

## **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 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.
17. Double-Faced Sign: A sign consisting of no more than two parallel faces or V-pattern faces supported by a single structure.
18. Electronic Message Sign: A sign emitting an illuminated message, image or design created electronically by any light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optics, or any other combination of light sources creating a message. This definition shall include time, temperature and date signs. An electronic message sign which has copy which moves or appears to be moving, flashing, changing color, pulsing or alternating shall be considered an animated sign.
19. Flag: Any fabric, banner or bunting containing distinct colors, patterns or symbols, which is used or may be used as a symbol of a government, political subdivision, corporation, business, or other entity. A flag may also be used to express symbolic speech or for decorative purposes. For the purpose of these regulations, the message expressed by a flag shall not be relevant to the display of the flag.
20. Ground Sign: A sign, other than a billboard sign or digital billboard sign, that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building with a building clearance less than three feet and vertical clearance of less than three (3) feet. Monument signs are considered ground signs.
21. Illuminated sign: An illuminated sign is one which either:
  - a. Provides artificial light through exposed bulbs, lamps or luminous tubes on the sign surface;
  - b. Emits light through transparent or translucent material from a source within the sign; or

- c. Reflects light from a source intentionally directed upon it.
- 22. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
- 23. Marquee: A permanent roof-like shelter extending from part or all of the building face usually over a public right-of-way.
- 24. Monument Sign: Any sign, other than a pole or pylon sign, which is placed upon or supported by structures or supports in or upon the ground and independent of support from any building.
- 25. Moving Sign: A sign which conveys its message through rotating, changing, or animated elements.
- 26. Nonconforming Sign: A sign that was legally erected prior to the adoption of Section 6.26 but which does not conform to the provisions thereof.
- 27. Off-Premises Sign: Any sign that identifies or directs 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.
- 28. On-Premises Sign: Any sign that (1) principally displays a non-commercial message; or (2) identifies or directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location on the premises where the sign is located.
- 29. Permanent Sign: A sign which is affixed to a building or the ground in compliance with the requirements of the Stark County Building Code and any other applicable Federal, State or local laws and in such a manner as to be immobile without the use of extraordinary means, such as disassembly.
- 30. Pole Sign: An on-premises sign built on a freestanding frame, mast or pole(s) with a clearance greater than three (3) feet.
- 31. Portable Sign: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
- 32. Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.
- 33. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.

34. Pylon sign: Any sign, other than a billboard sign or digital billboard sign, which is supported by structures or supports in or upon the ground and independent of support from any building with a building clearance of three feet and a vertical clearance of four feet or higher. The base width of the pylon sign shall be no less than 50 percent of the sign length.
35. Residential Sign: A small detached or attached sign located on a residential property, conveying a message communicated by the owner of the property.
36. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
  - a. Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
  - b. Above-Peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
37. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
38. Sign Area: The entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including a sign structure that does not bear copy. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. A double-faced sign shall be permitted to have the allowed area of a single-faced sign on each of the two faces of the double-faced sign.
39. Sign Height: Sign height shall be measured from the centerline of the road that provides access to the Premises, nearest the base of the sign to the highest point of the sign structure.
40. Sign Type: A functional description of the use of an individual sign.
41. Street Frontage: The length of the property line for a single parcel which runs parallel to and along each public right-of-way (exclusive of alleys) it borders.
42. Temporary Signs: A sign which is installed for a period not to exceed thirty (30) days.
43. Vision-Clearance Area: An area contained within a triangle with legs of thirty feet from the point at which the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway, meet.
44. Wall Sign: A sign attached to and parallel with the side of a building.

45. Window Sign: A window sign is one that lets light or air through to the habitable part of the building and which is painted on, attached to or visible through a window excluding displays of merchandise.
46. Zoned Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

### **6.26.2 General Sign and Street Graphics Regulations**

#### **A. Compliance**

Each sign or part of a sign erected within the zoning jurisdiction of Stark County must comply with the provisions of Section 6.26 of the Stark County Zoning Ordinance and such other relevant provisions of the Stark County Zoning Ordinance and relevant building codes including the following:

1. International Building Code, as adopted by Stark County;
2. National Electric Code; and
3. Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways (North Dakota Department of Transportation);

#### **B. Relation to Zoning Regulations and Building Regulations**

1. Signs, which are considered structures for the purposes of Chapter 6.26, shall comply with the land use regulations for the zoning district in which they are located; provided, however, that signs may be located in a setback area required by the zoning district;
2. All planned unit development districts (PUD) shall comply with either the requirements of the underlying zoning district or requirements as specified within the PUD.

