



COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 1, 2019
FROM: Ben Ehreth, AICP, Community Development Director
ITEM: Update of Proposed City of Bismarck Sign Code

REQUEST

Provide an update to the Bismarck Board of City Commissioners regarding the proposed City of Bismarck Sign Code amendment.

Please place this item on the October 8, 2019 City Commission meeting.

BACKGROUND INFORMATION

Over the past several months Community Development department staff have been working with a stakeholder group comprised of local sign industry and business representatives to develop a zoning ordinance text amendment to add a new chapter to Title 14 (Zoning) of the City Code of Ordinances pertaining to the regulation of signs. The proposed zoning ordinance text amendment will replace several existing references to sign regulation spread throughout various chapters of Title 4 and 14 of the City Code of Ordinances.

Why regulate signage?

Sign regulation seeks to balance business interests with public safety, as well as, the overall visual impact on the community. It attempts to minimize obstructed views of traffic control devices and other roadway users while minimizing driver distraction to the extent possible. Sign regulation allows for greater legibility of all signs. Furthermore, sign regulation attempts to create an overall positive community image for businesses, residents, and visitors.

Why develop a new sign code?

City staff is pursuing a new sign code for a variety of reasons. Currently, Bismarck's sign code is split between various sections of Title 4 and Title 14, as well as, the International Building Code. The proposal will consolidate sign regulation into one location making it easier for staff and the public to access, with basic provisions and permitting procedures outlined. The proposed sign code will be content neutral to align with a recent US Supreme Court ruling on sign regulation. Additionally, the sign code will provide regulation for signs that are presently unregulated.

What's happened since the September 10, 2019 City Commission Meeting?

Although the proposed sign code includes much more than regulations associated with portable signage, Community Development staff sought direction from the City Commission at the September 10, 2019 meeting specifically regarding this type of signage, as it is presently unregulated within the community and consensus was unable to be reached on an associated duration period. Staff received several comments from the Board of City Commission providing the following general direction:

- Preference voiced to incorporate some form of licensing/permitting for portable signage
- Request of staff to document the current number and location of portable signs in the community
- Multiple comments voiced to consider portable sign regulation that is consistent with Mandan in terms of duration
- Concern voiced about portable signage in residential areas
- Preference voiced for the proposed regulation to limit portable signage to on premise locations with the exception of community events
- Request of staff to report back to the Board of City Commissioners after the initial Planning and Zoning Commission public hear on September 25, 2019

Since the September 10, 2019 Board of City Commission meeting a draft of the proposed ordinance was presented, for public hearing, at the September 25, 2019 Planning and Zoning Commission meeting. The draft sign code included a portable sign duration period of a total of 240 days in a calendar year, consistent with the City of Mandan. It should be noted that the City of Bismarck previously regulated portable signage through the Uniform Sign Code (a component of the Uniform Building Code) up until 2012. The previous regulation limited portable signs to a total of 60 days and a size no greater than 24 square feet. As the City of Bismarck transitioned from the Uniform Building Code to the International Building Code, during this timeframe, it was believed that the portable signage regulation provided by the Uniform Sign Code was inadvertently eliminated as part of the transition.

On September 25, 2019, the Bismarck Planning and Zoning Commission opened the public hearing on the proposed sign code and at the request of Community Development staff agreed to continue the public hearing until November 20, 2019 to consider comments and direction received. At the public hearing two members of the public provided written testimony and seven members of the public provided in-person testimony, regarding the proposed sign code. Following is a summary of comments/concerns/questions provided as part of the testimony:

- Multiple sign company concerns over the duration period proposed for portable signage
- Various sign company concerns over various signage definitions
- A sign company concern over proposed sign heights
- A sign company concern regarding directional signage not being permit exempt
- A sign company concern over setback of sign requirement in residential areas
- A sign company concern over Electronic Message Center requirements in downtown and residential areas
- A sign company concern over special use requirements for Electronic Message Center signs in residential areas and to construct a sign up to 80' in height for Interstate oriented freestanding signs
- Various comments expressing support for some type of sign regulation
- Request from Bismarck-Mandan Board of Realtors to meet with Community Development staff to ask questions, share concern, and offer suggestions, particularly in relation to commercial real estate signs

- The Bismarck-Mandan Homebuilders Association expressed concerns over proposed regulation associated with Development Signs and will be providing suggestions for consideration
- A private resident concern over existing and proposed sign height for signs in the RT zoning district as well as compatibility of commercial signage in residential areas
- A sign company concern over appearance and lack of maintenance of portable signs
- A sign company concern about how staff will inform sign companies of new sign regulations
- A sign company concern regarding how sign regulations will be enforced
- A sign company recommendation that off-premise portable signs should be allowed within a certain distance of the business being advertised
- A sign company concern that presently commercial real estate signs are subject to same regulations as portable signs
- A sign company concern that portable sign companies generally comply with local regulations but individual businesses which may own a portable sign may not
- A sign company suggestion that the City of Bismarck should alter its current regulation of off-premise advertising signs to be consistent with NDDOT permit requirements.

What's next?

Per the request of the Bismarck Board of City Commissioners, Community Development staff is currently in the process of documenting the number and location of existing portable signs within the community. We will also be facilitating an additional meeting(s) with the sign ordinance stakeholder group, as well as, meeting with groups such as the Bismarck-Mandan Board of Realtors and potentially others as invited to discuss the latest proposed ordinance and remaining concerns/questions.

An update on the sign ordinance efforts since the September 25, 2019 Planning and Zoning Commission meeting will be provided at the October 23, 2019 Planning and Zoning Commission meeting with the continued public hearing on this item set for the November 20, 2019 Planning and Zoning Commission meeting.

RECOMMENDED CITY COMMISSION ACTION

This item is for information only and no action is necessary at this time.

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