



**CITY OF MANDAN
PLANNING AND ZONING COMMISSION
STAFF MEMORANDUM**

To: Planning & Zoning Commissioners
From: Robert Decker, Principal Planner
Meeting Date: October 24, 2016
Subject: Proposed Ordinance No. 1241 related to signs

Current sign requirements are administered through a policy document governing the actions of the Mandan Architectural Review Committee (MARC). This proposed ordinance formalizes those procedures by revising existing language and adding new language to Chapter 105 of the city's municipal code.

BACKGROUND:

Since this was last presented to the Planning and Zoning Commission in August, the subcommittee has met and discussed changes to the wording related to temporary signs, sight triangles and NDDOT responsibilities.

The time allowance for temporary signs was set at 240 days instead of 90 days. This will affect very few signs. It was felt by the sub-committee that this was not a significant issue.

The wording for sight triangles was modified to the satisfaction of sub-committee members.

A clarification of what signs are regulated by NDDOT was also made.

Some minor word editing was done.

The areas with new text have been highlighted in yellow. Red wording is proposed edits to existing code wording.

ORDINANCE NO. 1241

An Ordinance to Amend and Reenact Sec. 105-1-2 and Add and Enact
Sec. 105-1-15 of the Mandan Municipal Code related to fences and signs

WHEREAS, the Mandan Architectural Review Commission (MARC) reviews and approves the number, design and location of signs, and

WHEREAS, the sign guidelines that have been followed by the MARC are contained in a policy document, and

WHEREAS, changes in sign technology and the proliferation of various types of signs require an upgrade to how the city regulates signs, and

WHEREAS, it is difficult for the city to enforce a policy document used by a committee, and

WHEREAS, many of the issues related to signs are not design issues but operation and maintenance issues, and

WHEREAS, the requirements for a sight triangle apply to fences and vegetation as well as signs, and

WHEREAS, the requirements for a sight triangle that apply to fences need to be simplified and need to match the requirements that apply to signs, and

WHEREAS, wording needs to be added addressing vegetation in a sight triangle, and

WHEREAS, codifying sign requirements will allow the city to enforce the requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

Section 1. Sec. 105-1-2 is amended to read.

Sec. 105-1-2. - Supplementary provisions.

(2) *Projections into yards.*

a. ~~_____~~ Steps, stairways, terraces and un-roofed porches or decks may extend into any minimum front or rear yard ~~not more than~~ up to six (6) feet and into any minimum side yard ~~not more than~~ up to four (4) feet, provided, however, that the floor thereof is no higher than that of the entrance to the building.

b. ~~_____~~ Chimneys may extend into any minimum yard ~~not more than~~ up to two (2) feet.

c. ~~_____~~ Business signs may be located in the front yard setback. If located within a sight triangle they must meet the dimensional requirements specified in Sec. 105-1-15 (j) (3).

d. ~~_____~~ No such feature shall ~~extend~~ be located closer than three (3) feet to a lot line.

(4) *Fences and walls.* ~~Fences and walls may be placed in any yard setback area provided that the height of fences and walls adjacent to a street, alley or driveway shall be lowered to three (3) feet within a sight triangle as specified in Sec. 105-1-15 (j) (3). The building line and yard requirements of these regulations shall not apply to retaining walls or other walls or fences. Walls and fences must meet the following criteria:~~

a. ~~_____~~ ~~Fence on corner lot. No wall or fence shall extend more than three feet above the top of curb within the areas identified herein in order to provide a clear sight triangle for drivers entering an intersection.~~

1. ~~_____~~ ~~For each leg of an intersection that is uncontrolled, the clear sight triangle shall begin 25 feet back from the property corner measured along the property line.~~

2. ~~_____~~ ~~Reserved.~~

3. ~~_____~~ ~~For each leg of an intersection that is stop sign controlled, the clear sight triangle shall begin at a point ten feet behind the stop sign or 20 feet from the adjoining street curb line, whichever is less, as measured from each edge of the travel lane.~~

4. For each leg of a traffic light controlled intersection, the clear sight triangle shall begin at a point ten feet behind the stop bar or 15 feet from the intersecting street curb line, whichever is less, as measured from each edge of the travel lane.

(11) *Vegetation within sight triangle.*

- a. No new vegetation may be planted within a sight triangle for a street or alley unless it can be maintained such that it meets the requirements contained in Sec. 105-1-15 (j) (3).
- b. If possible, existing vegetation located within a sight triangle for a street or alley shall be maintained such that it meets the requirements contained in Sec. 105-1-15 (j) (3).
- c. Existing vegetation that cannot be maintained such that it meets the requirements of Sec. 105-1-15 (j) (3) need not be removed unless it creates an obvious danger to the ability of drivers and pedestrians to see past it on arterial or collector streets.

Section 2. Sec. 105-1-15 is created to read.

Sec. 105-1-15. – Signs

- (a) *Purpose.* The purpose of these sign requirements is to establish regulations that allow businesses to effectively convey information through signage while also maintaining a neat and orderly appearance. **These regulations apply to new signs installed after adoption of these regulations.**
- (b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Awning means a roof-like structure that is supported by a metal or wood frame.

