

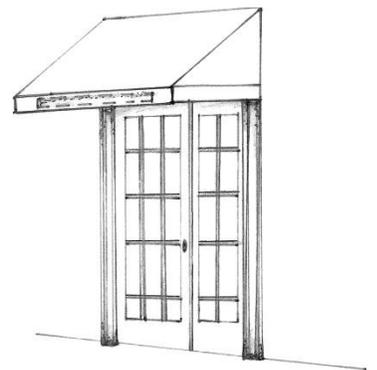
## CHAPTER 22 -- SIGNAGE REGULATIONS

### Section 22-1. Purpose:

Signs have an impact on the character and quality of the environment as a prominent part of the scenery; they attract or repel the viewing public and affect the safety of vehicular traffic. Their suitability or appropriateness helps to set the tone of the neighborhood. The purpose of this section shall be to regulate the placement, erection and maintenance of signs in the city so as to promote the health, safety, aesthetics, economic welfare and general welfare of the community. The following standards in this chapter are, therefore, adopted to regulate signs. This ordinance applies to all signs located in residential, commercial (except C3) and industrial zoning districts.

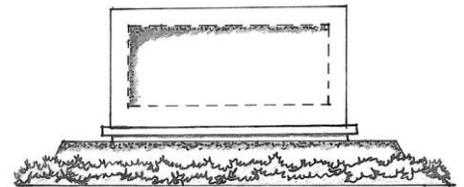
### Section 22-2. As used in this section the following terms shall have the following meanings:

- a) **Abandoned sign:** Shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found;
- b) **Awning:** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, doorway, walk or similar;
- c) **Balloon Sign:** A sign consisting of a bag made of lightweight material supported by helium or by hot or pressurized air, which is greater than twenty-four inches (24") in diameter;
- d) **Banner:** A temporary sign device generally made of flexible materials such as cloth, plastic, or other non-rigid material with no enclosing framework;
- e) **Building Sign:** Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy;
- f) **Canopy:** A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway;
- g) **Canopy Sign:** Any sign that is part of or attached to a canopy. A canopy sign is not a marquee and is different from service area canopy signs;
- h) **Clearance (of a sign):** Shall mean the smallest vertical distance between the grade of vehicular uses or pedestrian uses and the lowest point of any sign, including framework and embellishments, extending over that grade;
- i) **Construction sign:** Shall mean a temporary sign identifying parties involved in construction on the property on which the sign is located;
- j) **Cabinet sign:** A sign that contains all the text and/or logo symbols within a single enclosed cabinet;
- k) **Directional/information sign:** Shall mean an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g. parking or exit and entrance signs may

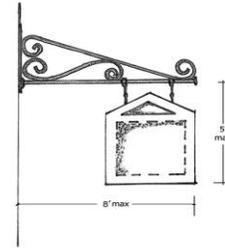


contain logo provided that the logo may not comprise more than twenty percent (20%) of the total sign area;

- l) Electronic Message Sign or Electronic Display Screen: An electrically activated changeable sign whose variable message capability can be electronically programmed. This does not include signs which contain weather information, date or time, or fuel prices;
- m) Flag: Shall mean any fabric or similar light weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices;
- n) Flashing Sign: A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling;
- o) Freestanding sign: Shall mean a sign supported permanently upon the ground or by poles or braces and not attached directly to any building;
- p) Height of Sign: The height of a sign shall be computed as the vertical distance measure from the base of the sign at grade to the top of the highest attached component of the sign or sign structure;
- q) High impact sign: A sign that contains a mobile electronic message center, automatically changing sign faces, vehicles or other device of significant signage, or other hi-impact business promotion mechanisms.
- r) Illuminated sign: Shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign;
- s) Incidental sign: Shall mean a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business;
- t) Monument sign: Shall mean a sign mounted directly to the ground not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is at least as wide as the sign and has not more than two (2) sides;
- u) Nonconforming Sign: A sign that does not conform to the requirements of this section:
  - 1) Legal: A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto, but which does not conform to the regulations of this Ordinance;
  - 2) Illegal: A sign which was constructed after the passage of this Ordinance or amendments thereto, but which does not conform to the regulations of this Ordinance, or a sign which existed prior to the adoption of this sub-Ordinance which did not conform to regulations then in effect.
- v) Billboard: Shall mean a sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located (e.g. "billboards" or "outdoor advertising"), excluding signs advertising houses of worship and non-profit organizations;