#### **C. Resolution of Conflicting Regulations**

In the event any of the provisions of Chapter 6.26 are in conflict with other applicable requirements, the more restrictive requirement shall apply.

#### **D. Prohibited Signs**

The following signs are prohibited in all zoning districts:

1. Any sign painted on or attached to rocks, trees, or other natural objects.
2. Any sign or sign structure that resembles or conflicts with traffic control signs or devices, that misleads or confuses persons traveling on public streets, or that creates a traffic hazard.

3. Any sign on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency.
4. Any sign that creates a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscures official signs or signals.
5. Abandoned Signs. Any abandoned sign must be removed within six months of date of abandonment. Removal shall include removal of abandoned structural components. If not removed by the property owner in compliance herewith, the County may proceed to remove the abandoned sign and charge the costs thereof to the property owner.
6. Any sign that is not clean or in substantial good repair, or is not affixed to a sound structure.
7. Any sign advertising activities that are illegal under federal, state, or local laws and regulations.
8. Awning signs.
9. Roof signs.
10. Animated signs that move or change messages and/or displays more than once every one (1) second.
11. Electronic message signs that move or change messages and/or displays more than once every one (1) second.
12. Moving signs that move or change messages and/or displays more than once every one (1) second.
13. Marquee signs that are not constructed of some durable material such as metal, glass or plastic.
14. Any sign erected or intended for the specific purpose or with the intended effect of hiding or covering from view of the public an adjacent or nearby sign.
15. Any sign using or employing flashing, blinking, or moving lights or lighting elements.
16. Any sign using or employing neon lights; provided, however, that neon tubing or LED tubing that maintains a constant light and does not have a flashing, blinking, or moving effect shall be permitted.
17. Any sign using or employing audio speakers, laser lights, strobe lights, searchlights, beacons, or any similar upward or outward oriented lighting or sound elements.
18. Any sign that creates or has the potential to create a public safety hazard.

19. Any obscene or indecent sign that, in whole or in part, shows sexually oriented devices, specified anatomical areas, or specified sexual activities.
20. Any sign within the vision-clearance area.
21. Any sign or advertising device not expressly permitted under this Chapter is prohibited.

As of the effective date of this section, no new billboard signs, digital billboard signs, and other off-premises signs shall be permitted. Billboards, digital signs and other off-premises signs existing prior to the effective date of this section shall be considered non-conforming and shall be limited to their existing sign area and height.

#### E. Exempt Signs

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

1. 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 the required building setback.
2. Real estate sales or management signs with an area of less than ten (10) square feet.
3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
4. Seasonal decorations for display on private property or public property.
5. On-premises construction signs with a maximum sign area of ten (10) square feet in residential districts and thirty two (32) square feet in other districts. Such signs must be removed within one week after the completion of the construction project to which they refer.
6. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
7. Residential signs under two (2) square feet.
8. Neighborhood or subdivision identification signs under fifty (50) square feet.
9. Street Numbers.
10. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
11. Building Markers

F. Temporary and Civic Signs

1. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
  - a. Such signs are subject to the permit procedures set forth in this Chapter 6.26.
  - b. The size of such signs does not exceed the limitations set forth in Chapter 6.26.
  - c. No more than one such sign is permitted at any single Premises.
  - d. Temporary or portable signs may be present at any single Premises for a maximum of thirty (30) days per year.
  - e. 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.
  - f. 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.
  - g. The maximum size of such signs is thirty two (32) square feet when located in any residential zoning district; and one hundred (100) square feet in any other zoning district.

**Section 6.26.3 Basic Design Elements for On-Premises Signs**

The following on-premises signs are permitted as set forth herein:

- A. Building signs are permitted in all zoning districts except residentially zoned districts subject to the following provisions:
1. Maximum height: A building sign shall not be permitted above the roofline, cornice line, parapet, or the highest point of the building facade.
  2. Maximum sign area: Each premises, and in the case of multi-occupancy buildings, each unit, shall be permitted to display building sign(s), the aggregate sign area of which shall not exceed one square foot per each linear foot of building frontage facing a public street or parking lot, but in no event more than two hundred (200) square feet of aggregate sign area. For each unit not facing a public street or parking lot, the aggregate sign area shall not exceed one square foot for each lineal foot of unit frontage for the elevation on which the building sign will be installed, but in no event more than two hundred (200) square feet of aggregate sign area. Each premises shall be entitled to a minimum aggregate sign area of twenty (20) square feet.

