

ORDINANCE NO. 1840

AN ORDINANCE TO AMEND ARTICLE TEN OF THE AUGUST 2006 LAND DEVELOPMENT ORDINANCE, ZONING CHAPTER, FOR THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO SIGN REGULATIONS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.

Section 1. Article 10, Sign Regulations, of the August 2006 Land Development Ordinance for the City of Plattsmouth, Nebraska, is hereby amended by deleting the same in its entirety and substituting the follow:

SIGN REGULATIONS

10 ARTICLE TEN
SIGN REGULATIONS

10-1 Purpose

The sign regulations provide standards for communicating information in the environment of the City of Plattsmouth and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the city's attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

10-2 Definition of Terms

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Plattsmouth Municipal Code or in this Zoning Ordinance:

A. **Abandoned Sign:** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.

B. **Attached Sign:** A sign which is structurally connected to a building and/or depends upon that building for support.

C. **Awning and Awning Sign:** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.

D. **Banner:** Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.

E. **Billboard:** An off-premises freestanding sign, unattached to any structure and placed adjacent to a Nebraska State Highway right-of-way, which directs attention to an object, product, place, activity, business, person or persons, service or interest not situated on the same premises as the billboard. A billboard may be built on a freestanding frame, mast, or pole(s) with a clearance greater than three feet, and where the support encompasses less than 75 percent of the width of the sign. Its design and location must be approved by and conform to regulations of the State of Nebraska.

F. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.

G. **Business Center Identification Sign:** A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

H. **Canopy:** A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.

I. **Canopy Sign:** A sign which is attached or made an integral part of a canopy.

J. **Clearance:** The distance from the bottom of a sign face elevated above grade and the grade below.

K. **Detached Sign:** A sign which is self-supporting and structurally independent from any building.

L. **Directional Sign:** A sign which serves only to designate the location or direction of any area or place.

M. **Double-Faced Sign:** A sign consisting of no more than two parallel faces supported by a single structure.

N. **Electronic Information Sign:** Any sign intended primarily to provide information of general community interest, including time, temperature, date, atmospheric conditions, news, traffic control, or commercial messages pertaining to the use on the premises, by means of an electronic display.

O. **Flag, Business:** A flag displaying the name, insignia, emblem, or logo of a profit-making entity.

P. **Flag, Public:** A flag displaying the name, insignia, emblem, seal, or pattern of a nation, state, county, municipality, or nonprofit organization.

Q. **Frontage:** The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

R. **Ground Sign:** A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three feet.

S. **Illumination:** Lighting sources installed for the primary purpose of lighting a specific sign or group of signs, including the following:

1 - Bare bulb illumination; Illumination or emphasis of signs using unshielded bulbs.

2 - Direct flood illumination; Illumination of signs through floodlights whose luminous surface is visible to the normally located observer.

3 - Flame; Use of open flame or torches as a light source.

4 - Flashing illumination; Use of an intermittent light source, including the illusion of intermittence through animation or other external light sources. Electronic information signs are excluded from this definition, except for the flashing mode of these signs.

5 - Indirect illumination; Use of a light source whose luminous surface is not visible to the normally located observer.

6 - Internal Illumination; Use of a light source concealed or contained within the sign, and visible by shining through a translucent surface.

7 - Neon or gas tube; Use of a light source supplied by a neon or other gas tube, bent to form letters, symbols and other shapes.

8 – Advertising signs may be illuminated by indirect and internal lighting only, subject to the following conditions: Signs may not contain or be illuminated by flashing lights.

9 - Signs may include an electronic information sign.

10 - Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision.

Notwithstanding this subsection, electronic off-premises advertising signs shall be permitted, but only to the extent allowed by other sections of this code.

T. **Informative Sign:** An on-premise sign that provides an instruction or direction to the public, but contains no other advertising, message, or decoration.

U. **Kiosk, Advertising:** A cylindrical or two-side structure on a sidewalk used to post directions, advertisements or announcements of events.

V. **Marquee:** A permanent roofed structure attached to and supported by a building and extending over public right-of-way.

W. **Maximum Permitted Sign Area:** The maximum permitted combined area of all signs allowed on a specific property.

X. **Monument Sign:** An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign. The design of a monument sign must be compatible with the architecture of the building or surrounding area.

Y. **Moving Sign:** A sign which conveys its message through rotating, changing, or animated elements.

Z. **Nonconforming Sign:** A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.

AA. **Off-Premises Sign:** A sign that advertises products or services that are not sold, produced, manufactured or furnished on the property where the sign is located. An outdoor display is an off-premises sign. Other examples include billboards and bus benches.

BB. **Pole Sign:** An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three feet, and where the support encompasses less than 75 percent of the width of the sign.

CC. **Portable Sign:** Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

DD. **Premise Identification Sign:** Any sign which pertains to the use of a premises and which contains information about the owner or operator of that use, the type of business being conducted or the principal brand name of a commodity sold on the premises, and other information relative to the conduct of the use.

EE. **Premises:** A tract of one or more lots or sites which are contiguous and under common ownership or control.

FF. **Projecting Sign:** A sign other than a wall sign that is attached to and projects from a building face.

GG. **Residential Sign:** A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.

HH. **Roof Sign:** Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.

1. **Integral Roof Sign:** A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.

2. **Above-Peak Roof Sign:** A roof sign positioned above the peak of a roof or above a parapet or cornice.

II. **Sign:** A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

JJ. **Sign Type:** A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.

KK. **Street Facade:** Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.

LL. **Temporary Signs:** A sign, flag, banner, pennant, or valance constructed of light weight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.

MM. **Wall Sign:** A sign attached to and parallel with the side of a building.

NN. **Window Sign:** A sign painted on or installed inside a window for the purpose of viewing from outside the premises.

OO. **Zone Lot:** A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

A. **Compliance:** Each sign or part of a sign erected within the zoning jurisdiction of the City of Plattsmouth must comply with the provisions of this chapter and of other relevant provisions of the City of Plattsmouth's Municipal Code.

B. **Resolution of Conflicting Regulations:** This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Plattsmouth's Municipal Code. In cases of conflicts between code sections, state or federal regulations, the more restrictive regulations shall apply.

C. **Prohibited Signs:** The following signs are prohibited in all zoning districts:

1. Signs painted on or attached to rocks, trees, or other natural objects.
2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. Signs on public property, unless specifically authorized by the appropriate public agency.
4. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
5. Abandoned Signs: Any abandoned sign must be removed within six months of date of abandonment.
6. Pole signs.
7. Portable signs, including signs painted, mounted, or printed on parked vehicles and trailers.
8. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
9. Signs advertising activities that are illegal under federal, state, or local laws and regulations.

D. **Exempt Signs:** The following signs are permitted in any zoning district and are exempt from other provisions of this chapter:

1. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.

2. Real estate signs, no larger than 12 square feet, which are placed on the property that is for sale.

3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information, such as an advertising kiosk.

4. Seasonal decorations for display on private or public property.

5. On-premise construction signs.

6. Temporary signs for grand openings or special events.

7. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.

8. Residential signs under four square feet in size.

9. Neighborhood or subdivision identification signs under 50 square feet.

10. Street numbers.

11. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.

E. **Bufferyards:** No sign other than on-premise directional signs shall be placed within any bufferyard required by Article Eight, Landscaping and Screening Regulations, except bufferyards adjacent to intervening major streets.

F. **Vision-Clearance Area:** No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of 40 feet from the point at which the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway meet.

10-4 General Regulations: Basic Design Elements for On-Premise Signs

A. **Wall Signs and Graphics:** Wall signs and graphics are subject to the following general regulations.

1. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
2. A wall sign must be parallel to the wall to which it is attached.
3. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
4. A wall sign may not extend beyond its building's roof line.
5. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet six inches.
6. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings shall be considered wall signs.
7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

B. Projecting Signs and Graphics: Projecting signs and graphics are subject to the following general regulations.

1. The maximum projection of any projecting sign shall be as follows:
 - a. Six feet, six inches (6'-6") over public sidewalks less than 12 feet wide;
 - b. Eight feet (8'-0") over public sidewalks 12 feet wide or more, or over private property.
2. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
3. Each projecting sign must maintain at least the following vertical clearances:
 - a. Eight feet, six inches (8'-6") over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;
 - b. Ten feet (10'-0") for signs located outside of driveways or parking areas, but within three feet of such areas; or

within 50 feet of the right-of-way lines formed by the intersection of two or more streets;

- c. Fourteen feet (14'-0") over parking lots;
- d. Eighteen feet (18'-0) over alleys or driveways.

4. No projecting sign extending three feet or more from a property line may be located within 22 feet of any other projecting sign extending three feet or more from a property line.

5. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.

C. Roof Signs: Roof signs are subject to the following regulations:

- 1. Where permitted, integral roof signs may be used interchangeably with wall signs.
- 2. Integral roof signs may not exceed the permitted height for pole signs.
- 3. An integral roof sign must be mounted parallel to the wall of the building that it faces.

10-5 General Regulations: Other Design Elements

A. Brightness: The maximum brightness of the sign shall not exceed a luminance of 5,200 NITS (candles per square meter) during daylight hours, or 0.3 foot-candles over ambient lighting, whichever is less. The maximum brightness of the sign shall not exceed a luminance of 500 NITS during the period from dusk to dawn, or 0.3 foot-candles over ambient lighting, whichever is less.

The sign shall have an automatic dimmer control or ambient light monitors to produce an illumination change from a higher illumination level to a lower one for the period of time from dusk to dawn (or any other applicable conditions based on ambient light).

There shall be a minimal brightness differential from an image with a white or light-colored background/content to one with a black or darker background/content (and vice versa). Screen transitions should not appear to flash due to brightness differential.

B. Electronic off-premises signs (billboards): Any off-premises advertising sign which by electronic means provides for a changing, moving or otherwise animated message.

Such a sign may include information of general community interest and any type of commercial messages but shall not be considered an electronic information sign. Digital and LED type billboards are examples of an electronic off-premises sign.

C. An electronic off-premises sign contains only one image being shown at a time. It may consist of a back-to-back sign with a static sign face on the opposite side. Back-to-back electronic off-premises signs shall be permitted; however, back-back electronic off-premises signs shall be counted as two signs for the purposes of removal requirements. No electronic off-premises sign shall be allowed to have two or more separate faces side by side.

D. Image restriction: Any image or message displayed on the sign must have a minimum duration time of ten seconds. Each image shown must be static and not contain any type of motion, animation, scrolling of text, or sequential displays designed to appear as such.

E. Transition time: The transition from one image to another shall appear instantaneous. The use of specialized transitions or other special effects during transition is prohibited. The sign shall have a default mechanism that will stop the sign in one fixed position should a malfunction occur.

F. Illumination: Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway and shall not cause glare or impair vision.

G. Marquees and Marquee Signs: Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

H. Moving signs: Advertising signs shall not revolve or rotate. Slow and continuous motion or rotation within a portion of the sign face comprising less than 38 percent of the area of such sign shall be permitted.

I. Banners:

1. A banner sign projecting from a building may not exceed the wall height of the building.

2. Maximum projection for any banner is five feet, with a minimum clearance of ten feet.

3. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign or 120 square feet.

J. Clocks: For the purposes of this chapter, clocks are not considered a moving sign.

Sign Type	AG	RR	R-1	R-2	R-3	MH	LC	UC	CBD	GC	BP	GI	HI
Detached Signs													
Residential	P	P	P	P	P	P	P	P	N	N	N	N	N
Business Identification	P	P	P (C)	P (C)	P	P	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P (C)	P	P (C)	P	P	P	P	P	P	P
Ground	P	P	P	P	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	N	N	N	N	N	N	N
Attached Signs													
Awning	N	N	N	N	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	N	N	P	P	P	P	P	P	P
Business Identification	P	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	N	P	P	P	P	P	P	P
Projecting	N	N	N	N	N	N	N	P	P	P	P	P	P
Roof, Integral	N	N	N	N	N	N	P	P	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	P	N	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	N	N	P	P	P	P	P	P	P
Miscellaneous													
Off-Premises	P	N	N	N	N	N	N	N	N	P	P	P	P
Flag	P	P	P	P	P	P	P	P	P	P	P	P	P
Billboard	P	N	N	N	N	N	N	N	N	N	N	N	N
Moving Signs	N	N	N	N	N	N	N	N	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N	N	N	N	N	N

P = Permitted for All Uses P(C) = Permitted for Civic Uses N = Not Permitted

Zoning District	AG	RR	R-1	R-3	MH	LC	UC	CBD	BP	GC	GI	HI
Square Feet of Signage per Linear Foot of Frontage	N/A	N/A	N/A	N/A	.50	.75	1.0	1.0	2.0	2.0		
Maximum Total Square Feet	Note 1	Note 2	Note 3	Note 4	Note 4	Note 4	Note 4	Note 4	Note 4	Note 5	Note 5	Note 5

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Note 1: 100 square feet for civic or commercial uses, four square feet for residential uses.

Note 2: 32 square feet for civic uses, four square feet for residential uses.

Note 3: 75 square feet for project identification signs for multi-family or mobile home developments and for civic uses; four square feet for other residential uses.

Note 4: Maximum limits apply to non-residential premises only. On premises with a primary residential use, 75 square feet for project identification signs for multi-family developments, four square feet for other residential uses.

