Copy Inserts*, below\\);\]\(#\)](#)
 - b. [Blank opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and](#)
 - c. [The opaque portion of the letters, numbers, and symbols is the same color.](#)

Figure 11-724.06.02.

Manual Changeable Copy Centers



Changeable copy message centers may be internally lit if they use opaque inserts with translucent letters, numbers, or symbols (see A below), but shall not be internally lit if they use clear or translucent inserts with opaque or translucent letters, numbers, or symbols (see below).

Figure 11-724.06.03.

Changeable Copy Inserts



~~Sec. 15-6~~ §11-726 Temporary Signs

~~15-6~~ 11-726.01. ~~Freestanding~~ Temporary Signs

- A. **Generally.** This Subsection sets out which forms of temporary signs are allowed in ~~{districts}~~ each district, and the size and height standards that apply to them. Sign types that are not listed in Table 15-626.01., *Permissible Freestanding Temporary Sign Types*, are not permitted as ~~{freestanding}~~ temporary signs.
- B. **Setbacks.** All temporary signs shall be set back at least five (5) feet from all property lines. ~~{Temporary signs are not visible from public rights of way or abutting property are not restricted by this Subsection.}~~

Commented [AT79]: Redundant. Signs not visible are already exempt.

Table 11-726.01.01.

Permissible Temporary Sign Types

Rural, Residential, Campus/University, and Parks and Open Space Districts

| District | R | SR | AR | UR | MH | CU | PO |
|---|--|---|---|----|----|--------------------|----|
| Temporary Signs, Generally | | | | | | | |
| Allowances | Temporary signs shall be limited to 2 temporary portable signs, unless otherwise limited herein. | | | | | | |
| Banner Sign | Allowed | | | | | | |
| Number Allowed | 1 per building/unit frontage | | | | | | |
| Maximum Sign Area | 12 sf for agricultural uses | 32 sf. for multifamily and institutional uses, and 12 sf. for recreation and amusement uses | | | | | |
| Permitted Duration | 30 days, not more than 2 times per year; exception: when used as an interim sign for an otherwise permissible permanent sign, the permitted duration may be extended to 90 days in any 12 month period | | | | | | |
| Other Limitations | <p>1. Banner signs associated with single-family residential or commercial use of the home are not allowed.</p> <p>2. Banner signs may only be attached to the building/unit to which the sign relates, the permanent sign structure to which the sign relates when serving as an interim sign, or erected as a freestanding temporary sign on property associated with the same – all other locations are prohibited.</p> <p>3. In order to reduce the proliferation of signs, banner signs may not be located less than 50 feet from any other temporary sign.</p> | | | | | | |
| Blade Sign | Not Allowed | | Allowed | | | Not Allowed | |
| Number Allowed | - | | 1 per 50 feet of frontage | | | - | |
| Maximum Sign Area | - | | Blade signs shall be limited to 2.5 feet in width (at its widest point) and up to 12 feet in height | | | - | |
| Permitted Duration | | | 30 days | | | | |
| Other Limitations | | | In order to reduce the proliferation of signs, only 2 blade signs may be permitted on any 1 property at any given time, and blade signs may not be located less than 50 feet from any other temporary sign. | | | | |
| Freestanding/Yard Sign (not otherwise identified as a banner sign) | Allowed | | | | | | |
| Number Allowed | 1 per lot or tract | | | | | | |

Commented [AT80]: These are your typical construction/development, real estate, and political/non-commercial message signs.

Table 11-726.01.01.