3. Other limitations: Building signs shall not project more than four feet from the building wall to which the sign is attached, nor shall a building sign project into the public right-of-way

B. Canopy signs are permitted in commercial and industrial zoning districts subject to the following provisions:

1. Canopy signs shall be allowed in addition to building signs.
2. The aggregate sign area of all canopy signs and building signs combined per elevation shall not exceed the aggregate sign area permitted for building signs.
3. Canopy signs shall not be permitted above the roofline of the canopy structure.

C. Ground signs: Ground signs are permitted in all zoning classifications subject to the following provisions:

1. General ground sign provisions

- a. Maximum Height: The maximum height of ground signs is ten (10) feet. Monument signs shall be set back a minimum of five (5) feet from the right-of-way line, but shall be permitted an increase in height of one foot for each one foot of additional setback provided from the right-of-way line up to a maximum height of twenty (20) feet when adjacent to U.S. Interstate 94 or fifteen (15) feet when adjacent to state highways, arterial roadways, collectors and local roads.
- b. Setback: All ground signs shall be set back a minimum of five (5) feet from the property line or rights-of-way.

2. Non-Residential Zoning District

1. Maximum Number: Each premises having street frontage of less than six hundred (600) feet shall be permitted to have one ground sign. Each premises with street frontage of six hundred (600) feet or more shall be permitted to have one ground sign and one additional ground sign for each additional six hundred (600) feet of street frontage.
2. Maximum Sign Area: The maximum allowable aggregate sign area for each ground sign shall not exceed one square foot for each lineal foot of public street frontage on the street where the sign is located or one hundred (100) square feet, whichever is less. A double-faced sign shall be permitted to have the allowed area of a single-faced sign on each of the two faces of the double-faced sign.

If a premises is permitted to have more than one ground sign, then all allowable ground signs may be combined into a single ground sign which shall not exceed two

hundred (200) square feet in aggregate sign area, and no single face shall exceed one hundred (100) square feet in aggregate sign area.

Ground signs shall be placed no closer than three hundred (300) feet apart on the same premises.

### 3. Residential Zoning Districts

- a. Each residential dwelling will be permitted to have one ground sign not exceeding six (6) square feet of aggregate sign area and not exceeding six (6) feet in height. Nothing contained in this paragraph shall be construed to permit a sign if private restrictions prohibit or restrict the display of signs.
- b. Residential support uses: Each residential support use will be permitted to have one ground sign not exceeding thirty two (32) square feet of aggregate sign area and not exceeding eight (8) feet in height.
- c. Residential entry signs: Not more than two ground signs are permitted to be installed or erected at each entrance to a platted subdivision, multiple family development (apartments, condominiums and mobile home parks) provided the combined aggregate sign area of said signs shall not exceed fifty (50) square feet.

D. Pole Signs and Pylon Signs: Pole signs and pylon signs are permitted in all Commercial and Industrial zoning classifications subject to the following provisions:

#### 1. General Pole and Pylon Sign provisions

- a. Maximum Height: A pole sign shall not exceed twenty (20) feet in height, or forty (40) feet in height if within one hundred (100) feet of I-94 rights-of-way. A pylon sign shall not exceed thirty (30) feet, or fifty (50) in height if within one hundred (100) feet of I-94 rights of way.
- b. Setback: All pole signs and pylon signs shall be set back a minimum of five (5) feet from the property line and/or right of way line and not within the vision-clearance area.
- c. Vertical Clearance: All pole signs must have a minimum of ten (10) feet over sidewalks and outside of parking areas and driveways; fourteen (14) feet over parking lots; and eighteen (18) feet over alleys or driveways

#### 2. Commercial and Industrial Zoning Districts

- a. Maximum Number: Each premises having street frontage of less than six hundred (600) feet shall be permitted to have one pole sign or pylon sign.

Each premises with street frontage of six hundred (600) feet or greater shall be permitted to have one pole sign or pylon sign and one additional pole sign or pylon sign for each additional six hundred (600) feet of street frontage. Pole signs and pylon signs shall be placed no closer than three hundred (300) feet apart on the same premises.

- b. **Maximum Sign Area:** The maximum allowable aggregate sign area for each pole sign shall not exceed one square foot for each lineal foot of public street frontage on the street where the sign is located or two hundred (200) square feet, whichever is less and no single sign face shall exceed one hundred (100) square feet in aggregate sign area. A double-faced sign shall be permitted to have the allowed area of a single-faced sign on each of the two faces of the double-faced sign. Pylon signs are allowed an additional twenty percent (20%) increase over the maximum sign area as described above.

