

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code to define and
2 regulate the use of outlots by amending Section 27.02.160 to add the definition of “outlot”;
3 amending Section 27.69.030 to provide signs may be erected and maintained on an outlot; adding
4 a new Section 27.70.070 to establish permitted uses for an outlot; and repealing Sections 27.02.160
5 and 27.69.030 of the Lincoln Municipal Code as hitherto existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 27.02.160 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.02.160 O.**

10 **Office.** Office shall mean a room or group of rooms within a building used for conducting
11 the affairs of professional, commercial, industrial, religious, institutional, public, or semipublic
12 persons or organizations, provided no goods, wares, or merchandise shall be prepared or sold on the
13 premises except that a portion of a building used for offices may be occupied and used as a
14 drugstore, barbershop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand, or newsstand
15 when such uses are located entirely within the building with no entrance from the street nor visible
16 from any sidewalk and having no sign or display visible from the outside of the building indicating
17 the existence of such use. Offices and studios within a broadcast station shall be considered to be
18 an office use; broadcast towers as defined in this title shall not be so considered.

19 Office use shall also include an office or clinic used by a health care practitioner, or group
20 of practitioners, including other accessory or ancillary uses such as medical testing laboratories that
21 perform routine clinical diagnostic tests on human or animal specimens, dentistry, or podiatry;
22 provided, however, that patients upon whom procedures have been performed or who have
23 otherwise received care or treatment at such office or clinic shall not be permitted to stay on the
24 premises for recovery or observation for more than 24 hours. Medical testing laboratories shall
25 exclude any laboratory which is required by federal law to hold a certificate of registration for their
26 activity in compliance with CFR 42 Part 73, Selected Agents and Toxins.

27 **Outdoor Dining.** Outdoor dining shall mean an open area for dining when associated with
28 a food or drink establishment in which tables and seats are covered or uncovered by individual
29 umbrellas or canopies (no tents or other types of temporary structures).

30 **Outlot.** Outlot shall mean a parcel of real property with a separate and distinct outlot
31 designation shown on a final plat recorded in the office of the Register of Deeds for Lancaster

1 County, Nebraska, and which is reserved for future building or occupancy after replatting and
2 subdivision or reserved for agricultural uses, open space or common facilities.

3 **Owner.** For purposes of making application for a special permit or a use permit under this
4 title, the term “owner” shall include an owner of record, a trustee under a deed of trust or similar
5 trust document, or a long-term lessee. A person, other than an owner, may be authorized to apply
6 on behalf of an owner.

7 Section 2. That Section 27.69.030 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.69.030 General Provisions.**

10 Except as otherwise provided in this chapter or in any other applicable ordinance or
11 regulation, no sign or part thereof shall be erected or maintained in any zoning district except in
12 conformance with these General Provisions. The General Provisions apply to both on-premises and
13 off-premises signs.

14 **(a) Location, Height, Area, and Other General Requirements.**

15 (1) No sign shall be erected or maintained in a required yard except as otherwise
16 provided in this chapter, or encroach upon or overhang any adjacent property or public right-of-way.

17 (2) No sign shall be erected upon or against a roof or on top of or above the parapet
18 of a building.

19 (3) No sign shall exceed the maximum height permitted for buildings in the zoning
20 district in which the sign is located.

21 (4) Every sign shall be permanently attached to the ground, or to a building or
22 structure which is permanently attached to the ground, except for mobile signs and temporary signs
23 as provided in this chapter and in Title 22 of the Lincoln Municipal Code.

24 (5) No sign shall be painted on or attached to rocks, trees, or any other natural object.

25 (6) No sign shall be erected, placed, or maintained in a location that violates the site
26 obstruction regulations of the Department of Public Works and Utilities for street intersections or
27 entrances or exits from private property.

28 (7) No sign or part thereof shall be erected in those zoning districts which are adjacent
29 to or within the area of the interstate and federal-aid primary road systems in contravention of the
30 advertising controls of the State of Nebraska.

31 (8) Every freestanding sign permitted on a "per frontage" basis shall be allocated to
32 and be located proximate to the specific frontage which would authorize such sign.

33 (9) The required space between the location of any sign and an abutting residential
34 district shall be as follows:

35 (i) 50 feet if non-illuminated,

36 (ii) 100 feet if illuminated;

37 (10) No sign shall move, rotate, revolve, or simulate animation by means of spinning,
38 fluttering, or reflective devices or lighting, except a sign may rotate or revolve at a rate not to exceed
39 six revolutions per minute.

1 (11) In the area of the B-4 zoning district beginning 150 feet east of 17th Street and
2 continuing to the western boundary of the B-4 District, on-premises signs may be animated, blink,
3 flash, or simulate animation.

4 (12) The sign regulations for location, height and area of a sign may be modified by
5 the City Council in connection with the granting of a special sign district, planned unit development,
6 use permit, special permit for a community unit plan, or special permit for a planned service
7 commercial development, provided such modification is in conformance with all other requirements
8 of Title 27.

9 (13) All freestanding signs must be spaced a minimum of 50 feet apart.

10 (14) No sign shall be erected, placed or maintained in any location in violation of the
11 zoning regulations of the City of Lincoln.

12 (15) No person shall permit the placement, construction, or erection of a swinging
13 sign.

14 (16) No person shall place, construct, or erect any sign which, by reason of its size,
15 location, movement, content, coloring, or manner of illumination, may be confused with or
16 construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment
17 vehicle.

18 (17) No person shall place, construct or erect any sign which hides from view any
19 traffic control sign or signal or device.

20 (18) Minor reductions in the required setback and/or spacing requirements for a sign
21 not to exceed five feet may be approved upon a finding that (i) such reduction is the minimum
22 necessary to avoid interference with an existing utility line or to avoid a significant obstruction from
23 view by an existing building, sign, or landscape feature, and (ii) such reduction will have no
24 significant adverse effect on existing or reasonably anticipated future uses in the surrounding area.
25 Any requests for modifications from the setback and/or spacing requirements for a sign shall be filed
26 with the Planning Director. Such request shall set forth the specific modification requested and all
27 supporting reasons and documentation as to why the modification should be granted, how the public
28 welfare will be preserved, and why the modification will not detract from the intent and spirit of
29 these sign regulations. Within thirty days from the filing of the request for modification, the
30 Planning Director shall approve or deny the request and shall notify the applicant in writing of the
31 approval or denial of the request. Any council member or aggrieved person may appeal any
32 approval or denial of the request for modification by the Planning Director in accordance with the
33 Request for Waiver Procedure found in Chapter 1.00, Sections 2.1.1 and 2.1.2 of the City of Lincoln
34 Design Standards.

35 (19) Frontage for every center sign permitted on a “per frontage” basis shall mean only
36 that frontage of the center adjacent to an arterial or collector street.

37 (20) Signs may be erected and maintained on an outlot.

38 (b) **Freestanding Signs.** See Section 27.69.040 (Tables 2 and 3).

39 (c) **Wall Signs.** Wall signs are allowed in the R-T and all O, B, H and I zoning districts,
40 subject to the following restrictions:

41 (1) In the O-1, O-2, and R-T zoning districts, one wall sign per architectural elevation
42 per building is allowed. The wall sign shall not exceed 25 square feet in sign area per architectural
43 elevation nor be located on the side of the building abutting a residential district or facing a local
44 or collector street when the land across the street is zoned residential.

1 (2) In all other allowed zoning districts, the wall sign shall have a maximum sign area
2 of 30% per architectural elevation or 500 square feet, which ever is less.

3 (3) No wall sign or wall sign structure shall project more than two and one-half inches
4 into a public alley when installed below a height of fourteen feet above grade of the public alley, nor
5 more than twenty-four inches into a public alley when installed at a height fourteen feet or greater
6 above grade of the public alley.

7 (4) No wall sign or wall sign structure shall project more than two and one-half inches
8 over any sidewalk or parking lot when installed below a height of seven feet six inches above grade.

9 (5) All other wall signs shall have a maximum projection over public property as set
10 forth in Section 27.69.030 Table (1).

11 (6) Wall signs shall comply with all applicable federal-aid project requirements
12 restricting signs on or over public right-of-way.

13 **27.69.030 Table (1) - Projection of Wall Signs**

14 <i>Clearance</i>	15 <i>Maximum Projections</i>
16 Less than 7'6" above grade	2 1/2 inches
Over 7'6" above grade	24 inches

17 (d) **Projecting Signs.** Projecting signs are allowed in the R-T and all O, B, H, and I
18 zoning districts, subject to the following restrictions:

19 (1) The projecting sign shall be in lieu of one freestanding sign.

20 (2) The projecting sign shall have a minimum ground clearance of eight feet above
21 the walk or grade below.

22 (3) The projecting sign shall not exceed 100 square feet in sign area.

23 (4) In the O-1, O-2, and R-T zoning districts, the projecting sign shall not exceed 25
24 square feet in sign area and such sign shall not be located on the side of the building abutting a
25 residential district or facing a local or collector street when the land across the street is zoned
26 residential.

27 (5) The projecting sign may project from a building a maximum of six feet six inches.
28 The projecting sign may project over the public right-of-way when the building is erected adjacent
29 to the front property line, but shall not project above the roof line or top of a cornice wall. Subject
30 to the provisions of Title 10 and Title 22 of the Lincoln Municipal Code, the projecting sign may
31 project over public property as set forth in 27.69.030 Table (2). The projecting sign shall comply
32 with all applicable federal-aid project requirements restricting signs and structures on or over the
33 public right-of-way. No projecting sign shall project within two feet of the curb line. No projecting
34 sign or projecting sign structure shall project more than two and one-half inches into a public alley
35 when installed below a height of fourteen feet above grade of the public alley, nor more than twenty-
36 four inches when installed at a height of fourteen feet or greater above said grade.

1 **27.69.030 Table (2) - Projection of Signs**

2	<i>Clearance</i>	<i>Maximum Projections</i>
3	Less than 8 feet above grade	NOT ALLOWED
4	Over 8 feet above grade	6 feet 6 inches
5	Over 8 feet above grade and at 45 degrees to a corner	9 feet

6 (e) **Marquee Signs.** Marquee signs are allowed in all O, B, H and I zoning districts,
7 except the O-1, O-2 and R-T zoning districts subject to the following restrictions:

8 (1) The marquee sign shall be designed so that sign support braces are not visible from
9 street level.

10 (2) When a building is erected adjacent to the front property line, the marquee sign
11 may be attached to the marquee extending into or over the right-of-way.

12 (3) The marquee sign shall not exceed three feet in height or the height or vertical
13 thickness of the marquee, whichever is greater.

14 (4) The marquee sign shall have a minimum ground clearance of eight feet above the
15 walk or grade below.

16 (5) The sign area of a marquee sign shall be counted toward the total allowable wall
17 sign area of the parallel face to which the marquee is attached. If the marquee sign is attached
18 perpendicular to the wall, it shall be counted toward the allowed projecting sign area.

19 (f) **Electronic Changeable Copy Signs.**

20 (1) Electronic Changeable Copy (On-Premises). In all nonresidential zoning districts
21 except in the O-1, O-2 and R-T zoning districts, on-premises electronic changeable copy signs are
22 allowed subject to the following restrictions:

23 (i) The sign area displaying electronic changeable messages shall not exceed 80
24 square feet of sign area and such sign area shall be included as a part of the total permitted signage
25 for the premises on which it is located.

26 (ii) No message on an electronic changeable copy sign shall be animated, except
27 in the B-4 zoning district pursuant to Section 27.69.030(a)(11).

28 (iii) Transition between messages are permitted but such transitions may only
29 fade, scroll, travel, or reveal, and the transition shall not exceed a duration of one second.

30 (2) Electronic Changeable Copy (Off-Premises). In all nonresidential zoning districts,
31 off-premises electronic changeable copy signs are allowed subject to the following restrictions:

32 (i) If the off-premises sign area displaying electronic changeable messages is
33 greater than 80 square feet, the message shall hold for at least ten seconds. If said sign area is 80
34 square feet or less, the message shall hold for at least one second.

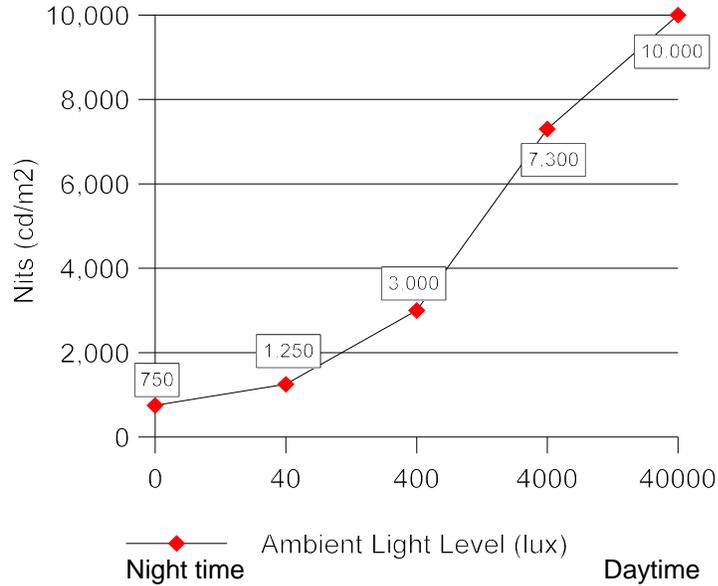
35 (ii) No message on an electronic changeable copy sign shall be animated.

36 (iii) Transition between messages are permitted but such transitions may only
37 fade, scroll, travel, or reveal, and the transition shall not exceed a duration of one second.

38 (3) Prior to the issuance of an electronic changeable copy sign permit, the applicant
39 shall provide written certification from the sign manufacturer that the light intensity has been preset
40 not to exceed the above illumination levels, and the preset intensity level is protected from end user
41 manipulation by password protected software or other method approved by the Director of Building
42 and Safety.

1 (4) Illuminated electronic changeable copy signs shall be equipped with a sensor
2 and/or timer or other device approved by the Director of Building and Safety to automatically adjust
3 the day/night light intensity levels in accordance with Figure 6 below.
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Figure 6 - Maximum Sign Brightness with Varying Ambient Light



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7 **(g) Illumination.**

8 (1) In all nonresidential districts, signs may be illuminated, except that the surface
9 illumination of any sign shall not exceed the levels shown in Figure 6 below for different conditions
10 of ambient light.

11 (2) In all residential districts, signs shall be non-illuminated and nonreflecting; except
12 in the R-8 district, uses other than dwellings may be illuminated as otherwise stated in this chapter.

13 (3) No sign shall blink or flash, display an animated message, nor be illuminated by
14 any device so as to appear to blink or flash or simulate animation, except for mobile signs and B-4
15 zoning district signs permitted by Section 27.69.030.(a)(11).

16 (4) Lighted vending machines are not permitted in view from off the premises in any
17 residential zoning district.

18 (5) Fraternities and sororities within one-half mile of an educational campus may have
19 illuminated signs but neon or gas tubing shall be used only as back lighting.

20 **(h) Mobile Signs.** Mobile signs identifying special sales and openings shall be permitted
21 on the premises of a commercial establishment for no more than sixty days in any calendar year in
22 all B, H, and I zoning districts where commercial establishments are permitted subject to the
23 following restrictions:

24 (1) The mobile sign shall not exceed sixty square feet of sign area.

25 (2) The mobile sign may be located one-half the distance into the required front yard.

26 **(i) Historic Preservation.** All signs for designated landmarks and signs located in
27 designated landmark districts must receive a certificate of appropriateness from the Historic
28 Preservation Commission.

1 (j) **Capitol View Corridor.** On-premises freestanding signs in the Capitol View Corridor
2 Overlay District shall be subject to the regulations of said district, notwithstanding the otherwise
3 applicable regulations of the underlying zoning district.

4 (k) **Variance for Pre-existing Signs.** All signs installed prior to the effective date of
5 Ordinance No. 18857 which do not qualify as a nonconforming use in subparagraph (m) below may
6 be continued for a period of ten years from the effective date of Ordinance No. 18857 provided that:

7 (1) The sign was installed pursuant to and in compliance with a permit issued by the
8 Department of Building and Safety; and

9 (2) The sign conforms with or is modified to conform with the illumination
10 requirements shown on Figure 6 of Section 27.69.030(h). Notwithstanding the above, such sign
11 shall be brought into compliance when one or more of the conditions listed in Section 27.69.320
12 occurs.

13 (l) **Nonconforming Signs.** Whenever the lawful use of a sign does not conform with the
14 provisions of any change in the zoning code or district boundaries, the use of such nonconforming
15 sign may be continued except as otherwise provided in Sections 27.69.035 and 27.69.320.

16 (m) **Directional Signs.** Directional signs are permitted in all districts subject to the
17 following restrictions:

18 (1) A directional sign located in the front yard shall not exceed a sign area of two
19 square feet.

20 (2) A directional sign located outside the front yard shall not exceed a sign area of six
21 square feet.

22 (n) **Noncommercial Signs.** Notwithstanding any other provision of this chapter, any off-
23 premises sign or on-premises sign permitted by this chapter may advertise, identify, attract attention
24 to, or convey information regarding any noncommercial message including, but not limited to,
25 political, religious, charitable, sociological, or ideological activities, issues or beliefs.

26 (o) **Banner Signs.** Banner signs may extend up to six inches into the public right-of-way
27 when located eight feet or more above grade of said right-of-way. Banners may extend over public
28 property and may extend across a public street only by permission of the Mayor, and shall be subject
29 to all related laws and ordinances. Such signs, when extended over a public street, shall maintain
30 a minimum clearance of twenty feet.

31 Section 3. That Chapter 27.70 of the Lincoln Municipal Code be amended by adding
32 a new section numbered 27.70.070 to read as follows:

33 **27.70.070 Outlots; Permitted Use.**

34 An outlot reserved for future building or occupancy after replatting and subdivision may be
35 used for agricultural uses, open space, or common facilities in all zoning districts until such
36 replatting and subdivision occurs. Accessory buildings are not permitted on outlots reserved for
37 future building or occupancy after replatting and subdivision.

1 An outlot reserved for agricultural uses, open space, or common facilities may be used for
2 such designated purpose. Buildings that are accessory to the use of an outlot reserved for
3 agricultural uses, open space, or common facilities shall be permitted in all zoning districts.

4 Section 4. That Sections 27.02.160 and 27.69.030 of the Lincoln Municipal Code as
5 hitherto existing be and the same are hereby repealed.

6 Section 5. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
7 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's
8 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
9 and such posting to be given by publication one time in the official newspaper by the City Clerk.
10 This ordinance shall take effect and be in force from and after its passage and publication as herein
11 and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013: _____ Mayor