- w) Portable sign: Any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code. 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. Portable Signs and High Impact Signs are mutually exclusive.
- x) Project identification sign: Shall mean a freestanding ground or wall sign identifying a recognized subdivision, condominium complex, or development;
- y) Projecting sign: Shall mean a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign;
- z) Real estate sign: Shall mean a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale;
- aa) Roof sign: Shall mean any sign erected over or on the roof of a building;
- bb) Sandwich board sign: A freestanding temporary sign with only two sides that are situated adjacent to a business with the intent to attract traffic to businesses. Sandwich board signs are not meant to be read by vehicular traffic. A sandwich board sign does not fall under the requirements for temporary signage.
- cc) Sign: Shall mean any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, good, or service;
- dd) Sign, area of: Shall mean the area shall be within a single, continuous perimeter composed of the smallest rectangle which encloses the extreme limits of the advertising message, not including embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area. For a freestanding or projecting sign only one (1) side of any double-or multiple-faced sign shall be counted in calculating its area;
- ee) Stringer: Shall mean a line of string, rope, cording, or an equivalent to which is attached a number of pennants;
- ff) Temporary Sign: Shall mean a sign erected and displayed or intended to be erected or displayed for a limited period of time as designated by in Sec.22-6.
- gg) Wall sign: Shall mean a sign attached essentially parallel to and extending not more than twenty four inches (24") from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and signs on a mansard;
- hh) Window sign: Shall mean a sign installed inside or outside a window and intended to be viewed from the outside.



Section 22-3. General Provisions:

- a) No sign permitted by this title shall, by reason of its location, color or intensity, lighting, glare, focus, animation or flashing create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", etc., unless such sign is needed to direct traffic on the premises. No sign may be placed in a manner as to materially impeded vision between a height of two and one-half (2 ½) feet and ten (10) feet above the center grade of the intersecting streets within thirty (30) feet to the point of curvature of the intersecting street curbs.
- b) All signs and sign structures shall be properly maintained in a safe, orderly condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
- c) All signs shall be constructed in accordance with the City of Minot adopted building and electrical codes. The maximum brightness shall not exceed one hundred (100) foot-lamberts (A unit of brightness equal to  $1/\pi$  candela per square foot).
- d) No sign shall be erected, placed or maintained on fences, trees, power and light poles or the supports thereof, except as allowed at special events. Signs on rocks shall be allowed if they use metal letters and numbers or the commercial message is etched into the surface of the rock.
- e) No signs shall be erected or temporarily placed or project within any street rights of way or upon any public lands or easements or rights of way. All monument signs above six (6) feet in height are subject to the same setbacks as the principal building.
- f) Window signs shall not cover more than thirty-five percent (35%) of the window area on each elevation of a building. Holiday signs placed in windows shall be included in the thirty-five percent (35%) window area. All window signs shall be placed on the inside surface of the glass, except for window signs of paint or decal application applied directly to the glass surface.
- g) Commercial message of the sign shall be neat and orderly and not obscene. The signs shall be professionally prepared.
- h) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- i) Signs with external lighting shall have no exposed light sources or fixtures unless decorative fixtures are utilized and the light source is fully concealed and diffused. If a wall sign is mounted above the first floor of a building, the illumination, if any, shall be internal.
- j) The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such sign shall be underground.
- k) All signs except billboard/off premise signs shall be located on the property that contains the principal building in which the sign is advertising. No monument or freestanding sign shall be installed on vacant property.

#### Section 22-4. Prohibited Signs:

The following signs are prohibited in all zoning districts:

- a) Signs painted on or attached to rocks, trees, or other natural objects.
- b) Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
- c) Signs on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency.
- d) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
- e) Abandoned Signs: Any abandoned sign (not in use, not containing a sign face) must be removed within six months of date of abandonment. Removal shall include removal of abandoned structural components.
- f) Signs that are not clean or in substantial good repair; or are not affixed to a sound structure.
- g) Signs advertising activities that are illegal under Federal, State, or local laws and regulations.
- h) Roof Signs.
- i) Any sign which contains or consists of banners, bannerettes, pennants, ribbons, streamers, strings of light bulbs, balloons and hot or cold air inflatable devices, spinners, portable signs or similar outdoor advertising devices, except as may be approved by a special event permit in accordance with the provisions as set forth in section Sec. 22-6.

#### Section 22-5. Exempt Signs:

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

- a) Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of twenty (20) square feet and are not located in a required sign setback.
- b) Real estate sales or management signs with an area of less than ten (10) square feet.
- c) Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
- d) Seasonal decorations for display on private or public property.
- e) On-premise construction signs with a maximum sign area of ten (10) square feet in residential districts and ninety-six (96) square feet in other districts. Such signs must be removed within one week after the completion of the construction project to which they refer.
- f) One (1) temporary sign per zoned lot for grand openings or special events provided that such sign remains in place for a maximum of seven days.
- g) Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
- h) Residential signs below two (2) square feet in size (address sign)
- i) Neighborhood or subdivision identification signs under fifty (50) square feet.
- j) Street Numbers

## Section 22-6. Temporary Signs:

Temporary (banner) signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:

Temporary signs in C1, C2, GMU, M1 and M2 districts shall be allowed based on the following regulations:

- a) No more than two (2) temporary signs (banner or portable sign) not exceeding forty eight (48) total square feet in the C1 and M1 districts and one hundred and fifty (150) total square feet in the C2 and M2 districts may be placed on an outside building wall (or tenant space in the case of multiple occupancy) to advertise special events, grand openings, or holidays. Temporary signs shall not have more than two (2) faces.
- b) Each sign shall be allowed to be displayed for a maximum period of forty-five (45) days prior to a special event or holiday and shall be removed five (5) days following the event or holiday;
- c) Temporary signs shall be secured in a manner as to prevent them from being moved or blown over by the wind.
- d) Temporary signs shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic or wood finished surfaces and shall be maintained in good conditions;
- e) If any Temporary Sign is not removed by the end of the forty-five (45) day period, the Zoning Administrator or his/her designee may remove it and charge the costs of removal to the individual or enterprise responsible or property owner.
- f) Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:
  - 1) Such signs are installed no earlier than thirty (30) days before the date of the event or election and removed no later than seven (7) days after the date of the event or election.
  - 2) The maximum size of such signs is thirty-two (32) square feet when located in any R or C1 district; and one hundred (100) square feet in any other zoning district.
- g) Portable signs: In the C2, GMU, M1 and M2 districts, portable signs shall not exceed sixty-four (64) square feet nor exceed eight (8) feet in height. Portable signs shall not be placed in the right-of-way. Portable signs may be displayed at a location for a period not to exceed thirty (30) consecutive days. Upon termination of the display, a portable sign may not be displayed again at the same location for an additional fourteen (14) days. In no event may a portable sign be displayed at the same location for more than ninety-eight (98) days in any single calendar year. Portable signs are prohibited in all other zoning districts not specifically listed above. A high impact sign may not be displayed at a location at which a portable sign is displayed; neither shall a portable sign be displayed at a location at which a high impact sign is displayed.

With respect to multi-tenant properties in C2, GMU, M1 and M2 districts consisting of three (3) or more businesses under six (6) or more separate leases, a maximum of either:

- (a) two (2) portable signs or (b) one (1) portable sign and one (1) high impact sign may

be displayed during any given period on such multi-tenant property. For every four (4) businesses in addition to the initial three (3) businesses, one (1) additional portable sign is allowed.

Portable signs with blinking, flashing or fluttering lights or other illuminating devices which have a changing intensity; brightness or color may not be displayed within three hundred (300) feet of any residential zoning district.

- h) High Impact Signs: A high impact sign may be displayed for a period no longer than the following:
  - 1) In C2, GMU, M1 and M2 districts, high impact signs may be displayed at a location for a period not to exceed fourteen (14) days in any twelve (12) month period, but in no event may a high impact sign be displayed within three hundred (300) feet of any residential zoning district, as measured in all directions. High impact signs are prohibited in all other zoning districts.
  - 2) A high impact sign may not be displayed on a parcel upon which a portable sign is displayed; provided, however that a maximum of either: (a) two (2) high impact signs or (b) one (1) portable sign and one (1) high impact sign may be displayed during any given period on a multi-tenant property containing three or more businesses as described.
- i) Sandwich Board Signs: Sandwich board signs are two (2) sided temporary signs which are allowed by annual permit only. Sandwich board signs may be no more than three (3) feet in width and four (4) feet in height and must be located within twenty (20) feet of the main entrance to the business they advertise. Sandwich board signs must be placed upon private property, leaving a minimum of four (4) feet of clearance for pedestrian access. Sandwich board signs may not be placed upon the public sidewalk, except in the Central Business District. Sandwich board signs may be used only during business hours and must be removed daily.

#### Section 22-7. Signs Allowed By Permit:

##### Residential Area Identification Signs:

- a) Two (2) residential area identification signs shall be permitted for each multiple family residential complex and two (2) residential area identification signs shall be permitted for each entrance to a residential subdivision or manufactured home park. For purposes of this section, residential subdivisions shall include all phases of approved staged developments.
- b) The residential area identification sign shall be located at the entrance to the residential subdivision (inside right-of-way), multiple family residential complex or manufactured home park.
- c) Residential area identification signs shall not encroach into any public right-of-way or be located upon any public easement.
- d) The name, address and/or logo portion of a residential area identification sign shall not exceed forty-eight (48) square feet.
- e) Residential area identification signs shall be constructed of durable, weather-resistant materials, and all letters or characters on such signs shall be dimensional.

- f) Any lighting of a residential area identification sign shall be from an external source directed at the sign, rather than from internal illumination. Lighting for the sign shall be so directed as to not interfere with the movement of traffic on adjacent roadways or be a nuisance to adjacent property owners.

Section 22-8. Commercial Districts Allowable Signage (C1, C2 and GMU):

- a) One (1) freestanding sign (or monument) is allowed per business establishment, provided that no more than two (2) business establishments are located on the same lot. Where more than two (2) business establishments are located on the same lot, and an additional freestanding sign is sought, a site plan must be submitted to the Planning Commission for review as a Conditional Use Permit. However, in multi-use establishments it is strongly recommended that a common sign be shared by all business establishments. In addition to one freestanding sign, a business establishment may have one projecting or wall sign. Freestanding signs shall be setback fifteen (15) feet from the front property line on collectors and arterial and ten (10) along all other roadways. Limitations to business signs are as follows:
- 1) Freestanding signs may be erected not exceeding forty-five (45) feet in height. The sign face shall not exceed three (3) square feet per one (1) foot of lot frontage where the sign is to be placed, up to a maximum of one hundred-fifty (150) square feet (primary cabinet); but in any event, fifty (50) square feet is permitted. A secondary tenant or digital panel shall be permitted up to eighty percent (80%) of primary cabinet sign square footage.
  - 2) Projecting signs may be erected with a sign face of not more than fifty (50) square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
  - 3) Wall signs may be erected with a sign face not exceeding the larger of twenty (20%) of the facade to which it is attached or sixty (60) square feet up to a maximum of two hundred (200) square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
  - 4) The minimum pole sign height clearance to the bottom of the sign, including the cross bracing, framing or sign enclosure shall be fourteen (14) or twelve (12) with ground protection.
  - 5) All freestanding signs (monument or pole mounted) shall be located with the pole and edge of sign located completely within the property line.
  - 6) All freestanding signs shall be subject to sight triangle requirements as approved by the Traffic Engineer.

Section 22-9. Industrial Districts Allowable Signage (M1, M2, M3):

- a) One freestanding sign is allowed per business establishment, provided that no more than two (2) business establishments are located on the same lot. Where more than two (2) business establishments are located on the same lot, and an additional freestanding sign is sought, a site plan must be submitted to the Planning Commission for review as a Conditional Use. However, in multi-use establishments such as this it is strongly recommended that a common sign be shared by all business establishments. In addition to

one freestanding sign, a business establishment may have one projecting or wall sign. Limitations to business signs are as follows:

- 1) Freestanding signs may be erected not exceeding fifty (50) feet in height on local roads and collectors and seventy-five (75) feet in height when facing an arterial or principle roadway. The sign face shall not exceed three (3) square feet per one (1) foot of lot frontage where the sign is to be placed, up to a maximum two hundred and fifty (250) square feet; but in any event, sixty (60) square feet is permitted. A secondary tenant or digital panel shall be permitted up to sixty percent (60%) of primary cabinet sign square footage.
- 2) The minimum pole sign height clearance to the bottom of the sign, including the cross bracing, framing or sign enclosure shall be eight (8) feet.
- 3) Projecting signs may be erected with a sign face of not more than fifty (50) square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
- 4) Wall signs may be erected with a sign face not exceeding the larger of twenty percent (20 %) of the facade to which it is attached or sixty (60) square feet up to a maximum of two hundred (200) square feet. The sign shall not extend above the top of the wall or facade to which it is attached.

#### Section 22-10. Billboards:

- a) Billboards are permitted only on the following roadways and upon properties zoned Commercial or Industrial: Highway 83; Highway 2/ 52 Bypass; Highway 2 E & Highway 2 W; Burdick Expressway; Highway 83 Bypass; 55<sup>th</sup> Street NE ; Bypass; Highway 52.
- b) A sign permit shall be required for approval of a billboard pursuant to this Ordinance. The applicant shall provide landowner approval prior to the issuance of a sign permit for a billboard.
- c) The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of, or in control of, said billboard.
- d) The maximum sign size shall be six hundred and seventy-two (672) square feet (as the sign base). An additional amount, up to twenty percent (20%) of the sign base, shall be allowed for sign extension elements beyond the sign base.
- e) The maximum sign height to the uppermost portion shall be fifty (50) feet. The building setback limitation for the zoning district in which the sign is located shall apply to principal structure setbacks for billboards.
- f) Billboards shall be a single support, metal structure free of any supports or guywires. The metal shall be either painted or treated in such a manner as to prevent deterioration.
- g) Billboards shall have a maximum of two (2) faces.
- h) Billboards signs, including mounting pole and devices, shall be located inside of the outside edge of the roadway easement in which the billboard sign is located.

Section 22-11. Billboard/Off-Premise Sign Spacing Requirement:

No off-premise sign or digital billboard shall be placed in a location that causes it to violate any of the following spacing requirements:

- a) Sensitive Land Uses: Spacing of off-premise signs and digital billboards from any residential zoning district, public institutional zoning district, mixed-use zoning district allowing residential uses, religious institutions, parks, or schools shall be at least 300 feet, as measured from the curbline of the street along the same side of the street in which the sign is oriented, unless one or more structures or objects obstructs the view of all or substantially all of the sign from such residences, religious institutions, parks or schools.
- b) Spacing between off-premise signs shall be at least five hundred (500) feet, as measured from the curbline of the street along the same side of the street along in which the sign is oriented.
- c) Digital Billboards: Spacing between digital billboards shall be at least one thousand (1,000) feet, as measured from the curbline of the street along the same side of the street in which the sign is oriented.

Section 22-12. Digital Billboards:

Digital billboards are subject to the following additional conditions:

- a) Hold Time: Signs shall display a static message which message may not change or be changed for a period of at least seven (7) seconds.
- b) Message Transitions: The transition from one such static message to the next shall occur instantaneously without the use of animation, flashing or frame effects.
- c) Sign Brightness: Digital billboards shall come equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.
  - 1) All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measuring distance shall be calculated with the following formula: The square root of the product of the sign area and one-hundred.

Example using a 12 square foot sign:

$$\text{Measurement Distance} = \sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$$

Section 22-13. General Permit Procedures:

- a) Applicability: Any installation, modification, or expansion of any sign which is not exempt from the provisions of this Section shall be subject to the following permit procedure prior to installation.

- b) Sign permits shall be issued for individually zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.
- c) Sign Permit Applications. All applications for sign permits shall be submitted to the Building Official in accordance with application specifications established by the Building Official.
- d) Application Fees: Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution.
- e) Permit Expiration: If a sign is not constructed in accordance with an approved permit within twelve months of the date of approval, such permit shall lapse.
- f) Assignment of Sign Permits: A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

Section 22-14. Nonconforming Signs:

- a) All permanent signs in place and lawfully established on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.
- b) Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than fifty percent (50%) of its replacement cost, shall be either removed or altered so as to comply with this Section.