

ORDINANCE NO. 4294

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING HASTINGS CITY CODE CHAPTER 34; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH.

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

SECTION 1. That Hastings City Code 34-309 is amended to read as follows:

34-309. Signs and billboards.

(1) Design Objective. The design objectives of this section are to:

- a) Preserve the unique character of the City, and the distinct areas and districts within the City.
- b) Enhance the visual quality of the community reflected by the priority of buildings, open spaces, and landscape.
- c) Improve safety of pedestrians, motorists or other users of the public rights-of-way and open spaces.
- d) Promote economic viability by assuring that the City will be a visually pleasant place to visit, conduct business, and live.
- e) Provide effective and efficient means of communication among various property owners.
- f) Protect property values and private/public investments in property by minimizing adverse effects of signs on property and eliminating nonconforming signs through a replacement requirement for new businesses.

(2) Definition of Terms. The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Hastings City Code which includes the Comprehensive Land Use Plan.

- a) *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 (6) months.
- b) *Attached Sign:* A sign which is structurally connected to a building or depends upon that building for support

- c) *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.
- d) *Awning and Awning Sign*: A shelter supported entirely from the exterior wall of a building and composed a supporting framework covered with fabric, plastic or sheet metal. An awning sign is a message printed on such a shelter. For the purpose of this section, awning signs shall be treated as canopy signs.
- e) *Banner*: Material exceeding four (4) square feet in size with a printed message or graphic secured or mounted to the primary building.
- f) *Building Marker*: An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
- g) *Business Center Identification Sign*: A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
- h) *Canopy (or arcade) Sign*: A sign which is attached or made an integral part of a canopy.
- i) *City of Hastings Outdoor Advertising Sign Registry*: A list of all outdoor advertising signs shall be maintained by the Building Services Division, detailing location, ownership, and size of all billboard signs.
- j) *Clearance*: The distance from the bottom of a sign face elevated above grade and the grade below.
- k) *Detached Sign*: A sign which is self-supporting and structurally independent from any building.
- l) *Directional Sign*: A sign which serves only to designate the location or direction of any area or place.
- m) *Double-Faced Sign*: A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
- n) *Drive-through Service Sign*: A sign designed to give information that facilitates a business transaction at a drive-through service location.
- o) *Electronic Information Signs*: On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
- p) *Electronic Changeable Message Sign (ECMS)*: An outdoor advertising sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used. Blinking, flashing, rotating, revolving, spinning, fluttering lighting or animation is not allowed. Transition between messages is permitted, but such transitions may only fade, scroll, travel or reveal.
- q) *Flag Sign*: Signs which are emblazoned on a flag and are intended to be displayed in a free-flowing manner. Flags of the United States, the State of Nebraska, local government, and any educational institution shall not be considered flag signs for the purpose of this Ordinance.
- r) *Flashing Sign*: A sign which has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity

and/or color at all times when the sign is in use, usually in a manner as to draw the attention of the viewer.

- s) *Frontage*: The length of a property line of any one (1) premises abutting and parallel to a public street, private way, or court.
- t) *Ground Sign*: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.
- u) *Illumination*: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
- v) *Large Retail Establishment*: A business whose primary use is retail, automotive or similar sales and operates in a building with at least 30,000 sq ft of gross floor area.
- w) *Marquee*: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
- x) *Maximum Permitted Sign Area*: The maximum permitted combined area of all signs allowed on a specific property.
- y) *Monument Sign*: A detached on-premise freestanding sign with the appearance of a solid base.
- z) *Moving Sign*: A sign which conveys its message through rotating, changing, or animated elements.
- aa) *Nit*: A unit of luminous intensity equal to one candela per square meter (1 cd/m^2)
- bb) *Nonconforming Sign*: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
- cc) *Numeric Display Signs*: On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
- dd) *Billboard*: A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Billboard signs may advertise on-premise or off-premise businesses or products. Special regulations and permissions apply to Billboard signs within the City of Hastings and its jurisdiction.
- ee) *Pole Sign*: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
- ff) *Political Sign*: A sign that announces candidates seeking public political office or pertinent political issues. Political signs are not permanent both in terms of duration of display and in the manner of construction, which allows easy removal of the sign.
- gg) *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.
- hh) *Poster*: A temporary sign, not exceeding four (4) square feet in area and three (3) feet in height, mounted on stakes or spikes intended to be stuck into the ground and used as a detached temporary sign.
- ii) *Premises*: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
- jj) *Projecting Signs*: A sign other than a wall sign that is attached to and projects from a building face.

- kk) *Residential Sign*: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
- ll) *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.
- mm) *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.
- nn) *Sign Type*: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
- oo) *Street Facade*: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, a private street, or court (excluding alleys). Separate faces oriented in the same direction or within forty-five (45) degrees of one (1) another are considered part of the same street facade.
- pp) *Temporary Signs*: Any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of six (6) months or less; or are portable. Temporary signs generally fall into two (2) categories: temporary civic signs and temporary commercial signs. Temporary Commercial Signs shall fall into two (2) categories: (a) attached temporary commercial sign, and (b) detached temporary commercial sign.
- qq) *Wall Sign*: A sign attached to and parallel with the side of a building.
- rr) *Window Sign*: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
- ss) *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.

(3) General Sign and Street Graphics Regulations.

(a) Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Hastings must comply with the provisions of this chapter, other relevant provisions of the City of Hastings' Municipal Code, and applicable building codes.

(b) Nonconformance and Amortization of Non-conforming Signs

Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

i) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.

ii) Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

iii) Within any zoning district, upon change of business name, ownership or occupancy, all signs located on the premise where the business is located shall be made to comply fully with the provisions of this Ordinance. This requirement shall not apply to a business changing ownership only, and retaining the original name of the business. This shall include removal of all ground signs, poles, structures and foundations associated with the non-conforming signage.

(c) Resolution of Conflicting Regulations

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Hastings' Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

(d) Prohibited Signs

The following signs are prohibited in all zoning districts.

i) *Obsolete Signs.* Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located. Upon notice from the Development Services Department, an obsolete sign shall be removed from the property on which it is located, within a reasonable time, as determined by the Development Services Department. Removal of obsolete signs shall include removal of all faces, poles, structures and foundations associated with the obsolete sign.

ii) Signs or sign structures which resemble, imitate, simulate, or conflict with traffic control signs or devices included in the Manual of Uniform Traffic Control Devices, which otherwise mislead or confuse persons traveling on public streets, which create a traffic hazard, or which violate any of the provisions of Section 60-6,127 or Section 60-6,128 of the *Nebraska Rules of the Road* or any other applicable State statutes.

iii) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.

iv) *Off-premise Signs on Public Property.* Off-premise signs located on public property which is being used for public purposes shall be prohibited. This restriction also applies to hand-held signs carried by persons and persons dressed in costumes or as character actors for the purposes of advertising a service or product.

v) *Flashing Signs.* No flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs. Illumination levels controlling brightness and minimum required hold time for electronic information signs shall comply with Section 309 (4) of this Chapter.

vi) *Moving Signs.* No sign shall be permitted, any part of which moves by motorized or similar mechanical means.

vii) *Painted Wall Signs.* Off-premise signs painted on building walls unless specifically approved as an element of a Historic Neighborhood Conservation District plan.

viii) All roof signs.

(e) Exempt Signs

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

i) *Real Estate Signs.* Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One (1) non-illuminated sign, not to exceed six (6) square feet in residential districts and thirty-two (32) square feet in commercial or industrial districts, shall be permitted on each premises in residential districts. Such signs shall not extend higher than three (3) feet above grade level or closer than ten (10) feet from any property line unless located on the wall of a building. Such signs shall be removed within seven (7) days after the disposition of the premises.

ii) *Construction Signs.* Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One (1) non-illuminated sign not to exceed fifty (50) square feet shall be permitted per street frontage. Such sign shall not extend higher than ten (10) feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one (1) week following completion of construction.

iii) *Political Signs.* A sign that announces candidates seeking public political office or pertinent political issues. Political signs are not permanent both in terms of duration of display and in the manner of construction, which allows easy removal of the sign. Political signs are subject to the following regulations:

- a. Neither the width nor the height of the sign may exceed three (3) feet.
- b. Signs shall be placed not less than six (6) feet from the back of the curb, or edge of the pavement if no curbs exist.
- c. Signs must be placed at least fifty (50) feet from a corner.
- d. Permission must be obtained from the property owner abutting the City right-of-way prior to installing any sign.
- e. Signs shall not be installed more than three (3) weeks in advance of any primary, regular, or special election and shall be removed the day after election day.
- f. The provisions of this section shall apply only to right-of-way owned by the City and shall not apply to City-owned parking lots or other City-owned real estate.
- g. Political signs placed on City-owned right-of-way that do not conform to the foregoing terms and conditions shall be removed by the Hastings Police Department.

iv) *Street Banners.* Signs advertising a public event, providing that specific approval is granted under regulations established by the City Council.

v) *Seasonal Decorations.* Signs pertaining to recognized national holidays and national observances.

vi) *Public Signs.* Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.

vii) *Integral Signs.* Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

viii) *Window Signs.* Such signs which are displayed inside of a window or within a building provided, however, that neon window signs shall be permitted only in those districts where neon signs are permitted. Window signs shall be limited to 30% of the window area in which they are located. Window signs shall not be installed in any window above the first story.

ix) Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.

x) Residential signs under four (4) square feet in size.

xi) Neighborhood or subdivision identification signs under fifty (50) square feet.

xii) 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.

xiii) Directional signs provided that such signs:

(a) Do not exceed six (6) square feet in maximum area or three (3) feet in maximum height.

(b) Are limited to one (1) sign at each driveway or access point with a public street; and one (1) sign at any critical decision point internal to the project.

xiv) *Hand-Held Signs*. Hand-held signs carried by persons and persons dressed in costumes or as character actors for the purposes of advertising a service or product, provided that such advertisement is limited to the lot or lots where the service or product is offered.

(f) Detached Temporary Commercial Signs

i) Permit Required. All Detached Temporary Commercial Signs not listed in Section 309 (3) D but falling within the definition of temporary commercial signs shall be classified as Detached Temporary Commercial Signs. All Detached Temporary Commercial Signs, except for 4(e) below, shall obtain a Temporary Sign Permit from the City of Hastings prior to any repair, alteration, relocation, or maintenance of such a sign.

ii) Duration of Permits. Except for 4(e) below, a Detached Temporary Commercial Sign shall be in effect for a period of thirty (30) days on two (2) separate occasions from the date of issuance.

iii) Size.

(a) Except for posters, the maximum size of detached temporary signs or portable signs shall be fifty (50) square feet in area. Detached Temporary Commercial Signs shall be no smaller than eight (8) square feet. Posters shall not exceed four (4) square feet in area and three (3) feet in height.

iv) Location Requirements for Detached Temporary Commercial Signs.

(a) Detached Temporary Commercial Signs are prohibited in any public right-of-way or property, including streets, sidewalks, parks, and public facilities.

(b) Detached Temporary Commercial Signs shall not be located within the Vision Clearance Triangle defined by Section 34-305(4) (d).

(c) Detached Temporary Commercial Signs shall not interfere with any public right-of-way, driveway or access way, or any means of access or egress to any building.

(d) Detached Temporary Commercial Signs cannot be placed on public property.

(e) Pennants, ribbons, inflatable balloons, streamers, flags, spinners, and other similar moving devices, intended to attract attention, shall be allowed only for businesses with associated outdoor display of a product on the same lot or lots as the primary business. In all cases, such displays shall not be attached to any temporary or permanent pole or structure on the public right-of-way, nor shall any such sign display encroach upon the public right-of way or neighboring property, including air space. Such signs and attention attracting devices for associated outdoor displays and sales shall be limited to 3 events in any 12-month period.

v) Permit Application

(a) Except for 4.(e) above, an application for a Detached Temporary Commercial Sign shall be submitted on a form developed by the City and an established fee shall be paid.

g) Attached Temporary Commercial Signs

i) No permit or permit fee is required.

ii) Duration of Sign Display. An Attached Temporary Commercial Sign shall have no time limit for the duration of display of any sign that meets the following criteria:

(a) The total amount of attached temporary commercial signage permitted on any premise shall be limited to a total of two (2) Attached Temporary Commercial Signs that do not exceed sixty-four (64) square feet in area on any street façade (including any building facades adjacent to public streets. Alleys are not streets.)

(b) Attached Temporary Commercial Signs shall not be attached to any sign pole or light pole on public or private property; or public utility poles, trees, or wooden or metal fence posts on either public or private property.

(c) Any Attached Temporary Commercial Sign shall be attached only to vertical facades of the primary building and shall not be attached to roofs, roof extensions, cornices, overhangs, or other building extensions.

(h) Condition of Temporary Signs

(i) All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.

(ii) The Director of Development Services and his/her authorized officers shall order the removal of any sign not in compliance with any provisions of this

section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the Director of Development Services and his/her authorized officers shall be authorized to remove the sign. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding temporary sign permit.

(i) Vision-Clearance Area

Except in the C-2 District, no structure shall be built to a height of more than two (2) feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be as defined in Hastings City Code Section 34-305(4) (d). No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

(j) Maintenance

All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.

(4) GENERAL REGULATIONS: BASIC DESIGN ELEMENTS FOR SIGNS.

a) Wall Signs and Graphics

Wall signs and graphics are subject to the following general regulations.

i) A wall sign shall not extend more than twelve (12) inches from the wall to which it is attached.

ii) A wall sign must be parallel to the wall to which it is attached.

iii) 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.

iv) A wall sign may not extend beyond its building's roof line.

v) A wall sign in the C-2 District attached to a building on its front property line may encroach upon public right-of-way by no more than twelve (12) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches. This encroachment is not permitted along state or federal highways in the C-2 District.

vi) For the purpose of calculating permitted sign areas pursuant to this chapter,

signs painted on the walls of buildings shall be considered wall signs.

vii) 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.

i) The maximum projection of any projecting sign shall be as follows:

(a) Three (3) feet over public sidewalks less than twelve (12) feet wide;

(b) Five (5) feet over public sidewalks twelve (12) feet wide or more, or over private property.

ii) Within the C-2 District, a projecting sign may come within five (5) feet from the vertical plane of the inside curb line.

iii). Each projecting sign must maintain at least the following vertical clearances:

(a) Twelve (12) feet over sidewalks; except that a canopy may reduce its vertical clearance to seven (7) feet, six (6) inches;

(b) Fifteen (15) feet outside of parking areas or driveways, but within three (3) feet of such areas; or within fifty (50) feet of the right-of-way lines formed by a street intersection;

(c) Fifteen (15) feet over parking lots;

(d) Eighteen (18) feet over driveways.

iv) No projecting sign extending three (3) feet or more from a property line may be located within twenty-five (25) feet of any other projecting sign extending three (3) feet or more from a property line.

v) 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:

i) Each pole sign must maintain at least the following vertical clearances:

(a) Eight (8) feet, six (6) inches over sidewalks or walking surfaces;

(b) Ten (10) feet outside of parking areas or driveways, but within three (3) feet of such areas; or within fifty (50) feet of the right-of-way lines formed by a street intersection.

(c) Fourteen (14) feet over parking lots;

(d) Eighteen (18) feet over driveways.

d) Canopy Signs

Canopy signs, where permitted are subject to the following regulations:

i) The vertical projected area of all canopies shall not exceed thirty-five percent (35%) of the total wall area of the building wall to which they are attached. Sign copy on the canopy shall be limited to the area permitted in Tables 309-3 and 309-4 for the district in which the canopy sign is located.

ii) Canopies shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher. Canopies shall not extend over any area utilized by motor vehicles.

iii) Canopies may project no more than nine (9) feet from the facade of the wall to which they are mounted. Any extension beyond six (6) feet shall have plans stamped by a licensed architect or professional engineer, certifying the ability of the wall and associated structures to carry all imposed loads.

e) Electronic Information Signs Electronic information signs, where permitted, are subject to the following regulations:

i) Electronic information signs shall be set back a minimum of five (5) feet from any right-of-way line and shall not be located within an arc with a seventy-five (75)-foot radius formed by the intersecting right-of-way lines of a corner lot or lots. Electronic information signs shall be classified as either ground signs, pole signs or monument signs.

ii) No more than one (1) electronic information sign is permitted per property.

iii) No electronic information sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.

iv) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

v) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

vi) Electronic information signs shall be deducted from the total sign budget allowed for the premises.

f) Numeric Display Signs

Numeric signs, where permitted are subject to the following regulations:

i) Numeric signs shall be set back a minimum of five (5) feet from any right-of-way line.

ii) Numeric signs located within an arc with a seventy-five (75) foot radius formed by the intersecting right-of-way lines of a corner lot or lots shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.

iii) All illuminated numeric signs shall not exceed 1,250 nits after dusk or 7,500 nits during daylight hours.

iv) Numeric signs shall be deducted from the total sign budget allowed for the premises.

(5) GENERAL REGULATIONS: OTHER DESIGN ELEMENTS.

a) Illumination

i) 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, and in accordance with the Lighting provisions of Section 34-305(5).

b) Marquees and Marquee Signs

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

c) Permanent Banners

i) A banner sign projecting from a building may not exceed the wall height of the building.

ii) Maximum projection for any banner is five (5) feet from the building with a minimum clearance of ten (10) feet.

iii) Flag signs and banner signs count against the sign area permitted a premise.

d) Clocks

For the purposes of this chapter, clocks, thermometers, time and temperature only displays, and religious symbols are not considered signs.

(6) GENERAL PERMIT PROCEDURES.

a) Applicability

i) A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming with this title.

ii) Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect any sign in the city or it's two-mile extraterritorial jurisdiction without first obtaining a sign permit for each sign. The regulations set forth in this section shall not be construed to require any permit for a change of copy on any sign, repair or repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

b) Plans Submittal

A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Building Official to determine compliance with this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign and its installation by a registered professional engineer with specialization in structures. An application for an illuminated sign shall disclose the luminous intensity of the sign for both day and night illumination.

c) Appeals

Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this title, may appeal such decision to the Board of Adjustment as provided by Section 34-701 et seq.

d) Application Fees

Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council.

(8) METHOD OF MEASUREMENT FOR REGULATORS.

a) Maximum Permitted Sign Area

Maximum permitted sign area for a premise 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 (1) public street or private street (excluding alleys), the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

b) Sign Area

i) 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.

ii) The area of double-faced signs is calculated on the largest face only.

iii) 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.

iv) In the case of individual letters mounted to a wall, the area of the extreme limits of the copy is considered to be the sign area.

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 line projected to the ground plane of the nearest portion of the sign.

(9) PERMITTED SIGN TYPES BY ZONING DISTRICTS.

Table 309-1 sets forth the sign types permitted within each zoning district of the City of

Hastings.

(10) AUXILIARY DESIGN ELEMENTS.

Table 309-2 sets forth auxiliary design elements permitted within each zoning district of the City of Hastings.

(11) MAXIMUM PERMITTED SIGN AREA.

Table 309-3 sets forth the maximum sign area permitted within each zoning district of the City of Hastings.

(12) PERMITTED SIGNS BY NUMBERS, DIMENSIONS, AND LOCATION.

Table 309-4 sets forth the maximum permitted numbers of signs per premises; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

(13) BILLBOARD SIGNS.

Billboards shall be allowed in Districts C-3, I-1 and I-2 provided that no billboard will be allowed within 300' of any residential zoning district. Billboards in these districts shall be subject to the following provisions:

- a) A billboard shall be defined as any sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- b) Each billboard shall be setback at least 25' from the street right-of-way line. No part of the sign shall extend more than 5 feet into the setback from the public right-of-way line.
- c) No billboard in the City limits shall be located within 150' from the right-of-way line of any road intersection measured in any direction from the right-of-way line. No billboard in the City's extra-territorial jurisdiction shall be located within 250' from the right-of-way line of any road intersection measured in any direction from the right-of-way line provided this restriction shall not apply to the intersection of frontage roads with state highways.

- d) There shall be no more than two (2) billboards per mile, measured from section line to section line regardless of which side of the roadway the billboards are located.
- e) No billboard in the City limits shall be located within a 750' radius of another billboard. No billboard in the extra-territorial jurisdiction shall be located within a 1500' radius of another billboard.
- f) No billboard within the City limits shall be located within 500' of the property line of: a National Register historic site; school; church; hospital; care facility; cemetery; public building, park or playground. No billboard within the City's extra-territorial jurisdiction shall be located within 1000' of the property line of: a National Register historic site; school; church; hospital; care facility; cemetery; public building, park or playground.
- g) No billboard shall be allowed whenever property zoned A, Residential, C-O, C-1 or C-2 is located between the billboard and the roadway to which said billboard is oriented.
- h) No billboard shall be erected or maintained upon or immediately above the roof of any building.
- i) Billboards may be single- or double-faced but no billboard shall have more than one face per side of the structure and the sign face shall not exceed 378 square feet. Double-stack billboards are prohibited.
- j) Billboards shall have either a monopole or pedestal support.
- k) No billboard shall exceed 35' in height measured from the average grade of the surrounding area to the highest point of the billboard.
- l) Lighting on any billboard shall be shielded to light the sign face only. Light trespass from the sign face is prohibited.
- m) Attention attracting devices are prohibited except for lighted message signs displaying time, date, temperature or weather or alert information. Lighted message sign displaying other information or advertising shall be prohibited.
- n) Any billboard structure existing as of the effective date of this ordinance may be restored at its current location provided that any restored billboard shall not exceed the size, height, and other limits of the existing structure. Any billboard existing as of the effective date of this ordinance may be replaced at the same location. Such replacement shall comply with the requirements of paragraphs (h) – (m).
- o) Any billboard that is allowed to deteriorate to the point of being a public nuisance or a threat to the public safety, health or welfare because it has become so damaged, decayed, dilapidated, structurally unsafe or of such unstable condition that partial or complete collapse is possible, shall be caused to be removed. The owner shall remove the billboard and structure within 30 days of receiving notice that the City has declared the billboard a public nuisance or dangerous structure. Failure to so remove shall result in a monetary fine of up to \$100.00 per
- p) day that the billboard and structure remain on-site. After 60 days from the notice mentioned in this section, the City may cause the demolition and removal of the billboard and structure. If the City causes the removal, it shall assess all costs of the removal and disposal to the owner of the property personally, and/or assess the costs against the real estate.

(15) SIGN MASTER PLAN FOR LARGE PROJECTS & CMP DISTRICTS.

For projects with an overall site area in excess of six (6) acres, or zoned CMP, an applicant may submit a Sign Master Plan, detailing the size, location, and design of all signs on the site. The Sign Master Plan may adjust the strict application of these standards, but must clarify the exact nature of the adjustments. Such a Sign Master Plan shall be approved by the City Council after review and recommendation by the Planning Commission. This review follows the same process as review of a PD District or as part of a rezone to the CMP District.

Table 309-1:

Permitted Signs by Type and Zoning Districts

Sign Types	A	R-1A R-1S R-1 R-2 R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Detached Signs										
Residential	P	P	P	P	P	P	P	N	N	N
Directional	P(C)	P(C)	P(C)	P	P	P	P	P	P	P
Ground	P(C)	P(C)	P(C)	P	P	P	P	P	P	P
Pole	P(C)	P(C)	N	N	P	P	P	N	P	P
Monument	P(C)	P(C)	P	P	P	P	P	P	P	P
Attached Signs										
Banner	N	N	N	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P

Incidental	P(C)	P(C)	P	P	P	P	P	P	P	P
Marquee	N	N	N	P	P	P	P	P	P	P
Projecting	N	N	N	P	P	P	P	P	P	P
Roof, Integral	N	N	N	N	N	N	N	N	N	N
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P
Miscellaneous										
Flag Sign	N	N	N	N	P	P	P	P	P	P

P: Permitted for All Uses **P(C):** Permitted for Civic Uses **N:** Not Permitted

Table 309-2:

Auxiliary Sign Elements

	A	R-1A R-1S R-1 R-2 R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Design Element										
Illumination										
Indirect	P(C)	P(C)	P	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N
Internal	P(C)	P(C)	P	P	P	P	P	P	P	P
Neon	N	N	N	P	P	P	P	N	P	P

Flashing	N	N	N	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N
Other										
Electronic Information	P(C)	P(C)	P(C)	P	P	P	P	P	P	P
Moving	N	N	N	N	N	N	N	N	N	N
Rotating	N	N	N	N	N	N	N	N	N	N

P: Permitted for All Uses **P(C):** Permitted for Civic Uses

N: Not Permitted

Table 309-3:

Permitted Signs by Maximum Permitted Area and District

This Maximum Permitted Area for all signs on a premise excluding directional signs, building marker signs, and United States, State, or College/School flags shall not exceed the lesser of the following:

Zoning District (Note 1)	A	R-1A R-1S R-1 R-2 R-3 R-4	C-O	C-1 (Note 6)	C-2	C-3	CMP	I-1 I-2
Square Feet of Signage per Linear Foot of Frontage	NA	NA	NA	75	1.5	1.5	1.0	2.0
Maximum Total Square Feet	Note 2	Note 3	150 Note 4 Note 5	300 Note 4	500 Note 4	800 Note 4	300 Note 6	800

NA: Not Applicable

NP: Not Permitted

Note 1: Signage programs in Planned Districts may vary from these requirements, subject to approval of a Planned Development project.

Note 2: Two hundred (200) square feet for civic or commercial uses, four (4) square feet for residential uses, including home occupations.

Note 3: Two-hundred (200) square feet for civic uses, fifty (50) square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted, four (4) square feet for residential uses, including home occupations.

Note 4: Maximum limits apply to non-residential premises only. On premises with primary residential use, fifty (50) square feet for project identification signs for multi-family developments, four (4) square feet for residential uses, including home occupations.

Note 5: One (1) Business Center Identification Sign with a maximum area of one hundred (100) square feet is permitted in addition to the Maximum Total Square Feet established here, subject to the regulations set forth by Table 309-4.

Note 6: Signage programs in a CMP district with a signage plan approved by City Council as part of the CMP master plan may vary from these requirements.

Table 309-4: Permitted Signs by Numbers, Dimensions, and Location

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District (Note 1)	A	R-1A R-1S R-1 R-2 R-3 R-4	C-O	C-1 (Note 2)	C-2 (Note 2)	C-3 (Note 2)	CMP	I-1 I- 2 (Note 2)
Detached Signs								
Number Permitted Per Premise	1	1	1	NA	NA	NA	NA	NA
Separation of Signage Per Linear Foot of Street Frontage	NA	NA	NA	1 per 50	1 per 50	1 per 50	1 per 50	1 per 50
Maximum Size (sq. ft.)	100 Note 4	NA	50	100	200	200	200	200
Maximum Height (feet) of Structure Above Ground								
Ground & Pole Signs (Note 3)	NA	NA	NA	35	35	35	NA	45
Monument Signs (Note 4)	6	6	6	10	10	10	10	10
Front Yard Setback to leading edge of sign (feet)								
Ground & Pole Signs	25	25	25	25	25	25	25	25
Monument Signs	5	5	5	5	5	5	5	5
Side Yard Setback (feet)	10	10	3	3	3	3	3	3
Attached Signs								

Number permitted	NA	1 per street facing wall	1 at each building entrance	No Limit.				
Maximum Size (sq. ft.)	100	50	25	150	NA	300	300	300
% of 1 st Floor Street Facade	NA	NA	NA	20%	20%	25%	20%	25%

Note 1: Signage programs in Planned Districts may vary from these requirements, subject to approval of a Planned Development project.

Note 2: In addition to its total permitted sign area, each premises used for a business center may have one (1) detached center identification sign, subject to the following conditions:

1. The maximum area for a center identification sign shall be one hundred (100) square feet.

2. No center identification sign shall be within three hundred (300) feet of any other center identification sign or within one hundred fifty (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 Section.

Note 3: The maximum permitted height for an Outdoor Advertising Sign; Regulations for New Installations in areas defined by Section 309-13 shall be forty-five (45) feet.

Note 4: The maximum height shall apply to all elements of the monument sign, including the base, frame or other architectural features.

SECTION 2. That Hastings City Code 34-404(2)(j) is amended to read as follows:

“Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within

the district in which the church is located shall require specific approval through a Conditional Use Permit application or amendment.”

SECTION 3. That all other ordinances or provisions in conflict with this ordinance are hereby repealed.

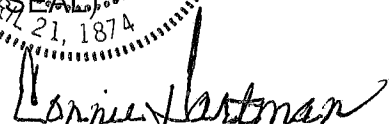
SECTION 4. Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

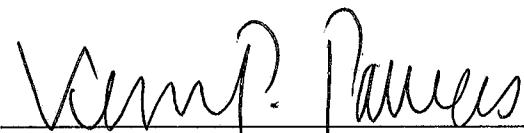
SECTION 5. The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being **May 24, 2011**, and this ordinance shall be included in the Hastings City Code Book.

PASSED and APPROVED this **9th day of May, 2011**.




City Clerk


Mayor

Approved by City Attorney:


City Attorney