

AGENDA
VALLEY CITY COUNCIL
Tuesday, November 21, 2023
City Hall
203 North Spruce
Valley, NE 68064
4:30 PM

1. **ROLL CALL**
2. **CALL TO ORDER**
3. **PROOF OF PUBLICATION**
4. **RECOGNITION OF DUANE S. PROROK.**
5. **VALLEY LANDING - Preliminary Plat**
6. **PUBLIC HEARINGS**

6.A. Various Ordinance Amendments

- Kennel definition
- Bicycle registration
- Doug license tags
- Allowable zones for various types of storage
- Library board term limits
- Sign regulations
- Landscaping and screening requirements
- Overlay district design standards

Open Public Hearing

Public comments: proponents and opponents

Close public hearing

Discussion and questions by Planning Commission Members

Vote on recommendation to City Council

7. **ORDINANCE CHANGE REQUEST - regarding storage of trailers in residential districts.**
8. **WAIVER REQUEST - site design standards - Highway overly district.**

The City Council reserves the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

9. ADJOURN

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A: KENNEL DEFINITION

CURRENT

ARTICLE IV – KENNELS

SECTION 2-401: DEFINITION; FEE

A kennel is hereby defined as any premises on which three or more dogs at least four months old or more are maintained or kept. A fee of \$25.00 shall be paid each year to the city clerk by the owner of a dog kennel. The licensing year shall be the same as that for individual dogs, and the owner shall be liable for the entire fee even though his/her premises qualifies as a kennel for only part of a licensing year. The owner shall not be required to pay a license fee for each dog in the kennel in addition to the kennel fee, and no license certificate and tag shall be required for each dog in the kennel.

PROPOSED

ARTICLE IV – KENNELS

SECTION 2-401: DEFINITION; FEE

A kennel is hereby defined as any premises on which ~~three or more dogs~~ **more than three** at least four months old or more are maintained or kept. A fee of \$25.00 shall be paid each year to the city clerk by the owner of a dog kennel. The licensing year shall be the same as that for individual dogs, and the owner shall be liable for the entire fee even though his/her premises qualifies as a kennel for only part of a licensing year. The owner shall not be required to pay a license fee for each dog in the kennel in addition to the kennel fee, and no license certificate and tag shall be required for each dog in the kennel.

FIXED

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B: BICYCLE REGISTRATION

CURRENT

SECTION 3-403: BICYCLE; REGISTRATION

Anyone wishing to operate a bicycle within the corporate limits shall make an application to the city clerk on or before April 1 each year. A registration tag shall then be issued by

the city clerk after inspection of the bicycle and upon payment of a fee of \$0.50 to the city clerk. Said registration tag shall then be attached to the frame of the bicycle in a substantial manner. The removal of the tag, except by the proper authorities, shall be unlawful.

PROPOSED

Remove it due to it not being enforced or used.

C: DOG LICENSE TAGS

CURRENT

SECTION 2-302: LICENSE TAGS

Upon payment of the license fee, the city clerk shall issue to a dog owner a metallic tag for each dog so licensed. The tag shall be properly attached to the collar or harness of each dog so licensed and shall entitle the owner to keep or harbor the said dog until March 31 following such licensing. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the city clerk to issue tags of a suitable design that are different in appearance each year. In the event that a tag is lost, and upon request of the owner, the clerk shall issue a duplicate tag for a fee of \$1.00. (Ref 17-526, 54-603 RS Neb.) (Am. by Ord. No. 720, 3/12/19)

PROPOSED

SECTION 2-302: LICENSE TAGS

Upon payment of the license fee, the city clerk shall issue to a dog owner a metallic tag for each dog so licensed. The tag shall be properly attached to the collar or harness of each dog so licensed and shall entitle the owner to keep or harbor the said dog until March 31 following such licensing. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the city clerk to issue **lifetime** tags of a suitable design ~~that are different in appearance each year~~ **renewed annually**. In the event that a tag is lost, and upon request of the owner, the clerk shall issue a duplicate tag for a fee of \$1.00. (Ref 17-526, 54-603 RS Neb.) (Am. by Ord. No. 720, 3/12/19)

FIXED

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D. MODIFICATION OF STORAGE TYPE FACILITIES IN THE ZONING MATRIX

See the following pages.