Permissible Temporary Sign Types

Rural, Residential, Campus/University, and Parks and Open Space Districts

| District | R | SR | AR | UR | MH | CU | PO |
|--------------------------------|---|----|---|----|--------------------|----------------|--------------------|
| Maximum Sign Area | <u>6 sf.</u> | | | | | | |
| Permitted Duration | <p><u>30 days per occurrence, 2 times a year (may occur consecutively); exceptions:</u></p> <p><u>1. Freestanding/yard signs associated with valid development/construction permits may be erected after issuance of the same and must be removed no less than 10 days after the permit either expires or the project is completed and a certification of completion/occupancy is issued.</u></p> <p><u>2. Freestanding/yard signs associated with the sale or lease of land/building/unit space.</u></p> <p><u>3. Signs containing noncommercial messages.</u></p> | | | | | | |
| Other Limitations | <u>Due to the extended duration permitted with freestanding/yard signs, such signs must be constructed of rigid weather-resistant materials - not flexible fabrics or vinyl - and securely placed in or on the ground.</u> | | | | | | |
| Light/Support Pole Sign | Not Allowed | | Allowed | | Not Allowed | Allowed | Not Allowed |
| Number Allowed | | | <u>2 temporary banners on each pole</u> | | | | |
| Maximum Sign Area | <u>6 sf. per sign</u> | | | | | | |
| Permitted Duration | <u>Unlimited</u> | | | | | | |
| Other Limitations | <p><u>1. Poles must be located on private property to which the sign relates and under ownership of the same (i.e. light/support signs on utility poles or poles in multi-tenant centers that are not under the control of individual tenants are not permitted); poles located less than 5 feet from property lines may not be used.</u></p> <p><u>2. No other temporary signs will be permitted on the property.</u></p> <p><u>3. The use of electronic message centers, changeable copy signs, and signs involving internal lighting are not permitted.</u></p> <p><u>4. Sign height is limited to the height of the building to which it relates.</u></p> | | | | | | |
| Sidewalk Sign | Not Allowed | | | | | Allowed | Not Allowed |
| Number Allowed | <u>1 per building/unit frontage</u> | | | | | | |
| Maximum Sign Area | <u>6 sf. and no more than 3 ft. in width</u> | | | | | | |
| Permitted Duration | <u>Sidewalk signs may be placed directly outside the individual business space, within 10 feet of the entrance to which it serves, at the opening of business; signs shall be removed at the close of business each day.</u> | | | | | | |

| Table 11-726.01.01. Permissible Temporary Sign Types | | | | | | | |
|---|---|----|----|----|----|----|----|
| Rural, Residential, Campus/University, and Parks and Open Space Districts | | | | | | | |
| District | R | SR | AR | UR | MH | CU | PO |
| Other Limitations | <p><u>1. Signs must be stored indoors when the business is closed.</u></p> <p><u>2. Signs shall not be placed in such a manner as to limit either vehicular or pedestrian access/clearance – particularly handicap access/clearance; a minimum of 4 ft. pedestrian access/clearance shall be maintained at all times and signs may not be placed so as to block private driveways, alleys, or other walkways.</u></p> <p><u>3. Signs shall not be located in any landscaping or streetscape areas.</u></p> <p><u>4. Signs shall not be either internally or externally illuminated.</u></p> <p><u>5. Signs shall not be anchored to the ground.</u></p> <p><u>6. Signs shall not be placed closer than 20 feet to any other such sign.</u></p> <p><u>7. Signs shall not contain reflective materials.</u></p> <p><u>8. Windblown devices, including balloons, may not be attached or otherwise made a part of the sign.</u></p> | | | | | | |
| TABLE NOTES: | | | | | | | |

| Table (15-6) 11-726.01.02. Permissible {Freestanding} Temporary Sign Types | | | | | | |
|---|--|--------------------|--------------------|--------------------|---------|---------|
| Nonresidential Districts | | | | | | |
| District | {HN} SC | {BP} GC | {GC} DC | {DC} BP | LI | GI |
| Temporary Signs, Generally | | | | | | |
| Allowances | Temporary signs shall be limited to 2 temporary portable signs, unless otherwise limited herein. | | | | | |
| {Construction Sign} | Allowed | Allowed | Allowed | Allowed | Allowed | Allowed |
| Number Allowed | 1-per address | | | | | |
| Maximum Sign Area | 32-sf. | | | | | |
| Permitted Duration | Removed within 10 days of construction completion and issuance of certificate of occupancy | | | | | |
| {Commercial Real Estate Sign} | Allowed | Allowed | Allowed | Allowed | Allowed | Allowed |
| Number Allowed | 1-per address | | | | | |

Commented [AT81]: Combined with Freestanding/Yard Sign.

Commented [AT82]: Combined with Freestanding/Yard Sign.

Table ~~{15-6}~~ 11-726.01.02.

