



Spearfish Planning Commission

Agenda

Tuesday, January 7, 2020 - 3:00 PM

Meeting Location: City Hall City Council Chambers, 625 N Fifth Street, Spearfish SD 57783

A. Call To Order

B. Roll Call

C. Approve the Minutes from December 3, 2019

D. Declaration of Conflicts of Interest

E. Items for Action

- 1. Request: Approve an amendment to The Revised Ordinances for the City of Spearfish, Appendix A – Zoning, Article V, Supplemental Regulations, Section 6, Sign Regulations**

Location: City-wide

Applicant: City of Spearfish

Action: Set a public hearing for January 21, 2020

- 2. Request: Amend the C-1 Central Commercial parking requirements**

Location: C-1 zoning districts

Applicant: City of Spearfish

Action: Provide comment and input; no action required

F. City Council Update

G. Public Comment

Public comments are welcome at this time, however, no action will be taken.

H. Adjournment



Spearfish Planning Commission
Regular Session Minutes
December 3, 2019

The Spearfish Planning Commission met in regular session on Tuesday, December 3, 2019 at 3:00 pm in the council chambers at Spearfish City Hall. Chairman Kruskamp called the meeting to order at 3:00 pm. Roll call was taken with the following members present: Toby Bordewyk, Larry Vavruska, Barbara Zwetzig, Greg Kruskamp, Meghan Byrum, Drew Skjoldal, and Bob Meyer. Also present: City Planner Jayna Watson, City Attorney Ashley McDonald, and City Administrator Mike Harmon.

APPROVAL OF MINUTES:

Byrum moved, Vavruska seconded and all voted to approve the minutes of the Planning Commission meeting of Tuesday, November 19, 2019 as presented.

DECLARATIONS OF CONFLICTS OF INTEREST:

Kruskamp called for any potential conflicts of interest to be identified. No conflicts were expressed.

- Request: Approve a revision to the Vieland Development Review District (DRD) concept plan; and final plan approval on the northeast portion of the concept plan.**
Location: South of Colorado Boulevard and west of the Elkhorn Ridge Campground
Applicant: Ryan Wordeman and City of Spearfish

Watson provided an overview of the updated information regarding the storage building project and noted the staff recommendation with conditions of approval. Ryan Wordeman responded to a question pertaining to the building setback from Colorado Blvd. Vavruska left the meeting prior to the public hearing. Kruskamp opened the public hearing. No persons offered testimony. Kruskamp closed the public hearing. **Zwetzig moved, Skjoldal seconded and all voted to recommend approval per the conditions of the staff report.**

- Request: Amend the C-1 Central Commercial Parking requirements.**
Location: C-1 zoning districts
Applicant: City of Spearfish

Watson provided a summary of the memo presented to City Council on Dec. 2 which resulted in their action to initiate an update to the C-1 parking regulations as part of a redevelopment incentive. The Commission's discussion touched on the following: 1) is the definition of the problem about parking or is it a desire for more building square footage? 2) limit how much parking can be reduced since the scale of the project matters; 3) if not onsite, parking should be accounted for elsewhere; 4) could a fee structure be created that goes toward a fund for a parking garage; 5) real estate appraisals indicate that parking requirements do reduce development feasibility and property value; 6) what will be the zoning tool used to approve, i.e. variance, conditional use permit, etc.? 7) would this enable a change in land use and does this function as a type of DRD approval? 8) change in street character if open boulevards are converted to parking. No action was taken.

CITY COUNCIL UPDATE:

Watson reported on the items that were before the City Council on Monday December 2, 2019.

PUBLIC COMMENT:

Ryan Wordeman indicated support for the proposal to reduce parking requirements for the C-1 district in order to attract reinvestment and redevelopment.

ADJOURNMENT:

There being no further business to come before the commission, Kruskamp adjourned the meeting at approximately 4:00 p.m.



Spearfish Planning Commission Staff Report

Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish SD 57783

Staff Contact:

Jayna Watson, City Planner, 605-717-1122; jayna.watson@cityofspearfish.com

MEETING DATE AND TIME:	Tuesday January 7, 2020; 3pm
APPLICANT:	City of Spearfish
REQUEST:	Approve an update to Appendix A Zoning, Article V. Section 6. Sign Regulations
ACTION:	Set a public hearing for January 21, 2020
LOCATION:	City-Wide

BACKGROUND AND HISTORY/SUMMARY:

This update to the sign ordinance is required in order for the city's sign regulations to be content neutral. This standard of content neutrality means that the regulations are based on measurable standards such as allowed height, size, location, illumination, etc., and not what the sign says, or how it is used.

PROPOSAL DETAILS:

The study sessions with the Planning Commission held during the fall revealed the following changes:

- Temporary signs permitted to be displayed 7 days per month, 12 months per year
- Temporary sign categories simplified from 6 categories to 3 categories
- Feather banners to be permitted as a temporary sign
- Table 2 permanent sign rules clarified for how to calculate maximum number of signs, square footage, etc.

PUBLIC COMMENT: No comment has been received as of this writing. The most recent draft of the sign regulations was shared with the Chamber of Commerce and Business Community. Several business owners wish to use the feather banner for temporary signage.

STAFF RECOMMENDATION: Set public hearing for January 21, 2020
--

ATTACHMENTS:

Page 3-18 Proposed Sign Ordinance
Page 19-37 Sign Ordinance to be repealed

For ease of reading and editing, staff is showing the proposed new ordinance without bold or strike through text.

A. General provisions and purpose. By virtue of its lush Black Hills Valley location and its largely uncluttered and unspoiled aesthetics, the purpose of these regulations allow signage that:

1. Permits a balance between the need for identification of businesses and community activities and the need for preservation of the city's scenic qualities.
2. Regulates the time, place and manner which include the appropriate locations, sizes, quantity, construction and illumination methods of signs.
3. Protects the public from and hazardous conditions that can result from commercial signs which are structurally unsafe, obscure the vision of motorists, create dangers to pedestrian traffic, or which compete or conflict with necessary traffic signals and warning signs.

B. Signs subject to these regulations. The requirements of the sign regulations apply to all signs installed within the City of Spearfish with the exception of:

1. Changing the sign face or the copy or message on signs specifically designed for the use of replaceable copy.
2. Painting, repainting, cleaning, or minor maintenance of a sign provided that no structural alteration is made.
3. Signs placed on the interior side of a building window.
4. A flag, pennant or insignia of any nation, state, city or other political unit.
5. Signs placed by a governmental agency on property owned or regulated by that agency.
6. Commemorative plaques placed by recognized historical agencies and commissions.
7. Signs which can be viewed only from within the confines of a structure, or other clearly defined space, or location where legibility of the sign is not possible from a public street.

C. Temporary Sign General Regulations. Temporary signs are permitted according to Table 1, and the standards listed below.

1. Signs posted in the public right of way require permission of the property owner that maintains the street frontage where the sign will be placed, and must have a minimum spacing of 50 feet between temporary signs.

2. Signs must be securely anchored or fastened so as not to be displaced into the street.
3. Public sidewalks and streets must not be impeded by sign placement.
4. Signs must be located to enable visibility of oncoming traffic from all site driveways onto a public street and at street intersections.
5. Signs may not be attached to a utility box/cabinet or transformer, or a support pole for a traffic signal, traffic sign, street light, or any overhead utility.
6. Signs must be free of all rips and tears and without any folds or sagging.
7. Signs must be legible, clean, and free from deterioration.
8. Signs that have a display on both sides are counted as one sign.
9. Feather banners must be posted on private property and must not overhang or encroach into a public street right of way or alley right of way.

TABLE 1 – TEMPORARY SIGNS

1	2	3	4
Location of Temporary Sign	Maximum square feet per sign	Maximum number of signs per individual lot¹, building tenant, or condominium unit displayed at times other than as described in column 4	Maximum number of signs 60 days before and 48 hours after an election
Public Rights of Way: Allowed in any zoning district	6	1	2 (not permitted in areas zoned CC - Central Core)
Private Property Zoned R-3, CC, C-1, C-2, C-3, I-LR, IH, APZ, DRD non-residential and DRD multi-family residential ²	32	1	2
	6	2	4
Private Property Zoned AG, RLS-1, R-1, R-2, DRD one and two family residential ²	6	2	4

Footnotes to Table 1:

1. Three or more contiguous lots under the same ownership are considered one lot.
2. The size and number of temporary signs allowed in all locations can be combined. For example, a business may display at the same time: one 32 square foot sign and two 6 square foot signs on private property and one 6 square foot sign in the public right of way.

D. Permanent Sign General Regulations. Permanent signs are permitted according to Table 2, and the standards listed below.

1. The method for calculating sign size or area is:
 - a. The actual dimensions of the outer limits of the sign face material, excluding frames that physically hold the sign comprises the maximum sign area.
 - b. In the case of individual lettering on an exterior wall, awning, or other undefined structure or space, sign area is determined by calculating the area of a geometric object large enough to cover the words forming the sign message, around the whole of the lower case letters excluding ascenders/descenders. If necessary, a combination of geometric objects may be used.

Example below of using a simple rectangle to calculate sign area for individual letters (within outlined area):



Example below of using a simple rectangle or combination of geometric shapes to calculate sign area for individual letters and/or images on more than one line (within outlined area):



2. For lots with more than one building, each building has its own sign allowance per Table 2.

3. In addition to signs described in Table 2, the following are permitted on private property in non-residential zoning districts. Three or more contiguous lots under the same ownership are considered one lot.
 - a. Signs 10 square feet or less may be placed at a driveway that connects to a public or private street or alley and a maximum of 2 signs per lot.
 - b. Signs 20 square feet or less and a maximum of two per lot.
 - c. A freestanding support that displays more than one sign cabinet or sign board is counted as one sign for the purposes of maximum number of signs allowed.

4. *Design and construction requirements of all permanent signs.*
 - a. All exterior mounting hardware, brackets, and related supporting elements (except for freestanding support poles/posts) must not be visible. If concealment is not possible, supporting hardware must be painted a color to blend with the surrounding structure.
 - b. A footing design must be submitted for free standing signs that are taller than fifteen (15) feet measured from grade at the bottom of the support, to the highest part of the sign. The footing design may require a professional engineer's design, at the discretion of the building official.
 - c. No sign may be attached to a tree, utility pole or box, vending machine, benches, street fixtures/ furnishings or other unapproved structure.
 - d. Flexible material used for awning signs must be of canvas or other material that is designed, sewn/assembled and fitted specifically for use over an awning frame. Plastic sheeting, vinyl, banners and similar products not specifically designed for awning installation must not be permitted for use as an awning sign.
 - e. Flexible material used as a permanent sign must be installed in the following manner:
 - (1) Must be legible and without any sagging, folds or wrinkles.
 - (2) Must be attached to an exterior building wall so that the banner is flush with the wall.
 - (3) If not attached to a building, must be attached to a fence, or a freestanding pole or structure designed specifically to hold the banner.

- f. All electric design must be per the applicable code adopted by the State of South Dakota.
5. *Optional sign allowances for buildings ten thousand (10,000) square feet and larger.* As an alternative to the requirements in the Commercial and Industrial zoning districts, signage may be provided using the following standards which must also apply to existing signs:
- a. Buildings that have a footprint of ten thousand (10,000) square feet and larger are permitted two (2) square feet of signage for each lineal building foot on each frontage, which is the overall maximum sign area for the lot. The maximum of one hundred fifty (150) square feet as described in the Table 2 pertaining to commercial and industrial districts do not apply.
 - b. Only wall and monument signs are permitted.
 - c. The lot lines along Interstate 90 are not considered as frontage in the calculation of sign area.
 - d. The design standards for monument signs are as follows:
 - (1) The maximum height must not exceed twenty (20) feet in height above grade.
 - (2) Signs must be supported by a solid base that is built of masonry, metal, stone, brick, wood, or other similar opaque material. The sign base must not be calculated in the sign square footage provided it contains no lettering, logos or other advertising.
 - (3) Signs must be placed within a landscaped setting having a minimum one thousand seven hundred and fifty (1,750) points as described in the landscape material points table of Chapter 19 of the city code.
6. An additional sign area bonus may be given for all signs that are installed as monument signs. To qualify for this bonus the sign must be a maximum of twenty (20) feet in total height and have one thousand seven hundred fifty (1,750) landscape points installed with the sign. For this credit, the area of the signage is calculated using the formula of two (2) square feet for each linear foot of building front and up to a maximum of one hundred fifty (150) square feet. The result is then multiplied by 1.20 to determine the final size of the sign. Example: 75 feet of building front x 2 = 150 square feet. Bonus is 150 x 1.20 = 180 square feet of signage.

TABLE 2 – PERMANENT SIGNS

1	2	3	4	5	6
Zoning or Use	Max. Number Signs Permitted	Max. Square Footage ¹	Location Permitted	Lighting Permitted	Sign Permit Required ?
Kiosk Tenant	1 per tenant	30 square feet per sign	Exterior building wall; no pole mounted signs	yes	yes
Multi-Tenant Commercial Building (standards for CC, C-1, C-2, C-3, ILR, IH, APZ and DRD do not apply)	3 per tenant	2 square feet per each linear foot of suite width, up to 150 square feet per sign	On private property	yes	yes
	1 monument sign ²	300 square feet per sign	On private property	yes	yes
Commercial and Industrial zoning districts C-1, C-2, C-3, ILR, IH, APZ and DRD commercial outside Central Core zoning	2 per street frontage	2 square feet per each linear foot of building facing the street. 150 square feet per sign	On private property	yes	yes
CC zoning	2 per street frontage ³	100 square feet per street frontage for all signs	On private property	yes	yes
	1 per street frontage	6 square feet maximum	On public sidewalk		

TABLE 2 – PERMANENT SIGNS

1	2	3	4	5	6
Zoning or Use	Max. Number Signs Permitted	Max. Square Footage	Location Permitted	Lighting Permitted	Sign Permit Required ?
Conditional Use Permit or non-residential use within a residential zoning district	1 per lot	3 square feet - with staff approval or up to 32 square feet with Planning Commission approval	On private property as approved by Planning Commission	as approved by the Planning Commission	yes
Ag zoning and R-3 multi-family zoning	1 per lot	16 square feet	On private property	yes	yes
Signs posted at the entrance to a residential or commercial neighborhood	1 sign per entry	100 square feet per sign	On private property	yes	yes
Signs posted on a property listed for sale or lease Non-residential zoning districts	1 sign per street frontage	32 square feet per sign	On private property	no	no
Signs posted on a property listed for sale or lease Residential zoning districts	1 sign per street frontage	6 square feet per sign	On private property	no	no

Footnotes to Table 2

1. Signs with more than one side are counted as one sign for square footage purposes.
2. Signage for individual tenants to be allocated by the building owner.
3. Allocated to each individual building tenant.