Banner means a sign printed on lightweight, flexible material such as cloth, canvas or plastic that contains decorations and/or graphics or provides information to the public that is temporarily attached to a building or suspended between permanent poles or columns.

Bench sign means a place for people to sit that also contains wording and/or graphics advertising a business or activity.

Billboard means an off-premise sign constructed to industry standards that either advertises one business or contains an easily changeable face that can be rented by a business or multiple businesses for a period of time.

Canopy means a structure or architectural element, other than an awning, that is made of metal or other noncombustible materials and is either freestanding or attached to a building.

Canopy Sign means a message or identification which is affixed to or supported by a canopy.

Directional means an on-premise sign using arrows and/or words to assist with internal circulation that may contain the name or logo of an establishment but no advertising copy.

Display means a structure of any kind that is arranged, intended, designed or used as an advertisement, announcement or direction.

Electronic or Changeable Copy means a portion of a sign that includes a screen or letters, characters, or graphics that are not permanently affixed to the structure, that can be modified from time to time either electronically or manually.

Erect means to build, construct, attach, hang, place, suspend or affix.

Facing or surface means the part of a sign upon, against, or through which the message is displayed or illustrated.

Figurative wall mural means an illustration, diagram or design, not intended to sell a product or to advertise an establishment, that is used for aesthetic purposes or to enhance architectural features of a building.

Flag sign means a loose section of fabric or other flexible material designed to move with the wind that is attached to a lightweight pole which is either pushed into the ground or into some form of support.

Flashing means a pattern of changing light, pictures or wording for the purpose of drawing attention to the sign.

Frame effect means a defining element on an electronic message center sign applied to a single frame or to transition from one frame to the next.

Frame hold means the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

Freestanding means a sign supported by uprights or braces placed in or upon the ground surface with no attachment to any building.

Illuminated means a sign that has either internal or external lights or luminous tubes.

Marquee means a hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a sidewalk.

Marquee sign means a message attached to the face of a marquee.

Monument means a freestanding sign where the entire bottom of the sign is affixed to a base on the ground that fully supports the sign.

NIT means a unit of illuminative brightness equal to one candela (12.5 lumens) per square meter measured perpendicular to the rays of the source.

Non-conforming means a sign that was lawfully erected prior to the effective date of the ordinance that adopted this article and that fails to conform to any of the provisions of this article.

Obstructive means a sign erected with the purpose of hiding or covering from the view of the public an adjacent or nearby sign.

Off-premise means a sign advertising a business, person, service or product which is located or conducted elsewhere than on the premises where the sign is located.

On-premise means a sign advertising a business, service or major product located on that property.

Permanent means a sign not falling under the definitions of temporary or portable.

Pole means a free standing sign supported from the ground by one or two supports that are normally bare.

Portable means a sign designed to be transported, including inflatable devices and signs carried or attached to a trailer or vehicle unless such trailer or vehicle is used in normal day-to-day operations of the business.

Post and panel means a freestanding sign that does not have a base other than the support posts.

Privilege panel means a permanent sign provided by the distributor or manufacturer of a product which utilizes a portion of the sign to advertise a specific product with the rest of the sign allocated to identifying business located at the property upon which the sign is placed.

Projecting means a sign which is attached directly to a building wall and which extends more than twelve (12) inches from the face of the wall.

Pylon means a free standing sign supported from the ground by one or two supports that are normally shrouded.

Roof means a sign erected or constructed wholly upon or over the roof of a building.

Sign means any written announcement, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is displayed or placed out of doors in view of the general public and shall include every detached sign or billboard and every sign attached to or forming a component part of any building marquee, canopy, awning, street clock, pole, parked vehicle or other object whether stationary or moveable.

Signable wall surface area means the portion of a building wall that is free of windows, doors or major architectural details.

Sight triangle means the area on each side of a driveway, the area at the intersection of two streets or the area at the intersection of an alley and a street that provides visibility along the street for drivers of vehicles, pedestrians and cyclists wishing to turn onto or cross the adjoining street or exit the property onto or across the street.

Streamer means one or more small, typically triangular, flags attached to a line or cable that can be tied or otherwise attached to a portion of a permanent structure or sign post.

Temporary means a sign that is designed to be used only for a limited period of time to advertise a special event or activity and includes banners, construction signs, finance signs, real estate signs, flag signs, political signs, portable signs and streamers.

Wall mount means a sign which is affixed parallel to the exterior wall of a building and which does not project more than twelve (12) inches from the surface to which it is attached nor does it extend beyond the top of any parapet wall.

Window means a sign which faces the exterior of the building and is applied in any manner to the window from either side.

(c) *Application for permit.* An application for issuance of a sign permit shall be submitted to the City of Mandan Building Department. An application shall include all necessary drawings and specifications showing dimensions and materials to be used on the sign. Required fees must be paid before an application will be processed. Fees for processing and issuance of a sign permit shall be set by action of the board of city commissioners. Actions requiring a permit include the following.

- (1) Alterations to an existing sign. No sign shall be altered except in conformity with the provisions of this policy. The changing of moveable parts of an approved sign that is designed for such changes, repainting the sign or reposting of display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of this section are not violated.
- (2) New signs.
- (3) Relocated signs. A sign that is moved to another location on the same premise or to another premise.

(d) *Permit exemptions.* No permit shall be required for signs or outdoor display structures listed here. However, not having to get a permit does not relieve the owner of the sign from responsibility for its erection and maintenance in a safe and conforming manner to the requirements contained in this section.

- (1) Directional or instructional signs. Signs not exceeding four (4) square feet in area which provide direction, instruction or identify public facilities; are located entirely on the property to which they pertain; and do not in any way advertise a business.
- (2) Political signs. Signs that meet the standards contained in this section.
- (3) Professional name plates. Professional name plates not exceeding two (2) square feet in area.
- (4) Real estate, construction and finance signs. These signs do not require a permit but signs larger than sixteen (16) square feet must be registered with the Building Department.
- (5) Rental signs. Rental companies that provide portable signs to businesses must register with the Building Department and provide an inventory of where the signs are located by the 5th business day of each month in which they have a sign rented within the city. The inventory shall include the dates that the sign was or will be in place.

- (6) Special displays. Decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes and on which there is no commercial advertising.
 - (7) Store signs. Signs erected on a show window or on the door of a store or business establishment which announces the name of the proprietor and the nature of the business conducted therein as well as temporary signs placed in windows used to advertise a special product or sale.
 - (8) Street signs. Signs erected by the city for street direction.
 - (9) Transit directions. Signs designating the location of a transit line, a railroad station or other public carrier not more than three (3) square feet in area.
 - (10) Temporary signs placed in the right-of-way by a public agency advertising a public event or activity.
- (e) *Processing of application.* Upon receipt of a sign permit application, the Building Department shall schedule the application for review and approval by the Mandan Architectural Review Commission (MARC). The MARC meeting shall occur within thirty (30) days of receipt of the application. Once the MARC has reviewed the application and rendered a decision, the Building Department will process the application and issue any permit recommended by the MARC.
- (f) *Mandan Architectural Review Commission (MARC).* The MARC is responsible to apply the standards contained in this section when reviewing any sign application submitted to it. The MARC shall review the application and notify the Building Department of its determination. If the MARC approves the application, the Building Department will issue the appropriate permit. The MARC may attach any conditions it deems appropriate to any approval granted.
- (g) *Unsafe or unlawful signs.* The Building Department shall take whatever action is necessary to correct an unsafe condition with a sign or have an unlawful sign removed. If necessary, the Building Department may file a complaint with any court of competent jurisdiction.
- (1) Whenever any sign becomes insecure, in danger of falling or otherwise unsafe, the owner of the sign shall be notified by the Building Department and given a specified time to correct the problem.
 - (2) The Building Department shall order the removal of any sign that has been unlawfully installed, erected or maintained in violation of any of the provisions of this code.
 - (3) The Building Department shall notify the owner and lessee of a building or structure whenever a sign is so erected as to obstruct free ingress to or egress from a required door, window, fire escape or other required exit way and shall require appropriate corrective action within a specified time frame.
 - (4) Signs damaged by storm or accident shall be repaired to a safe condition by the owner of the sign at the direction of the Building Department within a specified period of time. Signs that present a clear and present danger to the public shall be removed or repaired within forty-eight (48) hours. Signs that are impeding traffic may be removed immediately by the city and the owner of the sign billed for the costs incurred by the city.

- (5) Signs that are destroyed or removed shall not be re-erected, reconstructed, rebuilt or relocated unless the sign is made to comply with all applicable requirements of this section.
 - (6) A sign that no longer advertises a bona fide business or product is considered an unlawful sign and must be removed or covered.
- (h) *Non-conforming signs.*
- (1) A previously approved or permitted and properly maintained non-conforming permanent sign will be allowed until the building is remodeled to an extent greater than fifty percent (50%) of its value, a new business occupies the building or structural or dimensional changes are proposed for the sign.
- (i) *Maintenance and inspection.*
- (1) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the sign in a clean, sanitary and healthful condition.
 - a. The sign, together with all supports, braces, guy wires and anchors, and individual letters and symbols shall be kept in good repair
 - b. Parts that are not galvanized or constructed of approved corrosion-restrictive materials shall be painted as necessary to prevent corrosion.
 - (2) Every sign for which a permit has been issued shall be inspected by the Building Department upon completion of erection or installation.
- (j) *General requirements and provisions.*
- (1) All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the adopted version of International Building Code Appendix H.
 - (2) No sign shall be illuminated by other than electrical means and electrical devices. Wiring shall be installed in accordance with the requirements of the ND State Electrical Board. No open spark or flame shall be used for display purposes unless specifically approved in writing by the Building Department and the Fire Chief.
 - (3) No sign shall be erected at the intersection of any street, alley or driveway in such a manner as to obstruct the sight triangle.
 - a. A sign shall not be located within a sight triangle if the portion of the sign or support posts between three (3) feet and ten (10) feet above the edge of the roadway will be greater than ten (10) inches wide.
 - b. The sight triangle for intersections that are not traffic light controlled is the area measured along the curb or edge of pavement of the street to a point with a straight line distance of twenty-five (25) feet from the curb or edge of pavement of the intersecting street.
 - c. No sight triangle is required for intersections that are traffic light controlled.

- d. For intersections that are only partially controlled with stop signs, the sight triangle is only applied to the side streets that have stop signs.
 - e. For an alley or driveway, the other side of the triangle is measured perpendicular to the street along the curb or edge of pavement of the alley or driveway to a point that is a distance of fifteen (15) feet from the curb or edge of pavement of the street. Sight triangles for alleys or driveways in commercial or industrial districts are not required but are recommended. Sight triangles for alleys and driveways in residential districts are not required.
 - f. In zoning districts with a zero front yard setback, the depth of the sight triangle is limited to the boulevard area of the public right-of-way.
 - g. Where existing conditions on a lot limit the options for location of a sign, the applicant may request that the MARC approve location of a designated type of sign within the limits of the sight triangle for a specific site. The reasons for the approval of the location must be documented in the minutes of the MARC meeting.
- (4) No sign shall be erected that closely resembles or approximates the size, shape or form of an official traffic regulation sign or marker.
 - (5) No private sign shall be attached to a public building or structure, a utility pole or any existing public signage.
 - (6) The light for a sign shall not be directed into any residential dwelling or towards any oncoming vehicle.
 - (7) Signs, other than window signs, containing or utilizing flashing, rotating, or moving lights shall be prohibited unless they are used solely for public safety, e.g. construction markers.
 - (8) The use of laser lights, strobe lights, searchlights, beacons and similar upward or outward oriented lighting as part of any sign is prohibited.
 - (9) No sign or wall mural shall be painted on any building without prior approval from the MARC.
 - (10) No sign shall be attached to, affixed to, painted or drawn on trees, shrubs, rocks, other natural features or organic material unless approved by the MARC or the city commission for a specific site or application. Certain species of wood products may be used for construction of a sign with approval of the MARC or city commission.
 - (11) No Permanent sign shall use fluorescent type coloring such as that known as “day-glow”.
 - (12) No sign shall be attached to the stairwell railing of a basement business unless a site specific waiver of this requirement is approved by the MARC or the city commission.
 - (13) Obstructive signs are prohibited.

- (14) No advertising sign within three hundred (300) feet of a residentially zoned area shall have any bulb that is greater than eleven (11) watts of incandescent lighting or generate more than one hundred sixty-five (165) lumens in light brightness. Public service information signs and other electronic message signs permitted within an area zoned for commercial or industrial use shall have a bulb no greater than seventy-five (75) watts of incandescent lighting or generate more than one thousand one hundred twenty-five (1125) lumens of light brightness.
- (15) Illuminated signs are permitted for buildings housing three (3) or more dwelling units.
- (16) No sign shall hide from a driver's view or interfere in any material degree with the effectiveness within five hundred (500) feet of any traffic control device, sign or signal.
- (17) No advertising sign, by reason of location, position, shape, or color may be designed to be confused with any public sign. The use of cautionary words such as: "stop", "danger", "caution", "beware" or similar words is prohibited.
- (18) No sign shall contain statements, words, or pictures of an obscene, indecent, pornographic, or immoral character.
- (19) Except for sidewalk signs in the downtown commercial area and signs above sidewalks, no sign shall be allowed in the public right-of-way unless otherwise provided for in this section.
- (20) Signs that can only be accessed from a state controlled roadway must have written approval from NDDOT.
- (21) No motorized vehicle or trailer on which is attached thereto or located thereon any sign or advertising device that provides the advertisement of products, services, or directs people to a business may be parked in a public right-of-way or on public property. This subsection shall not apply to vehicles that have been decorated with signs or messages advertising a business or product or to vehicular signs that are attached to or affixed on a motor vehicle used in the normal day-day-day operations of a business.
- (22) No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide air, ingress or egress for any building or structure.
- (23) Audio speakers or any form of pyrotechnics are prohibited on or in association with a sign.

(k) *Zoning district requirements.*

- (1) On single family and two family residentially zoned lots or subdivisions the following sign standards shall apply.
 - a. Each lot may have one (1) sign not exceeding two (2) square feet in area. The sign may be of a wall, foundation or projecting type. Signs may not project past the property boundary.
 - b. For existing subdivisions, one (1) sign not exceeding twelve (12) square feet in area is allowed at each principal entrance.