Permissible ~~[Freestanding]~~ Temporary Sign Types

Nonresidential Districts

| District | {HN} SC | {BP} GC | {GC} DC | {DC} BP | LI | GI |
|---|---|------------------------------|--|--|--|-------------|
| Maximum Sign Area | 32-sf. | | | | | |
| Permitted Duration | 7 days after the disposition of the premises | | | | | |
| [A-Frame Sign or Sandwich Board] | Allowed | Allowed | Allowed | Allowed | Not Allowed | Not Allowed |
| Number Allowed | 1 per property | See Note 1 | 1 per frontage | See Note 2 | See Note 2 | - |
| Maximum Sign Area | 6-sf. | | | | | |
| Sign Height | 4 ft. | | | | | |
| Spacing | The minimum spacing between A-Frame signs is 250 ft. | | | | | |
| Other Limitations | See Subsection C., A-Frame (Sandwich Board) Standards, below. | | | | | |
| [Special-Event] Banner Sign | Allowed | | | | | Not Allowed |
| Number Allowed ⁴ | 1 per {property} lot or tract | 1 per building/unit frontage | 1 per {storefront} building/unit frontage | 1 per {storefront} building/unit frontage | 1 per {storefront} building/unit frontage | - |
| Maximum Sign Area | {50} 32 sf. | | | | | - |
| [Location] | Same as permissible signs. | | | | | - |
| Permitted Duration | <p>{Not to exceed 15 consecutive days. No more than four temporary special event sign permits may be issued for any one business in each calendar year; a temporary special event permit shall not be issued more frequently than once every three months; and the total number of calendar days that a business may display a temporary special event sign is 60 calendar days.} 30 days, not more than 2 times per year; exception: when used as an interim sign for an otherwise permissible permanent sign, the permitted duration may be extended to 90 days in any 12 month period</p> | | | | | - |
| Other Limitations | <p>{See Subsection D., Flags, Streamers, Banners, and Pennants, below.} 1. Banner signs may only be attached to the building/unit to which the sign relates, the permanent sign structure to which the sign relates when serving as an interim sign, or erected as a freestanding temporary sign on property associated with the same – all other locations are prohibited.</p> <p>2. In order to reduce the proliferation of signs, banner signs may not be located less than 50 feet from any other temporary sign.</p> | | | | | |
| Blade Sign | Allowed | | | | | Not Allowed |
| Number Allowed | 1 per 50 feet of frontage | | | | | - |

Commented [AT83]: Renamed Sidewalk Sign and relocated below.

Commented [AT84]: Redundant.

Table ~~{15-6}~~ 11-726.01.02.

Permissible ~~{Freestanding}~~ Temporary Sign Types

Nonresidential Districts

| District | {HN} SC | {BP} GC | {GC} DC | {DC} BP | LI | GI |
|---|--|--------------------|--------------------|--------------------------|---------|---------|
| Maximum Sign Area | Blade signs shall be limited to 3.5 feet in width (at its widest point) and up to 18 feet in height | | | | | - |
| Permitted Duration | 30 days | | | | | |
| Other Limitations | In order to reduce the proliferation of signs, only 2 blade signs may be permitted on any 1 property at any given time, and blade signs may not be located less than 50 feet from any other temporary sign. | | | | | |
| {Business Identification Sign} ³ Freestanding/Yard Sign (not otherwise identified as a banner sign) | Allowed | | | {Not} Allowed | Allowed | |
| Number {, Area Ratio, Height, Setback, and Spacing} Allowed | {All standards of permissible attached and detached signs apply} 1 per lot or tract | | | | | |
| Maximum Sign Area | 32 sf. | | | | | |
| Permitted Duration | <p>{Not to exceed 30 days for an occupant who has at least one other on-premise sign to identify the business} 30 days per occurrence, 2 times a year (may occur consecutively); exceptions:</p> <p>1. Freestanding/yard signs associated with valid development/construction permits may be erected after issuance of the same and must be removed no less than 10 days after the permit either expires or the project is completed and a certification of completion/occupancy is issued.</p> <p>2. Freestanding/yard signs associated with the sale or lease of land/building/unit space.</p> <p>3. Signs containing noncommercial messages.</p> | | | | | |
| Other Limitations | {Not allowed for an occupant who has at least one other on-premise sign to identify the business} Due to the extended duration permitted with freestanding/yard signs, such signs must be constructed of rigid weather-resistant materials - not flexible fabrics or vinyl - and securely placed in or on the ground. | | | | | |
| {Coming Soon Sign} | Allowed | Allowed | Allowed | Allowed | Allowed | Allowed |
| Number Allowed | 1 per frontage | | | | | |
| Maximum Sign Area | 32 sf. | | | | | |
| Maximum Height | 4 ft. | | | | | |
| Minimum Setback | 20 ft. | | | | | |
| Permitted Duration | Removed within one year from the date of the sign permit or upon the issuance of a building permit for the project, whichever occurs first. | | | | | |

Commented [AT85]: Combined with Banner Sign.

