



City of Grand Forks Staff Report

Planning and Zoning Commission – April 3, 2019
City Council – April 15, 2019

Agenda Item: 3-3 (Final – Public Hearing) Final approval of an ordinance to amend the sign code as it relates to permitted signs in residential zoning districts.

Prepared by:

Submitted by: Brad Gengler, City Planner

Staff Recommended Action: Recommend final approval of the request from the Planning Department, on behalf of the City of Grand Forks, for final approval of an ordinance to amend the text of the Land Development Code, Chapter XVIII of the Grand Forks City Code of 1987, as amended, amending Article 3, Rules and Regulations; Section 18-0301 Signs, relating to signs in residential zoning districts. Recommend the City Council give final approval of the attached ordinance on April 15, 2019.

March 6, 2019 – Committee Recommended Action: Motion by Reichert, second by Johnson, to approve staff recommendation, subject to amending the ordinance to reflect consistent use of terms regarding electronic signs; increasing the notification area to 200 feet; and to revise the appeal process. Motion carried unanimously.

March 18, 2019 – Council Action: Approved on consent agenda.

April 3, 2019 – Committee Recommended Action:

April 15, 2019 – Council Action:

COMMISSION ACTION: The Planning and Zoning Commission gave preliminary approval to the attached ordinance on March 6, 2019. The Commission made the following amendments to the proposed ordinance submitted by staff, which have been included in the attached draft ordinance:

1. Reference to electronic signs needs to be consistent throughout the ordinance – “electronic changeable copy” signs.
2. Increase the property owner notification area to 250 feet.
3. Commission members expressed a desire to modify the appeal process as it relates specifically to the signs addressed in the attached ordinance. Staff recommends preliminary approval with the caveat that the sign subcommittee meet again after preliminary approval by the Council to address the specific intentions of changes to the appeal process.

On March 18 the City Council gave preliminary approval to the ordinance. On March 20 the sign subcommittee met to discuss the final draft of the proposed ordinance. The group concurred that the current draft should be forwarded to the Commission for final approval as written.

BACKGROUND: On February 15th, 2019 the sign subcommittee of the Planning and Zoning Commission met to discuss the proposed sign code amendment for non-residential uses in residential zoning districts. A previous version of the amendment was voided by the City Council in January 2019 in order for a new draft to be submitted.

The purpose of the ordinance is to redefine the type of stand-alone signs permitted for churches, schools, non-profit organizations and public institutions (non-residential uses). Current code provides for the following freestanding type of sign in conventional residential districts:

One (1) identification sign, not to exceed fifty (50) square feet in area and not over fifteen (15) feet in height for the following uses: church, school, sanitarium, club, library, charitable institution, funeral home, recreational vehicle park, and similar uses.

Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. This sign may be an electronic changeable copy sign provided that the copy is limited to text only. In addition, the electronic message board portion of the sign is limited to fifty (50) percent of the sign surface area.

The sign subcommittee discussed several options for the new draft ordinance. Below are the key areas within the new draft ordinance: (bold text added for emphasis)

- (1) **One (1) freestanding sign** as defined herein is permitted per property.
- (2) No single sign surface area shall exceed **fifty (50) square feet**. The total sign surface area shall not exceed **one hundred (100) square feet**.
- (3) The sign shall not exceed **eight (8) feet in height**.
- (4) The sign may be an electronic changeable copy sign, subject to the following:
 - (a) The electronic message board portion of the sign is limited to **fifty (50) percent** of the sign surface area. (*This is consistent with electronic signs in other districts.*)
 - (b) The display area and each portion thereof must be static for at least **one (1) hour** between static displays. The messages displayed on multi-sided signs must be the same. (*The subcommittee determined a static hold time of 1 hour would be less of an impact on surrounding residential uses opposed to allowing moving elements on the sign*)
 - (c) The following display **features and functions are prohibited**: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.

- (d) Any part of the electronic sign must be oriented to avoid any glare on adjacent property.
- (e) The brightness level shall not exceed 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign surface area, measured as follows:

Area of Sign Measurement

(sq ft)	Distance
10	32
15	39
20	45
25	50

- (f) Unless otherwise stated herein, electronic changeable copy signs are subject to Section 18-0301(3) (JJ).
- (5) In addition to the standards set forth in Section 18-0301.1 relating to appeals to the sign code, the planning director shall notify all property owners within ~~one hundred fifty (150)~~ two hundred fifty (250) feet of a sign subject to an appeal request prior to the Planning and Zoning Commission taking action on the appeal.

A main concern expressed by the subcommittee was the proximity of the electronic signs to adjacent and nearby homes. Current code states that if an electronic sign is located within 150 feet of a residentially used lot in a residential zone, any part of the electronic sign must be oriented to avoid any glare on adjacent property. Attached is Section 18-0301 (3)(JJ) for reference.

ANALYSIS AND FINDINGS OF FACT:

- Ordinance amendments require two actions by both the Planning and Zoning Commission and the City Council.

SUPPORT MATERIALS:

- Existing sign code appeal process
- Section 18-0301 (3)(JJ)
- Proposed final ordinance

(Existing sign code appeal process)

18-0301.1. - Appeals.

- (1) Any person aggrieved by any final decision of the planning department and/or building inspection department denying any application, permit, or approval relating to a sign may appeal such denial to the city council. Prior to consideration of such an appeal by the city council, the appeal must first be submitted to the planning and zoning commission for its recommendations. Upon receipt of the recommendations of the planning and zoning commission, the city council may alter the decision upon a finding:
 - (A) That there are special circumstances or conditions affecting the property which is the subject of the appeal such that the strict application of the provisions of section 18-0301 would deprive the appellant of the reasonable use of the land.
 - (B) That the granting of the appeal is necessary for the preservation and enjoyment of a substantial property right of the appellant.
 - (C) That the granting of the appeal will not be detrimental to the public health, safety, and welfare or injurious to other property or persons in the area in which the appeal relates.
 - (D) That the granting of the appeal will not reduce site lines at any intersection, roadway, entrance, or exit; will not interfere with the use or operation of any city or public utility or infrastructure; or will not cause any other detriment to public health, safety, or welfare.
 - (E) That the granting of the appeal will not create visual clutter or an unreasonable concentration of on and/or off-premise advertising signs in the area to which the appeal relates.
- (2) Application for any such appeal shall be submitted in writing to the office of the city planner by the owner of the property where any such sign or sign structure is proposed. The application shall fully and clearly state all facts relied upon by the petitioner and shall be supplemented with maps, plans, photographs, diagrams or other additional data which may aid in the analysis of the requested appeal. A fee shall be paid in accordance with section 18-1103.
- (3) Reasonable conditions may be established in the granting of an appeal under this section.
- (4) No appeal shall be granted to allow any sign to be erected or maintained in any zone or area in which such sign is not otherwise allowed.

(Ord. No. 3938, § I, 8-19-02; Ord. No. 4105, § III, 12-19-05)

18-0301. - Signs.

(3) *General sign provisions.* The following regulations shall apply to all signs and sign structures hereinafter permitted in all districts:

(JJ) *Electronic changeable copy sign provisions.*

1. *General operational standards.*

A. All electronic changeable copy signs must meet the following general operational standards:

- (1) *Orientation.* Except for provided herein, when located within one hundred fifty (150) feet of a residentially used lot in a residential zone, any part of the electronic sign must be oriented to avoid any glare on adjacent property,
- (2) *Setback from other electronic changeable copy signs.* Electronic changeable copy signs must be separated from other electronic changeable copy signs by at least thirty-five (35) feet.
- (3) *Dimmer control.* Electronic changeable copy signs must have an automatic dimmer control to automatically reduce the illumination at night and during times of reduced ambient light.
- (4) *Streaming video.* No streaming video shall be displayed, excluding type I and type II event center signs.
- (5) *Location.* No sign shall be maintained at any location where by reason of its position, size, shape, color or brightness it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.
- (6) *Audio or pyrotechnics.* Audio speakers and any form of pyrotechnics are prohibited.
- (7) *Rotating signs.* Except for multivision signs, no sign shall have rotating or moving parts.

