

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 09009**, requested by the Director of Planning, to amend Chapter 27.69 of the Lincoln Municipal Code relating to signs.

STAFF RECOMMENDATION: Approval, as revised.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/17/09 and 07/01/09
Administrative Action: 07/01/09

RECOMMENDATION: Approval, as revised by staff (7-0: Gaylor Baird, Cornelius, Esseks, Larson, Francis, Sunderman and Taylor voting 'yes'; Partington absent).

FINDINGS OF FACT:

1. The proposed amendments to the sign ordinance are requested by the Director of Planning in an effort to make the sign ordinance easier to understand by simplifying, reorganizing, redefining and providing tables and diagrams.
2. The staff recommendation of approval, as revised, is based upon the "Analysis" as set forth on p.2-4, concluding that this update clarifies and simplifies the sign ordinance to better meet the needs of today's businesses, sign contractors, and civic and religious institutions while maintaining the public health, safety and general welfare of the community, including consideration to the aesthetics of the City's streetscapes.
3. The following tables are provided to assist in understanding the proposed amendments:

Table 1 (p.12) - Changes to Chapter 27.69 since its creation in 1979;
Table 2 (p.13) - Changes to Definitions;
Table 3 (p.14-17) - Table comparing freestanding signs in the existing ordinance with proposed changes;
Table 4 (p.18-21) - Changes to Zoning Districts
Table 5 (p.22) - Additional Changes
4. The staff presentation and discussion with the Planning Commission is found on p.6-7 and p.9-10.
5. Testimony in support is found on p.8-9, including representatives of the Lincoln Chamber of Commerce and Nebraska Neon Sign Co. The record also consists of a letter in general support from the Lincoln Independent Business Association, requesting consideration for signage on properties designated as a "center" (p.23). The proposed language does permit a "center" sign on each frontage of a commercial center.
6. There was no testimony in opposition.
7. On July 1, 2009, the Planning Commission agreed with the staff recommended language, as revised, and voted 7-0 to recommend approval (Partington absent). The amendment proposed by staff as set forth on p.24-25, deleted language that was previously drafted on removing signs for election campaigns and other events. The revision was recommended by Planning Commission and has been incorporated into the proposed ordinance being submitted to the City Council.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 6, 2009

REVIEWED BY: _____

DATE: July 6, 2009

REFERENCE NUMBER: FS\CC\2009\CZ.09009 text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 17, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** Change of Zone No.09009
- PROPOSAL:** To make the sign ordinance easier to understand, implement and use by reorganizing, redefining, and providing tables and diagrams.
- LOCATION:** 27.69 of the Lincoln Municipal Code
- CONCLUSION:** This update clarifies and simplifies the sign ordinance to better meet the needs of today's sign contractors and businesses, civic and religious institutions, while maintaining the public health, safety and general welfare of the community as well as preserving and enhancing the aesthetics of our existing and future streetscapes.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

HISTORY: See attached History (TABLE 1)

COMPREHENSIVE PLAN SPECIFICATIONS:

The planning process aspires to make this interaction between people and their physical landscape one in which all facets of our community can prosper, not only economically, but also intellectually, aesthetically, and spiritually.
(151)

ANALYSIS:

1. The sign ordinance was written in 1979. Prior to the 1979 update the zoning ordinance had sign regulations scattered throughout the code. Over the last 30 years the sign ordinance has served our community well. Although the ordinance is still effective, staff and sign contractors alike have noticed that parts have become cumbersome and difficult to interpret. This is in part due to text changes that accommodated specific developments and in part due to changes in technology and types of signs. In November of 2007 City staff began discussing changes that would need to be made to make the code easier to understand and use. In our evaluation staff had many meetings, surveyed some sign contractors and reviewed sign ordinance from other cities. The standards for height, area and location of our existing code were generally determined to be reasonable. This update was more a matter of simplifying and clarifying than rewriting.
2. Many minor changes were made to streamline the text. Attached is a table listing those changes. Below is a summary of more significant changes.

- A. Added tables and graphics including 3 tables summarizing the requirements for off-premise signs as well as freestanding signs in residential and commercial districts. Graphics were also added to help clarify the text. Such graphics included examples of sign types and how to calculate the area of a sign.
- B. Removed some terms, added new ones and clarified existing ones. Attached is a table (Table 2) showing which terms were added and which ones were removed. There are two significant changes in definitions. First, this update revises the terms pole and ground sign and defines them under a freestanding sign. A pole sign is any sign over 10 feet tall and a ground sign is any sign under 10 feet tall. A freestanding sign is any sign not attached to a building. Second, Center and Center Sign are defined. These terms are not defined in the existing ordinance and have often caused confusion as to what a center is or what it should be.
- C. Eliminated redundant language and grouped that language under General Provisions. Currently the same language is used over and over in several sections of this chapter. This update takes any language that was repeated more than once and puts it under one section (General Provision). This process allowed all of the sections describing signs for each of the zoning districts to be consolidated into a single table.
- D. The allowable heights for some signs in commercial districts was changed. Attached is a table comparing the allowed height under today's code and the allowed height under this update. Signs in most Use Permit districts such as the B-2, B-5 and O-3 allow shorter signs than signs in non Use Permit districts such as the B-1, B-3, B-4 and H districts. This is due to non use permit districts having existing signs that are tall and often have paving and parking up to their front lot line. For signs to be effective they need to be seen above cars and landscaping. Use permit districts usually have front yards without parking so the signs can be shorter. Staff worked with Bob Norris of Nebraska Neon, who has been a longtime member of the Lincoln sign community, to develop height requirements that would work for both business and preserve city streetscapes. *(See Table 3 for a comparison of old height requirements to new height requirements)*
- E. Established uniform distance requirements for illuminated signs near zoning districts. The minimum distance for signs in all commercial districts from a residential zoning district will be 50 feet if non-illuminated and 100 feet if illuminated. In today's ordinance, the required distance from a residential district ranges anywhere from 500 to 50 feet depending on the district.
- F. Changed the district sign requirements for PUDs. Today most Planned Unit Developments or PUDs have B-2, O-3 or I-3 as their underlying zoning. In the last few years there has been some confusion as to why a PUD with B-2, O-3 or I-3 zoning would have to follow the sign requirements of the B-1 and O-2 zoning districts as stated in the ordinance today. This is an example of how PUDs have developed and changed over the years but the sign requirements associated with those PUDs have not.

G. Removed the limitations on the time duration for signs in connection with political campaigns, nonprofit civic activities, and other noncommercial activities. The following language was removed, “ *signs may not be erected earlier than thirty days before the campaign, civic activity, or other noncommercial activity to which they relate and shall be removed within ten days following conclusion of such campaign or activity, provided that this restriction shall not apply to noncommercial signs located upon a person's own residence*” as recommended by the City Law Department to make Lincoln’s ordinance reflect decisions on similar issues in recent court cases.

H. Added language from Chapter 22.05 which deals with sign construction. Building and Safety will soon be doing a revision to Chapter 22.05. To keep from duplicating information throughout the code some language was moved from Chapter 22 to Chapter 27. When Chapter 22 is updated it will reference Chapter 27 for additional information

3. There are some items that did not change at all, including restrictions on off-premise signs (billboards), non-standard signs and special sign districts. In most cases the allowed sign area did not change, with exceptions being interstate signs in the H-3 zoning and freestanding signs in the I districts. (See attached Table 3 for comparisons).

4. As stated above, this update generally did not change the allowed area of a sign. In most commercial districts, except for the O-1, O-2 and R-T signs (which have smaller sign areas), signs in the front yard may be 50 square feet, signs outside the front yard may be 100 square feet, and center signs may be 150 square feet.

5. Use Permit districts (excluding the R-T district) generally are developed with multiple buildings on larger tracts of land, and tend to have a unifying theme. That suggests a different formula for signage than in non Use Permit districts. Use Permit districts are allowed both a freestanding sign per building and a center sign. In general, Non Use permit districts must choose between the a center sign and a freestanding sign per business, but the signs for individual businesses are generally larger and taller.

6. Added an administrative provision to 27.69.030 allowing the Planning Director to grant minor reductions in the required setback and/or spacing requirements for a sign not to exceed five feet. This may be approved upon a finding that such reduction is the minimum necessary to avoid interference with an existing utility line or to avoid a significant obstruction from view by an existing building, sign, or landscape feature, and such reduction will have no significant adverse effect on existing or reasonably anticipated future uses in the surrounding area. Any council member or aggrieved person may appeal any approval or denial of the request for modification by the Planning Director in accordance with the Request for Waiver Procedure found in Chapter 1.00, Sections 2.1.1 and 2.1.2 of the City of Lincoln Design Standards.

7. For a list of all changes see attached Table 4 and 5.

Prepared by:
Christy Eichorn
Planner

DATE: June 4, 2009

APPLICANT: Marvin Krout - Planning Director
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CHANGE OF ZONE NO. 09009

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 17, 2009

Members present: Gaylor Baird, Cornelius, Francis, Larson, Esseks, Partington, Sunderman and Taylor.

Ex Parte Communications: None.

Staff recommendation: Approval, as revised.

Staff presentation: **Christy Eichorn of Planning staff** presented the proposed text amendment which is an attempt to make the sign ordinance more consistent and more concise. Some are very minor changes and some more major, such as “freestanding sign” and “center sign”.

Since the Planning Commission briefing held May 20, 2009, there has been some discussion about removing “pole” sign and “ground” sign, which are currently located in a lot of PUD’s, planned service commercial centers and use permits. It could be confusing if we eliminated those terms altogether. So, those definitions will remain in the code and referenced by stating that they are a type of freestanding sign (any sign not connected to a building, regulated by district and by heights). There was an attempt not to change the allowable sign area for signs already permitted in a district.

Another term added in this amendment is “center sign” because in today’s code we reference centers and center signs but there was no definition. The definition has been added and center sign has been added to the Table. The Table has been added to clarify existing text. Some diagrams and other graphics were also added to help clarify the definitions.

Today, staff is proposing one more amendment to help consolidate information that was repetitive. We talked about the change to political signs and eliminating the time restriction. The more we looked at it, we saw that we really need to treat all temporary signs the same – real estate signs, construction signs and temporary signs. This text amendment takes the information in all three sections and combines them into one section. This reduces the square footage of construction signs in residential districts from 16 square feet down to 10 square feet. It makes it clear that a temporary sign should not be lit whether in residential or commercial district. It takes out the limitation of having only one real estate sign in your yard to make it consistent.

Eichorn noted a letter received from LIBA with concerns about having some additional signage in areas that have two frontages. Eichorn explained that in all commercial districts, except for the O-1, O-2 and R-T, there is the possibility of having a center sign, and where you have a center sign you have the possibility of having that per frontage.

With regard to the temporary signs, Taylor inquired whether there are time limits and what type of materials can be used for the signs. Eichorn stated that the type of material is in the building code, but the amount of time that a sign can be used is dependent on the type of sign. This update takes

away that limitation. For real estate signs, there is a specific amount of time from when the house goes on the market and comes off the market. The limitation on all other temporary signs is “not to exceed 60 days in a calendar year”.

Gaylor Baird inquired as to the allowable heights in commercial districts and how they are different and the impact on older neighborhood commercial areas or office park like areas. Eichorn stated that one of the biggest changes has to do with height. In order to consolidate these sections we had to have some sort of commonality. In use permit districts such as B-2, B-5 and O-3 (the bigger districts), they usually have a 20' setback. These districts have a shorter height requirement than in the older districts. The height in the use permit districts is 12' in the front yard and 18' outside the front yard. The older districts have signs that have been up for years and years, and those are grandfathered. In the older districts, a lot of the paving and parking comes all the way to the front lot lines. To be effective, the sign must be able to be seen and must be up above the cars. We looked at 15' as acceptable in the front yard and 25' outside the front yard. In many districts today, you could have signs anywhere from 25 to 50 feet tall. The revised ordinance gives them all the same 25' height limit per pole sign. A center sign is intended to be bigger and taller and they are going to be about 35' tall and 150 square feet in area. Pole and ground signs are now going to be known as freestanding signs. The height could change depending on the district.