Table ~~{15-6}~~ 11-726.01.02.

Permissible ~~[Freestanding]~~ Temporary Sign Types

Nonresidential Districts

| District | {HN} SC | {BP} GC | {GC} DC | {DC} BP | LI | GI |
|-------------------------------------|---|--------------------|--------------------|--------------------|---------|-------------|
| Other Limitations | Non-Illuminated-} | | | | | |
| Political Campaign Signs | Allowed | Allowed | Allowed | Allowed | Allowed | Allowed |
| Maximum Sign Area | 9 sf. | | | | | |
| Permitted Duration | 60 days | | | | | |
| Other Limitations | Signs are removed from premises within one week following election to which they pertain} | | | | | |
| Light/Support Pole Sign | Allowed | | | | | Not Allowed |
| Number Allowed | 2 temporary banners on each pole | | | | | |
| Maximum Sign Area | 6 sf. per sign | | | | | |
| Permitted Duration | Unlimited | | | | | |
| Other Limitations | <p><u>1. Poles must be located on private property to which the sign relates and under ownership of the same (i.e. light/support signs on utility poles or poles in multi-tenant centers that are not under the control of individual tenants are not permitted); poles located less than 5 feet from property lines may not be used.</u></p> <p><u>2. No other temporary signs will be permitted on the property.</u></p> <p><u>3. The use of electronic message centers, changeable copy signs, and signs involving internal lighting are not permitted.</u></p> <p><u>4. Sign height is limited to the height of the building to which it relates.</u></p> | | | | | |
| Sidewalk Sign | Not Allowed | | Allowed | Not Allowed | | |
| Number Allowed | 1 per building/unit frontage | | | | | |
| Maximum Sign Area | 6 sf. and no more than 3 ft. in width | | | | | |
| Permitted Duration | Sidewalk signs may be placed directly outside the individual business space, within 10 feet of the entrance to which it serves, at the opening of business; signs shall be removed at the close of business each day. | | | | | |

Commented [AT86]: Combined with Freestanding/Yard Sign.

| Table (15-6) 11-726.01.02. | | | | | | |
|--|---|--------------------|--------------------|--------------------|----|----|
| Permissible [Freestanding] Temporary Sign Types | | | | | | |
| Nonresidential Districts | | | | | | |
| District | {HN} SC | {BP} GC | {GC} DC | {DC} BP | LI | GI |
| Other Limitations | <p><u>1. Signs must be stored indoors when the business is closed.</u></p> <p><u>2. Signs shall not be placed in such a manner as to limit either vehicular or pedestrian access/clearance – particularly handicap access/clearance; a minimum of 4 ft. pedestrian access/clearance shall be maintained at all times and signs may not be placed so as to block private driveways, alleys, or other walkways.</u></p> <p><u>3. Signs shall not be located in any landscaping or streetscape areas.</u></p> <p><u>4. Signs shall not be either internally or externally illuminated.</u></p> <p><u>5. Signs shall not be anchored to the ground.</u></p> <p><u>6. Signs shall not be placed closer than 20 feet to any other such sign.</u></p> <p><u>7. Signs shall not contain reflective materials.</u></p> <p><u>8. Windblown devices, including balloons, may not be attached or otherwise made a part of the sign.</u></p> | | | | | |
| TABLE NOTES: | | | | | | |
| 1. Permitted for restaurants only. | | | | | | |
| 2. An A-frame sign or sandwich board may be located no greater than 12 feet from the primary building entrance. | | | | | | |
| 3. This includes temporary signs only preceding permanent sign approval and placement.] | | | | | | |

- C. ~~[A-Frame (Sandwich Board) Standards]. A-Frame (Sandwich Board) signs are allowed as a temporary sign, subject to a permit, provided that the sign:~~
- ~~1. Shall only be displayed during the establishment's hours of operation.~~
 - ~~2. Shall be placed on, but not permanently anchored to, the ground.~~
 - ~~3. Shall not be illuminated.~~
 - ~~4. Shall not be displayed during times of inclement weather such as high winds, heavy rain, or during flooding conditions.~~
 - ~~5. Shall not be placed so as to block private driveways, alleys, or walkways.~~
 - ~~6. A sandwich board sign may be placed no closer than 150 feet from another such sign.~~
 - ~~7. Is not placed in the public street right of way, except in the DC district, or in any parking place.~~
 - ~~8. Shall not contain foil, mirrors, bare metal, or other reflective materials that could create hazardous conditions to motorist, bicyclist, or pedestrians.~~
 - ~~9. Shall be constructed of materials that present a finished appearance. The sign frame shall be painted or stained wood or anodized aluminum or metal. Rough cut plywood, cardboard, corrugated metal, plastic framed signs that are stenciled or spray painted are prohibited. Sign lettering shall be professionally painted or applied; however, chalkboard signs shall be permitted.~~
 - ~~10. Windblown devices, including balloons, may not be attached or otherwise made part of the sign.~~
 - ~~11. The written message of the sign shall be kept to the minimum necessary to communicate the name of the business or a special message of the business.~~

Commented [AT87]: Relocated to Table.

~~D. **Flags, Streamers, Banners, and Pennants.**~~

- ~~1. **Flags, streamers, banners, or pennants may be displayed, upon the issuance of a temporary permit, in connection with grand openings or special events no more than once semi-annually for any one business entity or applicant. Such signs may be displayed for a period of 14 days prior to an event; but in no case shall the total display time be greater than 30 consecutive calendar days. Additional time may be granted by the Planning Commission with approval of a conditional use permit.**~~
- ~~2. **The total number, locations, and methods of attachment shall be approved by the Director.**~~
- ~~3. **Banners shall not exceed 16 square feet.**~~

Commented [AT88]: Prohibited.

~~**15-626.02. Prevention of Visual Clutter**~~

~~A. **Generally.** Visual clutter is detrimental to the character of the community, and tends to be distracting to motorists. Strict application of this Subsection does not restrict ample alternative ways that residents and business owners may communicate their messages.~~

~~B. **Corridor Setback Requirement.**~~

- ~~1. **No temporary sign shall be placed within the right of way (as provided in Subsection 15-624.02., *Prohibited Signs and Design Elements*), or within 30 feet of the edge of pavement (whichever creates a greater setback from the edge of pavement), along arterial streets.**~~
- ~~2. **The setback requirement of this Subsection shall not apply in the following circumstances:**
 - ~~a. **To the front yard of any lot that is used or zoned for single-family residential purposes, when the front lot line is the edge of the right of way of a corridor subject to the requirements of Subsection B.1., above.**~~
 - ~~b. **Where an intervening private fence, wall, or other structure clearly delineates the boundary of private property outside of the prescribed public right of way, in which case the required setback shall include only the area up to and including the outside surface of such private fence, wall, or other structure.**~~~~

Commented [AT89]: Redundant.

~~**[Sec. 15-6]§11-727 Sign [Design]Plan Program**~~

~~**[15-6]11-727.01. Program Alternative**~~

~~A. **Generally.**~~

- ~~1. **Purpose.** The requirements of **Section 15-620, Signs**, ensure that signs that meet certain minimum standards that are consistent with the character and quality of development in Fremont may be quickly approved and displayed. For some development, alternative standards may contribute to the aesthetic qualities of the development. Approval of a sign ~~design program~~ **plan** pursuant to the standards of this Section allows for unified presentation of signage throughout a parcel for development, flexibility to provide for unique environments, and pre-approval of designs and design elements to make subsequent applications for sign permits more efficient. To this end, a sign ~~design program~~ **plan** alternative is created.~~
- ~~2. **Approval Criteria.** The Planning Commission may approve a sign ~~design program~~ **plan** if it results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of this Section. The Director shall review all sign types (e.g., ~~freestanding,~~ attached, ~~detached,~~ ~~window~~ **temporary**, etc.) for the ~~parcel~~ **lots or tracts** proposed for development, to determine the degree of compliance with this Section,~~

and shall report to the Planning Commission with regard to the degree of deviation from these standards that is sought by the applicant. The degree of deviation sought by the applicant shall be measured against the degree of compliance with the standards of this Section.