- c. For existing subdivisions, one (1) sign not exceeding six (6) square feet in area may be erected advertising property for sale or rent.
 - d. For new subdivisions, one (1) sign not exceeding thirty-two (32) square feet in area may be erected at each principal entrance advertising lots or dwellings for sale.
 - e. No sign shall be illuminated.
- (2) In business and industrial zoning districts and residential lots containing three (3) or more dwelling units the following sign standards shall apply.
- a. Each business on a lot containing one or two businesses may have an individual freestanding sign. Lots with more than two businesses must share any freestanding signage. The MARC shall determine the number of signs allowed on any lot with multiple businesses.
 - b. Each business may have one (1) projecting, roof or marquee sign per building side.
 - c. Each business may have one (1) wall sign per building side, unless the MARC approves a site specific waiver to allow more than one (1) sign per building side.
 - d. Each multi-family residential lot may have up to two (2) signs.
- (1) *Awnings and awning signs.*
- (1) Awnings may extend from a building over the public right-of-way two (2) feet less than the distance from building to curb. Such structures shall be at least eight (8) feet above the sidewalk or ground grade line. Suspended signage or valances shall be at least eight (8) feet above the sidewalk or ground grade line.
 - (2) Awnings should complement the building architecture. Awning shape, color, material, and location on the building shall be compatible with the building architecture and relate well to the dominant architectural features.
 - (3) Signs will be allowed on the band or the valance. Signs on a sloped surface shall be at the discretion of the MARC. The sign band shall be no greater than twelve (12) inches in the downtown commercial area. Signs shall not be the dominant feature of an awning.
 - (4) Awnings in historic areas and on historic buildings should respect the history of the area and buildings. Historic colors, styles, and mounting locations based on research, old photographs, and historic records are encouraged.
 - (5) Awnings should generally be located to fit within window and/or door recesses.
 - (6) A uniform shape, color, and placement should be used when multiple awnings are proposed for a single building. New awnings should generally match any existing awnings on the building. Existing inconsistent awning styles of a building do not justify

approval of additional or new awning styles. Inconsistent awning styles are to be reduced, not increased with new awning approvals.

- (7) Individual awning proposals for multi-tenant buildings will be evaluated as to their acceptability as a model for use by all other similarly located tenants in the buildings.
 - (8) Awnings shall be approved by the MARC if installed under significant eave overhangs, cantilevers, or other prominent architectural projections.
 - (9) In the downtown commercial area, day-glow colors, reflective materials and illuminated back lighting of transparent materials are not allowed unless a site specific waiver of this restriction is granted by the MARC.
 - (10) Solid colors or low contrast, non-jarring patterns are generally acceptable awning color treatments.
 - (11) Fabric awnings shall not be painted.
 - (12) Awnings shall be maintained in good repair with a clean and attractive appearance as long as they are installed on the building. Torn, bent and/or faded awnings shall be repaired, replaced or removed.
 - (13) An application for an awning that is submitted to the MARC shall include a sample of the proposed awning material to show color, texture and finish.
 - (14) If any upper story window is treated with an awning, then all upper story windows on that side of the building shall be treated with awnings, unless another design is approved by the MARC.
- (m) *Basement business signs.*
- (1) When only one business is utilizing a basement area, an appropriate wall sign may be provided.
 - (2) When two businesses exit from the basement of a building, appropriate signs or directories to such businesses may be provided on the wall over the entrance to the basement and coordinated with other building signs.
 - (3) Signs or directories shall not exceed nine (9) square feet in area.
- (n) *Benches or structures with signage.*
- (1) The total number of bench signs located in any district shall be limited and approved by the MARC.
 - (2) Bench signs shall not be located closer than seventy-five (75) feet to one another (measured from base to base).
 - (3) Maximum height of four (4) feet.
 - (4) Maximum sign area of twenty (20) square feet.

- (5) Only one advertising panel advertising one business is permitted per bench.
 - (6) Bench rental companies shall be licensed with the City.
 - (7) All signs and structures shall be properly maintained, well-kept and in good condition.
 - (8) If signage is out of date, the signage or the structure shall be removed or replaced.
 - (9) Signs must advertise Mandan businesses or events if they are located within public right-of-way.
 - (10) MARC must review and recommend the design and content of any bench sign that will be located in public right-of-way. The city commission must grant approval for any bench sign that is to be located in public right-of-way. City commission may include conditions or design requirements with its approval.
- (o) *Billboard signs.*
- (1) No billboard sign shall exceed a height of forty (40) feet above the lot grade of the adjacent roadway.
 - (2) The exposed upright or super structure of billboard signs shall be of non-corrosive metal materials or be painted a color so as to blend with the surrounding environment.
 - (3) Billboard signs shall be of all steel or similar material, constructed and designed in accordance with the Mandan Building Code.
 - (4) There shall be a minimum of three hundred (300) feet between billboards.
 - (5) All billboards shall meet City, State and Federal requirements and must be located totally on private property.
- (p) *Canopy and canopy signs.*
- (1) Canopies and canopy signs attached to a building may extend from the building into the public right-of-way to a point within two (2) feet of the back of curb or edge of pavement where there is no curb. No portion of such a structure or anything attached to the structure shall be lower than eight (8) feet above the sidewalk or ground grade line.
 - (2) Canopy signs shall not extend more than twelve (12) inches above or below a canopy.
 - (3) Canopy signs shall not extend closer than three (3) inches to any edge of a canopy.
 - (4) Canopy signs may be located beneath or above an overhead canopy but shall not project lower than eight (8) feet above the sidewalk.
 - (5) There shall be only one (1) canopy sign per business on each street exposure unless otherwise approved by the MARC.

- (6) Canopies should complement the building architecture. Canopy shape, color, material, and location on the building shall be compatible with the building architecture, relate well to the dominant architectural features, and not cover up or hide handsome materials or important details.
 - (7) Canopies in historic areas and on historic buildings should respect the history of the area and buildings. Historic colors, styles, and mounting locations based on research, old photographs, and historic records are encouraged.
 - (8) Individual canopy proposals for multi-tenant buildings will be evaluated as to their acceptability as a model for use by all other similarly located tenants in the buildings.
 - (9) Solid colors and/or low contrast, non-jarring patterns are generally acceptable canopy color treatments.
 - (10) All applications for canopies shall include a sample of the proposed awning material to show color, texture, and finish.
 - (11) If any upper story window is treated with a canopy, then all upper story windows shall be treated with canopies or as otherwise approved by the MARC.
- (q) *Electronic signs.*
- (1) Flashing is prohibited.
 - (2) The City reserves the right to require any sign to be modified based on display message including timing or frame changes or effects of movements displayed.
 - (3) Ground signs, as defined by the IBC Appendix H102 and commonly referred to as billboards or off-premise signs, are permitted in commercial and industrial districts. When adjacent to federal or state aid highways, all NDDOT standards for design and approval must be followed. In those districts where permitted, ground signs must be spaced at least three hundred (300) feet apart along the roadway. Ground signs may not exceed sixteen (16) feet by fifty (50) feet per face of sign in size (multiple faces must be treated as one face), and the support structure and sign may not exceed fifty (50) feet in height, measured from the top of the nearest curb line to the top of the sign or structure. Additional requirements for digital billboards are included elsewhere in this section.
 - (4) No electronic message center sign installed after January 1, 2010 shall be permitted to operate unless it is equipped with:
 - a. A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
 - b. A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.
 - (5) An electronic message center sign installed prior to January 1, 2010 shall be allowed to continue operation provided the brightness of the sign does not exceed a maximum illumination of five thousand (5,000) NITS during daylight hours or a maximum

illumination of seven hundred fifty (750) NITS between one-half hour before sunset to one-half hour after sunrise as measured at the sign's face at maximum brightness. These illumination levels may be set manually or by an alternative method approved by the Building Official.

- (6) Only one (1) electronic message center sign shall be allowed per property.
- (7) The electronic message center sign portion of any sign shall not exceed the area specified in the table below. The maximum size is based on the type of zoning district in which the sign is located and the functional classification of the roadway adjacent to the sign or fifty (50) percent of the total sign area, whichever is less.

| Zoning District | Functional Classification of Adjacent Roadway | | | | |
|-------------------------|---|--------------------|----------------|-----------|-------|
| | Interstate | Principal Arterial | Minor Arterial | Collector | Local |
| Industrial | 100 sf | 100 sf | 72 sf | 48 sf | 32 sf |
| Commercial | 100 sf | 100 sf | 72 sf | 48 sf | 32 sf |
| Neighborhood Commercial | 72 sf | 72 sf | 48 sf | 32 sf | 32 sf |

- (8) Electronic message center signs shall be subject to the following operational requirements:
 - a. The sign shall have a frame hold time of no less than one (1) second. The use of animation and background animation is allowed and is not subject to the one (1) second frame hold time requirement.
 - b. Entrance and exit effects may be used to transition from one frame to another, provided said entrance effects result in all of the text within the frame appearing at once or in the order that the text is normally read (including, but not limited to, scrolling from right to left or scrolling from bottom to top entrance effects). Entrance effects where all of the text within the frame does not appear at once or in the order that the text is normally read are prohibited (including, but not limited to, scrolling from left to right, scrolling from top to bottom, and entrance effects referred to as slot machine, slots, splice, mesh, radar, kaleidoscope and spin). There are no limitations on the types of exit effects used. Except for such transitions, each frame shall remain static with no additional frame or hold effects applied to text within the frame (including, but not limited to, the fading or flashing on any part of the message and hold effects referred to as flash, spin, twinkle, wavy and rumble). The use of bijou lights as a frame effect is allowed.
 - c. The use of streaming video or full-motion video on any electronic message center sign is prohibited.
- (9) Electronic message center signs located within three hundred (300) feet of any residentially zoned district, as measured from any part of the sign to the nearest property line within any residential zoning district, are subject to the following additional requirements:
 - a. The sign shall not exceed thirty-two (32) square feet in area, or fifty (50) percent of the total sign area, whichever is less.

- b. Between 7:00 a.m. and 10:00 p.m., the sign shall be allowed to operate. Between 10:00 p.m. and 7:00 a.m., the sign shall only display static images with a frame hold time of no less than three (3) seconds and shall be limited to instantaneous transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.
- (10) An electronic message center sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
 - (11) No portion of any existing sign shall be replaced with an electronic message center sign unless a sign permit is obtained for the new electronic message center sign.
 - (12) Digital billboards must be located at least three hundred (300) feet from any other non-digital ground sign (billboard), at least twelve hundred (1,200) feet from any other digital billboard, and at least five hundred (500) feet from an interstate interchange, as measured from any part of the sign to the nearest portion of any part of any other billboard sign on the same side of the roadway or to the nearest right-of-way line of the interchange. Digital billboards that face state or federal highways are subject to NDDOT regulation.
 - (13) Digital billboard signs shall have a frame hold time of no less than seven (7) seconds and must transition instantaneously from one static image to another static image without any special effects. The use of streaming video, full-motion video, and animation or frame effects is prohibited.
- (r) *Marquee and marquee signs.*
- (1) Marquees and marquee signs attached to a building may extend from the building into the public right-of-way to a point within two (2) feet of the back of curb or edge of pavement where there is no curb. No portion of such a structure or anything attached to the structure shall be lower than eight (8) feet above the sidewalk or ground grade line.
 - (2) A sign attached to the face of a marquee may not exceed three (3) feet above the top edge of the marquee and not to extend below the marquee's lower edge.
 - (3) Marquee signs shall be constructed entirely of approved materials and size.
 - (4) Marquee signs may extend the full length but in no case shall they project beyond the ends of the marquee.
- (s) *Monument signs.*
- (1) A monument sign shall be solid from the grade to the top of the structure using non-flammable architectural materials.
 - (2) The minimum setback is ten (10) feet from the property line or sight triangle, whichever is greater.
 - (3) The maximum allowable height of a monument sign is twelve (12) feet unless the sign is set back farther from the property line or sight triangle. For each additional two (2) feet

of setback, the height of the sign can be increased by one (1) foot up to a maximum sign height of sixteen (16) feet.

- (4) Monument signs may be incorporated into a retaining wall or masonry wall.
 - (5) The bottom edge of the sign portion of a monument sign must be in continuous contact with the base and be a minimum of twelve (12) inches above grade.
 - (6) Monument signs must be placed within a landscaped area.
- (t) *Post and panel signs.*
- (1) A post and panel sign shall be no taller than twelve (12) feet off the ground.
 - (2) No part of the sign may encroach on the sight triangle.
 - (3) The bottom edge of a post and panel sign must be a minimum of twelve (12) inches above grade and must be placed within a landscaped area.
 - (4) The support posts must be made of a non-flammable material or as otherwise approved by the MARC.
- (u) *Projecting signs.*
- (1) The bottom edge of the sign board, or of any affixed devices, must be at least eight (8) feet above grade.
 - (2) A projecting sign or any part thereof may not project more than thirty-six (36) inches from the face of the supporting building, not be within less than two (2) feet of the back of the curb, not be more than ten (10) feet in height and not be greater than thirty (30) inches in width.
 - (3) No projecting sign shall extend more than four (4) feet above a building roof eave or parapet.
 - (4) No projecting sign shall originate from other than a front wall of the building. The maximum square footage for sign face is fifty (50) square feet unless otherwise approved by the MARC.
 - (5) No projecting sign shall be permitted in any alleyway.
- (v) *Pylon and pole signs.*
- (1) No pylon or pole sign shall extend into a public utility easement or right-of-way.
 - (2) Unless a greater height is approved by the MARC for a specific property, the maximum pylon or pole sign height is twenty-five (25) feet in the downtown commercial area; forty (40) feet in the other commercial and industrial districts; and sixty (60) feet in the Gateway Overlay Zone.

- (3) The sign portion of a pylon or pole sign shall be a minimum of ten (10) feet above the top of curb or surrounding grade, whichever is higher. The clearance shall be a minimum of thirteen (13) feet within a vehicle parking or travel area.
 - (4) For single business properties with sufficient frontage, multiple pylon or pole signs will be allowed provided they can be set back from the adjacent or adjoining lot line a minimum of twenty-five (25) feet and are no closer to each other, as measured parallel to the property frontage, than one hundred fifty-five (155) feet or otherwise as approved by the MARC.
 - (5) A pylon or pole sign's support shall originate from the surface of the ground only and be made of non-flammable material.
 - (6) Pylon or pole signs may be used as a directory for more than one business.
- (w) *Roof signs.* Roof signs shall not project above the roof peak (this includes mounting brackets).
- (x) *Sidewalk signs.*
- (1) All signs must be self-supporting and not be attached to any other structure or object.
 - (2) One (1) sign of this type will be allowed per place of ground level business.
 - (3) The maximum width of a sign shall be two and one half (2.5) feet, a minimum height of three (3) feet and a maximum height of four (4) feet.
 - (4) The sign support and base shall not extend beyond the edge of the sign.
 - (5) A sign shall be placed only where a minimum width of three (3) feet for pedestrian movements can be maintained.
 - (6) This type of sign is allowed only within a business district.
 - (7) Signs may be placed on the sidewalk only during hours of operation and must be stored inside the building during non-business hours.
 - (8) Signs may be used for on-premise advertising only.
 - (9) Signs shall not be illuminated.
 - (10) Streamers, flags or banners shall not be attached to the sign or use the sign as an anchor.
- (y) *Temporary signs.*
- (1) Temporary signs are not to be used as a substitute for erecting a permanent sign. Temporary signs are to be used for short duration events that do not occur on a regular basis. Activities that repeatedly occur throughout the year are to be publicized using permanent signage.
 - (2) Off-premise temporary or portable signs may be used only in places where they meet all city, state and federal regulations. Signs proposed to be located along federal aid routes

that are impacted by the federal rules regulating off-premise signs must receive written permission from NDDOT. A copy of the written permission from NDDOT must be presented to the city building department prior to sign installation. Temporary or portable off-premise signs are treated the same as permanent billboards under federal law administered by NDDOT. Off-premise temporary or portable signs can be no closer together than 100 feet along a state highway.

- (3) The owner of a property where a temporary or portable off-premise sign is to be placed must provide the city with written permission for the placement of the sign prior to installation of the sign.
- (4) Except for the requirements for construction, finance and real estate signs and political signs; each type of temporary sign is limited to two hundred forty (240) days per calendar year per property.
- (5) Banner signs are limited to three (3) per property. The total area of all banner signs on a wall may not be larger than twenty percent (20%) of the wall surface area of the wall to which they are attached or which they are in front of.
- (6) Construction, finance and real estate signs.
 - a. Construction and finance signs may be displayed during the duration of the construction phase of a project and must be removed within thirty (30) days after receiving a certificate of occupancy.
 - b. Signs indicating real estate is for sale, sold, for rent or lease or under development that are larger than sixteen (16) square feet shall require approval from the MARC.
 - c. Real estate signs in place for more than three hundred sixty-five (365) days must be approved by the MARC.
 - d. Open house signs advertising a one or two day event that are no greater than thirty-six (36) inches in height and in place for less than forty-eight (48) hours may be placed in the public right-of-way provided that they are located at least one (1) foot behind the back of curb or three feet off the pavement where no curb exists. Other types of real estate signs or signs that will be in place for more than forty-eight (48) hours may be authorized by city commission to be placed in the public right-of-way.
 - e. Once a property has been sold, the sale sign must be removed within thirty (30) days after closing.
 - f. Parade of Homes signs shall conform to the following requirements.
 1. The signs shall be placed at least one (1) foot behind the back of curb or three (3) feet off the edge of pavement where no curb exists.
 2. The signs may be in place for no more than twelve (12) days twice each year.

3. The signs shall be located no closer than one hundred (100) feet to an intersection as measured from the pedestrian crossing or stop bar.
 4. The signs shall not be attached to trees, traffic control signs, traffic signal poles or street light poles.
 5. No ribbons, balloons, streamers, lighting or ancillary devices may be attached to the signs.
 6. The Bismarck-Mandan Home Builders Association shall be responsible for any costs incurred during installation or removal of the signs.
 7. The signs shall not be higher than three (3) feet above the road surface.
- (7) Flag signs are limited to one (1) per twenty (20) feet of lot frontage with a limit of five (5) per lot.
- (8) Political signs. Political signs shall follow North Dakota Century Code (NDCC) regulations.
- (9) Portable signs.
- a. All companies that rent portable signs to customers within the City must be licensed with the City and carry liability insurance in a form and amount specified by the city. Each rental sign shall have the rental companies name and phone number clearly visible on the sign.
 - b. All portable signs and sign lettering shall be properly maintained, well-kept and in good condition. The city may order removal of a sign that is not advertising a current event or is not being maintained in good condition.
 - c. No ribbons, balloons, streamers, lighting or ancillary devices may be attached to any portable sign.
 - d. Each property is allowed one (1) portable sign. Larger properties may have more than one (1) portable sign as long as they are placed a minimum of one hundred fifty-five (155) feet apart.
 - e. Maximum square footage for a portable sign shall be sixty-four (64) square feet and maximum height shall be eight (8) feet. The portable sign shall not be illuminated or electronic.
 - f. The Owner of each rented portable sign shall submit a monthly report to the Building Department showing days in use and the location of the sign.
 - g. Off-premise portable signs may only be used to advertise a seasonal or special event or the relocation of a business. Periodic sales at a retail store are not considered a seasonal or special event.
- (10) Streamers may be strung on a line or cord no longer than three (3) times the width of the lot.

(z) *Wall signs.*

- (1) Wall signs shall be securely fastened to the wall of a building by its supporting structure.
- (2) Wall signs placed against exterior walls of buildings and structures shall not extend more than twelve (12) inches from a wall's surface. The lowest edge of such sign shall be a minimum of eight (8) feet above grade unless a lower height is approved by MARC.
- (3) No combination of wall signs and supports shall exceed twenty (20) percent of the signable wall surface area up to a maximum of two hundred (200) square feet unless other limits are approved by the MARC.
- (4) Signs printed directly on exterior walls or surface of a building shall be prohibited.
- (5) No wall sign shall extend beyond the width of a building or project above the roof eave.
- (6) Wall signs advertising products or services not related to the primary business shall be approved by the MARC.
- (7) Second floor businesses can utilize wall signs to advertise their establishments but must do so between floors and not below their floor.
- (8) A wall sign shall not obstruct the required door or exit window of any building nor shall it be attached to or placed on fire escapes.

(aa) *Window signs.*

- (1) No paper or solid surface signs shall be permitted on a second floor window or above.
- (2) No window signs shall advertise or identify a business other than the one contained therein.

Section 3. Sec. 105-1-2 is reenacted and Sec. 105-1-15 is enacted as presented.