



City of Grand Island

Tuesday, August 23, 2011

Council Session

Item F1

#9316 - Consideration of Amending Chapter 31 of the Grand Island City Code Relative to Signs

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: August 23, 2011

Subject: Amending Chapter 31 of the Grand Island City Code to Modify Regulations Regarding Signs

Item #'s: F-1

Presenter(s): Craig A. Lewis, Building Department Director

Background

The Grand Island City Code chapter 31 regulates the installation of signage, specifically section 31-33 addresses political campaign signs and provides regulations for the size, location, and limits the amount of time they may be displayed. These regulations have in the past been questioned as to their constitutionality, because they restrict signage based on the content of the sign.

At the June 7, 2011 City Council study session these regulations were discussed with the intent to bring a proposed ordinance before the City Council to amend the existing regulations.

Discussion

The proposed ordinance will eliminate the reference to political campaign signs, establish a definition and regulations for free standing yard signs, and amend certain sections to clarify current interpretations, regulations and enforcement of sign regulations. Political campaign signs would be regulated in the same manner as garage sale signs or any other temporary yard signs. These free standing yard signs would be restricted in size, exempt from permits, not allowed on public property or within the street right of ways, restricted within the corner visibility triangle, and required to be removed within five days after the event. The ordinance will retain the ability of the City to remove signs in violation of the City Code and dispose of them without notice.

Alternatives

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

1. Approve the ordinance.
2. Disapprove or /Deny the 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 ordinance to revise Chapter 31.

Sample Motion

A motion to approve Ordinance #9316 to amend Chapter 31 of the Grand Island City Code.

ORDINANCE NO. 9316

An ordinance to amend Chapter 31 of the Grand Island City Code; to amend Sections 31-1; 31-10; 31-12; 31-13; 31-22; 31-24; 31-25; 31-32 and 31-33 pertaining to signs; to repeal Sections 31-1; 31-10; 31-12; 31-13; 31-22; 31-24; 31-25; 31-32 and 31-33 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. 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.

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.

Approved as to Form _____
August 19, 2011 City Attorney

ORDINANCE NO. 9316 (Cont.)

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.

~~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.

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

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

Amended by Ordinance No. _____, effective _____-2011

SECTION 2. Section 31-10 of the Grand Island City Code is hereby amended to

read as follows:

§31-10. Clearance; High Voltage Power Lines

~~It shall be the responsibility of the sign installer to contact the City Utility to determine the required clearances from high voltage lines. Signs shall be located not less than six feet horizontally or twelve feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this section means any electrical conductor, either bar or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.~~

Amended by Ordinance No. _____, effective _____-2011

SECTION 3. Section 31-12 of the Grand Island City Code is hereby amended to

read as follows:

§31-12. Sign Elevation

Except as provided in §31-10 and §31-11, the lowest part of any sign, including any grillwork thereon, shall be at least eight feet above the sidewalk or driving surface ground level.

Amended by Ordinance No. _____, effective _____-2011

ORDINANCE NO. 9316 (Cont.)

SECTION 4. Section 31-13 of the Grand Island City Code is hereby amended to

read as follows:

§31-13. Signs In Public Right-of-Way

(1) No sign shall project into the public right-of-way of any street, alley, or sidewalk, including the air space above such right-of-way, except as provided in this section.

(2) Signs may project into the public right-of-way, including the air space right-of-way only within that business district of the City which is within the following described area:

Beginning at a point of beginning, being the intersection of the centerline of Clark Street and the centerline of the alley located one-half block North of Fourth Street; thence northeasterly along the centerline of said alley to the West right-of-way line of Cherry Street, now vacated; thence southwesterly along said right-of-way line extended to the centerline of the alley located one-half block south of First Street; thence southwesterly along the centerline of said alley to the centerline of Sycamore Street; thence southerly along the centerline of Sycamore Street to a point located on the easterly extension of the south lot line of Lot 3 of Westervelt Subdivision; thence westerly along said lot line and extension to the centerline of Pine Street; thence southerly along the centerline of Pine Street to the centerline of Koenig Street; thence westerly and southwesterly along the centerline of Koenig Street to the centerline of Cedar Street; thence northwesterly along the centerline of Cedar Street to the centerline of the alley one-half block south of First Street; thence southwesterly along the centerline of said alley to the centerline of Clark Street; thence northwesterly along the centerline of Clark Street to the point of beginning.

(3) Any sign which projects into the public right-of-way in said business district must:

(A) Be a projecting sign attached to a building, building canopy or awning;

(B) Extend not more than ten (10) feet from such building;

(C) Not extend beyond a perpendicular line three (3) feet back of any street curb line or alley line.

(D) Maintain at least 8'-0" clearance above the sidewalk surface.

(4) All signs which extend into or over the public right-of-way are maintained solely at the sufferance of the City. The City reserves the right and power to require the removal of any such sign at its sole discretion.

Amended by Ordinance No. _____, effective _____-2011

SECTION 5. Section 31-22 of the Grand Island City Code is hereby amended to

read as follows:

~~**§31-22. Reserved. Temporary "For Sale" Signs**~~

~~Temporary signs not exceeding ten square feet in area pertaining to the lease, hire, or sale of a building or premises may be of wood or other combustible materials and displayed without a permit in any district of the City.~~

~~Amended by Ordinance No. _____, effective _____-2011~~

SECTION 6. Section 31-24 of the Grand Island City Code is hereby amended to

read as follows:

§31-24. Flat Signs

No flat sign shall extend beyond any building line more than fifteen inches; provided, that nothing herein contained shall prohibit the erection of a flat sign on the outer edge of a marquee, provided the same is securely fastened and is not higher than the base of windows to the rear thereof.

Flat signs shall not extend beyond the top or ends of the wall surface on which they are placed.

Flat signs or signs enclosed in cases used for building directories or theater advertisements, not extending beyond the building line more than three inches, shall be permitted at any height. Flat signs denoting places of entrance and exit, and those used for public safety shall also be permitted at any height. The area of flat signs shall not exceed thirty percent of the building façade upon which it is placed.

ORDINANCE NO. 9316 (Cont.)

Amended by Ordinance No. _____, effective _____-2011

SECTION 7. Section 31-25 of the Grand Island City Code is hereby amended to

read as follows:

§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 ~~or any easement 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.

(4) Location Limitations:

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

(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. _____, effective _____-2011

ORDINANCE NO. 9316 (Cont.)

SECTION 8. Section 31-32 of the Grand Island City Code is hereby amended to

read as follows:

§31-32. Mobile Signs

(1) *General.* The placement of mobile signs shall be in accordance with all requirements of the Grand Island City Code. Furthermore, no mobile sign shall be placed or used at any location except as allowed in this section, and only after obtaining a permit therefor from the City building department.

(2) *Permit, Types, Duration; Fee; Application*

(A) 45 Day Permit: A permit to allow one mobile sign per business to be located at a specific property location for no more than forty-five (45) days from the date of issuance, during any calendar year. No sign authorized by a 45 Day Permit shall be located closer than one hundred (100) feet of any other sign allowed by a 45 Day Permit. Properties with less than one hundred (100) feet of street frontage shall be entitled to one 45 Day Permit per calendar year. The fee for a 45 Day Permit shall be in accordance with the City of Grand Island Fee Schedule.

(B) Special Event Permit: A permit to allow any number of mobile signs at any one property location for a period not to exceed four (4) days. The fee for a Special Event Permit shall be in accordance with the City of Grand Island Fee Schedule. Special Event Permits shall only be issued in the spirit of the following examples of truly special events: a grand opening sale, a special holiday or seasonal sale, anniversary sale, going out of business sale. There shall be a minimum of one day between special events.

(C) Application Contents: The application shall describe in detail all positions where the sign will be placed on the location, the dimensions of the sign, and the type of permit being sought.

(3) *Design.* Mobile signs may be constructed of any material meeting the requirements of this Code and shall be so designed that the structural frame will resist wind loads of twenty-five (25) pounds per square foot when anchored to the ground. The measured height of the face of a mobile sign shall not exceed six feet (6'). Mobile signs shall be so designed that the sign when placed upon the ground shall not rest upon any wheels. The wheels shall only be utilized in moving the mobile sign from site to site. Mobile signs shall be anchored to the ground or ground-surfacing material in a manner approved by the building official.

(4) *Electrical.* Mobile signs utilizing electrical equipment in connection with illuminating the mobile sign shall have all such equipment installed in accordance with the Grand Island Electrical Code. All electrical connections to mobile signs shall be made with a type S or SO or STO flexible 12-3 cord and plugged into an approved 120 volt grounded electrical outlet protected with a FGCI receptacle or breaker with a capacity of not less than 15 amperes nor more than 20 amperes. The distance between the electrical outlet receptacle and the mobile sign shall not exceed 50 feet and the cord shall not be placed upon any ground or ground-surfacing that is specifically designed to accommodate pedestrian traffic or vehicular traffic of any sort.

(5) *Anchoring Requirements* All mobile signs must be weighted with ballast or anchored in the following manner:

(A) Such weight or ballast must be a minimum of five pounds of weight for each square foot of sign face. Mobile signs shall be weighted in a manner approved by a building department official.

(B) Anchored at each position used by a minimum of four anchors which meet the following specifications:

(1) If anchored in concrete, the anchors shall extend to a depth of at least four inches (4") and shall be at least one half inch (1/2") diameter; or

(2) If anchored in asphalt, the anchors shall extend to a depth of at least three feet (3') and shall be at least one half inch (1/2") diameter; or

(3) If anchored in dirt, the anchors shall extend to a depth of at least three feet (3') and shall be either metal spikes with a diameter of at least one half inch (1/2") or wooden spikes with dimensions of at least two inches by two inches (2"x2").

(4) The anchoring of any mobile sign must be approved by a building department official.

Amended by Ordinance No. _____, effective _____-2011

ORDINANCE NO. 9316 (Cont.)

SECTION 9. Section 31-33 of the Grand Island City Code is hereby amended to

read as follows:

§31-33. Free Standing Yard Signs~~Political Ground Signs~~

(1) Free Standing Yard signs shall be free standing and shall not be in excess of fifteen (15) square feet in size. ~~Political ground signs shall include all ground signs used for advertising by or on behalf of any candidate for political office or advocating a position with respect to any political issue.~~

(2) Free Standing Yard signs shall be exempt from Section 31-5 Permits. ~~Political ground signs shall be free standing, and shall not be in excess of fifteen (15) square feet in size.~~

(3) Free Standing Yard signs shall not be allowed on any public property or right-of-way. ~~Political ground signs may be erected no earlier than four weeks before an election date, and must be removed no later than five days after the election date.~~

~~(4) Political ground signs shall not be allowed on any public property or right of way.~~

(4) Free Standing Yard signs ~~Political ground signs~~ at street intersections shall not be placed within the triangle formed by the adjacent property lines of the two intersecting streets and the line joining points thirty (30) feet distant along property lines from their point of intersection.

(5) It shall be unlawful to erect free standing yard ~~political ground~~ signs at any time in violation of the Grand Island City Code.

(6) The Chief Building Official, or his/her designee, shall be authorized to seize and remove all signs in violation of this section, and dispose of the same without notice.

(7) The city clerk shall provide copies of this section of the Grand Island City Code to the Hall County Election Commissioner for distribution to all candidates for political office and persons using political free standing yard ~~ground~~ signs within the zoning jurisdiction ~~corporate limits~~ of the City of Grand Island, or other interested persons.

(8) Free Standing Yard signs utilized to advertise an event shall be removed no later than five (5) days after the event.

Amended by Ordinance No. _____, effective _____ -2011

SECTION 10. Sections 31-1; 31-10; 31-12; 31-13; 31-22; 31-24; 31-25; 31-32

and 31-33 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: August 23, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk