



Significant changes between the Lawrence Sign Code adopted on 9/6/17 and amended on 3/6/18 and previous sign code

1. New sign regulations are based on zoning, land use or lot conditions – not message content.

In the new Sign Code, permanent and temporary signs are regulated in a content-neutral manner with regulations distinguished not by business, service, product, issue or ideology (content-based), but by zoning districts, land use “character” districts (e.g., “historic districts”), zoning land use classifications or special lot conditions (in accordance with the landmark U.S. Supreme Court decision on sign regulation the *Reed v. Gilbert, AZ case*, or *Reed v. Gilbert*). The new code sets forth sign allowances (maximum number, individual sign area, total sign area, height, etc.) within three (3) broad “groups” of zoning district classifications (based on intensity of zoning district land uses) for various sign type categories (permanent freestanding monument, wall, pedestrian and internal ground signs; and temporary signs) in a single table rather than within 18 separate sections as in the previous code. New Sign Code changes for the three (3) zoning district “groups” are summarized in Item 5 below.

2. Significantly expanded definitions/sign types are included in new Sign Code.

The new Sign Code has 65 definitions; the previous code had 26. Many definitions have been clarified or expanded. New definitions have been added for sign types mentioned in previous code but not defined, and for sign types previously interpreted to be “similar” to other defined sign types. Fifteen new definitions relate to changeable electronic message center signs (EMCs), which are generally allowed in the new code. Sign definitions, types and allowances have been structured to avoid regulation (number of signs, maximum individual sign size, maximum sign height, maximum total area of all signs, etc.) based on message content (per *Reed v. Gilbert*); unlike the previous code, the new Sign Code DOES NOT define or categorize signs by message content. (no references to real estate signs, area identification signs, political signs, gas/fuel sales pricing signs, time/temperature signs, occupational signs, professional name plate signs, bulletin board sign for public, charitable or religious institutions, etc.)

3. Electronic message center signs (EMCs) are generally allowed in the new sign code.

In the new sign code, EMCs are permitted as a portion of otherwise allowed permanent signs. Permit applications for EMCs require: (1) sign manufacturer specifications on maximum brightness rating; (2) information on provided automatic dimming controls to ensure appropriate dimming at night (e.g., dusk to dawn); and (3) a signed statement from the property or business owner agreeing to abide by regulations governing sign brightness, dimming and EMC operation.

Other EMC limitations/requirements include: (1) only one EMC is allowed on each lot street frontage; (2) EMCs are limited to permanent freestanding monument signs, wall signs, interior window signs not exceeding a total of 12 square feet and permanent internal ground signs serving drive-through facilities; (3) EMC sign faces must be set back at least 200 feet from any adjacent residentially zoned lot as measured perpendicularly from the sign face, and at least 100 feet from any adjacent residentially zoned lot as measured parallel to the closest edge of the sign; (4) EMCs, when allowed for certain non-residential land uses in residential and office zoning districts, cannot be operated between the hours of 10:00 PM and 7:00 AM; (5) EMC sign area is limited to not more than 50% of allowed permanent freestanding monument sign area, and to not more than 20% of allowed permanent wall sign area; (6) required automatic dimming controls must limit sign brightness to not more than 0.3 foot-candles relative to ambient light (generally, between dusk and dawn); (7) only static display of messages is allowed with at least three seconds between message changes; and (8) messages can only be changed by dissolving or fading transition methods - no scrolling, travelling, flashing or animated transitions are allowed.



4. Temporary sign regulations are greatly modified.

Because temporary signs can no longer be regulated based on message content, significant changes from the previous code were necessary. In the new code, temporary signs are regulated based on zoning district, zoning land use or special lot conditions without reference to the message of the sign (except for obscene matter). There are no longer different temporary sign size, height or number allowances based on a sign's message. Generally, the new Sign Code provides greater flexibility and discretion to property owners and businesses for temporary signs, as outlined in greater detail below. Temporary "feather" type signs, which were not allowed in the previous code, are allowed in the new Sign Code in commercial, downtown and industrial zoning districts, but are limited to not more than one feather sign per street frontage. Permits are still required for most types of temporary signs in commercial, downtown and industrial zoning districts, although there are a few exceptions from permits. In the least intense zoning districts (e.g., residential), temporary signs meeting code requirements for maximum number on a lot, size, height, etc. are generally exempt from permitting.

- Lots in residential and office zoning districts (see Group 1 zoning districts in Item 5). Temporary signs meeting specified maximum size, height and number allowances are exempt from both permitting and maximum display time per calendar year. Generally, residential land-use lots are allowed up to 3 temporary signs (up to 4 for corner lots) at the same time, with no sign exceeding 8 sq. ft. and 4' in height, with total area of all signs not exceeding 16 sq. ft. Allowed non-residential land-use lots are allowed to have somewhat larger and taller temporary signs and some temporary wall signage. For multifamily land uses, 1 temporary wall sign is also allowed per building, with a maximum of 2 signs per public street frontage, and a maximum size of 12 sq. ft. per sign. "Feather signs" are not allowed in any of these zoning districts.

Signs placed on private lots for 50 days prior to and 10 days after the date of a political election, referendum or ballot measure are exempt from the limit on number of signs.

- Lots in commercial, downtown and industrial zoning districts (Groups 2 and 3 districts in Item 5).
 - o Maximum temporary sign display time per calendar year has been increased from 30 to 45 days for each individual business or tenant space, which can be divided into multiple shorter periods during the year (e.g., three separate 15-day periods). The previous code allowed only one maximum 30-day permit for a single sign per year for a business or tenant space. The maximum area of any temporary sign is now 32 sq. ft., and maximum height of any freestanding temporary sign is 9 ft. One "feather sign" per lot street frontage is now allowed. The maximum number and total area of temporary signs allowed per lot at the same time is:
 - Single tenant lots: Maximum of 2 freestanding signs on lots with a single street frontage; maximum of 3 signs on lots with multiple street frontages (maximum of 2 signs on any street frontage). Maximum total allowed area of 64 sq. ft.
 - Multi-tenant lots: Maximum of 1 freestanding sign for each tenant space; maximum of 4 on lots with a single street frontage; maximum of 6 freestanding signs on lots with multiple street frontages (maximum of 4 on any street frontage). Maximum total area of 96 sq. ft.
 - For temporary signs attached to building walls: a maximum of 2 temporary signs on building walls facing a public street frontage for single-tenant buildings or a maximum of 1 temporary sign per tenant for multi-tenant buildings, with total area of signs at the same time not exceeding 5% of the wall area and no individual sign exceeding 32 sq. ft. in area.
 - o Temporary sign permits are required, unless exempt from permitting as follows.
 - Temporary signs placed on lots for sale or for lease, limited to not more than 1 per lot street frontage, provided they meet other maximum temporary sign area and height limitations. Such signs do not count toward the maximum calendar year temporary sign display time or maximum total temporary sign area.



- Temporary signs not exceeding 8 sq. ft. placed on lots for 50 days prior to and 10 days after the date of a political election, referendum or ballot measure. Such signs do not count toward the maximum calendar year temporary sign display time.
- Up to 2 temporary signs not exceeding 64 sq. ft. in total combined area, installed on a lot where a building, addition or tenant space is under construction, for the interim period of construction or tenant space finish (called "temporary development signs" in current code).
- Temporary "Minor Signs", as defined in the new code (4 sq. ft. or less and intended to convey messages to internal users of the site, and generally not visible from the right-of-way) are exempt from permitting and other temporary sign standards, including maximum display time per calendar year.

5. In new Sign Code, allowances for different sign types are set forth in 3 broad zoning district "groups" in a single table rather than in 18 different sections as in previous code.

Significant changes by each of the three (3) proposed zoning district "groups" are summarized below.

Group 1: Least intense use zoning districts (residential, residential-office, office-commercial, general public and institutional, urban reserve and open space zoning districts, and planned unit and planned office developments).

- Sign allowances for permanent freestanding monument and wall signs for non-residential and multifamily uses in Group 1 zoning districts have been increased to allow somewhat larger wall signs, multiple wall signs for multi-tenant buildings/developments and larger monument signs. The previous code severely restricted size and number of signs allowed for these uses in these zoning districts, which had been the impetus for many requested and approved sign variances.
- The new code allows permanent freestanding monument signs at each public road access point to a residential subdivision/development of 2 acres or more, not to exceed a total of 2 signs, with a maximum size of 32 sq. ft. per sign and a maximum height of 6 ft. (or up to 48 sq. ft. and 8' in height if set back at least 10' from the street right-of-way property line), and external illumination by indirect white light only. The previous code allowed "area markers" to identify a residential subdivision/development of 4 acres or more, at same public road access point locations. In the new code, such signs can be up to 24 sq. ft., up to 4 ft. tall.
- The previous code allowed no sign illumination in Group 1 districts. The new code prohibits internal illumination of most signs but allows external illumination of permanent signs by white light only. The new code allows changeable electronic message center signs (EMCs) as a portion of allowed freestanding monument signs, with significant limitations and restrictions, in the Office Commercial (CO) zoning district and for certain non-residential land uses in other Group 1 zoning districts (*Community Facilities, Religious Assembly* and *Medical Facilities* land uses). Permitted EMCs in Group 1 zoning districts cannot be operated between 10:00 PM and 7:00 AM.
- Temporary signs are regulated differently in the new code since signs can no longer be regulated based on message content (e.g., "real estate signs" or "political signs") per *Reed v. Gilbert*. The effect of the new code changes on temporary signs allowed in Group 1 districts is minimal, with added flexibility and discretion for residential property owners, and for non-residential and office land uses. **See Item 4 above for temporary sign allowances.**

Group 2: Moderately intense use zoning districts (hospital district, less intense commercial districts, downtown commercial district, less intense industrial districts, planned commercial districts and planned industrial districts).

- In the new Sign Code, sign size, height and number allowances for permanent freestanding monument and wall signs are not significantly different from the previous code. The new code allows wall signs on 3 building walls, rather than on only 2 walls, in many instances.



- Changeable electronic message center signs (EMCs) are allowed in the new Sign Code for a portion of otherwise allowed permanent freestanding or permanent wall sign area, permanent internal ground signs serving drive-through facilities, and interior window signs up to 12 sq. ft. (with limitations and restrictions). The only zoning districts that are not be eligible for EMCs in Group 2 are Inner City Neighborhood Commercial (CN1) and Downtown Commercial (CD).
- Window signs are defined and regulated in the new code. Non-illuminated window signs are exempt from permit and generally unregulated. Internally illuminated window signs with a total area of 12 sq. ft. or less are also exempt from permit. Permits are required for internally illuminated window signs exceeding 12 sq. ft. total and are regulated in accordance with wall sign allowances. The previous code was silent on window signs.
- Temporary signs are regulated much differently in the new Sign Code since signs can no longer be regulated based on message content (e.g., "real estate signs" or "political signs") per *Reed v. Gilbert*. The new temporary sign regulations are the same for both Group 2 and Group 3 zoning district groups. Generally, the new code provides greater flexibility and discretion to property owners and businesses for temporary signs. Allowances for total number of temporary signs, maximum individual temporary sign area, maximum total temporary sign area (for multiple signs), maximum temporary sign height, temporary sign location, minimum distance separation between temporary signs and maximum temporary sign display time is set forth in a single table. ***See Item 4 above for additional detail on temporary sign allowances.***

Group 3: Most intense zoning districts (community and regional commercial districts, and medium and general intensity industrial districts).

- In the new Sign Code, sign size, height and number allowances for permanent freestanding monument and wall signs are unchanged or slightly increased from the previous code. The new code allows wall signs on 3 building walls, rather than on only 2 walls, in many instances, and allows monument signs to be up to 4' taller and up to 12 sq. ft. larger (depending on setback from property line) than allowed in the previous code.
- Changeable electronic message center signs (EMCs) are allowed in the new Sign Code for a portion of otherwise allowed permanent freestanding sign or permanent wall sign area (limited to one EMC sign per lot street frontage), for permanent internal ground signs serving drive-through facilities and for interior window signs up to 12 sq. ft.
- Window signs are defined and regulated in the new Sign Code. Non-illuminated window signs are exempt from permit and generally unregulated. Internally illuminated window signs with a total area of 12 sq. ft. or less are also exempt from permit. Permits are required for internally illuminated window signs exceeding 12 sq. ft. total and regulated in accordance with wall sign allowances. The previous code was silent on window signs.
- New temporary sign regulations are the same for both Group 2 and Group 3 zoning district groups. ***See Item 4 above for additional detail on temporary sign allowances.***

6. Existing nonconforming off-premise billboard signs and on-premise pole signs.

The new code prohibits new off-premise billboard signs and on-premise pole signs, just like the previous code that has prohibited them since the mid 1990's. Unlike the previous code, the new Sign Code does not allow existing billboard or pole signs to be "altered" (as newly defined) or rebuilt at the same location if removed, unless made to conform to adopted code standards. The new code also requires such signs to conform when redevelopment of a lot is determined to be a Major Development Project that requires site plan approval per the Lawrence Land Development Code (Article 20 of the City Code).



7. Signs, other than governmental signs, are not allowed on public right-of-way.

The new Sign Code specifically prohibits signs on public right-of-way, except for governmental signs as defined in the new Sign Code and articulated in *Reed v. Gilbert*. All other signs must be located on private property with permission of the property owner, and as otherwise allowed by the Sign Code. Signs that were previously approved as "signs of community interest" to promote a specific event or group can still be permitted in the new Sign Code, but only when properly located on private property with permission of the private property owner.

8. Works of art review process initiated with Cultural Arts Commission instead of with a sign permit.

The term work of art applies to any mural painting or decoration, inscription, mosaic, painted glass, bas-relief and other similar art form of permanent character intended for ornament or commemoration that is applied to, placed upon or erected on an exterior wall of any building or structure. Works of art were previously approved under a required sign permit, then reviewed with the Cultural Arts Director and Cultural Arts Commission. In the new Sign Code, requests for works of art are initiated with an application to the Cultural Arts Commission and approved through the Cultural Arts Commission process. If the Cultural Arts Commission determines that all or a portion of a proposed work of art is commercial advertising, then the portion determined to be commercial advertising must be permitted in accordance with Sign Code regulations.

9. Sign permit and appeal/variance fees are slightly modified.

Fees for appeals (\$25) and most sign permits are unchanged in the new code, except as follows: (1) a new fee for a sign copy/face change is identified (\$50 instead of previous \$75); (2) fees for awning and canopy signs (considered to be wall signs in new code), with fee being the same as for a wall sign (\$75 instead of previous \$25 for an "awning or canopy sign"). Sign Code variance application fees have been increased from \$250 to \$350 to match the current zoning variance fee.

10. Sign contractor licensing and insurance requirements are clarified and expanded.

A new section on sign contractor licensing and insurance requirements is included in the new Sign Code. The previous code had no specific requirements for sign contractor licensing, although minimum general liability and worker's compensation proof of insurance was required for sign contractors who obtained permits for permanent signs. The City had required businesses that hang or erect signs in Lawrence to obtain a license and to annually renew (as has been required for other construction contracting businesses for many years). In the new code, licensing requirements for businesses that contract to hang or erect signs are listed, with an initial licensing fee of \$100 and an annual license renewal fee of \$50 (unchanged from fees that had been charged for many years, though uncodified). The minimum general liability insurance requirement has been increased to \$500,000 from \$100,000. In the new code, exceptions to license and insurance requirements are listed (signs otherwise exempt from permit and temporary signs). Exceptions were not listed in the previous code.

11. Definition of abandoned signs, and rules for abatement of and potential fines for illegal, unsafe, abandoned signs are clarified and expanded.

In the new code, requirements for issuance of notices and orders by the Building Code Official, and for removal of dangerous or abandoned signs, when necessary, are more clearly outlined. In the new code, a sign may be deemed abandoned if it remains on a building or property that has been vacant and unoccupied for a period of one (1) year or more. If abatement or removal of an unsafe or abandoned sign becomes necessary due to failure by the property/sign owner receiving notice to abate or remove, specific notice and procedures for abatement by the City, and for assessment of related costs to the property owner and to the property, are outlined. The previous code set a \$50 minimum fine for other violations of the sign code (when a person was found guilty in Municipal Court). The new code establishes a minimum fine of \$500 per violation with a maximum fine of \$1,000 per violation for permanent signs, and a minimum fine of \$100 per violation with a maximum fine of \$250 per violation for temporary signs.