7. Standards for all illuminated and electronic message signs.
 - a. No flashing or blinking light may be used to display a message or image, or be used during the change from one message or image to another.
 - b. Electronic message signs must not exceed forty (40) square feet.
 - c. Light levels created by signage must not exceed 0.3 foot candles above ambient light levels as measured using a foot candle meter at a distance from the sign face as described in subsection d. "Distances Required for Measuring Sign Illumination". No sign may produce a light level that exceeds the ambient light level at the property line.
 - d. The distances required for measuring sign illumination must be according to Table 3.
 - e. No such illuminated sign may interfere with the traveled way of streets or obscure traffic signs or devices.
 - f. Light measurements must be taken with the meter held facing the sign with the sign turned off, and again with the sign turned on. For electronic message centers, the sign must be turned on to a full white image for a message center capable of displaying a white color, or a full amber or red image for a message center capable of displaying only an amber or red color. The difference between the off and the white, amber or red message measurements must not exceed the light levels described in this section.
 - g. All electronic message signs must revert immediately to a black screen if the sign malfunctions.
 - h. All electronic message signs must automatically adjust in brightness in direct correlation with ambient light conditions.
 - i. All externally mounted sign lighting fixtures must be located to prevent the light source from being visible except from the sign face, and must not exceed a total of one thousand seven hundred fifty (1750) lumens.

TABLE 3 - DISTANCES FOR MEASURING SIGN ILLUMINATION

Distance from Sign	Sign Area
thirty-two (32) feet	ten (10) square feet
thirty-nine (39) feet	greater than ten (10) square feet and not more than fifteen (15) square feet
forty-five (45) feet	greater than fifteen (15) square feet and not more than twenty (20) square feet
fifty (50) feet	greater than twenty (20) square feet and not more than twenty-five (25) square feet
fifty-five (55) feet	greater than twenty-five (25) square feet and not more than thirty (30) square feet
fifty-nine (59) feet	greater than thirty (30) square feet and not more than thirty-five (35) square feet
sixty-three (63) feet	greater than thirty-five (35) square feet

j. Enforcement of sign illumination standards.

- (1) In the case of noncompliance with the requirements of this section, the zoning administrator must provide written notice to the owner of the sign and the owner of the property upon which it is located. The notice must identify the reason(s) such sign is in noncompliance and set forth a period of thirty (30) days for compliance or removal of the sign.
- (2) In circumstances when sign illumination creates a nuisance to an adjoining property, the following procedures and standards apply:
 - (a) A complaint must either be initiated by the City of Spearfish or by the owner of real property affected, and the complaint must be provided in writing to the city administrator or designee.
 - (b) No sign may exceed luminance of five thousand (5,000) NITS during daylight hours and five hundred (500) NITS evening hours (evening defined as the period starting one (1) hour after sunset and one (1) hour before sunrise).
 - (c) The city must notify the sign owner of corrective measures required, if any.

8. *Maintenance, removal responsibility.* The responsibility for keeping a sign in safe repair and properly maintained, or for the removal of a sign if and when it is abandoned, no longer functional, unsafe, or unmaintained is joint and several of the owner of the sign and the owner of the property upon which it is located.

9. *Projection, clearance and height.*
 - a. Signs located within twenty-five (25) feet of a public street intersection must not exceed two and one half (2.5) feet measured from the ground to the upper most part of the sign. If supported by a post(s) or pole(s) the sign must have a minimum vertical clearance of ten (10) feet above the crown of the roadway. This regulation shall supersede any conflicting regulations.
 - b. Signs and awnings that extend out from an exterior wall over a public sidewalk must maintain a minimum vertical clearance of eight (8) feet, and must not materially impede adjacent parking or street traffic.
 - c. The height of a sign that is not attached to a building must not exceed thirty-five (35) feet above grade to the highest portion of the sign and must not include filled grade beneath the sign to increase sign height.

E. Prohibited Signs. The following are prohibited:

1. Signs mounted on the ridge of a roof, on the top-most edge of a parapet wall, or on any horizontal or sloping portion of a roof. The exceptions to this are signs that are attached to any of the following, which are permitted:
 - a. Mansard roof.
 - b. Flat or sloping canopy or awning.
 - c. Roofed patio cover that is lower than the highest building roofline.
 - d. Architectural feature located on a roof, or above a roofline that is specifically designed for signage.
2. Illuminated signs containing flashing, intermitting or moving light, that interfere with the traveled way of streets or obscure traffic signs or devices.
3. Signs that constitute pedestrian or vehicular traffic hazards or which could be confused with any governmental regulatory, directional or warning sign.

4. Signs with moving parts; signs and logos printed on or attached to a moving surface (does not include images and text painted on the body of a licensed motor vehicle).
5. Tethered, airborne devices located within the required front setback.
6. No sign may contain obscene or pornographic imagery or language.

F. Non-conforming Signs.

1. Any sign existing on the date of adoption of this chapter that does not conform with the provisions of this Code is eligible for characterization as a "legal nonconforming sign" and is permitted to remain except as specified below.
 - a. The sign has been altered in a fashion exceeding the allowed maintenance standards listed below or is relocated.
 - b. The sign has been brought into compliance with this subchapter.
 - c. The sign is abandoned.
2. Legal nonconforming sign status applies to a sign for as long as these requirements are followed:
 - a. Maintenance, alterations, modifications, or reconstruction do not increase the overall sign area or height.
 - b. Nonconforming signs or portions thereof may be removed for maintenance, modifications, or reconstruction so long as they are replaced in their original positions and orientations upon completion of the work.
 - c. The alteration of a sign via the addition of changeable copy or the addition of an electronic message center must not constitute a change to the sign structure so long as the overall sign area is not enlarged; a new sign permit will be required for inspection purposes.

G. Permit Process. All requests for a sign permit, when required, must provide the following:

1. Permit fee as established by resolution of the City Council.
2. Complete application form, and drawn information that depicts dimensions and location of sign(s), plus any necessary details required to correctly identify the sign being issued a permit.
3. Applicants requesting to place a sign on a public sidewalk in the Central Core (CC zoning) must apply for an encroachment agreement.

H. Definitions. For purposes of this section the following terms are defined:

Ambient light level. The existing illumination intensity of an outdoor location, measured in foot-candles, before a new light source is introduced to the same outdoor location.

Animation. The use of movement or some element thereof, to depict action or create a special effect or scene.

Banner. A sign made out of cloth, vinyl, plastic, or similar flexible material affixed to a support and which communicates a message to the public.

Business. A commercial entity formed for the purpose of offering the public tangible goods, property, personal or professional services, in exchange for compensation of the same.

Central Core Downtown. Property that is zoned on the City of Spearfish official zoning map as Central Core (CC).

Commercial and Industrial Districts. Property that is zoned on the City of Spearfish official zoning map as Central Core (CC) Central Commercial (C1), Highway Service Commercial (C2), Commercial Office (C3), Light Restrictive Industrial (I-LR), Heavy Industrial (I-H), Airport (APZ), and properties zoned Development Review District or conceptually planned as commercial land use.

Electronic message sign. A sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

Feather Banner means a single flexible or rigid pole to which one side of a flexible fabric is attached. This definition includes functionally similar display devices.

Flashing. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in periods of less than one (1) second.

Frame effect. A visual effect on an electronic message center where a solid border appears around text or animation, and acts as a transition from one message to the next.

Freestanding. A support system that is not connected to any other object or building, with or without a permanent foundation in the ground.

Frontage. For sign permitting purposes, a public street is considered to constitute a frontage when it abuts a property and from which a defined and functional vehicular access is derived.

Kiosk tenant. A business that cannot meet the definition of a multi-tenant commercial building, and performs transactions and sales that are completely separate transactions from the building owner or the main building tenant.

LED/LCD. Acronyms for light emitting diodes (LED) or liquid crystal display, respectively.

Light level. A measure of illumination intensity cast onto any surface, and measured in foot-candles.

Multi-tenant commercial building. A structure housing three (3) or more businesses, each having an individual exterior or interior access. The terms of this definition does not apply to the central core zoning district.

Residential District. Any property zoned Rural Large Lot Single Family (RLS-1), Single Family (R-1) Duplex (R-2) and Multi Family (R-3), or zoned Development Review District (DRD) and developed or conceptually planned as residential land use.

Sandwich board or sidewalk sign. A sign that cannot be inserted into the ground and by design is intended to stand up without any roping or tying off to another structure.

Sign(s). Any visual medium or method which is used or intended to be used to attract attention to the subject matter for the purpose of communicating information or ideas to the public and which is visible with legible content as viewed from a public location and which is considered to be a customarily incidental, and subordinate land use to the principal use of land and buildings located on the same lot.

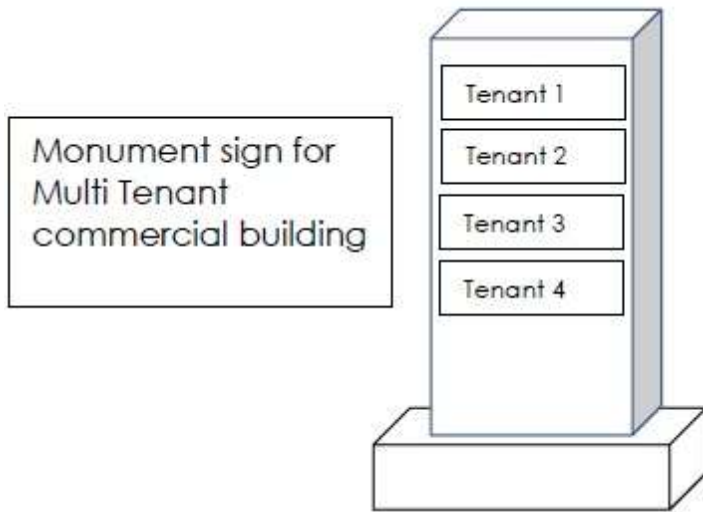
Excluded from this definition are:

- a. Windssocks
- b. Plastic or cloth strips of material attached to one or more fixed points. Also see definition of banners and feather banners
- c. Objects that are artistic in shape or composition that are attached to a building exterior or are free-standing in an exterior location in any zoning district
- d. Any medium or object with 5 square feet or less of written or illustrated information displayed in an exterior location, in any residential zoning district.

Sign, awning. A sign that is printed on fabric, or a on a solid surface that forms a roof-like structure extending from a vertical surface of a building.

Sign, home occupation. A sign that is used for the identification of a business located within a residence.

Sign, monument. A freestanding ground sign, supported wholly by a base structure and containing one (1) or more signs of individual businesses on the property; not including signs defined as pole or pylon signs.



Sign, permanent. Sign that is attached to a building or to a free standing support of any type and is displayed more than 7 days per month.

Sign, pole, pylon, or post-mounted. A sign that is supported above the ground by one more vertical members and the area beneath the sign face is more than fifty percent (50%) open to the passage of light and air.



Sign, roof. Any sign erected or constructed wholly upon the roof of any building and shall include all areas of the roof surfacing material, and areas above the uppermost parapet line, or any line so established by the roof plane.

Examples of Roof Signs



The following is an example of a mansard sign, and is not classified as a roof sign



Sign, temporary. Any sign that is displayed 7 days or less per month.

Sign area. As used in the sign ordinance, shall be term used to indicate the maximum allowable sign square footage.

Sign brightness. The level to which the human eye perceives the intensity of light coming from a sign when compared with the ambient light level of the outdoor spaces surrounding the sign.

Sign face. The message portion of a sign which communicates information by any means. A sign face does not include frames or support structures.

Streaming video. The use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by an electronic message sign or similar device.

The following shall be repealed:

~~A. *General provisions and purpose.* By virtue of its lush Black Hills Valley location and its largely uncluttered and unspoiled aesthetics, the purpose of these regulations shall be to allow signage that:~~

~~—1. Permits a balance between the need for identification of businesses and community activities and the need for preservation of the city's scenic qualities.~~

~~—2. Places reasonable limits pertaining to the time, place and manner which include the appropriate locations, sizes, quantity, and construction and illumination methods of signs.~~

~~—3. Encourages the use of sign materials and sign placements that reflect the natural beauty of the community.~~

~~—4. Protects the public from visual pollution and hazardous conditions that can result from commercial signs which are structurally unsafe, obscure the vision of motorists, create dangers to pedestrian traffic, or which compete or conflict with necessary traffic signals and warning signs.~~

~~—B. *Signs subject to these regulations.* The requirements of the sign regulations apply to all signs installed within the City of Spearfish, for any purpose, with the exception of:~~

~~—1. Changing the sign face or the copy or message on signs specifically designed for the use of replaceable copy.~~

~~—2. Painting, repainting, cleaning or minor maintenance of a sign provided no structural alteration is made.~~

~~—3. Window signs.~~

~~—4. Signs that are considered exempt from regulation as provided in the definition of a sign.~~

~~—5. A flag, pennant or insignia of any nation, state, city or other political unit.~~

~~—6. Governmental regulatory, directional, information and warning signs; governmental agency flags, emblems and insignia; and temporary signs placed for the purpose of public safety.~~