REDLINE VERSION SHOWING ADDITIONS

Red – Additions

Section 12.05 Design Standards for the Highway Corridor Protection District (Highway Overlay District) and Designated Commercial Areas.

All commercial uses within the Highway Overlay District or within any designated commercial areas shall comply with the following standards. This section does not apply to areas zoned residential or transitional agricultural within the Highway Corridor Protection District. In addition, the applicant shall submit building elevations for review by the City. Any structure existing at the time of adoption of this Code which is expanded for retail commercial use by 25 percent or more to the building area shall be subject to these Design Standards.

Intent: The building facades shall be designed including architectural features that contribute to visual interest at the pedestrian scale, reduce the massive scale of the building, minimize a uniform and impersonal appearance of the building, and will provide visual interest consistent with the community's identity, character, and scale. The design shall provide variations in the roofline, add interest to, and reduce the massive scale of large buildings.

All commercial uses within the Highway Overlay District or within any designated commercial areas shall comply with the following standards:

1. Definitions. For purposes of this section, the building types and the façades of a building shall be defined as follows:
 - a. Large free-standing commercial retail. A singular retail or wholesale user that occupies no less than 30,000 square feet of gross floor area. These uses typically include: membership wholesale clubs, discount stores, pharmacies, and grocery stores. See Exhibit A at the end of this section.
 - b. Contractor bay. A bay style industrial flex space that occupies no more than 10,000 square feet which have limited office space with a large open bay and either a loading dock or overhead doors. Uses typically include: auto repair, small building contractors, distributors, machine shops, plumbing and heating contractors, electricians, roofer, etc. See Exhibit B at the end of this section.
 - c. Shopping Center, Commercial Strip. A commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, and small linear shopping centers with shallow on-site parking in front of the stores. See Exhibit C at the end of this section.
 - d. Façade. The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.
 - e. Front façade. The front or principal face of a building, containing the main entrance; any building face, which can be touched by a line drawn perpendicular to street (public or private).
 - f. Side façade. The face of a building extending from the front façade to the rear façade of the building.

- g. Rear façade. The face of a building extending along the rear of the lot or site, containing employee and service entrances, loading docks, and service areas (e.g., trash dumpster, utility boxes, and HVAC equipment).
2. Façade Design. Front and street facing side façades greater than 100 feet in length, measured horizontally, shall:
- a. Incorporate wall plane projections or recessions of at least twelve (12) inches in depth of the same durable material, extend at least twenty (20) percent of the length of the façade, and extend full height of the wall. The maximum uninterrupted length of wall shall be no more than 100 feet. The use of contrasting materials and color shall allow wall plane projections or recessions to be less than twelve (12) inches in depth.
 - b. Have a change in at least one of the following elements each 100 feet along the front and all street facing sides: color change, material change, and/or texture change.
 - c. The front façade shall include architectural elements, such as columns, awnings, projecting canopies, accent lines, colonnades, arcades, reveals or projecting ribs along at least 40 percent of the front façade length.
 - d. Except for entrances to the building, any part of the front façade higher than 11 feet shall give the visual exterior appearance of having more than one floor for each additional 11 feet in height, i.e., a 22-foot-high building shall give the appearance of a two-story building.
3. Entryways.
- a. Front facades shall have visible, clearly defined entrances that include at least three of the following elements: canopies or porticos, awnings, overhangs, recesses or projections, arcades, raised corniced parapets over the door, distinctive roof forms, arches, or display windows.
4. Rooflines.
- a. Rooflines shall be varied in height, at least each one hundred (100) feet, measured horizontally, along the front façade and any side of a building facing a street. Hips, gables, or changes in parapet elevation shall be used to provide relief in height.
 - b. Gables and hip roofs are permitted. Parapets shall be used on flat roofs to conceal rooftop mechanical equipment. The parapet design shall be a minimum of three (3) feet in height.
5. Transparent windows and doors.
- a. A minimum of 20 percent of the surface area of the front façade and street facing walls shall be transparent. Transparency may include glazed doors, windows, overhead doors and display windows.
 - b. Highly reflective or glare producing glass with an external reflectance factor of 25 percent or higher is prohibited on all facades.

- c. All overhead doors (frame and paneling) on the front façade and street facing walls shall vary from the adjacent building panels and façade and shall not be white. A minimum of 50 percent of all overhead doors shall be glass or resembling glass (acrylic, polygal or approved equivalent) and may be transparent, tinted, frosted, or opaque. The color and appearance of the glass or glass resembling material must contrast from the color of the frame and paneling of the overhead door.

6. Materials.

- a. Not less than 50 percent of the front of the building and 25 percent of the sides of the building exclusive of transparent windows and doors shall be durable material including brick, stone, masonry units that are integrally colored, burnished, glazed, or textured concrete, drainable EFIS (Stucco), painted R and PBR panels, and prefinished metal panel systems (e.g., Aluminum Composite Material (ACM) panels). Cementitious lap siding may be used as an accent material only.
- b. The following exterior materials are prohibited: Materials with the appearance of unfinished concrete block, smooth natural (grey) concrete, painted smooth faced concrete block, vinyl siding, corrugated metal, or tilt-up concrete panels without an architectural finish.

7. Colors

- a. Predominant building colors shall be subtle, neutral, or earth tone that have low reflectivity with less than a 30 percent reflection factor. Intense, bright, fluorescent, or metallic colors (e.g., bright yellow, orange, bright red) shall not be used as the predominant color on any wall or roof. These colors may be used as the building accent color but shall not constitute more than 10 percent of the area of each building façade.

8. Landscape Buffer or Screening

- a. A landscape buffer shall meet requirements of section 12.04.07 and shall be required near or offset from the property line to screen service areas and rear facades so they shall not be easily visible to the public from streets, parking lots or adjacent properties. If the dumpsters or HVAC equipment are not located along the rear faced, they shall be screened per section 12.04.08

9. Maximum Parking:

- a. The maximum number of off-street parking spaces allowed shall be equal to 125 percent of the required minimum number of spaces.
- b. Parking spaces in excess of the maximum number permitted may be allowed, provided:
 - i. Each parking space provided in excess of the maximum number allowed shall be paved with a permeable paving material approved by the City; or
 - ii. For each parking space provided in excess of the maximum number allowed, 300 square feet of additional on-site green space shall be provided and maintained with landscaping.

10. Amenities.

- a. **Commercial building sites with a lot size of 10-acres or more** shall include at least one public gathering space, such as a patio seating area, pedestrian plaza with benches, outdoor play area, and not less than two public space amenities, such as kiosks, a water feature, a clock tower, or a landscaped site for public artwork. Pedestrian public space shall be shaded, landscaped, and screened. The size of the public gathering space shall not be less than one percent of the gross enclosed building area.

11. Any conflict between these standards and the CMD Ordinance shall be resolved in favor of the stricter standard.

12. **These guidelines are not intended to inhibit creativity and innovation in building design. The City will consider other building materials if the applicant demonstrates that the use of such materials results in a quality, durable building.**

Exhibit A: Large Free-Standing Commercial Retail



Exhibit B: Contractor Bay



Exhibit C: Shopping Center, Commercial Strip



REDLINE VERSION SHOWING DELETIONS AND ADDITIONS

Red – Additions/Revisions

5.20.06 Landscape and Site Treatment

1. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water ~~features~~ ~~patterns~~, and all visible construction except buildings and utilitarian structures.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
3. **Plant material and** Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
4. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
5. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. ~~Spectacular effects shall be reserved for special locations only.~~
6. ~~Plant material shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.~~ **(Incorporated with 3.)**
7. The use of walls, fencing, planting, or combinations thereof shall be used to screen service yards and other places that tend to ~~be unsightly~~ **detract from the building features.** Screening shall be equally effective in winter and summer.
8. Exterior lighting, when used, shall enhance the building design and the adjoining building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting ARTICLE 5: ZONING DISTRICTS VALLEY, NEBRASKA ■ ZONING ORDINANCE ■ 2018 93 shall be designed to a standard that does not impact adjoining properties, especially residential areas.
9. Developments in the Highway Corridor Protection District shall meet all other applicable screening regulations pursuant to Article 7

Section 12.04 Landscaping and Screening Requirements

12.04.01 Intent: The landscaping and screening requirements of this section are intended to promote attractive and harmonious growth of the City. Landscaping is a fundamental component of property development. These provisions are intended to preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights-of-way are designed and maintained with respect to plants and landscape materials. This section also intends that property development should respect land capability and constraints, minimize erosion and destruction of natural amenities and reduce conflicts between lands and uses.

1. The use of suitable native plant materials is encouraged. Native plants are those plants that occur naturally within this region and have shown greater adaptability to the seasonal and climate changes which occur in this region.
2. Not more than 1/3 of the required landscaping shall be comprised of any one species and at least 1/3 of the required plants should be coniferous or evergreen species.
3. The owner of the property, and their successors, shall be responsible for proper maintenance of all required landscaped areas. Landscaping shall be maintained continuously, including all necessary watering, weeding, pruning, pest control, and replacement of dead or diseased plant material. Replacement landscaping shall be planted as soon as possible or by the next growing season. In no case shall replacement time exceed one year.

12.04.02 Application and Scope

1. No new structure, building or parking lot shall be constructed unless in compliance with the landscape and screening standards of this Article.

12.04.03 Landscape Area Requirements

1. Single-family and two-family dwellings shall maintain a minimum of 20 percent of lot area as a permeable and uncovered surface containing living material. Single-family and two-family dwellings shall be exempt from other requirements of Section 12.04.
2. All other uses shall provide and maintain a landscaped area that equals or exceeds the requirements of Section 12.04.

12.04.04 Site Landscaping

1. Major site plans shall include a landscaping plan indicating how existing topography, natural features, and vegetation will be integrated into the overall site development. A conceptual landscape plan shall be submitted and approved prior to final site plan approval. A detailed landscape plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. All landscape plans shall be prepared to show the information required by the Planning Services Department. (Include a location reference?)
2. Street trees planted in the public right-of-way shall not be counted toward fulfillment of the minimum site requirements for number of trees.
3. Existing trees to be retained on site may be counted toward fulfillment of the landscaping requirements.
4. Parking lot landscaping requirement in Section 12.04.04~~5~~ shall not be counted toward fulfillment of the minimum site landscaping.
5. The minimum required permeable area shall be 20 percent of the entire site under review.
6. The following is the minimum landscaping requirement of trees and shrubs, by number, and the type of ground cover required for the entire site under review. Plant species used for landscaping shall be in accordance with street tree and plant lists approved by the City.

- a. Minimum tree planting requirements shall be one tree per 1,600 square feet of required permeable area. Minimum tree size shall be at least one and one-half inch caliper measured six inches from the base of the tree for a deciduous tree and six feet in height for a coniferous tree.
- b. Minimum shrub requirements ~~at the time of planting~~ shall be six shrubs, or one shrub per 1,000 square feet of required permeable area, whichever is greater. Shrubs shall be a minimum of 18 inches in height or a minimum of three gallons potted.

12.04.05 Parking Lot Landscaping

1. A landscape buffer strip shall be provided along the frontage of all surface parking areas at least 10 feet wide along the public right-of-way. The buffer strip shall consist of shade trees, low shrubs, perennial flowers, and/or other plant materials approved by the Building and Zoning Department. Landscaped earth berms and/or decorative walls and fences are permitted provided they are integrated with the landscape screening described above. The use of bio-filtration methods of landscape and drainage design is encouraged. ~~The number of trees and shrubs shall be per Section 12.04.04.~~
2. A landscape buffer at least seven feet wide shall be provided along the remaining sides of all surface parking lots. This area shall be planted with any combination of shade trees, coniferous trees, and/or shrubs. ~~The number of trees and shrubs shall be per Section 12.04.04.~~
3. **Interior** Parking lot landscaping and trees shall be dispersed throughout the parking lot as follows:
 - a. For single parking bays, landscaped islands shall provide at least one parking space of landscape area, measuring at least nine feet by 18 feet, and shall be planted with a combination of one tree, low shrubs, perennial flowers, ~~turf~~, and/or ground cover/ornamental grasses ~~but shall not be planted entirely with turf~~. ~~Provide two landscape islands with plantings, as listed, for each 20 parking spaces within the parking lot.~~
 - b. For double parking bays, both the end landscaped islands and the intermediate landscaped islands shall provide a double-parking space of landscape area, measuring at least nine feet by 36 feet, and shall be planted with a combination of one shade tree or two ornamental/dwarf trees, low shrubs, perennial flowers, ~~turf~~, and/or ground cover/ornamental grasses measuring no more than three feet in height, ~~but shall not be planted entirely with turf~~. ~~Coniferous trees are prohibited in parking lot islands. Provide one landscape island with plantings, as listed above. Provide two landscape islands for each 40 parking spaces within the parking lot.~~
 - c. ~~In lieu of providing interior landscape islands as described above, for parking lots of 40 spaces or less, the landscape material that would have been required in that situation can be placed in the buffer area around the parking lot.~~
 - d. ~~For parking lots larger than 40 spaces, islands shall be required at the ends of each double-row of parking, broken into 10 spaces between islands maximum.~~
 - e. ~~Parking lot islands can be used as bio-retention areas, with landscaping included.~~

- f. ~~€.~~ No tree, shrub, hedge, or berm shall be placed or encroach into an area the City Engineer determines is an obstruction to visibility or extends into a visibility triangle affecting the public right-of-way.

12.04.06 Street Trees

- 1. Street trees shall be planted within a landscaped parkway or in tree pits within the sidewalk area according to the City of Valley policies on Street Trees.
- 2. Street trees planted within the sidewalk area shall be planted using best management practices.

12.04.07 Screening Requirements

- 1. All commercial and industrial uses that abut residential, ~~office, or institutional districts,~~ shall maintain screening not less than six feet **wide** along the abutting property line or lines.
- 2. Screening required by this ordinance shall be equivalent to the following:

~~A. Fences with at least 50 percent opaque construction; or~~

- a. A combination of a fence or wall at least 6 feet in height, offset from the property line a minimum of five feet with a mulched planting area provided within the offset area. The mulched area shall be planted with shrubs, perennials, and groundcovers over at least 60% of the area.

- i. The fence or wall shall be at least 80 percent opaque (non-transparent).

- ii. Mulch to be four-inch depth hardwood, natural or brown-colored only.

- iii. Shrubs shall be as listed in 12.04.04 6B.

- iv. Perennials shall be a minimum 1-gallon size.

~~B. Hedges, shrubs or evergreen trees of at least 30 percent opacity at the time of installation and 50 percent opacity maintained within three years of installation; or~~

~~C. Berms or graded slopes of not less than three feet of mean height. Such berms or graded slopes shall contain at least 50 percent living material~~

- b. All service access areas shall be prohibited between building facades and the street or easily visible from streets or parking lots unless screened from view. Screening is required between adjacent zoning districts when one of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

- i. The following conditions require buffering:

- 1). the rear elevation of the buildings.

- 2). outdoor storage areas.

- 3). compressed natural gas or propane tanks.

- 4). loading docks, service areas, and trash-storage and collection areas.
 - 5). major machinery or areas containing a manufacturing process, truck, or trailer parking.
 - 6). sources of glare, noise, or other negative environmental effects.
- ii. Screening required by this ordinance shall be equivalent to the following:
- 1). A solid wood, vinyl, and/or masonry fence or wall.
 - 2). A continuous tightly forming hedge row of landscape material of coniferous and/or deciduous plant material capable of providing a minimum height of six (6) feet within three (3) years of planting. Plantings should be full height from ground to top of hedge row with no trimming up from the ground surface.
 - 3). A landscaped earth berm not exceeding 3:1 slope with landscape material and/or fencing combination. Together the overall minimum height shall be six (6') feet. The berm surface shall be protected to prevent erosion with sod, seeding (and erosion control blanket), and/or landscape plant material and mulch, as soon as construction of berm is complete.
 - 4). Screening shall not adversely affect surface water drainage.
3. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of six feet in height. The walls and fences shall be fabricated and finished using the same materials and colors as the adjacent building and shall include a matching lockable gate that when closed, completely eliminates the view of the trash area and its contents.

REDLINE VERSION SHOWING DELETIONS AND ADDITIONS

Red – Additions/Revisions

Article 8: Sign Regulations

Section 8.01 Compliance with Sign Regulations

All signs constructed, erected, modified, or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

Section 8.02 Sign Definitions

The following are the definitions relating to signs within the Valley zoning jurisdiction.

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

ANIMATED SIGN **DIGITAL DISPLAY SIGN** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated, or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

AWNING OR CANOPY SIGN shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BANNER SIGN shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

BILLBOARD SIGN shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold. ~~at a location other than where the sign is located.~~ **BILLBOARD SIGNS ARE PROHIBITED IN VALLEY.**

BUILDING SIGN shall mean any sign supported by, painted on or otherwise attached to any building or structure.

BUILDING MARKER SIGN shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CHANGEABLE COPY SIGN shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

COMMERCIAL MESSAGE SIGN shall mean 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.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the simplest, direct, and concise manner possible.

ELECTRONIC MESSAGE BOARD SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

FLASHING SIGN shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off. **FLASHING SIGNS ARE PROHIBITED IN VALLEY.**

FREESTANDING SIGN shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

GROUND MONUMENT SIGN (GROUND) shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

INCIDENTAL SIGN shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

NAMEPLATE SIGN shall mean a sign not exceeding 2 square feet for each dwelling.

NON-CONFORMING SIGN shall mean any sign that does not conform to the requirements of this ordinance.

OBSOLETE SIGN shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

OFF-PREMISES SIGN shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

ON-PREMISES SIGN shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

PENNANT SIGN shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE SIGN shall mean a sign that is mounted on a freestanding pole. ~~or other support so that the bottom edge of the sign face is six feet or more above grade.~~ **POLE SIGNS ARE PROHIBITED IN VALLEY.**

PORTABLE SIGN shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PROJECTING SIGN shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

ROOF SIGN shall mean a sign ~~identifying the name of a business, enterprise, or the product sold on the premises and~~ erected on and over the roof of a building and extending vertically above the highest portion of the roof. **ROOF SIGNS (FREE STANDING) ARE PROHIBITED IN VALLEY.**

ROOF (INTEGRAL) SIGN shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

~~**SIGN AREA** shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated. **(Included under 8.03.01)**~~

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN SURFACE shall mean the entire area of a sign.

SUBDIVISION SIGN identification shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. **SUSPENDED SIGNS ARE PROHIBITED IN VALLEY.**

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

WALL SIGN shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

 <p>Animated Sign</p>	 <p>Awning Sign</p>	 <p>Banner/Flag Sign</p>	 <p>DELETE Banner Sign-- Temporary</p>	 <p>DELETE Blade Sign-- Temporary</p>
 <p>Building Marker Sign</p>	 <p>Canopy Sign</p>	 <p>Changeable Copy Sign</p>	 <p>DELETE Commemorative Sign</p>	 <p>DELETE Billboard-Double- faced Sign</p>
 <p>Electronic Message Board Sign</p>	 <p>Ground-Monument Sign (Ground)</p>	 <p>DELETE Off-Premises Sign</p>	 <p>DELETE Painted Wall Sign</p>	 <p>DELETE Parapet Sign</p>

 <p>DELETE Pole Sign</p>	 <p>Projecting Sign</p>	 <p>DELETE Traffic Information Sign</p>	 <p>DELETE Roof Sign</p>	 <p>Roof (integrated) Sign</p>
 <p>DELETE Sign Stacking</p>	 <p>Subdivision Identification Sign</p>	 <p>DELETE-Suspended Sign</p>	 <p>Wall Sign</p>	 <p>Window Sign</p>

