

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08059**, requested by Omaha Neon Sign Co., to amend Title 27 of the Lincoln Municipal Code, relating to signs within 660 feet of a designated interstate.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 12/17/08
Administrative Action: 12/17/08

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

FINDINGS OF FACT:

1. This is a text amendment to the sign ordinance requested by Omaha Neon Sign Co. to amend Chapter 27.69 of the Lincoln Municipal Code relating to Signs by amending Sections 27.69.047 and 27.69.049 to eliminate restrictions regarding the location of signs within 660 feet of a designated interstate. This amendment will remove the requirement that on-premise pole signs within 660 feet of the interstate must be within 50 ft. of a main building in the H-1, H-3 and H-4 zoning districts.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that this amendment will make the City of Lincoln's sign ordinance consistent with the State of Nebraska sign requirements.
3. On December 17, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On December 17, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: December 23, 2008

REVIEWED BY: _____

DATE: December 23, 2008

REFERENCE NUMBER: FS\CC\2009\CZ.08059 text

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 17, 2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.08059

PROPOSAL: To remove the requirement that on-premise, pole signs within 660 feet of the interstate must be within 50 foot of a main building from Sections 27.69.047 (e) and 27.69.049 (d) of the Lincoln municipal Code relating to signs in H-1 Interstate Commercial District, H-4 General Commercial District and the H-3 Highway Commercial District.

CONCLUSION: This change zone will make the City of Lincoln's sign ordinance consistent with State sign requirements.

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

HISTORY OF CHANGES TO SECTIONS 27.69.047 AND 27.69.049 OF THE SIGN ORDINANCE:

- January 10, 2000** Ord. 17585 -Amended 27.69 requirements for off-premises signs to require an administrative permit for all of an off-premises sign, to provide for the removal of non-conforming off-premises sign in order to obtain the administrative , to provide for the automatic expiration of the administrative permit, to provide provisions for renewal of the permit, to provide spacing requirements between off-premises & between off-premises signs& entry corridors, designated zoning districts, & designated uses & activities, to provide restrictions on lighting, & to provide for the removal of abandoned off-premises.
- February 13, 1995** Ord.16735 Amended 27.69 regulating the type, size and location of permissible signs within various zoning districts.
- July 10, 1995** Ord. 16823 Amended Sections 27.69.045, 27.69.048, 27.69.049, 27.69.050 to change provisions regarding the location & height of signs in the B-1, H-2, H-3, & B-3 zoning districts.
- January 11, 1993** Ord. 16291 Amended Section 27.69.047(B) to restrict the height of pole and ground signs and to permit additional ground signs in the H-4 zoning district.
- August 3, 1992** Ord. 16180 Amended Sections 27.69.020, 27.69.045, 27.69.046, 27.69.047, 27.69.048, 27.69.049, 27.69.050, 27.69.070, 27.69.080, and 27.69.310 to clarify the code as it relates to roof signs.
- November 18, 1991** Ord. 16012 Amended 27.69 to revise the height and area regulations relating to marquee signs in business, industrial and highway commercial districts by eliminating the 100 square foot area limitation and providing alternate maximum height provisions.
- March 9, 1987** Ord. 14613 Amending Chapter 27.69 to amend definitions, adding terms and revising sign regulations for certain districts.
- September 6, 1983** Ord. 13685 Amended Sec 27.69.046 & .047 to modify the sign requirements in the H-4 district, and to allow only one pole sign per business in the h-4 district, and to allow an additional sign if more than one federal highway frontage exists and providing sign regulations for Planned Service Commercial district.

August 29, 1983

Ord. 13677 Amending Section 27.69.049 (d) to increase the allowable area for an on-premise sign.

ANALYSIS:

1. The City of Lincoln's sign ordinance allows on-premise highway signs (signs within 660 feet of the designated Interstate) when such sign is within 50 feet of a main building. This provision that highway signs be allowed only within 50 feet of a main building was put into Lincoln's sign ordinance to reflect that outside that 50 foot requirement the State regulations would supercede Lincoln's regulations. The State of Nebraska's on-premise sign regulations are more restrictive in that they may be no larger than 20 feet in length, width or height nor can they exceed 150 square feet in area. Today the State regulates those signs which are located upon property adjacent to or visible from the main-traveled Interstate System, located more than 50 feet from the premises, and which advertise products or services available on the property.
2. On May 22, 2004 the State of Nebraska made some revisions to their Sign Rules and Regulations regarding Interstate (Class II Signs). As part of those revisions the State added a definition of 'Premise' and changed the definition of 'On-Premise/ On- Property Sign'. The State's new definition of 'Premise' does not specify that a premise is a main building. A premise is "*All or a portion of the property occupied by buildings, parking lots, storage or processing areas, other structures or other physical uses that are necessary and customary to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.*" The State eliminated the main building language in favor of the new definition of 'premise'.
3. In order to make Lincoln's sign ordinance consistent with the State's sign regulations, the provision requiring the 50 foot radius should be removed. Section 27.69.010 of the Lincoln sign ordinance provides "*The sign regulations for this title are as set forth in this chapter. Any additional conditions imposed by Title 22 of the Lincoln Municipal Code, the State of Nebraska, or federal government, and other applicable ordinances or regulations also apply. In the event of any conflict, the most restrictive ordinance, regulation, or other requirement shall apply.*"
4. The removal of the attached language will provide consistency with State regulations by allowing state definition of premise to define where a sign can be placed. This amendment does not affect the height or the area of the sign. It simply allows more flexibility in where the sign can be erected on the premises. It will no longer require the sign to be within 50 feet of a main building but state regulations will still require highway signs to be within 50 feet of the premise.

Prepared by:

Christy Eichorn
Planner

DATE: December 4, 2008

APPLICANT: Omaha Neon Sign Co.
1120 N 18th ST
Omaha, NE 68102

CONTACT: Dennis Plachy
Omaha Neon Sign Co.
1120 N 18th ST
Omaha, NE 68102

CHANGE OF ZONE NO. 08059

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

December 17, 2008

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

The Consent Agenda consisted of the following items: **ANNEXATION NO. 08025, CHANGE OF ZONE NO. 08061, CHANGE OF ZONE NO. 08059, CHANGE OF ZONE NO. 08060, CHANGE OF ZONE NO. 08063, CHANGE OF ZONE NO. 08062, SPECIAL PERMIT NO. 05046A, COUNTY SPECIAL PERMIT NO. 07043A and SPECIAL PERMIT NO. 08049.**

Ex Parte Communications: None

Item No. 1.4, Change of Zone No. 08063, was removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Francis and carried 7-0: Gaylor Baird, Carroll, Esseks, Francis, Larson, Partington and Sunderman voting 'yes'; Cornelius and Taylor absent.

Note: This is final action on Special Permit No. 05046A and Special Permit No. 08049, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

Omaha NEON

SIGN COMPANY INC.

CITY OF LINCOLN
PLANNING DEPT.
555 SOUTH 10TH ST. SUITE 213
LINCOLN NE. 68508
ATTENTION CHRISTY EICHORN

11-13-88

DEAR CHRISTY

I WOULD LIKE TO REQUEST A TEXT CHANGE IN THE H-3 SIGN ORDINANCE 27.02.049. THE CHANGE WOULD BE IN PARAGRAPH (D). IN ADDITION TO THE FORGOING , WITHIN 660 FEET OF THE DESIGNATED INTERSTATE, THE ON-PREMISE SIGN MAY BE EIGHTY FEET IN HEIGHT & 360 SQUARE FEET IN AREA IS PERMITTED. WHAT IS TO BE ELIMINATED FROM THE TEXT IS (WHEN SUCH SIGN IS WITHIN FIFTY FEET RADIUS OF THE MAIN BUILDINGS). THAT PART OF THE ORDINANCE WAS PUT IN THERE BASED ON THE STATE CODE. THE STATE CODE HAS SINCE CHANGED & HAS DROPPED THAT AS A REQUIREMENT. I APPRECIATE HAVING THIS CHANGE TO BE TAKEN UNDER CONSIDERATION.

SINCERELY,

DENNIS PLACHY
ACCOUNT EXECUTIVE
OMAHA NEON SIGN CO.



"Todd, Jean"
 <Jean.Todd@nebraska.gov>
 11/24/2008 12:41 PM

To "ceichom@lincoln.ne.gov" <ceichom@lincoln.ne.gov>
 cc
 bcc

Subject Class IIC Sign Regulations

History: This message has been replied to and forwarded.

Good Afternoon.

Our current Sign Rules and Regulations affecting those on-premise signs adjacent to the Interstate (Class II Signs) are as follows:

002.04C CLASS IIC SIGNS: Those signs which are located within the Bonus Area upon property adjacent to or visible from the main-traveled way of the Interstate System, located more than fifty feet from the premises, and which advertise products or services available on the property. A property may have more than one advertised premise conducting business on the property, however, there shall only be one Class IIC sign allowed for the property.

002.04C1 Class IIC Signs which are erected, maintained or allowed to exist must obtain a permit from the Department of Roads.

002.04C2 Class IIC Signs - Spacing Requirements - No property shall be permitted to erect more than one Class IIC Sign in a Bonus Area in such a manner as to be visible to traffic proceeding in any one direction on the Interstate System.

002.04C3 Class IIC Signs - Size Requirements - Class IIC Signs located in Bonus Areas shall be no larger than 20 feet in length, width or height nor exceed one hundred and fifty square feet in area. Any of these signs located in Cotton or Kerr Areas must comply with Class IID requirements.

002.04C4 Class IIC Signs shall conform to the lighting criteria in Section 002.08.

Attached is a checklist we use to assist us during field inspections of Class IIC sign applications that you might find helpful.

These current Sign Rules and Regulations went in to effect on 5/22/04. I am attaching a copy of the previous Rules that also show the changes that were made to our definitions of 'On-Premise/On-Property Sign, and the newly added definition of 'Premise'.

On-premise signs adjacent to routes other than the interstate do not require a permit from our office.

Jean L. Todd
 Highway Beautification Supervisor
 Right of Way Division
 Nebraska Department of Roads
 1500 Highway 2
 P.O. Box 94759
 Lincoln, NE 68506
 402-479-4463



On Premise.pdf Checklist.ClassIIC.doc