

ORDINANCE NO. 2344

AN ORDINANCE TO AMEND SECTIONS 109-01 THROUGH 109-13 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTIONS 109-01 THROUGH 109-13 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

Section 1. That Sections 109-1 through 109-13 of the Lexington City Code are hereby amended to read as follows:

Section 109-1. Purpose of Sign Regulations.

The purpose of this Chapter is to provide guidance in regulating signs in a manner that promotes vitality and public safety in the City of Lexington.

Section 109-2. Applicability.

These sign regulations apply to the construction, maintenance and use of all signs; as defined in Section 109-4 below.

Section 109-3. Prohibited and Exempt Signs.

1. The following signs shall not be allowed pursuant to the terms of these regulations:
 - a. Abandoned signs;
 - b. Snipe signs or signs attached to trees, telephone poles, streetlights, or placed on any public property or public right-of-way; and
 - c. Signs placed on vehicles or trailers that are parked and/or located for the primary purpose of displaying that sign.
2. The following signs shall be exempt from the provisions of these regulations and construction will be permitted without a permit:
 - a. Holiday or special events signs;
 - b. Nameplates of two square feet or less;
 - c. Temporary signs for a period not to exceed three months announcing a campaign;
 - d. Public signs or notices;
 - e. Sign face changes of legally conforming signs; and
 - f. Community banners or light pole signs.

Section 109-4. Definitions.

Abandoned Sign: A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding 60 days. Such

abandonment should include intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.

Animated Sign: A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display

Awning Sign: A building mounted sign that provides additional functionality as shelter.

Banner: A sign made of fabric or other non-rigid material with no enclosing framework.

Billboard: An outdoor sign, whose message directs attention to a specific business, product, service, entertainment event or activity, or other commercial or noncommercial activity, or non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also known as a third party sign, billboard, or outdoor advertising.

Changeable-Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Complying Sign: A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

Copy: The words and/or message displayed on a sign.

Copy Area: That area which displays the actual copy on a sign.

Development Sign: A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic.

Dissolve/Appear: A mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Electronic Message Center: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Event Sign: A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

Fade/Appear: A mode of message transition on an Electronic Message Center accomplished by varying the light intensity where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign: A building mounted sign.

Freestanding Sign: A sign that is not attached to a building, including pole, pylon and ground signs.

Ground Sign: A freestanding sign with a visible support structure.

Inflatable Device: A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method.

Internally Illuminated Sign: A sign having the light source enclosed within it so the source is not visible to the eye.

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

Legibility: The physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/sq. ft.).

Marquee Sign: A sign mounted on a permanent canopy.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Noncomplying Sign: A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

Off-Premise Sign: See Billboard.

On-Premise Sign: A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Organization: An entity, including a natural person, which owns or operates the premises where an on-premise sign is displayed.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Pole Sign: A freestanding sign with visible support structure.

Primary Copy: The words or message on a sign meant to be read by passersby travelling at the posted speed limit.

Projecting Sign: A building mounted sign with the faces of the sign projecting 12 inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

Pylon Sign: A freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover.

Readability: That which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message, and depends on legibility and other considerations of contents and time restraints.

Real Estate Sign: A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or his agent.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of the building.

Rotating Sign: Sign faces or portions of a sign face which mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation.

Scroll: A mode of message transition on an Electronic Message Center where the message appears to move vertically across the display surface.

Secondary Copy: The words or messages on a sign which are meant to be read by automobiles that are idling or parked along a road way.

Sign: Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and uses for the purpose of communicating a message or attracting attention.

Signage: A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs. (See signature building.)

Signature Building: A building architecturally designed and/or painted or decorated to reinforce

individual recognition of a traditional sign's message, the identity of its speaker or sponsor of a display; it also reinforces major media advertising programs.

Snipe Sign: A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Temporary Sign: Any sign intended to remain in use for a short period of time which is not permanently installed.

Transition: A visual effect used on an Electronic Message Center to allow one message to disappear while it is simultaneously being replaced by another.

Visibility: The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.

Wall Sign: A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 16 inches from such surface (See fascia sign).

Window Sign: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Section 109-5. Permitting.

Applicants who wish to erect new permanent or temporary signs, or those seeking to significantly modify (exceeds costs of 50% or more than the replacement cost of the original sign) existing signs must obtain a sign permit from the City of Lexington prior to installation/modification of the signs.

Section 109-6. Size Regulations.