Note 5: One business center identification sign with a maximum area of 150 square feet is permitted subject to the regulations set forth by Table 10-3.

TABLE 10.3: PERMITTED SIGNS BY NUMBERS, DIMENSIONS, AND LOCATION									
Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:									
Zoning District	AG	RR R-1 R-2	R-3 MH	LC	UC	CBD	GC (Note 1)	BP	GI HI
Detached Signs Number Permitted Per Premise Per Feet of Frontage	1 N/A	1 N/A	1 N/A	1 N/A	N/A 1 Per 300	1 N/A	N/A 1 Per 200	NA 1 Per 200	N/A 1 per 200
Maximum Size* (Square Feet)	100*	32*	75*	75*	100*	100	150	150	200
Maximum Height (Feet)	25	10	10	15	25	25	35	35	35
Front Yard Setback (Feet)	25	5	10	10	10	0	5	5	0
Side Yard Setback (Feet)	10	10	10	10	5	0	5	5	0
Attached Signs Maximum Size* (Square Feet)	100	32*	75*	75	100	100	150	200	200
Percentage of Street Facade	N/A	N/A	N/A	20%	20%	20%	25%	25%	25%

* For those uses only permitted a sufficient maximum sign area in Table 10-2.

Note 1: In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:

A. The maximum area for a center identification sign shall be 150 square feet.

B. No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.

C. The sign shall display no more than the name and location of the business center.

D. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this article.

10-6 Specific Regulations for Zoning Districts

This section sets forth regulations and design standards for signs and graphics for each zoning district.

10-7 Measurement of Regulators

A. **Maximum Permitted Sign Area:** Maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

B. **Sign Area:**

1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.

2. The area of double-faced signs is calculated on the largest face only.

3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the sign copy only.

4. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.

C. **Height:** The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

D. **Setback:** The setback of a sign is measured from the property line to the supporting frame, mast, pole, or base of the sign.

10-8 Permitted Sign Types by Zoning Districts

Table 10-1 sets forth the sign types permitted within each zoning district of the City of Plattsmouth.

10-9 Maximum Permitted Sign Area

Table 10-2 sets forth the maximum sign area permitted within each zoning district of the City of Plattsmouth.

10-10 Permitted Signs by Numbers, Dimensions, and Location

Table 10-3 sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

10-11 General Permit Procedures

A. **Applicability:** Any installation, modification, or expansion of any sign which is not exempt from the provisions of this article shall be subject to the following permit procedure prior to installation.

B. **Applications:** All applications for sign permits shall be submitted to the Building Official in accordance with application specifications established by the Building Official.

C. **Fees:** Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution.

D. **Action:** Within seven work days of the submission of a complete application for a sign permit, the Building Official shall either:

1. Issue the sign permit, if the sign conforms to the provisions of this article.
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this article.

E. **Permit Expiration:** If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.

F. **Maintenance of Valid Sign Permit:** The owner of a property containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a common signage plan.

G. **Assignment of Sign Permits:** A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

10-12 Repair or Modification of Nonconforming Signs

A. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than 50 percent of its replacement cost, shall be either removed or altered so as to comply with this article.

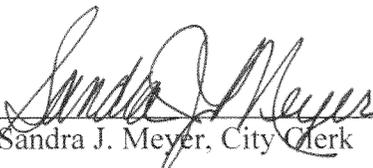
B. For business centers pre-existing on the effective date of this ordinance which do not conform to the total permitted sign area provisions of this article, individual signs may be replaced, modified, or substituted prior to the effective date of this amended chapter. Each sign shall conform to the applicable regulations for individual signs and shall be installed so as to reduce the total amount of the nonconformance.

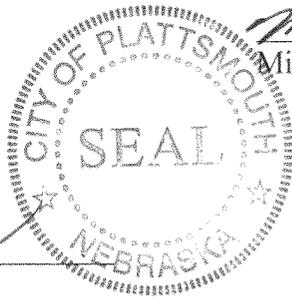
Section 2. All other ordinances approved prior to the passage, approval, and publication or posting of this ordinance which conflict with these provisions are repealed.

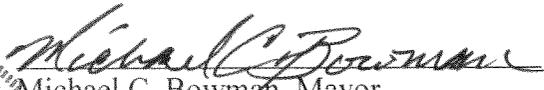
Section 3. This ordinance is adopted and published in pamphlet form, and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 5TH day of December 2011.

ATTEST:


Sandra J. Meyer, City Clerk




Michael C. Bowman, Mayor

Publication Date: December 8, 2011.