



# Community Development Department

**DATE:** January 19, 2022  
**FROM:** Ben Ehreth, AICP, Community Development Director  
**ITEM:** Sign Code Technical Revision – Zoning Ordinance Text Amendment

**REQUEST:**

The City of Bismarck Community Development Department is requesting approval of a zoning ordinance text amendment to the sign ordinance Chapter 14-03.1.

The new sign ordinance was adopted by the City Commission and went into effect on July 25, 2020. After a year of administering this new ordinance, staff from the Building Inspections and Planning Divisions have identified a few proposed changes that may clarify certain provisions and ease the permitting process for both the sign industry and city staff.

This amendment is not intended to make substantive changes to the ordinance, and no changes at all are proposed for portable signs, off-premise advertising signs, or signs in the downtown zoning districts.

Please place this item on the January 25, 2022 and February 8, 2022 City Commission meeting agendas.

**BACKGROUND INFORMATION:**

The Planning and Zoning Commission held a public hearing on this request on December 15, 2021.

No residents spoke at the public hearing and no written comments were received.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances.

**RECOMMENDED CITY COMMISSION ACTION:**

January 25<sup>th</sup> meeting of the City Commission – Consider the zoning ordinance text amendment as outlined in Ordinance 6497 and call for a public hearing on the item for the February 8<sup>th</sup> meeting.

February 8<sup>th</sup> meeting of the City Commission – Hold a public hearing on the zoning ordinance text amendment as outlined in Ordinance 6497 and take final action on the request.

**STAFF CONTACT INFORMATION:**

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# STAFF REPORT

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2021-005**

## Project Summary

<i>Title:</i>	Sign Ordinance Technical Revisions
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Project Contact:</i>	Daniel Nairn, AICP, Senior Planner
<i>Section(s) Amended:</i>	Chapter 14-03.1 Signs: Sections 01 (Definitions and Measurements), 02 (Permitting Procedures), 03 (General Standards), and 04 (Commercial Zoning District Standards).
<i>Request:</i>	Make technical revisions to the sign ordinance

## Staff Analysis

The City of Bismarck Community Development Department is requesting approval of a zoning ordinance text amendment for technical amendments to the sign ordinance Chapter 14-03.1.

The Planning and Zoning Commission considered this request at their meeting of November 17, 2021 and called for a public hearing on this zoning ordinance text amendment.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3<sup>rd</sup> and December 10<sup>th</sup>.

The new sign ordinance was adopted by the City Commission and went into effect on July 25, 2020. After a year of administering this new ordinance, staff from the Building Inspections and Planning Divisions have identified a few proposed changes that may clarify certain provisions and ease the permitting process for both the sign industry and city staff.

This amendment is not intended to make substantive changes to the ordinance, and no changes at all are proposed for portable signs,

off-premise advertising signs, or signs in the downtown zoning districts.

The following issues are addressed in this proposed amendment:

- Areas that are zoned P – Public and are adjacent to an A – Agricultural district or surrounded by a P – Public district will follow the residential standards, rather than the commercial standards.
- Written permission from the Police and Engineering Departments would no longer be required for approval of Electronic Message Centers (EMCs) or off-premise advertising signs. Staff from these departments will continue to be involved in all reviews and provide recommendations.
- Small-scale “electronic components” would be allowed on any permitted sign without the need to follow the more restrictive EMC process.
- Sign area measurement procedures are adjusted to allow a sign that can be viewed from multiple streets to combine allowable area from all.

*(continued)*

- Additional freestanding signs would be permitted on commercial parcels with more street frontage. The difference between pole and monument sign will no longer be relevant.
- EMCs will continue to require some static content, but the proportion and placement of the content will no longer be restricted.
- More details are provided on necessary elements of a site exhibit to be submitted with all signs.
- The definition of monument signs is broadened to include different types of bases.

**Required Findings of Fact** (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning

ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

**Attachments**

1. Draft zoning ordinance amendment

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**CITY OF BISMARCK**  
**Ordinance No. 6497**

<b>First Reading</b>	_____
<b>Second Reading</b>	_____
<b>Final Passage and Adoption</b>	_____
<b>Publication Date</b>	_____

AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 14-03.1 OF THE BISMARCK CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO SIGNS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Chapter 14-03.1 of the City of Bismarck Code of Ordinances relating to Definitions and Measurements is hereby amended and re-enacted to read as follows:

14-03.1-02. Definitions and Measurements.

1. Definitions of Terms. In addition to the overall definitions of zoning contained in Section 14-02-03 (Definitions) of the City Code of Ordinances, the following definitions represent the meanings of terms as they are used in this chapter:

\* \* \* \* \*

Commercial Zoning District: The CA - Commercial, CG - Commercial, HM - Health Medical, or RT - Residential zoning districts. Street frontages in a P - Public zoning district that are not adjacent to or across from a residential zoning district, the A - Agricultural zoning district, or another P - Public zoning district are considered to be within a commercial zoning district for the purpose of this section.

\* \* \* \* \*

Electronic Component: A small-scale electronic component of a permanent sign that meets all conditions of Section 14-03.1-05(10).

Electronic Message Center Sign (EMC): An on-premise advertising sign with a digital display of information that is capable of displaying characters, letters or illustrations and can be electronically changed by remote or automatic means. Small scale electronic components to signs that comply with all requirements of this ordinance are not included within this definition.

\* \* \* \* \*

Monument Sign: A freestanding sign supported by a solid base, extending to the ground, of at least ~~seventy-five (75)~~ fifty (50) percent of the sign width with the highest point of the sign face located eight (8) feet or less from the ground. Signs that are affixed to boulders or other inorganic natural features may be considered monument signs.

\* \* \* \* \*

Portable Sign: A sign that is constructed ~~so as~~ to be movable, either by skids, wheels, truck or other conveyance and which does not have a permanent foundation or is otherwise permanently fastened to the ground and is not actively used as a vehicle for movement of goods. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. However, sidewalk signs are not considered portable signs.

\* \* \* \* \*

Residential Zoning District: The R5 - Residential, R10 - Residential, RM - Residential, RMH - Residential, RR - Residential, or RR5 - Residential zoning districts. Lots or parcels within a P - Public zoning district that is adjacent to or across from a residential zoning district, the A - Agricultural zoning district, or another P - Public zoning district, are considered to be within a residential zoning district for the purpose of this section.

\* \* \* \* \*

2. Method of Measurement. All dimensional measurements in this chapter shall be calculated based on the following methods:

a. Determining Allowable Area. Wherever a total allowable sign area is applied in this chapter, the following methods shall be used to determine area measurements:

\* \* \* \* \*

iv. ~~The total allowable sign area is applied separately to the primary street frontage and any secondary street frontages as herein defined, and allowable area may not be transferred between frontages on a parcel. The total allowable sign area of any street frontage, whether primary or secondary, may be applied to any sign that is visible from that frontage, including the combined total from multiple street frontages. The total allowable sign area of any street frontage may not be applied to any sign that is not visible from that frontage.~~

(Ord. 6423, 07-25-20)

14-03.1-04 Permitting Procedures.

\* \* \* \* \*

3. Permit Submittal Requirements. The following items shall be submitted by an applicant to the Zoning Administrator prior to the issuance of any sign permit:

\* \* \* \* \*

c. Site Plan Exhibit. A site plan exhibit showing the dimensions of the sign, the exact location of the sign and any appurtenant features must be submitted for all pole signs, monuments signs, and off-premise advertising signs. The exhibit must include locations of all property lines, easements, sign setbacks, and structures in proximity to the proposed sign. This requirement may be waived by the Zoning Administrator if the sign is shown on an approved site plan for the overall development of the site.

\* \* \* \* \*

~~f. Public Safety Verification. For all new off-premise advertising signs or electronic message center signs, a written verification from the City Engineer and Chief of Police, or their designees, that the public safety provisions of Section 14-03.1-05 have been, or will be met, with the proposed sign is required.~~

(Ord. 6423, 07-25-20)

14-03.1-05 General Standards.

\* \* \* \* \*

10. Small-Scale Electronic Components. Any permanent permitted sign may include small-scale electronic components, which shall not be considered an electronic message center sign, subject to the following conditions:

- a. Each electronic component is no greater than five (5) square feet in size.
- b. No more than three (3) electronic components are included on any sign.
- c. Each frame of all electronic components is held for a minimum of three (3) hours before changing content.
- d. Each electronic component uses only one (1) color.

(Ord. 6423, 07-25-20)

14-03.1-08 Commercial Zoning District Standards.

\* \* \* \* \*

3. On-Premise Advertising Signs. In addition to general standards of Section 14-03.1-05, the following provisions apply to all on-premise advertising signs, excluding portable signs.

a. Freestanding Signs. Freestanding signs, including pole signs and monument signs, are permitted according to the following provisions:

- i. Number. ~~Pole~~ Freestanding signs shall be limited to one (1) ~~pole~~ freestanding sign per



street frontage per parcel, and ~~monument signs shall be limited to one (1) monument sign per street frontage per parcel.~~ Notwithstanding, parcels with a street frontage of greater than three hundred and fifty (350) feet are entitled to one (1) additional freestanding sign for each additional three hundred and fifty feet (350) for frontage. Multiple businesses operating on-premises may be advertised on any single sign.

\* \* \* \* \*

d. Electronic Message Center Signs. The following provisions apply to electronic message center signs within commercial zoning districts or industrial zoning districts, with the exception of electronic message center signs located within one hundred and fifty (150) feet of any residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district, which are subject to residential requirements for electronic message center signs in Section 14-03.1-07(5)d.

iv. Proportion of Sign. Electronic message center signs may only be included on ~~pole freestanding~~ freestanding signs that also contain static content. ~~The electronic portion of the sign may not exceed fifty (50) of the entire sign area, and must be entirely below the static portion of the sign.~~ Electronic message center signs used as wall signs are exempt from this requirement.

*(Ord. 6423, 07-25-20)*

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon final passage, adoption and publication.