1. Permanent signs include but are not limited to the following types of signs: wall signs, roof signs, projecting signs, ground and pole signs, multi-tenant signs, awning signs, electronic message centers, and billboard signs. Additionally, temporary signs including political signs, garage sale signs, real estate signs, construction signs, and grand opening signs, are all controlled by the following:
 - a. All signs shall be constructed of material approved by the Building Official.
 - b. Sign size and number shall be determined as follows:

Function of Sign	Nature of Sign	Area per Sign (sq. ft.)	Number of Signs	Front Line Setback (ft.)	Side and Rear Setback (ft.)	Height (ft.) (Freestanding sign)	Height (ft.) (Wall Sign)
Residential identification and/or identification of a home occupation in a single-family house or mobile home	permanent	2	1	15	15	6	10
Residential identification and/or identification of a home occupation in a duplex (2-family) house	permanent	2	1 per dwelling unit	15	15	6	10
Apartment complex or mobile home park identification sign, 3-12 units	permanent	12	1 per complex	15	15	6	10
Apartment complex or mobile home park identification sign, over 12 units	permanent	32	1 per entrance, maximum of 2 per parcel	15	15	6	10
Private schools, houses of worship, meeting halls, private clubs or other similar uses	permanent	64	2, 1 of which may be freestanding	15	15	15	10
Cemetery identification	permanent	32	1 per entrance	15	15	6	not permitted
Not-for-profit fundraising events	temporary, not to exceed 30 days	32	1	15	15	6	10
Campaign signs (may not be erected until 90 days before an election and must be removed within 7 days after election):							
Campaign headquarters	temporary, must be removed within 7 days after election	80	1 per political party, plus 1 per candidate	15	15	20	15
Lawn signs	temporary, must be removed within 7 days after election	5	unlimited	private property	private property	3	NA
Garage sale signs	temporary	5	unlimited	private property	private property	4	not permitted
Real estate for sale or for-rent signs							
Residential use, 1- and 2- family homes	temporary	6	1 per parcel	10	15	6	10
Commercial property, including apartment	temporary	32	1 per parcel	15	15	6	10
Construction project identification	temporary, 1 year, renewable	64	2/parcel	15	15	10	10
Grand opening identification	temporary, 30 days maximum	64	1	15	15	6	10
Commercial or Industrial use, single or double tenant site							
Freestanding sign	permanent	300	1 freestanding per site	15	15	60	-
Wall sign	permanent	300	1 wall/tenant	-	-	-	20
Projecting sign	permanent	150	1 projecting/site	-	-	-	-
Awning sign	permanent	80	1 awning sign/business	-	-	-	-
Roof sign	permanent	80	1 roof sign/building	-	-	6 foot above roof	-

Commercial or Industrial complex, more than 2 tenants							
Freestanding sign, primary	permanent	300	1	15	15	60	-
Freestanding sign, secondary	permanent	40	1 per entrance, maximum of 2 per parcel	15	15	20	-
Wall sign	permanent	300	1 per tenant having direct customer access to the out of doors; must be placed on storefront of the tenant identified by the sign	NA	NA	NA	20
Awning sign	permanent	80	1 awning sign/business	-	-	-	-
Roof sign	permanent	80	1 roof sign /building	-	-	6 foot above roof	-
Office, research, development, single or double:							
Freestanding sign	permanent	300	1/site	15	15	20	
Wall sign	permanent	300	1/tenant having direct customer access to the out of doors; must be placed by the primary entrance				20
Awning sign	permanent	80	1 awning sign/business	-	-	-	-
Office, research, or development complex:							
Complex identification	permanent	300	1	15	15	20	
Freestanding sign, individual building identification	permanent	40	1 freestanding/site	15	15	20	
Wall sign, individual building identification	permanent	300	1 wall/tenant having direct customer access to the out of doors; must be placed by the primary entrance				20
Awning sign	permanent	80	1 awning sign/business	-	-	-	-
Sports and recreation center:							
Freestanding sign, single or double tenant	permanent	300	1 freestanding/site	15	15	20	
Wall sign, single or double tenant	permanent	300	1 wall/tenant				20
Wall sign, in complex	permanent	300	1/tenant				20
Awning sign	permanent	80	1 awning sign/business	-	-	-	-
Farm stand:							
Freestanding sign	permanent	250	1 freestanding sign or 1 wall sign, or both, provided that the total sign area or	15	15	20	-
Wall sign	permanent	250		-	-	-	10
On site directional signs	permanent	5	per administrative	per administrative approval	per administrative approval	per administrative approval	per administrative approval

2. Wall Signs

- a. A permit may be obtained to erect multiple wall signs on each wall facing a street or public right-of-way, excluding those walls abutting single or multifamily residential land uses.
- b. Wall signs may be internally or externally illuminated.

3. Projecting signs

- a. One projecting sign shall be permitted for each structure with accessible street frontage in lieu of a freestanding and roof sign.
- b. Projecting signs may be illuminated. Those projecting over a public right-of-way must be internally illuminated.
- c. Projecting signs may revolve.
- d. Projecting signs must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
- e. Projecting signs may be located no closer than 10 feet to each other.

4. Freestanding signs

- a. One freestanding sign is permitted for each structure with accessible street frontage.
- b. Freestanding signs are permitted in lieu of roof and projecting signs.
- c. Freestanding signs may be internally or externally illuminated.
- d. Freestanding signs may revolve.

5. Roof signs

- a. An organization which inhabits a structure with accessible street frontage shall be permitted to erect one roof sign as a permanent sign.
- b. Roof signs may not be displayed on properties displaying freestanding or projecting signs.

- c. Roof signs may be internally or externally illuminated.
 - d. Roof signs shall be set back a minimum of three feet from the edge of the exterior wall on which the sign is located.
6. Freestanding Multi-tenant Signs
- a. One multi-tenant commercial sign shall be permitted per business complex.
 - b. Multi-tenant commercial signs shall be located within the business complex for which they advertise and only tenants of that business complex may advertise on the sign. Any business advertising on a multi-tenant commercial sign may not have a freestanding sign on its property located within the associated business complex.
 - c. The maximum area expressed in square feet for a sign shall be calculated by multiplying the frontage by two (2).
7. Electronic Message Centers (EMCs)
- a. Such displays may include messages that are static, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.
 - b. Only static electronic message centers may be erected in residential areas. All types of electronic message centers shall be permitted in areas designated for commercial and industrial activities.
 - c. All electronic message centers shall be equipped with automatic dimming capabilities.
8. Awning signs
- a. An organization which inhabits a structure with accessible street frontage shall be permitted to erect one awning sign.
 - b. Awning signs may be illuminated.
9. Billboards
- a. Billboards signs are allowed only in the C-3 Highway Commercial District, which abuts Highway 30, 21, or 283. Billboard advertising signs shall be located so that a minimum distance of 600 feet exists between signs on the same side of a street.
 - b. All signs shall be subject to the yard and setback standards of the district in which they are located. The supportive structure for the sign shall be erected a minimum of five feet behind the setback requirements. The maximum display area shall be 300 square feet for each face. Signs may not be stacked one on top of the other or side by side. The height shall not exceed that established for buildings in the C-3 district. No sign shall be erected or maintained on any sign or sign structure other than the principal sign for which the structure was designed or such additional single sign as may be compatible to the original design of the structure.
 - c. The requirements of this section shall be in addition to any applicable local, state and federal rules and regulations.

Section 109-7. Temporary Signs.

- 1. Temporary signs not specifically listed in the Table included in Section 109-6, may be displayed without obtaining a sign permit for a period of time not to exceed fourteen (14) days within any six (6) month period. After the fourteen (14) day period, the owner must obtain a permanent sign

permit to display the sign any further within the same six (6) month period.

2. Temporary signs are signs not intended for permanent installation which are to be used for a limited amount of time. Types of temporary signs not listed in Section 109-6 include, but are not limited to: banners, pennants, flags, and streamers, inflatable displays, special event signs, advertising vehicles and development signs.
3. Temporary signs shall be setback at least three feet from the public right-of-way and comply with all of the applicable regulations pertaining to size set forth in Section 109-6.
4. The number of temporary signs shall not exceed three at any given period of time.

Section 109-8. Variances.

A variance may be sought from the Board of Adjustment for the construction of a sign, permanent or temporary, which does not comply with the requirements established in in this Chapter. A variance may be granted if the applicant can demonstrate the following criteria:

1. The application of these regulations would substantially limit the applicant's ability to put the property to its highest and best use;
2. Neighboring property owners would not be detrimentally harmed by the grant of the variance; and
3. The hardship suffered is unique to the property and was not created by the applicant for the variance.

The Board of Adjustment may impose conditions on the variance, as necessary, to further the purpose of these regulations.

Section 109-9. Sign Maintenance.

All signs, including noncomplying and abandoned signs, must be maintained in a condition which is safe and with and appearance as originally permitted.

Section 109-10. Non-complying Signs.

Any sign that is not in compliance with the provisions of this Sign Regulation upon its enactment shall be deemed a noncomplying sign. All noncomplying signs shall be allowed to continue until such time that the organization owning the property where the sign is located no longer owns or operates the noncomplying signs. All signs, including noncomplying signs, must be maintained in accordance with all state and local ordinances. If structural alteration or replacement is deemed necessary by the organization, the organization shall be required to obtain a permit to perform any type of maintenance, excluding normal replacement of sign faces, lamps, ballasts, and timers. Noncomplying sign faces shall be changed as needed so long as size and configuration remain as originally permitted. Any structure being structurally modified at a cost exceeding 50% of the replacement cost of the sign as to size, additions or configuration must be immediately brought into compliance with this Chapter.

Section 109-11 to 109-13. Reserved

Section 2. That original Sections 109-01 through 109-13, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and take effect provided by law.

Passed and approved April __, 2014.

Mayor

Attest:

City Clerk