If a premises is permitted to have more than one pole sign or pylon sign, then all allowable pole signs or pylon signs may be combined into a single ground sign which shall not exceed two hundred (200) square feet in aggregate sign area. Pylon signs are allowed an additional twenty percent (20%) increase over the maximum sign area as described above.

- E. **Flags.** Each premises shall be permitted to display a maximum of number of five (5) flags, and the aggregate sign area of such flags shall not be included in the calculation of building signs for the premises; provided that any flag displayed on a premises shall only be displayed from a flagpole. Additional flags may be permitted by a special use permit.
- F. **Window Signs.** Window signs shall be permitted, provided that such signs, in aggregate sign area, do not cover more than fifty percent (50%) of the total window surface area of the premises facing a public street or parking lot. Window signs shall not be included in calculating the aggregate sign area for building signs.

#### **Section 6.26.4            General Permit Procedures**

##### **A.        Applicability**

Any installation, modification, or expansion of any sign which is not exempt from the provisions of this Chapter 6.26 shall be subject to the following permit procedure prior to installation.

##### **B.        Maintenance of Valid Sign Permit**

The owner of a sign requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. 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 Zoning Administrator upon the specified application form.

D. Any nonagricultural and/or nonresidential development with three (3) or more tenants shall submit a sign plan, which includes the following:

1. A summary table listing the location, sign type and area of any existing and proposed signs.
2. A fully dimensioned and scaled elevation drawings of any proposed sign, showing sign type, height, structure and sign area.
3. For building signs, an elevation of the building, showing placement of any sign.
4. If the sign is to be electrically lighted, additional information regarding the Testing Laboratory or the ETL No., and the name and address of the electrical contractor as required by the Zoning Administrator.
5. Information regarding the type of construction, sign supports and electrical details. Fawned load calculations and footer details as required by the Building Code.

**6.26.5 Action and Appeal**

After submission of a complete application for a sign permit, the Zoning Administrator shall either:

1. Issue the sign permit, if the sign conforms to the provisions of this Chapter.
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Chapter 6.26. The cause for rejection shall be stated in writing.
3. Determinations of the Zoning Administrator may be appealed to the Planning and Zoning Commission, as provided in Article VIII.

**6.26.6 Permit Expiration**

If a sign is not constructed in accordance with an approved permit within twelve (12) months of the date of approval, such permit shall lapse and become null and void.

**6.26.7 Assignment of Sign Permits**

A current and valid sign permit shall be freely assignable to any successor-in-interest.

### **6.26.8 Illegal and Nonconforming Signs**

- A. Any sign erected after September 4, 2014 within the zoning jurisdiction of Stark County, North Dakota that does not conform to the provisions of Chapter 6.26 shall be deemed an illegal sign and shall be removed at the sole cost and expense of the owner thereof. The County shall notify the owner of such sign in writing of such violation and provide the owner thirty (30) days to remove the sign or to bring it into compliance with this chapter. Upon any failure to remove the sign or comply with the notice, the County shall cause the removal of the sign. Any costs of removal incurred by the County shall be assessed to the owner of the property on which sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall constitute a lien on the property.
- B. Any permanent sign in place and lawfully established as of September 4, 2014, that does not conform to the provisions of this Section 6.26 shall be deemed a legal nonconforming sign.
- C. A legal nonconforming sign that is permanently affixed to the ground or to a building may continue to be used and its copy changed from time to time; provided, however, that the nonconforming sign (a) shall not be replaced except in conformity with this Section; and (b) shall not be enlarged, altered, or reconstructed except in conformity with this Section. Such legal nonconforming sign may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
- D. Any legal nonconforming sign may be reconstructed, altered, or repaired after any damage not exceeding fifty percent (50%) of its replacement cost, provided that the sign's degree of nonconformity is not increased in any way.
- E. Any legal nonconforming sign that is presently or becomes structurally damaged in excess of fifty percent (50%) of its replacement cost at the time of such destruction shall not be reconstructed, repaired, or altered except in conformity with this Article 39.10. The owner of such structurally-damaged sign shall apply for a new sign permit in accordance with this Chapter 6.26 in order to construct a conforming replacement sign.

### **6.26.8 Administration**

The Zoning Administrator or designee shall be the administrator of this Section.

### **6.26.9 Severability**

In the event any section of this Chapter 6.26 is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter 6.26 shall continue in full force and effect.