



City of Grand Island

Tuesday, November 04, 2003

Council Session

Item F3

#8866 - Consideration of Amendment to Chapter 31 of the Grand Island City Code Relative to Billboards

This Ordinance will amend the City Sign Code to provide additional regulations for the placement and construction of off-premise signs. The proposal allows for a six month period to rebuild or modify legal non-conforming signs, restricts the size of off-premise signs to 300 square feet, requires a spacing of either a 500 or 800 foot radius between signs, and requires a setback from property lines in an attempt to protect the visibility of on-premise signs. Approval is recommended.

Staff Contact: Doug Walker

ORDINANCE NO. 8866

An ordinance to amend Chapter 31 of the Grand Island City Code; to establish Article I of Chapter 31 to encompass existing Sections 31-1 through 31-34; to establish Article II of Chapter 31 to encompass existing Section 31-35; to amend Section 31-1 to include additional definitions; to add Article III and Sections 31-40 through 31-49 pertaining to off-premise outdoor advertising signs; to repeal 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. Article I of Chapter 31 of the Grand Island City Code entitled "Signs – Generally" is hereby added to encompass existing Sections 31-1 through 31-34 inclusive.

SECTION 2. Article II of Chapter 31 of the Grand Island City Code entitled "Signs in AC-Arterial Commercial Zone" is hereby added to encompass existing Section 31-35.

SECTION 3. Section 31-1 of the Grand Island City Code is hereby amended to read as follows:

§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.

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 Sign. Any sign 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.

ORDINANCE NO. 8866 (Cont.)

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 a "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 sold 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.

Real Estate Sign. Any sign which advertises the sale or lease of the property upon which the sign is located.

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.

SECTION 4. Article III and Sections 31-40 through 31-49 of Chapter 31 of the Grand Island City Code are hereby added to read as follows:

Article III. Off-Premise Outdoor Advertising Signs

§31-40. Statement of Purpose

This Article establishes the regulations for the continuing use of off-premise outdoor advertising in order to encourage an attractive environment for businesses, inform and direct the general public, protect and enhance the physical appearance of the community, ensure public safety along streets and highways, and provide businesses with a format for advertising the goods and services made available by the business community.

Outdoor advertising is a traditional advertising medium involving the use of private property.

Outdoor advertising should be regulated to provide for safe structures, to be properly located so as to meet uniform standards for construction and maintenance, and to be maintained to conform to a neat and pleasant community appearance.

In support of the previous statements and in order to assure the compatibility of billboards with surrounding land usage, to protect the public interest in streets and highways, to promote and maintain the safety and general

ORDINANCE NO. 8866 (Cont.)

welfare of persons and their property in the vicinity of outdoor advertising structures, to allow orderly and effective display of outdoor advertising, it is deemed to be in the public interest to enact this ordinance.

The regulations in this Article shall be known as the Outdoor Advertising Ordinance of the City of Grand Island, Nebraska.

§31-41. Permitted Zones

Off-Premise signs shall be permitted as principal, accessory or conditional uses in the following zones:

1. Business Zones:

B2 – General Business Zone

AC – Arterial Commercial Zone

B3 – Heavy Business Zone

TD – Travel Development Zone

2. Manufacturing Zones:

M1 – Light Manufacturing Zone

M2 – Heavy Manufacturing Zone

M3 – Central City Manufacturing Zone

Note: Off-premise signs located within B2/AC zones shall comply with the most restrictive requirements of Section 31-35 or Article III of this Chapter.

§31-42. Legal Nonconforming Signs

(A) Any off-premise sign lawfully erected and in existence on the effective date of this ordinance which does not meet the requirements of this ordinance may be maintained as a matter of right as a legal nonconforming sign. The sign may be maintained and repaired provided the degree of nonconformity is not increased. If for any reason the sign is damaged to the extent that the repairs are equal to or exceed fifty percent (50%) of the cost of the replacement of the sign it may not be repaired or replaced unless it will comply with all requirements of this Article.

(B) Within the first six (6) months following the passage of these requirements, any existing off-premise sign lawfully in existence may be rebuilt excluding the requirements as specified in Section 31-46(A).

§31-43. General Provisions

(A) No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

(B) Off-premise signs shall be constructed in accordance with local and state building and electrical codes. Stamped structural engineering plans shall accompany sign permit applications and shall be subject to wind speed requirements as set forth in the latest edition of the adopted Building Code.

(C) Off-premise signs shall be regularly maintained in good and safe structural condition.

(D) No off-premise sign shall be located on a property without the consent of the property's owner or legal representative.

(E) The general area in the vicinity of any freestanding sign on undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.

(F) Signs located on the property as the principal use require that landscaping regulations are provided as part of the permit to erect the sign.

(G) Sign applications must include a copy of a lease sufficient to provide a description of the tract of land and the location of the sign on the land.

§31-44. Size of Signs

(A) The maximum sign area for any one face of an off-premise sign shall not exceed three hundred (300) 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.

(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.

ORDINANCE NO. 8866 (Cont.)

§31-45. Height of an Off-Premise Sign

(A) An off-premise sign shall maintain a minimum clearance of ten (10) feet measured from the ground level at the base of the sign to the bottom of the sign face.

(B) An off-premise sign shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the top of the sign face, as measured from the centerline of the roadway to which the sign is oriented.

§31-46. Spacing for Off-Premise Signs

(A) No off-premise sign may be established within an eight hundred (800) foot radius of any other off-premise sign along a state or federal highway. Signs along arterial and collector streets may be located no closer than a five hundred (500) foot radius from all other off premise signs.

(B) Spacing from Directional and Official signs, On-Premises signs, or any other sign which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.

(C) The minimum distance between off-premise signs shall be measured along the nearest edge of the signs along either side of the highway, roadway, or street.

(D) All off-premise signs shall maintain a minimum of fifty (50) feet from on-premise signs located upon the same property.

§31-47. Setback Requirements

(A) Front: A minimum front yard setback equal to that required in the zoning classification is required from the front lot line for any off-premise sign, but in no event shall the setback be less than ten (10) feet.

(B) Side: A minimum setback of ten (10) feet is required from side lot lines for any off-premise sign, regardless of zone.

(C) Rear: A minimum setback of ten (10) feet is required from the rear lot line for any off-premise sign, regardless of zone.

(D) In no case shall any portion of an off-premise sign overhang into or be placed upon the public right-of-way, or any easement unless allowed by the public entity.

(E) All off-premise signs in excess of thirty (30) feet in height shall provide an additional one (1) foot of setback for each foot in height over thirty (30) feet in addition to those setbacks required above. The setback distance shall be measured from the leading edge of the sign to the property line. No sign shall exceed fifty (50) feet in total height.

§31-48. Lighting

Off-premise signs may be illuminated subject to the following restrictions:

(A) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety and comply with subsections (C) and (D) of this section.

(B) Electronic variable message signs giving public information such as, but not limited to time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-faced signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.

(C) Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

(D) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

§31-49. Sign Permits

No off-premise sign shall be erected without submitting an application, securing a permit and paying the permit fees required by the City of Grand Island. Before any such permit is issued, an inspection shall determine that the off-premise sign complies with the provisions of this Article. When any construction, alteration, or repair of off-premise signs shall have begun before a permit therefore has been issued, an investigation fee in addition to the sign

ORDINANCE NO. 8866 (Cont.)

permit fee shall be collected. The permit fee and the investigation fee shall be in accordance with the City of Grand Island Fee Schedule.

SECTION 5. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 6. That this ordinance shall be in force and take effect from and after its passage and publication, in pamphlet form, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 4, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk