

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 18, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — SIGN REGULATIONS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to amend Section 7.03.05 of the Zoning Ordinance regarding signs exempt from regulation.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

In September of 2011, staff presented a general review of the City's temporary signage regulations based on a request by Council member Sheehan. To summarize the presentation, staff explained the following points:

- Most all zoning ordinances identify that there is a need for temporary signs and permit them to various degrees. Generally businesses need temporary signs for special sales and seasonal events, and institutions, such as churches, have many special events. Sign codes generally recognize the need to allow for temporary signs to some degree.
- Currently La Vista requires a permit for a temporary sign; the size is limited to 32 square feet; we allow 4 temporary signs per year; and each permit allows the sign to be displayed for up to 14 consecutive days. These permits are allowed to be combined into any combination that equals 8 weeks annually.
- The temporary signs that are exempt from the permit requirement are construction and real estate signs, political signs, and signs related to public notices, civic facilities or events, traffic signs, etc.
- Although exempt from the permit requirement, La Vista's current regulations limit political signs to 6 square feet; only 4 signs per lot; and they can only be displayed not more than 30 days before the election and no later than 10 days after.
- For some time, there has been a question of whether or not the City needs to amend the sign ordinance with regard to political signs. After reviewing literature regarding this topic, the concern occurs when ordinances place unreasonable limits on the number of political signs that may be displayed or that

impose restrictive time limits only on political signs. As such, staff would suggest removing the time limits placed on when political signs can be erected prior to an election, while maintaining the number and a size restriction which is consistent with the regulations for other temporary signs.

The following is the proposed change to Section 7.03.05 of the Zoning Ordinance:

**7.03.05 Signs Exempt from Regulation Under this Ordinance**

The following signs shall be exempt from regulation under this ordinance:

Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

Any religious symbol;

Any sign identifying a public facility or public / civic event;

Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located

Holiday lights and decorations with no commercial message;

Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and

A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed ~~six~~ ~~(6)~~thirty-two (32) square feet in any zone. Only four (4) political signs shall be allowed per zone lot at any one time. All such political signs ~~shall not be erected more than thirty (30) days before the election~~ ~~and~~ shall be removed no later than (10) days after the election.

On August 16, 2012, by a vote of 7-0, the Planning Commission recommended approval of the amendments to Section 7.03.05 of the Zoning Ordinance regarding signs exempt from regulation.

I:\Administration\BRENDA\COUNCIL\12 Memos\Zoning Text Amend - Signs Exempt.Doc

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND SECTION 7.03.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.03.05 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Section 7.03.05. Section 7.03.05 of the Ordinance No. 848 is hereby amended to read as follows:

**7.03.05 Signs Exempt from Regulation Under this Ordinance**

The following signs shall be exempt from regulation under this ordinance:

Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

Any religious symbol;

Any sign identifying a public facility or public / civic event;

Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located

Holiday lights and decorations with no commercial message;

Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and

A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed thirty-two (32) square feet in any zone. Only four (4) political signs shall be allowed per zone lot at any one time. All such political signs shall be removed no later than (10) days after the election.

SECTION 2. Repeal of Section 7.03.05 as Previously Enacted. Section 7.03.05 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF SEPTEMBER, 2012.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk