



# **City of Grand Island**

**Tuesday, November 26, 2013**

**Council Session**

## **Item F-3**

**#9461 – Consideration of Amending Chapter 31 of the Grand Island City Code Relative to Signs**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

**From:** Craig Lewis, Building Department Director

**Meeting:** November 26, 2013

**Subject:** Amend City Code Chapter 31 SIGNS to Provide Updates, Revisions, Modifications, and Clarifications

**Item #'s:** F-3

**Presenter(s)** Craig Lewis, Building Department Director

## **Background**

Chapter 31 of the Grand Island City Code currently regulates signage and defines in section 31-25 the limitations for ground signs. There may be only one ground sign allowed for each one hundred lineal feet or fraction thereof of street frontage for any one lot or tract.

Grand Island Body Shop owner Fred Schritt has applied for and received sign permits for five structures that represent cartoon characters, while these structures do not specifically advertise his business they are by definition a sign and have been regulated as such. Mr. Schritt is proposing to construct additional structures. The five existing signs comply with sign regulations and limits based on street frontage and fulfill the maximum allowed.

## **Discussion**

The proposed ordinance would amend City Code Section 31-25 to provide for an additional two signs on Mr. Schritt's property. It was determined that the adjacent street property to the east of Grand Island Body Shop was vacated in 1996 and as such the reduction of street frontage reduced the availability of additional ground signs. By including language that allows vacated street frontage to be included in the number of ground signs allowed it gives back the right to signage that was inadvertently taken away with the vacation of the adjacent street.

Additional revisions are included to help clarify other sections of the City Code; 31-1 Definitions, horizontal and vertical definitions were removed as it does not appear necessary to define these projecting signs.

31-8 Sign Maintenance, replaced forty eight hours with reasonable time not to exceed 10 days for repair of signs found unsafe.

31-12 Sign Elevation, added language concerning clearance of signage above drives and sidewalks.

31-16 Projecting signs, deleted reference to horizontal or vertical signs, both are projecting signs and regulated as such.

31-18 Business Signs in the Public Right of Way, removed reference to 31-13 as it is not applicable.

31-20 Signs in Residential Districts, added residential zones LLR and RO.

31-25 Ground signs, added language to include vacated streets after 1990 to be included as frontage.

31-44 Size of Signs, added language for off premise signs to allow temporary embellishments and clarify size limits for single faces and total of all faces of the off-premise signs (billboards).

These revisions will amend the code to allow signage that was previously taken away through vacating a public street and provide language to reflex and clarify the intent and enforcement of the sign code.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand.

The Council may:

1. Approve the proposed ordinance.
2. Disapprove or /Deny the proposed ordinance.
3. Modify the Ordinance to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council approve the proposed ordinance to modify city code sections.

## **Sample Motion**

Move to approve the proposed ordinance as presented.

## ORDINANCE NO. 9461

An ordinance to amend Chapter 31 of the Grand Island City Code; to amend Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 pertaining to signs; to repeal Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 of the Grand Island City Code are hereby amended to read as follows:

### CHAPTER 31

#### SIGNS

##### Article I. Signs - Generally

###### §31-1. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Back-to-Back Sign.* An off-premise sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.

*Cloth Sign.* Any sign executed upon or composed of any flexible fabric.

*Development Sign.* A ground sign whose purpose is to identify business located within a retail subdivision or commercial development.

*Directional Sign.* A sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

*Double Faced Sign.* An off-premise sign with two adjacent faces oriented in the same direction and not more than ten (10) feet apart at the nearest point between the two faces.

*Facing.* That portion of an off-premise sign upon which advertising is affixed or painted and visible in one direction at one time.

*Flat Sign.* Any sign so attached to a building or other structure that it projects beyond the building line, but extends parallel or substantially parallel thereto.

*Free Standing Yard Sign.* Any sign 15 square feet or less that shall have as its supports, wood or steel columns, pipe, angle iron framing, or any other combination of these materials, other than ground signs as defined herein.

*Ground Sign.* Any sign which is supported by uprights or braces placed upon or extending into the ground.

~~*Horizontal Sign.* Any sign whose horizontal dimension is greater than its vertical dimension, or whereon the subject matter is so placed that it reads at an angle less than forty five degrees with a horizontal line.~~

*Mobile Sign.* Any sign structure designed and constructed to be moved by means of wheels or skids which proposes any announcement, declaration, demonstration, display, or illustration used to advertise or promote the

interests of any person when the same is placed out of doors in view of the general public. This shall not include signs anchored or attached to vehicles or trailers parked and used primarily as a static advertising display, visible from the public right-of-way.

**Multi-faced Sign.** An off-premise sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed for at least six (6) seconds continuously without movement; the duration of movement of sections between advertisements not exceeding two (2) seconds.

**Official Sign.** A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

**Off-Premise Outdoor Advertising Sign.** A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called "billboard." The following shall not be considered an off-premise sign for the purposes of this Chapter: (1) directional or official signs authorized by law; (2) real estate signs; (3) on-premise signs.

**On-Premise Sign.** A sign which advertises the primary goods or services or taking place upon the premises on which the sign is located.

**Projecting Sign.** Any sign attached to a building or other structure and extending beyond the building line either perpendicularly or at any angle other than parallel thereto.

**Roof Sign.** Any sign which is supported by uprights or braces placed upon or extending into the roof of any building or other structure.

**Sign.** Any device composed of one or more letters, words, pictures, figures, characters, symbols or emblems, or any combination or grouping thereof which prefigures, typifies, or represents one or more ideas.

**Transparent Sign.** Any sign illuminated from within and made of glass or similar material containing opaque lettering upon a translucent letter upon an opaque ground.

**V-Type Sign.** Any off-premise sign structure which consists of multiple sign facings placed at angles of each other, oriented in different directions and not exceeding twenty (20) feet apart at the nearest point to each other.

**Vertical Sign.** ~~Any sign whose horizontal dimension is less than its vertical dimension, or whereon the subject matter is so placed that it reads at an angle of forty five degrees or greater with a horizontal line.~~

**Wall Sign.** Any sign which is painted or otherwise directly depicted upon a wall.

Amended by Ordinance No. 8866, effective 11-19-2003

Amended by Ordinance No. 8978, effective 06-08-2005

Amended by Ordinance No. 9316, effective 09-13-2011

#### **§31-5. Permit to Erect, Move, or Remove Sign**

(1) A permit shall be obtained from the building department for each sign to be erected, re-erected, moved, or removed in the City, prior to the work being performed;

(2) Before issuing a permit for erecting any sign, a drawing shall be submitted to the chief building official showing height, width, elevations, and electrical details of such signs;

(3) Upon the granting of a permit for sign erection or moving, the applicant shall pay a fee to the City in accordance with the City of Grand Island Fee Schedule;

(4) When any construction, alteration, or repair of a sign shall have been started before a permit has been issued, an investigation permit fee of double the amount provided in the City of Grand Island Fee Schedule shall be charged.

#### **§31-8. Sign Maintenance**

It shall be the duty of the owner of any sign to keep the same in good repair. Any sign found to be structurally unsound, unsafe or in a state of disrepair shall be made safe by the owner of the sign within a reasonable time not to exceed ten (10) days as determined by forty eight hours after written notification from the chief building official or his designated representative; and ~~all signs shall be in the case of a sign in disrepair,~~ repaired accordingly or removed by the owner of the sign within thirty days after written notification from the chief building official or his designated representative. If the owner of the sign is not the owner of the building or property on which such sign is erected, such property owner shall also be notified in writing of the condition of such sign.

It shall be the duty of the owner of any sign or the owner of the property to remove, within ninety (90) days, any sign not utilized for advertising or identification of an operating business at that location. This requirement shall apply to properties located within the area specified §13-13(2) of this code.

In the event of the failure of the owner or person having control of any sign, or the owner of the property on which any sign is located in the City, to bring such sign into compliance with this section, or to remove or repair such sign within the time stated in such notice, the sign shall be declared a public nuisance and may be removed by the City at the expense of the owner or person having control of such sign, or the owner of the property upon which the sign is located. The cost of removing any sign shall be levied against the property upon which the sign was located, in the manner provided by law for assessment and levy of other special assessments.

#### **§31-9. Wind Pressure Specifications**

All signs installed in the City of Grand Island shall meet the design specifications and wind pressure requirements of ~~Chapter 23 of the Uniform~~ Building Code as adopted by the Grand Island City Code.

#### **§31-12. Sign Elevation**

~~Except as provided in §31-10 and §31-11, T~~he lowest part of any sign, including any embellishment grillwork thereon, projecting over a sidewalk, drive, or parking lot shall maintain ~~be~~ at least eight feet of clearance above such ~~the~~ sidewalk or driving surface.

Amended by Ordinance No. 9316, effective 09-13-2011

#### **§31-16. Projecting ~~Horizontal and Vertical~~ Signs**

Signs permitted under the classification of projecting signs are limited to 30% of the building façade on which they are attached, ~~designated as either horizontal or vertical.~~

~~Horizontal Signs. Horizontal signs shall in no case contain more than forty square feet on each of two sides, or project or extend more than ten feet out from any building or property line. In determining the maximum size of a horizontal sign provided for herein, the measurement of length shall be made from the building or property line, and shall include both open and solid areas.~~

~~Vertical Signs. Vertical signs less than five feet in length shall not project or extend more than four feet out from any building or property line. Vertical signs more than four feet and not more than ten feet in length shall not project or extend more than five feet out from the building or property line. Vertical signs more than ten feet in length shall not project or extend more than eight feet out from the building or property line.~~

Every projecting sign shall be hung and its weight entirely supported independent of the side guys or sway bracing, and no supports, side guys or sway braces shall be attached to any fire escape nor extend across or in any way interfere with free use of any fire escape or any exit from a building.

#### **§31-17. Unlawful Signs**

It shall be unlawful to display any sign which contains anything which is misleading, fraudulent, obscene, immoral, or objectionable.

It shall be unlawful to erect or maintain any sign upon any fire escape.

It shall be unlawful to have a sign anchored, painted or attached to vehicles or trailers parked and used solely or primarily as a static advertising display, visible from the public right-of-way.

It shall be unlawful for any person, persons, firm, or corporation to erect, maintain, or continue any sign, when all or any portion of the supports therefor are located upon any portion of any sidewalk, street, alley, or public place, or within the limits thereof, except as may be required or provided for by laws of the State of Nebraska, without express consent by resolution of the city council of the City of Grand Island. The continued maintenance of any such sign shall also be subject to the limitations of §31-~~85~~ of the Grand Island City Code.

#### **§31-18. Business Signs In Public Right-of-Way**

All existing signs placed in the public right-of-way, and any new signs placed in the right-of-way ~~under §31-13~~ shall be subject to the following requirements:

(A) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall apply for and obtain a License Agreement pursuant to this code prior to erecting or placing said sign.

(B) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall hold the City harmless for any lawsuit, costs or expenses occasioned by any injury, damages or casualty happening to person or property, as a result of problems with the sign.

(C) The City shall have unencumbered access to the space above the right-of-way, occupied by the sign.

(D) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall accept and agree that the sign is placed at the owner's sole risk and expense.

(E) Any sign erected, maintained, or existing in violation of the Grand Island City Code may be seized, removed and disposed of by the Building Department Director or his/her designee pursuant to §31-19 of the Grand Island City Code.

### §31-20. Signs in Residential Districts

Except as otherwise provided in §31-20 and §31-34, no signs of any nature whatsoever shall be permitted in districts zoned AG, TA, LLR, R1, R2, R3, R4 and R4RO under Chapter 36 of the Grand Island City Code. Nothing in this section shall prevent the use of identification signs not to exceed twenty (20) square feet in the districts mentioned above. The maximum allowable size of such identification signs may be increased by one (1) square foot for each one and one-half (1.5) feet of setback from any adjacent property line up to a maximum of thirty-two (32) square feet.

In AG or TA zoning districts, tracts of land exceeding 10 acres in which a conditional use permit has been issued for a permitted conditional use, the following restrictions shall apply:

- (1) The maximum square footage of all signage shall not exceed one hundred fifty (150) square feet.
- (2) Ground signs shall not exceed seventy-five (75) square feet, shall be limited to twelve (12) feet in height, be set back from the front property line a minimum of ten (10) feet, be set back from the side property line a distance of one third of the total frontage or a minimum of ten (10) feet, and be separated from other ground signs a distance of one hundred (100) feet.
- (3) Flat or projecting wall signs shall not exceed seventy-five (75) square feet and shall comply with all other restrictions of the city code.

### 31-25. Ground Signs

(1) Dimension Limitation: All ground signs shall be subject to the following:

(A) For each foot of height over thirty (30) feet, there shall be a corresponding one foot of setback from the property line;

(B) Lighting reflectors attached to the top of a sign may project above the top and beyond the face of such sign, and shall be excluded from all measurement requirements established by this subsection.

(2) Height Limitation: Ground signs which exceed fifty (50) feet in height, measured from the ground level at the base of the sign to the top of the sign, shall be subject to the following:

(A) No permit shall be issued by the chief building official until such issuance has been authorized by the mayor and city council.

(B) The applicant for the permit shall submit the following to the chief building official for review and consideration by the mayor and city council:

- (i) A drawing showing the height, width, elevations, and electrical details of such sign;
- (ii) Clear and convincing evidence that if the sign does not exceed fifty (50) feet in height the owner will suffer undue hardship and that said hardship is not shared generally by other properties in the area;
- (iii) Clear and convincing evidence that the proposed sign will not be a substantial detriment to adjacent properties and the character of the surrounding area will not be changed by the erection of the proposed sign.

(C) Ground signs exceeding fifty (50) feet in height shall be erected only on tracts of real estate adjacent to state and federal highways and occupied by the business premises advertised by the sign.

(D) No permit shall be issued for any sign exceeding one hundred (100) feet in height, measured from the ground level at the base of the sign to the top of the sign.

(E) In lieu of the permit fee set forth in this chapter, upon the granting of a permit for erection or moving of a sign exceeding fifty (50) feet in height, the applicant shall pay a fee of \$250.00 to the City.

(F) All other provisions of the Grand Island City Code pertaining to signs which are not inconsistent with this section shall apply to ground signs exceeding fifty (50) feet in height.

(3) Number Limitations: There may be only one ground sign allowed for each one hundred (100) lineal feet or fraction thereof of street frontage for any one lot or tract. Notwithstanding this limit, any lot that fronts on more than one street may have at least one sign on each street. Streets vacated after January 1, 1990 may be included as frontage for number limitations.

(4) Location Limitations:

(A) No signs may be placed in city right-of-way.

ORDINANCE NO. 9461 (Cont.)

(B) At street intersections, no signs may be placed within the triangle formed by the intersections of maintained roadway, whether paved or graveled, of two intersecting streets and the line extended joining points measured thirty feet on each property line from the point of said property lines intersection, unless:

(i) said signs are on posts with a width or diameter not greater than 18 inches; and

(ii) the bottom of said signs are not less than eight feet from the ground or the tops are no higher than twenty-four (24) inches from the ground.

(5) The formula for determining the allowable area for ground signs shall be as follows: Four square feet of sign for each one foot of frontage on the lot where the sign is to be placed. In any event, the maximum square footage of any ground sign shall not exceed 800 square feet per side, regardless of frontage feet.

Amended by Ordinance No. 9316, effective 09-13-2011

**§31-44. Size of Signs**

(A) The maximum sign area for any one facing of an off-premise sign shall not exceed three hundred seventy eight (378) square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed twenty percent (20%) of the maximum sign area allowed, and limited to 180 days within a calendar year.-

(B) Signs may be back-to-back, double-faced, V-type, and multiple-faced with not more than two (2) faces to each facing and such structure shall be considered as one off-premise sign.

(C) The total of all faces shall not exceed 756 square feet with no single face greater than 378 square feet.

Added by Ordinance No. 8866, effective 11-19-2003

SECTION 10. Sections 31-1; 31-5; 31-8; 31-9; 31-12; 31-16; 31-17; 31-18; 31-20; 31-25; and 31-44 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 11. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within fifteen days as provided by law.

Enacted: November 26, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk