

ORDINANCE 1040

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, AMENDING SECTION 152.056 OF THE GOTHENBURG CODE OF ORDINANCES; AMENDING PROVISIONS FOR SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA AS FOLLOWS:

Section 1. Title XV, Chapter 152, Section 152.056 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.056 SIGN REGULATION

(A) *Intent and applicability.*

- (1) The following regulations shall govern the locations, areas, heights, and types of signs permitted within the zoning jurisdiction of this chapter.
- (2) All signs hereafter constructed, erected, printed or otherwise established, moved, altered, or changed shall comply with these regulations.
- (3) Except as provided herein, after the effective date of this chapter, no sign shall be erected, enlarged, constructed, or otherwise installed without first obtaining a sign permit. A sign permit shall be legally issued only when in compliance with these regulations.
- (4) No sign, advertising display or structure, poster, or device shall be erected, moved, enlarged, maintained, or reconstructed except as expressly permitted by this section; provided, however, that state, county, and municipal signs and traffic signs installed for public purposes are exempt from these requirements.
- (5) Nonconforming signs existing at the time of enactment of this chapter may be repaired or maintained, but may not be otherwise established, moved, altered, or changed except in compliance with the provisions of this chapter.

(B) *On- and off-site on interstate or federal-aid primary highways.* The erection or maintenance of any advertising sign, display, or device which is visible to the traveled way of the National System of Interstate and Defense Highways, and the system of federal-aid primary roads of the state as defined by the State Department of Roads, is hereby prohibited unless in compliance with the regulations set forth in Rules and Regulations Relating to the Control of

Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways, as amended. Primary highways within zoning jurisdiction are highways.

(C) *Prohibited signs.* Signs shall not be erected or maintained in a manner so as to obscure, or otherwise physically interfere with, an official traffic sign, signal, or device, or in a manner so as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic. This shall also mean pedestrian traffic on sidewalks. All road signs shall be maintained in a neat and presentable condition.

(D) *District regulations.*

(1) *AG and Agriculture AG 1 Agriculture District.* No regulations apply other than those outlined herein.

(2) *R-1 (under permitted special uses § 152.020(D)), R-2, R-3, and R-4 Residential Districts.* Nonilluminated signs are permitted in the R-2, R-3 and R-4 districts, subject to the following restrictions:

(a) Attached to or within five feet of the main structure or building.

(b) Only one sign, not illuminated, less than four by eight or 32 square feet in area for each dwelling.

(c) Only one sign, not illuminated, may be approved by special use permit advertising a home occupation under § 152.075.

(d) Any temporary sign, not illuminated, less than six square feet in area, advertising the sale, lease, or rental of the property.

(3) *C-1, C-2, and C-3 Districts.* Illuminated and nonilluminated signs identifying the character of the establishment are permitted in the C-1, C-2, and C-3 Districts, subject to the following restrictions:

(a) Wall mounted signs affixed to the side of the building:

1. Maximum area may be no larger than 3 square feet for every linear foot of the side of the building to which it is affixed. In the case where the sign consists entirely of raised letters, numerals, and punctuation, the surface area shall be computed by creating a rectangle using the outside dimensions of the raised surface.

2. May not extend beyond the top of the wall or the side of the wall.

3. May not extend more than 18 inches beyond the surface of the wall.

4. In the C-1 Central Business District, the wall mounted sign shall be subject to the following restrictions:

01. The wall mounted sign cannot encroach more than 18 inches into the City ROW. Encroachment is not allowed along State or Federal Highways in the C-1 Central Business District.

02. The bottom of the wall mounted sign shall be a minimum of 8 feet from the sidewalk. See § 30.134.

03. Signs which protrude outward from a building must do so at a 90 degree angle from the face of the building for a distance not to exceed six feet, and shall not exceed 24 square feet in area. See § 30.134.

5. In the C-2 Highway Commercial District and C-3 Commercial/Storage District, signs which protrude outward from a building must do so at a 90 degree angle from the face of the building for a distance not to exceed 8 feet and shall not exceed 50 square feet in area. See § 30.134.

(b) No sign that is free standing and not attached to a building or structure shall exceed 150 square feet in area and have a maximum height of 35 feet. This is the area of the C-1, C-2, C-3 Districts beyond the core downtown Central Business District that goes from 11th Street to 8th Street (Highway 30) and Avenue D to Avenue G.

(4) *Industrial Districts (I-1 and I-2)*. Signs identifying the industry and located only on the property where the industry is located are permitted, subject to the following restrictions:

(a) No sign which is freestanding and not attached to a building or structure shall exceed 300 square feet in area.

(b) Maximum height of 45 feet.

(c) Wall mounted signs affixed to the side of the building:

1. Maximum area may be no larger than 3 square feet for every linear foot of the side of the building to which it is affixed. In the case of where the sign consists entirely of raised letters, numerals, and/or punctuation, the surface shall be computed by creating a rectangle using the outside dimensions of the raised surface.

2. May not extend beyond the top of the wall or the side of the wall.

3. May not extend 18 inches beyond the surface of the wall.

4. The bottom of the wall mounted sign shall be a minimum of 8 feet from the sidewalk. See § 30.134.

(5) *Bed and breakfast guest houses and Short-term rentals .*

- (a) Only one sign per establishment.
- (b) Sign shall be nonilluminated.
- (c) Sign face shall not exceed four square feet.

(d) Sign shall be located no closer than five feet from any property line, and shall not obstruct the view of traffic approaching a street intersection nor extend onto public right-of-way.

(e) A wall or projecting sign affixed to a building shall not have the top of the sign project higher than ten feet from grade.

(f) Freestanding or pole signs shall not exceed four feet in height from the top of the sign to grade.

(E) *Temporary signs.* Temporary, freestanding signs are authorized in any zoning district for a period not to exceed 30 days. The sign must not be permanently attached to a structure or fence and may not exceed a height of five feet, or a width of three feet. No temporary sign shall be placed in a location that obstructs the vision of a driver of an automobile or truck. A permit shall not be required for a temporary sign. No temporary signs shall be permitted on the public street right-of-way, parks, alleys, or other public areas.

(F) *Discontinuation of use.* In the event the use or need of a sign shall cease, the sign shall be removed promptly and the area restored to a condition free from refuse and rubbish. After 10-days' mailing of written notice to the property owner or 5 days' notice by personal service on the property owner or one of them, whichever is the shorter period of time and upon failure to so remove the city shall remove the sign and assess the charges to the owner.

(G) *Sign permits.*

(1) No sign shall be constructed, erected, remodeled, relocated, or expanded until a sign permit for the sign has been obtained, authorized, and signed by the Zoning Administrator, excluding general maintenance. The requirement shall pertain to permanent signs only. A fee, to be set by the City Council, shall be required to process the sign permit application. In addition, information pertinent to sign characteristics and dimensions must be presented to the Zoning Administrator with sufficient time to determine compliance with the chapter.

(2) A sign exceeding zoning regulations may be erected if a Special Use Permit has been obtained in accordance with §§ 152.075 and 152.076.

(H) *Awnings and/or canopies.*

(1) Awnings and/or canopies extending into the city right-of-way shall be permitted as a part of sign permit.

(2) Any awnings and/or canopies extending into the city right-of-way shall follow the code reference of § 30.134 of this code, as amended from time to time.

Section 3. A copy of prior Section 152.056 is attached hereto as Exhibit A and incorporated herein by this reference.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective after its posting and publication as provided by law. Passed and approved this 17th day of December 2024.

City of Gothenburg,

Verlin Janssen

Verlin Janssen, Mayor



ATTEST:

Misty Bussinger

Misty Bussinger, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon

Michael L. Bacon, City Attorney

Exhibit "A"

§ 152.056 SIGN REGULATION.

(A) *Intent and applicability.*

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(2) All signs hereafter constructed, erected, printed or otherwise established, moved, altered, or changed shall comply with these regulations.

(3) Except as provided herein, after the effective date of this chapter, no sign shall be erected, enlarged, constructed, or otherwise installed without first obtaining a sign permit. A sign permit shall be legally issued only when in compliance with these regulations.

(4) No sign, advertising display or structure, poster, or device shall be erected, moved, enlarged, maintained, or reconstructed except as expressly permitted by this section; provided, however, that state, county, and municipal signs and traffic signs installed for public purposes are exempt from these requirements.

(5) Nonconforming signs existing at the time of enactment of this chapter may be repaired or maintained, but may not be otherwise established, moved, altered, or changed except in compliance with the provisions of this chapter.

(B) *On- and off-site on interstate or federal-aid primary highways.* The erection or maintenance of any advertising sign, display, or device which is visible to the traveled way of the National System of Interstate and Defense Highways, and the system of federal-aid primary roads of the state as defined by the State Department of Roads, is hereby prohibited unless in compliance with the regulations set forth in Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways, as amended. Primary highways within zoning jurisdiction are highways.

(C) *Prohibited signs.* Signs shall not be erected or maintained in a manner so as to obscure, or otherwise physically interfere with, an official traffic sign, signal, or device, or in a manner so as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic. This shall also mean pedestrian traffic on sidewalks. All road signs shall be maintained in a neat and presentable condition.

(D) *District regulations.*

(1) *AG and Agriculture AG 1 Agriculture District.* No regulations apply other than those outlined herein.

(2) *R-1 (under permitted special uses § 152.020(D)), R-2, R-3, and R-4 Residential Districts.*

(a) Signs permitted in the R-2, R-3 and R-4 districts shall be attached to or within five feet of the main structure or building.

(b) Only one sign, not illuminated, less than four by eight or 32 square feet in area for each dwelling.

(c) Only one sign, not illuminated, may be approved by special use permit advertising a home occupation under § 152.075.

(d) Any temporary sign, not illuminated, less than six square feet in area, advertising the sale, lease, or rental of the property.

(3) *C-1 Central Business District.*

(a) Illuminated or nonilluminated signs identifying the character of the establishment. No one sign which lies flat or across the face of a building shall exceed 100 square feet in area.

(b) Signs which protrude outward from a building must do so at a 90 degree angle from the face of the building for a distance not to exceed six feet, and shall not exceed 24 square feet in area.

(4) *C-2 Highway Commercial District.* Illuminated or nonilluminated signs identifying the character of the establishment. No one sign which is freestanding and not attached to a building or structure shall exceed 100 square feet in area. Protruding signs must be at a 90 degree angle from the face of the building for a distance not to exceed eight feet, and shall not exceed 50 square feet in area.

(5) *Industrial Districts (I-1 and I-2).* In I-1 and I-2 Districts, identification and advertising signs are permitted, except that each sign shall be limited to 250 square feet in area, and the sign shall only identify the industry and be on property where the industry is located.

(6) *Bed and breakfast guest houses.*

(a) Only one sign per establishment.

(b) Sign shall be nonilluminated.

(c) Sign face shall not exceed four square feet.

(d) Sign shall be located no closer than five feet from any property line, and shall not obstruct the view of traffic approaching a street intersection nor extend onto public right-of-way.

(e) A wall or projecting sign affixed to a building shall not have the top of the sign project higher than ten feet from grade.

(f) Freestanding or pole signs shall not exceed four feet in height from the top of the sign to grade.

(E) *Political signs.* Signs that contain primarily a political message may be located on private real property, only with consent of the property owner, without a permit, provided that the sign:

1. Is not placed more than 30 days prior to the public election related to the purpose of the sign.
2. Is not located on public right of way or an easement dedicated to public purpose.
3. Is not illuminated.
4. Has no moving elements.
5. Does not exceed 36 square feet in area.
6. Does not exceed four feet in height.
7. Shall not remain in place for more than 30 days.
8. Is removed within five days of a public vote on the political issue related to the sign.

(F) *Temporary signs.* Temporary, freestanding signs are authorized in any zoning district for a period not to exceed 30 days. The sign must not be permanently attached to a structure or fence and may not exceed a height of five feet, or a width of three feet. No temporary sign shall be placed in a location that obstructs the vision of a driver of an automobile or truck. A permit shall not be required for a temporary sign. No temporary signs shall be permitted on the public street right-of-way, parks, alleys, or other public areas.

(F) *Discontinuation of use.* In the event the use or need of a sign shall cease, the sign shall be removed promptly and the area restored to a condition free from refuse and rubbish. After 10-days' mailing of written notice to the property owner or 5 days' notice by personal service on the property owner or one of them, whichever is the shorter period of time and upon failure to so remove the city shall remove the sign and assess the charges to the owner.

(G) *Sign permits.*

(1) No sign shall be constructed, erected, remodeled, relocated, or expanded until a sign permit for the sign has been obtained, authorized, and signed by the Zoning Administrator, excluding general maintenance. The requirement shall pertain to permanent signs only. A fee, to be set by the City Council, shall be required to process the sign permit application. In addition, information pertinent to sign characteristics and dimensions must be presented to the Zoning Administrator with sufficient time to determine compliance with the chapter.

(2) A sign exceeding zoning regulations may be erected if a special permit for the use has been obtained in accordance with §§ 152.075 and 152.076.

(H) *Awnings and/or canopies.*

(1) Awnings and/or canopies extending into the city right-of-way shall be permitted as a part of sign permit.

(2) Any awnings and/or canopies extending into the city right-of-way shall follow the code reference of § 30.134 of this code, as amended from time to time.