Gaylor Baird confirmed that monument signs are now getting taller than pole signs. Eichorn agreed, but they will all now be called freestanding signs.

Taylor inquired how to answer the concerns of LIBA. Eichorn suggested that it all depends on the district. If you take 70th and A as an example, zoned O-3, which is the zoning district where the most drastic change is being made, one sign per building and one center sign would be allowed. In that case, they would only get one sign on one of their frontages for the one building that is on the corner. But, there is a way to change that. Because it is a use permit, the City Council can adjust the signage by an amendment to the use permit. So, there is an avenue to pursue to get the sign, if needed, through the public hearing process.

Esseks wondered whether this is a fault of the zoning designation at 70th & A because it is not really part of the center surrounded by an outlot. Eichorn believes that the use permit was designed to control the whole area so she wouldn't call it a “mis-designation” – just how it was built into the use permit. But, Esseks suggested that there is really no opportunity for a center sign to advertise its presence there. Eichorn agreed that the one building itself would not have its own center sign.

Francis inquired about the time restriction for temporary signs. Eichorn stated that it is 60 days. Francis wondered whether that includes real estate for sale or lease signs. Eichorn advised that there is language in the code today referring to real estate signs, identifying an offer for sale or lease sign shall be removed one week after closing the sale or the lease of the property. Eichorn agreed that this amendment probably needs a little more work and suggested that the Planning Commission could defer for two weeks to give staff the opportunity to clarify the amendment.

Rick Peo of Law Department approached the Commission and explained that the sign code is a very difficult process. The main problem is that it involves freedom of speech and a lot of constitutional issues. Generally, you are allowed to have reasonable time, manner and location restrictions but not allowed to have viewpoint, discrimination or content discrimination. Viewpoint is easy to say, but content is harder to get your hands around - the type of sign and the message. We had problems on political signs with the time restriction and equality issues. We were trying to

get those to meet constitutional requirements while providing uniformity so that the content of the sign did not give it a preference over something else. Construction signs were allowed to have more signs and greater square footage and that didn't seem permissible under the law. We also tried to do a quick fix to combine all those provisions under one section, but because of the definition in different places and different time lines, we need to do a little bit more work. We'll go back to the drawing board on temporary signs to meet the constitutional requirements.

Support

1. Kyle Fischer, Lincoln Chamber of Commerce, 1135 M Street, testified in support. Their end-users are business owners and they are "generally supportive" of this legislation. There is always some reservation and some question, but from the contacts the Chamber has had, the business owners are generally supportive, outside of the proposed amendment submitted today which they have not reviewed. The Chamber appreciates the work that the Planning Department has done on this legislation. They have asked for the industry's input on this proposal.

2. Bob Norris, President of Nebraska Neon Sign Co., 1140 N. 21st, also complimented the Planning staff. He is in general agreement with the proposal. Naturally, there are things he would do different, but taking those things into account, the fact that the staff has simplified the ordinance through the tables, graphs and diagrams and cleaned up the definitions, it will be much easier to use for the business community in general, whether we agree in total or not. It takes out the need for interpretation at the time of applying for the permits. The work that has been done has cleaned that up a lot.

With regard to the concerns expressed in the LIBA letter, Norris suggested that it is a rare occurrence where that would happen. The O-3 zone still needs a lot of work in how it is written and used. In the larger shopping centers, it would be advantageous to have a sign on each frontage, although he does not believe that is a huge issue. At the time it is developed, they can show the additional sign and get a waiver to allow it.

On the temporary sign issue, Norris does not see construction site signs as temporary signs, even in residential situations. His concern with that change comes mainly in the larger development today where you have a developer who is selling lots to builders and there is new home construction and many lots on large sites. Sometimes it is advantageous for the builder to have a sign bigger than 10 square feet on one structure, i.e. 14 - 16 square feet. He believes this should be considered.

Taylor confirmed with Norris that he would not consider a construction sign as a temporary sign. Norris responded, suggesting that there aren't very many new homes that get put up in 60 days. Taylor wondered about a permanent sign. Norris suggested that a permanent sign is going to stay in place as long as the business is there. He suggested that construction site signs should be defined differently than temporary signs so that they can be there as long as the site is being built.

Esseks inquired whether Norris believes there should be separate category for construction site signs. Only becoming aware of today's proposed amendment last night, Norris believes that would seem to be a solution. He would also like to encourage staff to visit with the Home Builders and the Board of Realtors to get their input.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

June 17, 2009

Larson moved to defer, with continued public hearing and action scheduled for Wednesday, July 1, 2009, seconded by Taylor and carried 8-0: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 1, 2009

Members present: Esseks, Cornelius, Larson, Gaylor Baird, Taylor, Francis and Sunderman; Partington absent.

Ex Parte Communications: None.

Staff recommendation: Approval, as revised on June 30, 2009.

Staff presentation: **Christy Eichorn of Planning staff** submitted a proposed amendment to the draft ordinance where real estate signs, construction signs and non-commercial signs have been grouped together as "Non-illuminated Temporary Signs" with allowed sign area of 10 square feet in residential districts and 40 square feet and 6 feet in height in non-residential districts. Political signs will have no time limit in order to fulfill constitutional requirements.

With regard to monument sign and pole sign, Gaylor Baird observed that it appears as though monument signs in B-1 and B-3 are limited to 8-10 feet and would be able to be up to 15 feet under the new ordinance. Eichorn explained that in today's code, you can have either a pole sign or a ground sign in B-1, B-3 and B-4. It defines a ground sign as 8 or 10 feet in height, depending on location, and a pole sign generally can be 25 or 35 feet in height depending on where it is located. Sometimes it is more cost effective to put up a ground sign, or they could put up a sign being the same square footage and it could be either 25 feet in the air or 35 feet in the air, depending on location. Staff thought that it was confusing to have the two different terms when one or the other could be chosen. Thus, we went to the term "freestanding sign", regulated either in the front yard or the rear yard. The maximum height is 15 feet inside the front yard and 25 feet outside the front yard, unless it is a center sign. The terms ground sign and pole sign have been completely eliminated. The compromise was to go to 15' so that a property owner could do something more aesthetically pleasing in the front yard and get it up high enough to be seen above the cars.

Gaylor Baird inquired whether the Planning Department would be trying to encourage applicants to keep signs to a more minimal height in the areas bordering residential districts because 15' is almost double the allowable height today. Eichorn acknowledged that to definitely be a concern of the Department. But, we had to make some compromises to make the ordinance easier to work with. We worked with the sign community to develop something that would give them the freedom and the property owners to have the kinds of signs they want and need and still not be beyond what would be considered an extreme height or size. She believes this is a good compromise. It is a waste to have a sign that you cannot see.

Gaylor Baird inquired whether these freestanding signs will be treated differently when close to residential. Eichorn stated that if a front yard is required and where the sign is near residential, the sign must be a certain distance away from the residential district or lot and there are also lighting requirements.

Marvin Krout, Director of Planning, confirmed that the 15' allowed in the front yard is actually a reduction in most of the older B and H districts than what is permitted today (25'). We got down to a size where we thought we could encourage more monument signs without requiring them because we do have the issue of the parking coming right out to the street. Krout believes this will encourage, but not require the monument signs.

Gaylor Baird inquired whether there is any movement towards having parking in more aesthetically pleasing places such as in the back. Krout stated that if there is such an opportunity, the staff does encourage parking in the rear; however, it is difficult when the streets are already in an established pattern. Where we have the opportunity during a rezoning, we do have some leverage on the signage, but people in the older neighborhoods already have their zoning and platted lot. If a site is redeveloped, then a landscaped area is required to be provided in front of a parking lot or it can be built right up to the property line. We do have a lot of areas where there is no landscape requirement for parking because of the minimum lot depths and everyone in the older districts is scraping to shoehorn their project in that small area. Krout believes that we will continue to see redevelopment where parking is right out to the property line, and when that happens, the staff just does not believe that an 8' or 10' ground sign is realistic.

If someone is not totally convinced to have a ground sign or pole sign, Esseks wondered if there is any advantage to the community to promote the ground sign. Krout stated that the staff does give lots of advice as planners, but we also have to have predictable regulations. We don't want to make every redevelopment in town a case-by-case negotiation. We need to have some rules. The other problem with the ground signs close to the street is the Public Works sight obstruction triangles at driveway entrances and street corners, and the signs have to be above that. The idea is to encourage lower signs than we allow today.

Cornelius confirmed that under the current ordinance, the owner of the property would simply determine which name to call a sign (pole sign or monument sign) based on how tall it is. Eichorn agreed. There is no nexus between the sign being on a pole or being brick at the bottom. It is generally more cost effective to put it on a pole if going higher up.

Cornelius also suggested that at some point, especially like along South Street, building an 8' wide wall 20' or 15' feet high is not practical because of the line of sight and sight triangle problems, so that will not happen. Eichorn agreed and pointed out that even though we have a sign ordinance, Chapter 22 of the Building Code and Public Works have regulations in terms of sight triangles and sign construction.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

July 1, 2009

Larson moved approval, as revised by staff on June 30, 2009, seconded by Esseks.

Gaylor Baird expressed appreciation to the Planning Department for working so diligently on this legislation. It is great to see that there will be some reductions in height where possible. She is glad to hear that we are trying to discourage excessively large signs.

Esseks believes the amendment submitted by staff is a great improvement.

Sunderman agreed that staff has done an excellent job, which is supported by the fact that no one is here today to testify.

Motion for approval, as revised, carried 7-0: Esseks, Cornelius, Larson, Gaylor Baird, Taylor, Francis and Sunderman voting 'yes'; Partington absent. This is a recommendation to the City Council.

TABLE 1

CHANGES TO CHAPTER 27.69 SINCE ITS CREATION IN 1979

Ord. 19132 §9; September 8, 2008	Ord. 15795 §2; December 17, 1990
Ord. 19113 §1; July 28, 2008	Ord. 15722 §1; September 17, 1990
Ord. 19092 §3; June 9, 2008	Ord. 15693 §1; August 20, 1990
Ord. 19006 §1; October 8, 2007	Ord. 15691 §1; August 20, 1990
Ord. 18935 §1; June 11, 2007	Ord. 15616 §1; July 9, 1990
Ord. 18895 §1; March 12, 2007	Ord. 15507 §1; April 2, 1990:
Ord. 18857 §1; December 4, 2006	Ord. 15442 §3; February 20, 1990
Ord. 18791 §1; August 21, 2006	Ord. 15411 §1; January 22, 1990
Ord. 18753 §1; June 19, 2006	Ord. 15317 §11; October 16, 1989
Ord. 18485 §1; December 20, 2004	Ord. 15308 §1; October 2, 1989
Ord. 18288 §1; January 5, 2004	Ord. 15223 §1; July 24, 1989
Ord. 17836 §1; April 23, 2001	Ord. 15146 §1; April 10, 1989
Ord. 17650 §1; April 17, 2000	Ord. 15076 §1; December 19, 1988
Ord. 17585 § 2; January 10, 2000;	Ord. 14863 §1; April 25, 1988
Ord. 17576 § 1; November 15, 1999	Ord. 14725 §1; August 3, 1987
Ord. 17526 § 1; July 12, 1999	Ord. 14677 §1; June 1, 1987
Ord. 17232 §18; August 18, 1997	Ord. 14278, 14297, 14539, as amended by Ord. 14613 §1; March 9, 1987
Ord. 17076 §1; October 21, 1996	Ords. 14377 and 14395 §14; March 9, 1987
Ord. 16959 §1; March 25, 1996	Ord. 14527 §5; March 9, 1987
Ord. 16949 §4; March 11, 1996	Ord. 14073 §1; April 1, 1985
Ord. 16823 §1; July 10, 1995	Ord. 14050 §3; February 11, 1985
Ord. 16781 §1; May 1, 1995	Ord. 13668, as amended by Ord. 13790 §1; March 26, 1984:
Ord. 16735 §1; February 13, 1995	Ord. 13685 §1; September 6, 1983
Ord. 16649 §1; August 1, 1994	Ord. 13677 §1; August 29, 1983
Ord. 16575 §1; March 14, 1994	Ord. 13611 §1; June 6, 1983
Ord. 16487 §1; September 27, 1993	Ord. 13582 §1; May 2, 1983
Ord. 16361 §1; May 10, 1993	Ord. 13566 §1; April 4, 1983
Ord. 16291 §1; January 11, 1993	Ord. 13233 §1; October 19, 1981
Ord. 16181 §1; August 3, 1992	Ord. 13120 §1; March 30, 1981
Ord. 16180 §1; August 3, 1992	Ord. 13039 §1; November 17, 1980
Ord. 16127 §1; June 8, 1992	Ord. 12751 §25; November 5, 1979
Ord. 16109 §1; May 11, 1992	Ord. 12679 §6; September 4, 1979
Ord. 16076 §1; March 16, 1992	Ord. 12697 §7; September 4, 1979
Ord. 16053 §1; February 18, 1992	Ord. 12571 §363; May 8, 1979
Ord. 16012 §1; November 18, 1991	
Ord. 16000 §1; November 12, 1991	
Ord. 15990 §1; October 14, 1991	
Ord. 15895 §1; May 20, 1991	
Ord. 15823 §2; February 11, 1991	
Ord. 15803 §1; January 7, 1991	

Major updates to the code include:

Ord. 16735 §1; February 13, 1995

Ord. 14613 §1; March 9, 1987

TABLE 2

CHANGES TO DEFINITIONS

Definition	Change
Area of a Sign	Moved to 27.69.022
Building Official	Removed
Center Identification Sign	Added
Center	Added
Commercial Sign	Added
Directional Sign	Redefined
Ground Sign	Redefined
Freestanding Sign	Added
Marquee Sign	Remove that part of the definition of Marquee Sign that describes how a Marquee sign is calculated and moved it to 27.69.022
Mural	Added
Pole sign	Redefined
Pylon sign	Replaced with Freestanding sign
Seasonal or Holiday Sign	Added " <i>any non-commercial</i> " to the definition of Seasonal or Holiday Sign and removed " <i>not to exceed sixty days</i> "

TABLE 3**Table comparing freestanding signs in the existing ordinance with proposed changes.**

DISTRICT	# OF FREESTANDING SIGNS	AREA IN FRONT YARD *N/A =Not Allowed	HEIGHT IN FRONT YARD *N/A =Not Allowed	AREA OUT OF FRONT YARD	HEIGHT OUT OF FRONT YARD
O-1 OLD	1 for each main building	N/A	N/A	32	8
	1 for each building entrance	N/A	N/A	15	5
<i>O-1 NEW</i>	<i>1 per main building</i>	<i>N/A</i>	<i>N/A</i>	<i>32</i>	<i>8</i>
O-2 OLD	1 for each main building may be located up to 15 ft from the front property line	20	6	32	8
	1 for each building entrance	20	6	15	5
<i>O-2 NEW</i>	<i>1 per main building</i>	<i>N/A</i>	<i>N/A</i>	<i>32</i>	<i>8</i>
O-3 OLD	1 per entrance located adjacent and parallel to private street-directional sign	N/A	N/A	50	8
	1 per vehicular entrance, identifying the name of the office park and tenants is permitted	32	8	32	8
	1 internal directional sign per entrance	50	5	50	5
	1 per building entrance	N/A	N/A	15	5
<i>O-3 NEW</i>	<i>1 per main building</i>	<i>50</i>	<i>12</i>	<i>50</i>	<i>18</i>
	<i>1 per frontage - Center sign</i>	<i>50</i>	<i>12</i>	<i>100</i>	<i>35</i>

DISTRICT	# OF FREESTANDING SIGNS	AREA IN FRONT YARD	HEIGHT IN FRONT YARD	AREA OUT OF FRONT YARD	HEIGHT OUT OF FRONT YARD
B-1 OLD	1 per business per frontage OR 2 if one business per premise w/ 150 ft of frontage OR 1 combined OR 1 per frontage, identifying shopping center	50	25	100 150 Combined	30 35 Combined
<i>B-1 NEW</i>	<i>1 per business per frontage OR 1 Center sign per frontage</i>	<i>50</i>	<i>15</i>	<i>100 150 Center</i>	<i>25 35 Center</i>
B-2 OLD	1 per public street with min 300ft of street frontage	100	25	100	25
	1 per free standing pad site/building	50	8	50	8
<i>B-2 NEW</i>	<i>1 per main building</i>	<i>50</i>	<i>12</i>	<i>100</i>	<i>18</i>
	<i>1 Center sign per frontage</i>	<i>50</i>	<i>12</i>	<i>150</i>	<i>35</i>
B-3 OLD	1 per business per frontage OR 2 if 1 business per premise w/150 feet of frontage OR 1 combined	50	25	100 150 Combined	35 35 Combined
<i>B-3 NEW</i>	<i>1 per business per frontage OR 1 Center sign per frontage</i>	<i>50</i>	<i>15</i>	<i>100 150 Center</i>	<i>25 35 Center</i>
B-4 OLD	1 per business per frontage OR 2 if 1 business per premise with 150 feet of frontage OR 1 combined	50	25	100 150 Combined	35 25 Combined
<i>B-4 NEW</i>	<i>1 per business per frontage OR 1 Center sign per frontage</i>	<i>50</i>	<i>15</i>	<i>100 150 Center</i>	<i>25 35 Center</i>
B-5 OLD	1 identifying the commercial district, per public street abutting the perimeter of the district w/ continuous frontage of 300ft	N/A	N/A	100	40
	1 per free standing pad site	N/A	N/A	50	8
	1 per public or private street abutting the perimeter of said area IF area of 20 acres or more and designed as a distinct shopping complex	100	40	100	40
<i>B-5 NEW</i>	<i>1 per main building</i>	<i>50</i>	<i>12</i>	<i>100</i>	<i>18</i>
	<i>1 Center sign per frontage</i>	<i>50</i>	<i>12</i>	<i>150</i>	<i>35</i>

DISTRICT	# OF FREESTANDING SIGNS	AREA IN FRONT YARD	HEIGHT IN FRONT YARD	AREA OUT OF FRONT YARD	HEIGHT OUT OF FRONT YARD
H-1 OLD	1 per business	50	50	100	50
	1 if within 660 ft of a designated interstate and within 50ft radius of main building	300	50	300	80
<i>H-1 NEW</i>	<i>1 per business per frontage</i>	<i>50</i>	<i>15</i>	<i>100</i>	<i>25</i>
	<i>1 Interstate if within 660 ft of a designated interstate</i>	<i>150</i>	<i>15</i>	<i>300</i>	<i>80</i>
H-2 OLD	1 per business per frontage OR 2 if 1 business per premise with 150 feet of frontage OR 1 combined	50 N/A Combined	25 N/A Combined	100 150 Combined	35 35 Combined
<i>H-2 NEW</i>	<i>1 per business per frontage OR 1 Center sign per frontage</i>	<i>50 N/A Center</i>	<i>15 N/A Center</i>	<i>100 150 Center</i>	<i>25 35 Center</i>
H-3 OLD	1 per business per frontage OR 2 if 1 business per premise with 150 feet of frontage OR 1 combined	50	25	100 150 Combined	50 45 Combined
	1 if within 660 ft of a designated interstate and within 50ft radius of main building	N/A	N/A	360	80
<i>H-3 NEW</i>	<i>1 per business per frontage OR 1 Center sign per frontage</i>	<i>50 N/A Center</i>	<i>15 N/A Center</i>	<i>100 150 Center</i>	<i>25 35 Center</i>
	<i>1 Interstate if within 660 ft of a designated interstate</i>	<i>150</i>	<i>15</i>	<i>300</i>	<i>80</i>
H-4 OLD	1 per business OR 1 per commercial center with min 300ft of street frontage	50	50	100 150 Center	50 35 Center
	1 if within 660 ft of a designated interstate and within 50ft radius of main building	300	50	300	80
	1 identifying individual businesses, permitted in the front yard a minimum of 20ft from the front lot line and must have 500 ft of combined frontage	50	8	50	8
<i>H-4 NEW</i>	<i>1 per main building</i>	<i>50</i>	<i>15</i>	<i>100</i>	<i>25</i>
	<i>1 Center sign per frontage</i>	<i>N/A Center</i>	<i>N/A Center</i>	<i>150 Center</i>	<i>35 Center</i>
	<i>1 Interstate if within 660 ft of a designated interstate</i>	<i>150</i>	<i>15</i>	<i>300</i>	<i>80</i>

DISTRICT	# OF FREESTANDING SIGNS	AREA IN FRONT YARD	HEIGHT IN FRONT YARD	AREA OUT OF FRONT YARD	HEIGHT OUT OF FRONT YARD
I-1 OLD	1 per business per frontage OR 2 if 1 business per premise with 150 feet of frontage OR 1 combined	50	25	100 150 Combined	50 25 Combined
20 or more acres, under one ownership or constituting a single subdivision, and containing three or more separate industries	2 at each main entrance from a major street to identify distinct industrial area	N/A	N/A	100	8
	1 at each secondary entrance from a minor or collector street	N/A	N/A	100	8
<i>I-1 NEW</i>	<i>1 per business per frontage</i>	<i>50</i>	<i>15</i>	<i>100</i>	<i>25</i>
	<i>1 Center sign per frontage</i>	<i>N/A</i>	<i>N/A</i>	<i>150</i>	<i>35</i>
	<i>1 Center sign per entrance</i>	<i>50</i>	<i>15</i>	<i>50</i>	<i>15</i>
I-2 OLD	1 per frontage and shall not be located more than one-half the distance into required yard	100	8	100	8
<i>I-2 NEW</i>	<i>1 per business per frontage</i>	<i>50</i>	<i>12</i>	<i>100</i>	<i>18</i>
	<i>1 Center sign per frontage OR 2 Center sign per entrance</i>	<i>N/A Frontage 50 Entrance</i>	<i>N/A Frontage 12 Entrance</i>	<i>150 Frontage 50 Entrance</i>	<i>18 Frontage 18 Entrance</i>
I-3 OLD	2 adjacent to a public street abutting the perimeter of district; provided that said street frontage extends for a min of 300 ft OR 2 at the entrance point of a public street at the perimeter of district and shall not be located more than one-half of the distance into required front yard	300	10	300	10
	1 per pad site/ building	N/A	N/A	50	8
<i>I-3 NEW</i>	<i>1 per business per frontage</i>	<i>50</i>	<i>12</i>	<i>100</i>	<i>18</i>
	<i>1 Center sign per frontage OR 2 Center signs per entrance</i>	<i>N/A Frontage 50 Entrance</i>	<i>N/A Frontage 12 Entrance</i>	<i>150 Frontage 50 Entrance</i>	<i>18 Frontage 18 Entrance</i>

TABLE 4
CHANGES TO ZONING DISTRICTS

	Zoning District	New Table	Changes *(GP = General Provisions 27.69.030)
27.69.041	AG and AGR	TABLE 2	(a) "non-illuminated and non-reflecting" - moved to GP(h)(2) (b) "No ground sign shall be located in a required front yard" -moved to GP(a)(1)
27.69.043	R-1, R-2, R-3, R-4	TABLE 2	"non-illuminated and non-reflecting" - moved to GP(h)(2) "Lighted vending machines are not permitted in view from off the premises." - moved to GP(h)(6)
27.69.043	R-5, R-6, R-7, R-8	TABLE 2	(a) and (b) "non-illuminated and non-reflecting" - moved to GP(h)(2) (c) "Such signs may be illuminated" moved to GP(h)(2) (d) "which may be illuminated. Neon or gas tubing shall be used only as backlighting."- moved to GP(h)(7) (e) moved to GP(h)(6) (f) Moved to Table 2
27.69.044	O-1, O-2, O3	TABLE 3	(a) (1) (i) moved to GP(c)(2) and added <i>"1 wall sign per architectural elevation" and</i> <i>"such sign shall not be located on the side of the building abutting a residential district or facing a local or collector street when the land across the street is zoned residential."</i> (ii) Wall sign moved to GP(c)(2) and ground sign covered in Table 3 (iii) Removed additional ground sign (2) Removed freestanding sign in the front yard (3) Moved to GP(d) (1) (b) (1) Moved to GP(c)(2) and (d)(1) and language changed to <i>"shall have a maximum area of 30% of an architectural elevation or 500 square feet, which ever is less"</i> . And <i>"Where the wall sign is within 500 feet of and facing a residential district, the sign shall not be illuminated"</i> . <i>"The maximum area of any individual projecting sign shall not exceed twenty-five square feet."</i> Were both removed (2) Removed see Table 3 (3) Removed (4) Replaced with center sign see Table 3 (c) Moved to GP(a)(9) (d) Removed (e) Moved to GP(a)(12)

	<u>Zoning District</u>	<u>New Table</u>	<u>Changes *(GP = General Provisions 27.69.030)</u>
27.69.045	B-1	TABLE 3	B-1, B-3 and B-4 are now combined, (a) Moved to GP(c) (e) (f) (b) GP (a)(12), 150ft. Frontage was removed, changed 8 to 15 , reduced height from 30 to 25, Combined sign was removed and substituted with Center Sign. (c) GP (d)(4) (d) Combined sign was removed and substituted with Center Sign. (e) Removed (f) Moved to Table 1 Off premise signs (g) Removed
27.69.046	B-2	TABLE 3	B-2 and B-5 are now combined (a) Moved to GP(c)(d) (e), (b) Moved to GP(f) (c) Removed (d) Changed to "1 per main building" instead of 1 per pad site (e) Moved to GP (a)(12)
27.69.047	H-1, H-4	TABLE 3	Separated out H-1 from H-4 (a) H-1 changed 1 sign per business to 1 per business per frontage H-4 changed 1 sign per business to 1 per main building (b) Table 3 Removed and substituted with Center Sign, Also removed "One additional ground sign" language, Moved to GP(a)(12) (c) Moved to 27.69.030(c) and (e) (d) Removed (e) Moved to table 3 (f) Moved to Table 1 Off Premise Signs (g) Moved to GP(d)
27.69.048	H-2	TABLE 3	H-2 and H-3 are now combined, (a) Moved to GP(a)(12), Starting with "In those instances" language has been removed. (b) Moved to GP(c)(e)(f) (c) Removed (d) Moved to Table 1 Off Premise Signs (e) Moved to GP(d)

	Zoning District	New Table	Changes *(GP = General Provisions 27.69.030)
27.69.049	H-3	TABLE 3	H-2 and H-3 are now combined (a) Moved to GP (a) (12), Starting with "In those instances" language has been removed. (b) Moved to GP(c)(e) (f) (c) Removed and replaced with Center Sign (d) Moved to Table 3 (e) Moved to Table 1 Off Premise Signs (f) Moved to GP(d)
27.69.050	B-3	TABLE 3	B-1, B-3 and B-4 are now combined (a) Moved to GP(c) and (e) (f) (b), Moved to 27.69.030 (a) (12), Starting with "In those instances" language has been removed. (c) Moved to GP(d) (d) Removed and replaced with Center Sign (e) Removed (f) Moved to Table 1 Off Premise Signs
27.69.060	B-5	TABLE 3	(a) Removed (b) Moved to GP(c) and (e) (f) (c) Removed and replaced with Center sign (d) Replaced freestanding pad site with 1 per main building (e) Moved to GP (a)
27.69.070	B-4	TABLE 3	(a) Moved to Table 3 (b) Removed (c) Moved to GP(c) and (e) (f) (d) Moved to GP(d) (e) Moved to GP(c) and (e) (f) (f) Moved to GP(a) (11) and Moved to 27.69.250
27.69.075	I-1	TABLE 3	(a) Removed language starting at "In those instances where ", Language regarding Combination Sign is now a Center Sign. (b) Moved to GP(c) and (e) (f) (c) Removed and Center Sign is used (d) Moved to GP(d) (e) Moved to Table 1 Off Premise Signs (f) All Language removed and replaced with Center Sign (entrance) in Table 3
27.69.080	I-2	TABLE 3	(a) I-2 and I-3 are now combined, Moved to GP(c) and (e) (f) (b) Removed " <i>such ground sign shall not be located more than one-half of the distance into said required front yard.</i> " (c) Removed

	<u>Zoning District</u>	<u>New Table</u>	<u>Changes *(GP = General Provisions 27.69.030)</u>
27.69.081	I-3	TABLE 3	(a) Moved to GP (c) (d) and (e) (b) Moved to GP (f) (c) Table 3 - I-2 and I-3 are now combined, reduced sign size from 300 to 150 and is considered under Center Sign. (d) 8ft changed to 15 ft (e) Removed (f) Moved to GP (a) (12)
27.69.083	R-T	TABLE 3	(a) (1) Moved to GP (c) (2) (a) (2) Language beginning with " <i>To the extent feasible,</i> " was removed. (b) Increased size of sign from 20 to 32sqft (c) Moved the (a) (1) (d) Moved to Table 3 (e) Removed (f) Removed
27.69.160	Special Permitted Uses	N/A	(d) Removed
27.69.170	Temporary Signs	N/A	Rename Non-Commercial signs Remove " <i>These signs may not be erected.....thru....noncommercial signs located upon a person's own residence</i> "
27.69.210	Directional Signs	N/A	Moved to 27.69.030 (h) General Provisions
27.69.340	General Planned Unit Developments	N/A	(a) (2) In all other instances, signs for commercial uses shall be governed by Sections O-3, B-2 and I-3 instead of O-2 and B-1
27.69.100 27.69.130 27.69.170	Real estate signs Construction Signs Temporary Signs	N/A	Combined into one section called Non-Illuminated Temporary Signs

**TABLE 5
ADDITIONAL CHANGES**

Section	Change	Identification	Type of Change
27.69.021	Added	General Sign Types	
27.69.022	Added	Calculating The Area Of A Sign	
27.69.040	Removed	Permitted Signs	Moved to General Provisions 27.69.030
27.69.030	Amended	General Provisions	
	Moved	a	moved to 27.69.030 (h)(1) (3)(4)
		b	moved to 27.69.030 (h)(5)
		c	moved to 27.69.030 (a)(10)
		d	moved to 27.69.030 (g)(4) (5)(3)
		e	moved to 27.69.030 (a)(1)
		f	moved to 27.69.030 (a)(2)
		g	moved to 27.69.030 (a)(3)
		h	moved to 27.69.030 (a)(4)
		i	moved to 27.69.022
		j	moved to 27.69.030 (a)(5)
		k	moved to 27.69.030 (a)(6)
		l	moved to 27.69.030 (a)(7)
		m	moved to 27.69.030 (j)(1)
		n	moved to 27.69.030 (e)(1)(2)(3)
		o	moved to 27.69.030 (k)(1)
		p	moved to 27.69.030 (a)(8)
		q	moved to 27.69.030 (c)
		r	moved to 27.69.030 (g)(1)(2)
		s	moved to 27.69.030 (l)
	t	moved to 27.69.030 (m)	
Added	a	added a 13 thru 17 from Chapter 22 Added 18- Minor reductions in the required setback and/or spacing requirements approved by the Planning director.	
	n	Added a category for Directional Signs that includes height and area	
	o	Added Non-Commercial signs	
	p	Added Banner signs from Chapter 22	



To: Planning Commissioners
From: Lincoln Independent Business Association Board of Directors
Date: 15 June 2009
Re: Sign Ordinance (Agenda Item: Change of Zone No. 09009)
Public Hearing on 17 June 2009

The Lincoln Independent Business Association (LIBA) would like to thank the Planning Department staff for meeting with us to answer our questions about this sign ordinance. While we still have some reservations about the draft, we will not oppose it.

We would also like to offer the following:

If within a property designated as a "center", one of the main buildings has multiple frontages, it should be allowed one sign per frontage. An example of this would be the office building at the southeast corner of 70th & A, within the O-3 Lincolnshire Office Park Center.

We appreciate your consideration of this idea.

1 **27.69.100 ~~Other Permitted Signs, Real Estate Non-illuminated Temporary Signs.~~**

2 ~~In any zoning district, one on-premises real estate sign may be erected on each street~~
3 ~~frontage of a premises, identifying an offer for the sale or lease of all or part of the premises on~~
4 ~~which it is located. Any such sign may be located in a required yard but shall not be located~~
5 ~~within any street or other public right-of-way. Such sign shall be removed within one week after~~
6 ~~closing the sale or lease of the property.~~

7 ~~(a) In any residential district, such real estate signs shall not exceed ten square feet of~~
8 ~~area and shall not be illuminated.~~

9 ~~(b) In any other zoning district, such real estate sign shall not exceed forty square feet~~
10 ~~of area.~~

11 The following non-illuminated temporary signs are allowed in all zoning districts,
12 provided that the sign area and height of the sign shall not exceed the following limitations by
13 zoning district:

- 14 • Residential Districts -- ten square feet of sign area.
- 15 • Nonresidential Districts -- 40 square feet of sign area and six feet in height.

16 (a) Temporary real estate signs identifying an offer for the sale or lease of all or part
17 of the premises on which the sign is located are permitted provided that such signs shall be
18 removed within one week after closing of the sale or lease of the premises.

19 (b) Temporary construction signs of contractors or artisans identifying the contractors
20 or artisans performing work on the premises on which the sign is located are permitted provided
21 such signs shall be limited to one sign per contractor or artisan and shall be removed within one
22 week after completion of the work of the contractor or artisan.

23 (c) Temporary noncommercial signs in connection with political campaigns,
24 nonprofit civic activities, and other noncommercial activities are permitted, provided that if such
25 sign is used for the purpose of advertising candidates for election or issues subject to voter
26 approval, such temporary sign shall be removed within one week following such election or vote.

1 ~~27.69.130 — Other Permitted Signs; Construction Sites.~~

2 ~~In any zoning district, temporary signs shall be permitted at a construction site to identify~~
3 ~~the nature of the construction and those persons or firms associated with it, including contractors,~~
4 ~~architects, finance companies, and owners. Such signs shall not exceed sixteen square feet of~~
5 ~~area when located in residential districts. In any other zoning districts, such signs shall not~~
6 ~~exceed 100 square feet of combined area per street frontage.~~

7 ~~27.69.170 — Other Allowed Signs; Temporary Signs.~~

8 ~~In all zoning districts, temporary signs in connection with political campaigns, nonprofit~~
9 ~~civic activities, and other noncommercial activities shall be allowed. These signs require no~~
10 ~~permit. These signs may not be erected earlier than thirty days before the campaign, civic~~
11 ~~activity, or other noncommercial activity to which they relate and shall be removed within ten~~
12 ~~days following conclusion of such campaign or activity, provided that this restriction shall not~~
13 ~~apply to noncommercial signs located upon a person's own residence.~~

14 ~~— If such sign is located in a residential area, it shall not exceed ten square feet in area. If~~
15 ~~such sign is located in a commercial, business, or industrial area, it may have a maximum area of~~
16 ~~forty square feet and a maximum height of six feet.~~

17 **TEMPORARY SIGN** shall mean any outdoor sign or device including but not limited to
18 banners, pennants, flags, or advertising display constructed of cloth, canvas, light fabric,
19 cardboard, or other light materials, with or without frames, intended to be displayed for a limited
20 period of time ~~only not to exceed sixty days in a calendar year and which is~~ not permanently
21 affixed; provided, that temporary signs shall not include mobile signs.