Section 8.03 Sign Area Computation

8.03.01 Computation of Area of Individual Signs

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

8.03.02 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

Section 8.04 Sign Schedules

8.04.01 Signs shall be permitted in the various districts according to the following schedule:

	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3
Animated	-	-	-	-	-	-	+	+	+	+	+	+
Architectural Canopy	+	-	-	-	-	-	+	+	+	+	+	+
Banner	+	-	-	-	-	-	-	+	+	+	+	+
Changeable Copy	+	-	-	-	-	-	+	+	+	+	+	+
Electronic Message Board	+	-	-	-	-	-	+	+	+	+	+	+
Flashing	-											
Freestanding	T	T	T	T	T	T	T	T	T	T	T	T
Monument (Ground)	+	+	+	+	+	+	+	+	+	+	+	+
Illuminated	+	-	-	-	-	-	+	+	+	+	+	+
Incidental	+	+	+	+	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	-	+	+	+	+	+	+
Nameplate	+	+	+	+	+	+	+	+	+	+	+	+
Off-Premises (Billboard)	-											
On-Premises (Billboard)	-											
Pennant	+	-	-	-	-	-	-	+	-	+	+	+
Pole	-	+	-	+	+	+						
Projecting	+	-	-	-	-	-	+	+	+	+	+	+
Portable	T	T	T	T	T	T	T	T	T	T	T	T
Roof	-											
Roof-Integrated	+	-	-	-	-	-	-	+	-	+	+	+
Subdivision	+	+	+	+	+	+	+	+	+	+	+	+
Suspended	-											
Temporary	T	T	T	T	T	T	T	T	T	T	T	T
Wall	+	-	-	-	-	-	+	+	+	+	+	+
Window	+	-	-	-	-	-	+	+	+	+	+	+

+: permitted -: not permitted T: Temporary

8.04.02 Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3
Animated												
Max. Square Ft.	-	-	-	-	-	-	-	200	200	200	200	200
Max. Height Ft.	-	-	-	-	-	-	-	45	45	45	45	45
Max. Number	-	-	-	-	-	-	-	1	1	1	1	1
Architectural Canopy												
Max. Square Ft.	250	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1 ⁷ 4	-	-	-	-	-	-	1 ⁷ 4	1 ⁷ 4	1 ⁷ 4	1 ⁷ 4	1 ⁷ 4
Banner												
Max. Square Ft.	32	-	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Changeable Copy												
Max. Square Ft.	32	-	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Electronic Message Board												
Max. Square Ft.	100	-	-	-	-	-	-	100	100	100	100	100
Max. Height Ft.	20	-	-	-	-	-	-	20	20	20	20	20
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Flashing												
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Freestanding												
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Monument (Ground)												
Max. Square Ft.	50	-	-	-	-	-	-	32 ²	32 ²	50³ 32 ²	50³ 32 ²	50³ 32 ²
Max. Height Ft.	10	-	-	-	-	-	-	10	10	10 10	10 10	10 10
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Incidental												
Max. Square Ft.	25	-	-	-	-	-	-	25	25	25	25	25
Max. Height Ft.	each	-	-	-	-	-	-	each	each	each	each	each
Max. Number	45	-	-	-	-	-	-	45	45	45	45	45
Marquee												
Max. Square Ft.	-	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	-	-	-	-	-	-	-	45	45	45	45	45
Max. Number	-	-	-	-	-	-	-	1	1	1	1	1
Nameplate												
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Off-Premises Billboard												
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
On-Premises Billboard												
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Pennant												
Max. Square Ft.	32	-	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA

	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3
Pole												
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Projecting												
Max. Square Ft.	16	-	-	-	-	-	-	16	16	16	16	16
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Portable												
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Roof												
Max. Square Ft. ⁴⁵	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Roof-Integrated												
Max. Square Ft.	250	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Subdivision												
Max. Square Ft.	500	500	500	500	500	500	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Max. Lot Area Square	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Suspended												
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Temporary												
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.												
Max. Number												
Wall												
Max. Square Ft.	200 ¹	-	-	-	-	-	-	200 ¹				
Max. Height Ft.	15	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Window												
Max. Square Ft.	200 ¹	-	-	-	-	-	-	200 ¹				
Max. Height Ft.	15	-	-	-	-	-	-	15	15	15	15	15
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1

¹ Wall/Window signs shall not exceed 10 percent of the total wall area, or the number indicated whichever is greater.

² ~~Ground Monument (Ground) signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.~~

³ ~~Ground Monument (Ground) signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.~~

⁴ ~~Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.~~

⁵ ~~Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.~~

- ⁶3 One Incidental sign per 40 lineal feet of storefront.
 - ⁷4 One Canopy per window – canopy shall meet all minimum height requirements for accessibility.
- NA = Not Applicable – Refer to specific structural sign types

8.04.03 A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

Section 8.05 Signs, Special Conditions

~~8.05.02 *Billboard Signs.* Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district and shall also be subject to the following conditions and restrictions.~~

- ~~1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.~~
- ~~2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.~~
- ~~3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.~~

8.05.03² *Stand-alone ATM's may have the following:*

1. One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
4. All signs are subject to the required permitting process of these Regulations.
5. Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

8.05.04³ *Coffee Kiosks and other Kiosks may have the following:*

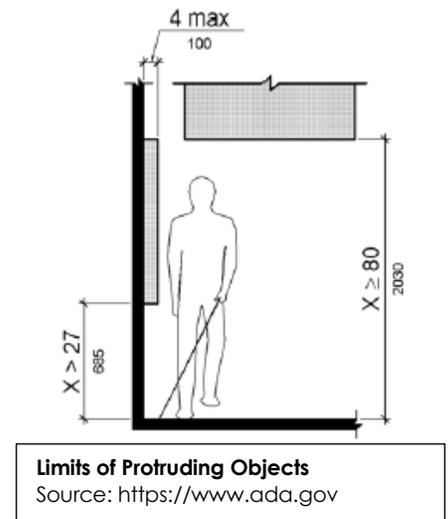
1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks/Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk/Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane.
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

8.05.05⁴ Signs protruding from the façade, into the right-of-way or hung from canopies shall be limited to the dimensions shown on the adjacent graphic, as well as Awnings shall maintain 80 inches of vertical clear space, as measured from the bottom edge of the sign to the grade below.

8.05.06⁵ Temporary Signs

Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:

1. Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
2. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off- premises business and/or organization.



8.05.07⁶ Emergency Signs (Permitted)

Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

8.05.08⁷ Other Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

8.05.09⁸ Signs Exempt from Regulation Under this Ordinance

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 4.08 of this Ordinance and/or a collision hazard to the public:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. ~~Any religious symbol;~~
3. **Temporary** construction signs when equal to six square feet or less;
4. Any sign identifying a public facility or public/civic event;
5. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;
6. Holiday lights and decorations with no commercial message;
7. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message. ~~of any sort; and~~

8.05.10⁹ *Signs Prohibited Under These Regulations*

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

1. Beacons;
2. Roof signs;
3. Suspended signs;
4. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
5. Audible Signs
6. Pole Signs
7. Off-Premises and On-Premises Billboards

8.05.11¹⁰ *Electronic Sign Brightness Limitations*

1. No electronic sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand (8,000) nits or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.
2. Electronic sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

P.O. Box 682
Valley, NE 68064
Phone: 402-359-2251 Ext. 306
Fax-402-359-2610
www.valleyne.org
Business Hours 9 am – 5 pm M-F



Waiver from Site Design Standards

Date: _____

Form must be filled out completely before acceptance of this application for processing. Please print.

Property Owner's Name: Jerry Smith Telephone No. X

Applicants Address: 25050 US HWY 275 Douglas County NE 68069

Applicants Email: X

Legal Description of Property: L&J SUBDIVISION LOT 1 BLOCK 0 LOT 1 90.6 AC

Hereby request a waiver for the following:

Site Design Standards involving Article: 12 Section .05

Specifically: _____

- 6. Materials and color. The building shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities may be used on building trim and as accents at the discretion of the City Council. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface incorporates an acceptable architectural treatment. Not less than 75 percent of the front of the building and 50 percent of the sides of the building shall be brick, stone, textured CMU, or other acceptable durable modern materials as approved by the City.

The applicant is requesting the waiver for the following purpose: _____

X

I hereby certify the information in this application is true and correct to the best of my knowledge.

Applicant Signature X Date X

I hereby state that the information submitted on this application is accurate and correct. I recognize that the issuance of this application shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this application shall not prevent the building official from requiring site to be in compliance with all applicable code provisions during field inspections.