2. *Specific provisions.*

A. *Electronic changeable copy signs, on premises.*

1. *Duration.* All signs must have a minimum duration of one (1) second.
2. *Text.* Text messages and background graphics may scroll in a consistent and predictable manner.
3. *A multivision sign.*
 - (a) *Default mechanism.* All signs must be equipped with a properly functioning default mechanism that will stop the sign in one (1) position should a malfunction occur.

- (b) *Duration.* The display area and each portion thereof must be static for at least six (6) seconds between static displays. Transition time must be no longer than two (2) seconds

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER XVIII, ARTICLE 3, SECTION 18-0204 RULES AND DEFINITIONS AND SECTION 18-0301 SIGNS OF THE GRAND FORKS CITY CODE RELATING TO SIGNS IN THE R-1, R-2, R-3, R-4, R-5 AND R-M DISTRICTS.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION 1 AMENDING CLAUSE

Section 18-0301 of the Grand Forks City Code relating to signs is hereby amended to provide as follows.

...

(3) *General sign provisions.* The following regulations shall apply to all signs and sign structures hereinafter permitted in all districts:

~~(P) — No sign structure except for multivision signs shall have more than two (2) surfaces used for advertising display.~~

(4) *Signs permitted in R-1, R-2, R-3, R-4, R-5 and R-M.* No on-premises business sign, nameplate sign, wall sign or home occupation sign shall be erected except the following:

...

~~(D) — One (1) identification sign, not to exceed fifty (50) square feet in area and not over fifteen (15) feet in height for the following uses: church, school, sanitarium, club, library, charitable institution, funeral home, recreational vehicle park, and similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. This sign may be an electronic changeable copy sign provided that the copy is limited to text only. In addition, the electronic message board portion of the sign is limited to fifty (50) percent of the sign surface area.~~

(D) Free standing signs, as defined herein, are permitted for churches, schools, non-profit charitable organizations and other public institutions.

- (1) One (1) freestanding sign as defined herein is permitted per property.
- (2) No single sign surface area shall exceed fifty (50) square feet. The total sign surface area shall not exceed one hundred (100) square feet.
- (3) The sign shall not exceed eight (8) feet in height.
- (4) The sign may be an electronic changeable copy sign, subject to the following:
 - (a) The electronic ~~message board~~ changeable copy portion of the sign is limited to fifty (50) percent of the sign surface area.
 - (b) The display area and each portion thereof must be static for at least one (1) hour between static displays. The messages displayed on multi-sided signs must be the same.
 - (c) The following display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.
 - (d) Any part of the electronic changeable copy sign must be oriented to avoid any glare on adjacent property.
 - (e) The brightness level shall not exceed 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign surface area, measured as follows:

Area of Sign Measurement

(sq ft)	Distance
10	32
15	39
20	45
25	50

- (f) Unless otherwise stated herein, electronic changeable copy signs are subject to Section 18-0301 (3)(JJ).

- (5) In addition to the standards set forth in Section 18-0301.1 relating to appeals to the sign code, the planning director shall notify all property owners within ~~one hundred fifty (150)~~ two hundred fifty (250) feet of the subject sign prior to the planning and zoning commission taking action on the appeal.

SECTION 2 EFFECTIVE DATE

This ordinance shall be in full force and effect after its passage and approval as provided by law.

Michael R. Brown, Mayor

ATTEST:

Maureen Storstad, Director
Finance & Administrative Services

Introduction and first reading:
Public Hearing:
Second reading and final passage:
Approved:
Published: Not required by law.