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ARTICLE TEN

SIGN REGULATIONS

11.1001 Purpose

The Sign Regulations provide standards for communicating information in the environment of the City of Waverly 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.

11.1002 Definition of Terms *(Amended by Ord. 07-13; 11-5-07)*

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

1. 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.
2. Attached Sign: A sign which is structurally connected to a building or depends upon that building for support
3. Auxiliary Design Elements: Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. 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.
5. Banner: Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
6. Building Marker: An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
7. Business Center Identification Sign: A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
8. 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.
9. Canopy Sign: A sign which is attached or made an integral part of a canopy.
10. Clearance: The distance from the bottom of a sign face elevated above grade and the grade below.
11. Detached Sign: A sign which is self-supporting and structurally independent from any building.
12. Directional Sign: A sign which serves only to designate the location or direction of any area or place.

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13. Double-Faced Sign: A sign consisting of no more than two parallel faces supported by a single structure.
14. Electronic Information Sign: Any sign intended primarily to provide information of general community interest, including time, temperature, and other atmospheric conditions, date, news, traffic control, or commercial messages.
15. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court.
16. Ground Sign: A detached sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
17. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs. Illumination techniques referred to by these Regulations include:
 - (a) Bare Bulb: Illumination of signs using unshielded bulbs.
 - (b) Direct Illumination: Illumination of signs through flood lights whose luminous surface is visible to the normally located observer.
 - (c) Flame: Use of open flame or torches as a light source.
 - (d) Flashing: 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 any flashing mode of these signs.
 - (e) Indirect: Use of a light source whose luminous surface is not visible to the normally located observer.
 - (f) Internal: Use of a light source concealed or contained within the sign, and visible by shining through a translucent surface.
 - (g) Neon or gas tube: Use of a light source supplied by passing electricity through a tube containing neon or other gas, bent to form letters, symbols, and other shapes.
18. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
19. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
20. 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.
21. Moving Sign: A sign which conveys its message through rotating, changing, or animated elements.
22. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
23. Off-Premise Sign: A sign which directs attention to a business, profession, commodity, or service offered on a property other than that on which the sign is located.

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24. Pole Sign: A sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
25. 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.
26. Premise Identification Sign: An 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.
27. Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.
28. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.
29. Residential Sign: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
30. 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.
- (a) 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.
- (b) Above-peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
31. 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.
32. Sign Type: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
33. 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.
34. 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.
35. Wall Sign: A sign attached to and parallel with the side of a building.
36. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
37. 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.

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11.1003 General Sign and Street Graphics Regulations

a. Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Waverly must comply with the provisions of this chapter and of other relevant provisions of the City of Waverly's Municipal Code; and relevant building codes including the:

Uniform Building Code.
Uniform Plumbing Code.
National Electric Code.
Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways (Nebraska Department of Roads)

b. Resolution of Conflicting Regulations

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Waverly'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 trees.
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 or overhanging public property or public right-of-way, 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. Portable signs, including signs painted, mounted, or printed on parked vehicles and trailers, except as provided below.
7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
8. Signs advertising activities that are illegal under Federal, state, or local laws and regulations.

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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 32 square feet and are not located in a required sign setback.
2. Real estate signs.
3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
4. Seasonal decorations for display on private or public property.
5. On-premise construction signs.
6. One temporary sign per zoned lot for grand openings or special events, provided that such sign remains in place for a maximum of seven days.
7. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
8. Residential signs under 2 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. Temporary and Civic Signs

1. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures set forth in this section.
 - (b) The size of such signs does not exceed the limitations set forth in Table 10-3.
 - (c) No more than one such sign is permitted at any single premises.
 - (d) Temporary or portable signs may be present at any single premises for a maximum of 30 days per year.
2. Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures set forth in this section.
 - (b) Such signs are installed no earlier than 30 days before the date of the event or election and removed no later than 7 days after the date of the event or election.

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(c) The maximum size of such signs is 10 square feet when located in any residential and LC Limited Commercial zoning district; and 100 square feet in any other zoning district.

f. 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.

g. Vision-Clearance Area

No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of forty 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.

11.1004 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 in the DC District shall be as follows:
 - (a) 2 feet over public sidewalks less than 12 feet wide;
 - (b) 3 feet over public sidewalks 12 feet wide or more, or over private property.

No projecting sign in any other district may project by more than 24 inches into a required setback.

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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) 8 feet, 6 inches over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;
 - (b) 10 feet outside of parking areas or driveways, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by a street intersection;
 - (c) 14 feet over parking lots;
 - (d) 18 feet 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. Pole Signs

Pole signs, where permitted, are subject to the following general regulations:

1. Each pole sign must maintain at least the following vertical clearances:
 - (a) 8 feet, 6 inches over sidewalks;
 - (b) 10 feet for locations outside of parking areas or driveways, but within three feet of the edge of such areas; or within 50 feet of the right-of-way lines formed by a street intersection.
 - (c) 14 feet over parking lots;
 - (d) 18 feet over alleys or driveways.
2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

d. 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.

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11.1005 General Regulations: Other Design Elements

a. Illumination

1. 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.

b. Marquees and Marquee Signs

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

c. 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.

d. Clocks

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

11.1006 Specific Regulations For Zoning Districts

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

11.1007 Method of Measurement for Regulators

a. Maximum Permitted Sign Area

Maximum permitted sign area for a premises 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 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.

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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.

11.1008 Permitted Sign Types by Zoning Districts

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

11.1009 Auxiliary Design Elements

Table 10-2 sets forth auxiliary design elements permitted within each zoning district of the City of Waverly.

11.1010 Maximum Permitted Sign Area

Table 10-3 sets forth the maximum sign area permitted within each zoning district of the City of Waverly.

11.1011 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.

11.1012 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. Maintenance of Valid Sign Permit

The owner of a property containing signs requiring a permit under these regulations shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.

c. Sign Permit Applications

All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.

d. Application 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.

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e. Action

Within ten working days of the submission of a complete application for a sign permit, the Zoning Administrator 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.

f. 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.

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.

11.1013 Nonconforming Signs

- a. All permanent signs in place and lawfully established on the effective date of these Regulations shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.
- b. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than 50% of its replacement cost, shall be either removed or altered so as to comply with this Article.
- c. For business centers pre-existing on the effective date of these Regulations which do not conform to the total permitted sign area provisions of this Article, individual signs may be replaced, modified, or substituted prior to fifteen years from the effective date of this Ordinance. 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.

11.1014 Discontinuance of Nonconforming Signs

Within any zoning district, all on-premise signage must comply fully with the provisions of these Regulations, unless otherwise provided, within fifteen years of the effective date of these Regulations.

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Table 10-1: Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1	R-2 R-3	R-4	M H	MX	LC	CC	DC	GC	BP	LI	GI
Detached Signs														
Residential	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Business Identification	P	P	P (C)	P	P	P	P	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P
Ground Pole	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Attached Signs														
Awning	N	N	N	P	P	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	P	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	P	P	P	P	P	P	P	P	P
Business Identification	P	P (C)	P (C)	P	P	P	P	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P	P	N	P	P
Projecting	P	N	N	N	N	N	P	N	P	P	P	N	N	N
Roof, Integral	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wall	P	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	P
Miscellaneous														
Flag	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable (On-Premise)	N	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

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Table 10-2 Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1	R-2 R-3	R-4	M H	MX	LC	CC	DC	GC	BP	LI	GI
Design Element														
Illumination														
Indirect	P(C)	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Internal	P(C)	P(C)	P(C)	P	P(C)	P	P	P	P	P	P	P	P	P
Neon	N	N	N	N	N	N	N	N	P	P	P	N	P	P
Flashing	N	N	N	N	N	N	N	N	P	P	P	N	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Other														
Electronic Information	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Moving	N	N	N	N	N	N	N	N	N	N	P	N	N	P
Rotating	N	N	N	N	N	N	N	N	N	N	P	N	N	P

P: Permitted for All Uses

P(C): Permitted for Civic Uses

N: Not Permitted

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TABLE 10-3: MAXIMUM PERMITTED SIGN AREA FOR ZONE LOT BY ZONING DISTRICT <i>The Maximum Permitted Area for all signs on a premises excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:</i>									
Zoning District	AG	RR R-1 R-2	R-3 R-4 MH	MX LC	CC	DC	GC	BP	LI GI
Square Feet of Signage per Linear Foot of Frontage	N/A	N/A	N/A	.50	1.0	1.0	2.0	1.0	2.0
Maximum Total Square Feet	Note 1	Note 2	Note 3	Note 4	200 Note 4	200	300 Note 5	300 Note 5	400 Note 5

Table 10-3 (Amended by Ord. 07-13; 11-5-07)

Note 1:

200 square feet for civic or commercial uses, 2 square feet for residential uses.

Note 2:

Maximum sign size is 100 square feet for project identification signs; 32 square feet for civic uses, 2 square feet for residential uses.

Note 3:

Maximum sign size is 32 square feet for civic uses, 100 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted, 2 square feet for residential uses, including home occupations.

Note 4:

On premises with primary residential use, maximum sign size is 75 square feet for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.

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.

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TABLE 10-4: PERMITTED SIGNS BY NUMBERS, DIMENSIONS, AND LOCATION									
<i>Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:</i>									
Zoning District	AG	RR R-1 R-2	R-3 R-4 MH	MX LC	CC	DC	GC (Note 1)	BP (Note 1)	LI GI (Note 1)
DETACHED SIGNS									
Number Permitted Per Premise	1	1	1	1	N/A	1	N/A	NA	N/A
Per Feet of Frontage	N/A	N/A	N/A	N/A	1 Per 300	N/A	1 Per 200	1 Per 300	1 per 200
Maximum Size* (Sq. feet)	100*	100*	100*	75*	100*	100	150	150	200
Maximum Height (feet)	45	10	10	15	25	25	35	15	35
Front Yard Setback (feet)	25	5	10	10	10	0	5	10	0
Side Yard Setback (feet)	10	10	10	10	5	0	5	5	0
ATTACHED SIGNS									
Maximum Size* (Sq. feet)	100	32*	32*	75	100	100	150	150	200
% 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.

Table 10-4 (Amended by Ord. 07-13; 11-5-07)

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:

1. The maximum area for a center identification sign shall be 150 square feet.
2. 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.
3. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.