3. *Conditions of Approval.* The Planning Commission may impose reasonable conditions on the sign ~~{design program}plan~~ that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this Section and approved sign design programs.
- B. **Contents of Sign ~~{Design Program}Plan~~.** A sign ~~{design program}plan~~ shall set out a master plan for signage for ~~{an entire parcel}~~the lots or tracts proposed for development. For example, shopping center sign ~~{design program}plan~~ shall include all tenants and lots; and office or industrial parks shall include all types of signs for way-finding and tenants or uses within the development. Sign ~~{design program}plan~~ shall set out:
 1. Sign~~{dimensions and approximate}~~ locations;
 2. Sign heights and dimensions;
 3. Materials and colors;
 4. Proposed illumination, including illumination levels;
 5. ~~{Maximum numbers of items of information per sign face;}~~
 6. A design theme with illustrative examples of each sign~~{type}~~ and the proposed~~{general}~~ locations of each sign~~{type}~~; and
 7. A demonstration that the sign ~~{design program}plan~~ will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential districts or uses.
- C. **Effect of Approval.** Upon approval of a sign ~~{design program}plan~~, issuance of a sign permit shall be based on compliance with the standards set out in the sign ~~{program}plan~~ for the ~~{parcel}~~lot or tracts proposed for development.

~~{15-6}~~11-727.02. Criteria

- A. **Generally.** Signage which is proposed as part of a sign ~~{design program}plan~~ may deviate from the standards of this Section in terms of the types and numbers of signs allowed, the maximum sign area~~{the maximum signable area ratio}~~, and materials and illumination standards (including electronic message centers), subject to compliance with a sign ~~{design program}plan~~ that is approved according to the criteria set out in this Subsection.
- B. **Prohibited Signs and Sign Elements.** Prohibited signs and sign elements are not eligible for inclusion in a sign ~~{design program}plan~~ unless specifically indicated in this Subsection.
- C. **Modification of Sign Setbacks.** Setbacks for detached signs may deviate from the requirements of this Subsection if it is demonstrated that there is no impact on public safety or utility easements, and all other requirements for approval of a sign ~~{design program}plan~~ are met.
- D. **Architectural Theme.**
 1. All signs shall be architecturally integrated into or complimentary to the design of the building and character of the site, and shall use similar and coordinated design features, materials, and colors. The sign ~~{design program}plan~~ shall establish an integrated architectural vocabulary and cohesive theme for the parcel proposed for development.

2. The design, character, location, and/or materials of all detached and attached signs proposed in a sign ~~{program}~~plan shall be demonstrably more attractive than signs otherwise permitted on the parcel proposed for development under the minimum standards of this Subsection.

~~E. Lighting.~~ Lighting standards shall not deviate from the standards of this Subsection~~[in locations where the lighting:~~

- ~~1. Cannot be seen from outside of the parcel proposed for development;~~
- ~~2. Does not create a sky glow under normal conditions; and~~
- ~~3. Does not shine into windows of residential units located within the district].~~

F. **Height, Area, Number, and Location of Signs.**

1. The height, area, number, and location of signs permitted through the sign ~~{design program}~~plan shall be determined by the Planning Commission based on the following criteria:

- a. The overall size of the ~~{parcel}~~lot or tracts proposed for development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and/or more signs);
- b. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the City);
- c. Frontage (larger frontages may justify more or larger signs, particularly, if the size of the frontage tends to prevent sign clutter from multiple adjacent parcels);
- d. Access and visibility to the site;
- e. Intended traffic circulation pattern and the need for way-finding;
- f. Hierarchy of signage;
- g. Relationship between the site and adjacent uses;
- h. The desired function of the site (e.g., an urban center or activity center would tend to include signage that is more urban and more dynamic in character than a strip shopping center); and
- i. Consistency with the objectives and design policies of the Comprehensive Plan and any applicable sub-area plans.

2. Additionally, the maximum permitted sign area shall be based on the following formula when evaluated against the above criteria:

- a. The maximum area permitted for attached signage shall range from one **(1)** percent up to a maximum of six **(6)** percent of the building façade to which the sign is to be attached.
- b. The maximum total permitted area of all freestanding signs on a ~~{parcel}~~lot or tracts proposed for development shall not exceed **ten (10)** percent more than the total sign area that would otherwise be permitted by **Subsection 15-625.02., Detached Signs.**

G. **Community Character.** The signage proposed in a sign ~~{design program}~~plan shall not have an adverse impact on the community character of the district in which the ~~{parcel}~~lot or tracts proposed for development is located, or of the City.

H. **Property Values.** The signage proposed in a sign ~~{design program}~~plan will not have an adverse impact on the value of property in the immediate vicinity of the ~~{parcel}~~lot or tracts proposed for development.

I. **Elimination of Nonconforming Signs.** If there are existing signs on-site, they shall be brought into conformance with the standards of the approved sign ~~{design program}~~plan.

~~[Sec. 15-6]~~§11-728 Reserved to ~~[Sec. 15-6]~~§11-729

Fiscal Impact: N/A

