

## Zoning Commission Minutes

July 31, 2014  
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Klayton Oltmanns, Sue Larsen, Jay Elkin, Kurt Froelich, Duane Grundhauser and Larry Messer present and absent was Gene Jackson. Also present were Planner Steve Josephson, and Auditor Kay Haag.

Duane Grundhauser moved to approve the minutes from the June 26, 2014 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Kevin and Rita Burwick. The request is for a zoning change from Agricultural to Rural Residential located in the SE4 of Section 6, Township 140, Range 97 containing approximately 6.40 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the zoning change from Agricultural to Rural Residential following staff recommendations for Kevin and Rita Burwick. Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

### **STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:**

- The proposed rezoning is consistent with the development pattern in the vicinity.

### **The request is consistent with the following objectives of the Stark County Comprehensive Plan:**

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chairman Hoff opened the public hearing on the proposed amendments to the Stark County Zoning Ordinance as adopted on October 2, 2012. Chairman Hoff asked for anyone to speak for or against the proposed amendments. Chairman Hoff closed the public hearing.

Discussion was held on proposed amendments to the following:

#### **ARTICLE V**

#### **ZONING DISTRICT REGULATIONS**

##### **5.1 Agriculture District - Purpose**

The Agricultural District is established to encourage preservation and protection of agricultural lands and the ideal of the family farm and to discourage uses incompatible with agricultural operations or detrimental to agricultural lands.

##### **5.1.1 Permitted uses**

- 1) All types of farming and ranching operations including dairying, livestock, poultry raising, apiaries, and fur farming.
- 2) Truck gardening, nurseries, greenhouse and roadside stands offering for sale only those farm products which have been grown on the premises.
- 3) Accessory buildings and structures necessary to the operation of farms or ranches.

- 4) Animal hospitals and clinics provided they are not located nearer than five hundred (500) feet from any residence except the residence of the owner-operator.
- 5) Cemeteries.
- 6) Churches and related facilities.
- 7) Noncommercial grain elevators and accessory structures.
- 8) Home occupations and rural home occupations
- 9) Public parks and recreational facilities, wildlife and game management areas and refuges.
- 10) Public, private, and parochial schools.
- 11) Single-family residence
- 12) Oil and Gas Drilling and Production
- 13) Libraries
- 14) Oil and Gas Exploration

## 1 6.26 Signs

The purpose of regulating signs in the county is to provide for a visually pleasant environment and minimize potentially unsafe conditions while also offering opportunities for public and private information and advertising.

### ~~6.26.1 General Requirements~~

- ~~1) Signs providing directions for permitted uses shall not be larger than twenty (20) square feet in area.~~
- ~~2) Signs providing directions for conditional uses shall not be larger than forty (40) square feet.~~
- ~~3) Advertising signs shall not be larger than ninety-six (96) square feet.~~

### ~~6.26.2 Special Requirements~~

- ~~1) Signs in a Residential District shall be limited to: (a) one sign per dwelling structure not exceeding twelve (12) square feet in an area which may be wall, pedestal, ground or projecting type; (b) One temporary sign such as "For Sale", or "For Rent", not exceeding twenty (20) square feet in area.~~
- ~~2) Signs in the Commercial and Industrial Districts shall be limited to: (a) one general identification sign per business not exceeding fifty (50) square feet in area which may be wall, pedestal, ground, or projecting type; (b) temporary signs including "For Sale", political campaign signs, greeting signs, and rally signs not exceeding fifty (50) square feet in area; (c) directory and advertising signs in the Agricultural, Commercial, and Industrial districts shall not be larger than ninety-six (96) square feet in area and placed nearer than six hundred (600) feet apart.~~
- ~~2) The placement of all signs shall be subject to the setback requirements of the district in which they are located and in no event upon a county roadway or right of way.~~
- ~~3) No flashing or bare bulb signs are allowed.~~
- ~~4) Signs if allowed in Residential Districts are limited to ten (10) feet in height.~~
- ~~5) Signs in Agricultural, Commercial, and Industrial Districts shall be limited to twenty-five (25) feet in height.~~

### 6.26.1 Definition of Terms

The following definitions shall be used for terms contained in this that are not otherwise defined in the Stark County Zoning Ordinance.

- 1. Abandoned Sign: A sign which, for a period of at least 180 consecutive calendar days no longer advertises or identifies a legal business establishment, product or activity.**

2. **Aggregate sign area: The total available sign area of all sides or portions of a sign.**
3. **Animated sign: A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, osculates or visibly alters in appearance.**
4. **Attached Sign: A sign which is structurally connected to a building or depends upon that building for support.**
5. **Awning: A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for supporting framework.**
6. **Awning Sign: A message printed on an awning.**
7. **Banner Sign: Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.**
8. **Billboard Sign: An off-premises sign that is principally designed to direct attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. A Billboard Sign is an off-premises sign.**
9. **Building frontage: The linear length of a building facing a public street right-of-way, exclusive of alleys, or the linear length of the street right-of-way, whichever is smaller.**
10. **Building Marker: A historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.**
11. **Building Sign: A sign displayed upon or attached to any part of the exterior of a building. Roof signs and wall signs are considered building signs.**
12. **Canopy Sign: A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted or printed.**
13. **Clearance: The distance from the bottom of a sign elevated above grade and the grade below.**
14. **Detached Sign: A sign, other than a billboard sign or digital billboard sign, which is self-supporting and structurally independent from any building.**
15. **Directional Sign: A sign located at the exit or entrance of a premises that has two or more driveways.**
16. **Digital Billboard Sign: A billboard sign that is designed to convey its message, information, and advertising copy by LED or other digital means. A digital billboard sign is an off-premises sign.**

**Double-Faced Sign: A sign consisting of no more than two parallel faces or V-pattern**

Jay Elkin moved to approve the proposed amendments following staff recommendations. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

**STAFF RECOMMENDATION:** Among the proposed changes to the Zoning Code are the following:

**ARTICLE IV**

5.1-Agricultural District- Under Permitted Uses, changed “Grain Elevators” to “Noncommercial Grain Elevators.”

**ARTICLE VI**

6.26-Signs-Replaces the general requirements and special requirements in Chapter 6.26 with definitions and requirements for on-premise signs, and restricts off-premises signs to those existing prior to this amendment.

**STAFF RECOMMENDATION: Approval of the proposed amendments based upon the following findings:**

The proposed amendments are consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE D-Provide for proper growth management practices; and
- LAND USE E-Avoid conflicts between land uses.

The proposed amendments are consistent with the following implementation strategies of the Stark County Comprehensive Plan:

- ECONOMIC DEVELOPMENT- Stark County supports the land use and zoning designation of an adequate supply of commercial and industrial land as needed to attract quality business and industrial development within the County. In particular this type of growth should be directed not only to areas adjacent to Dickinson but also to the rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield and the Highway 10 corridor between Dickinson and South Heart.
- GOVERNMENTAL-Stark County supports working for the development of consistent and complementary zoning ordinances, subdivision regulations, and annexation procedures between Stark County and the cities within the county.
- GOVERNMENTAL- Stark County supports the periodic review of county codes and ordinances to ensure their current relevancy;
- LAND USE-Stark County supports working toward uniform land use regulations.

Klayton Oltmanns moved to adjourn. Duane Grundhauser seconded.