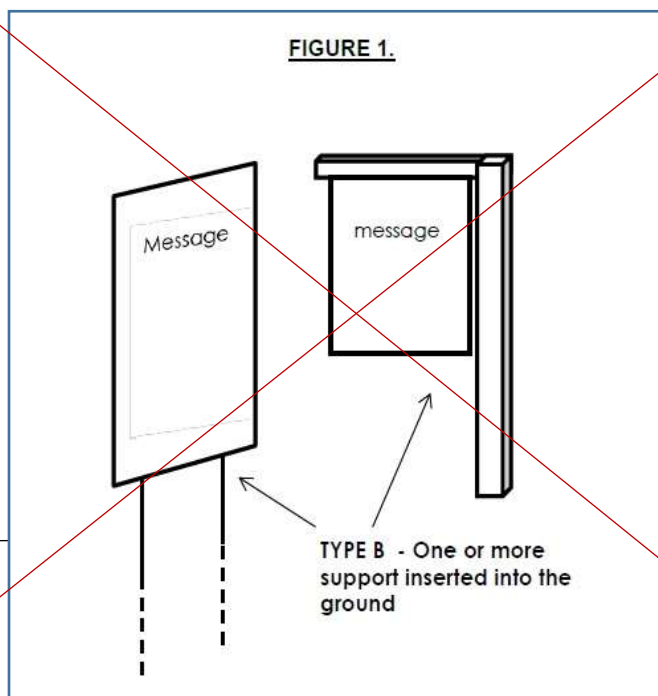
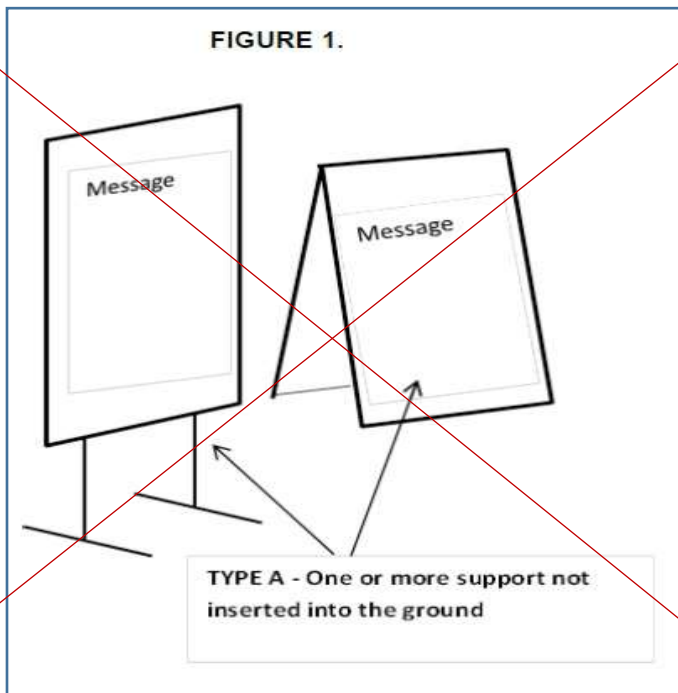
~~—7. Commemorative plaques placed by recognized historical agencies and commissions.~~

~~—8. Signs which can be viewed only from within the confines of a structure, or other a clearly defined space, or location where legibility of the sign is not possible from a public street.~~

— 9. Instructional, directional, or identification signs ten (10) square feet and less, placed in a location so as to direct people or drivers toward a specific place on a parcel of land such as parking information, 'enter or exit' signs.

— C. Permitted temporary signs:

1. Temporary signs (see definitions section H) are illustrated in Figure 1. TYPE A and TYPE B temporary signs are signs containing a message printed on rigid material. Type C temporary signs are signs printed on flexible material such as vinyl, plastic, etc. For permitted uses, sizes, and locations of temporary signs, see Table 1.



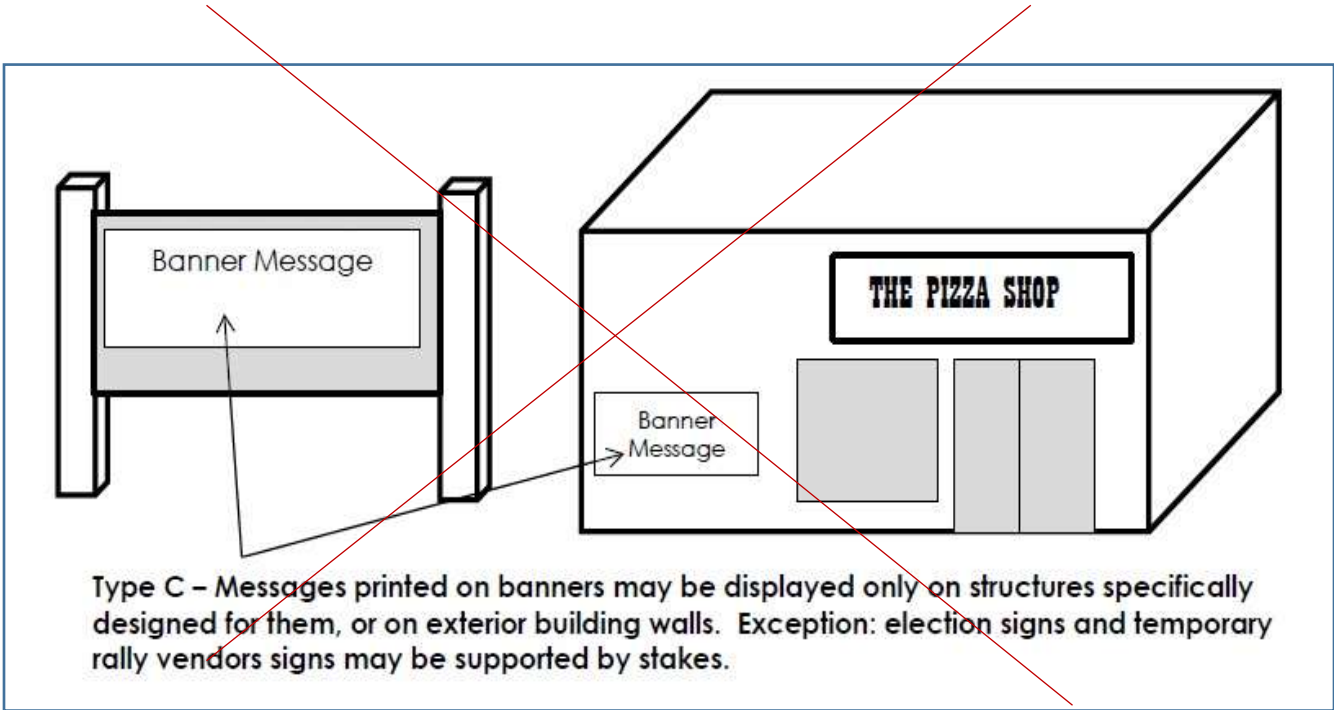


TABLE 1 - TEMPORARY SIGNS

Temporary Sign-Type	Sign Purpose	Maximum Size	Number Permitted	Location	Permit Required?	Additional Regulations
Type A	1. Business Promotion 2. Special Event	6 square feet – any zoning district	2 signs per event	On private property, or in right-of-way with adjacent owner's permission.	YES – if displayed for more than 14 days per year.	See Section 6G for permit submittal requirements for Type A signs displayed longer than 14 days per year. No lighting allowed. See Section 6.C.2. for location/placement and installation.
	3. Real Estate 4. Rally/Seasonal Vendor	6 square feet – any zoning district	1 sign per street frontage			
	5. Election	6 square feet – any zoning district	10 signs per parcel of land			

TABLE 1 - TEMPORARY SIGNS

Temporary Sign Type	Sign Purpose	Maximum Size	Number Permitted	Location	Permit Required?	Additional Regulations
Type B	1. Business Promotion 2. Special Event 3. Rally/Seasonal Vendor	6 square feet - Commercial or Industrial District	2 signs per event	Signs larger than 6 square feet must be located on private property.	- NO	No lighting allowed. See Section 6.C.2. for location/placement and installation.
	4. Real Estate	6 square feet - any residential zoning; 32 s.f. Commercial or Industrial District	1 sign per street frontage	Signs 6 square feet and less may be located in the right-of-way with adjacent owner's permission.		
	5. Election	6 square feet - any residential zoning; 32 square feet Commercial or Industrial District	10 signs per parcel of land			
Type C	1. Temporary sign for newly opened business - 60 day max. 2. Business Promotion 3. Special Event 4. Real Estate 5. Election 6. Rally/Seasonal	32 square feet - Commercial or Industrial District	1 per parcel of land	On private property only	- NO	No lighting allowed. See Section 6.C.2. for location/placement and installation.

	Vendor					
--	--------	--	--	--	--	--

~~2. Location/placement and installation of temporary signs.~~

~~a. No temporary sign may be placed on:~~

~~(1) A utility box/cabinet, transformer, and similar utility installation;~~

~~(2) A support pole for a traffic signal, street light, power, cables, phone lines, etc.;~~

~~(3) A support pole for street signage.~~

~~b. Election signs may be posted no earlier than sixty (60) days prior to and removed forty-eight (48) hours after an election. Election signs may be a banner secured to temporary stakes.~~

~~c. Temporary signs must be installed in the following manner:~~

~~(1) It must remain in place in windy conditions and secured so as not to blow into the street.~~

~~(2) May be placed in the public right of way but may not obstruct pedestrian use of the sidewalk, or the use of any city street or street/road shoulder.~~

~~(3) Must be removed at the close of business each day.~~

~~(4) On Main Street, temporary signs may not be placed within the area formed by the intersection of two building faces per Figure 2.~~

~~(5) In all locations, temporary signs must be set back five (5) feet from the street curb.~~

~~(6) If for business promotion use, the sign must be located adjacent to the business that the sign is promoting.~~

~~(7) Special event signs shall not be posted earlier than twenty-four (24) hours prior to, and removed two (2) hours after the close of a special event.~~

~~(8) During the Sturgis Motorcycle Rally beginning seven (7) days before the official start of the Rally, and ending seven (7) days after the official close of the Rally, banners attached to temporary stakes are permitted to be placed on private property.~~

~~—D. Permanent signs; allowed size(area) and types of construction and illumination— see Table 2 for summary.~~

~~—1. Method for calculating sign size or area:~~

~~—a. The actual dimensions of the outer limits of the sign face material, excluding frames that physically hold the sign shall comprise the maximum sign area.~~

~~—b. In the case of individual lettering on an exterior wall, awning, or other undefined structure or space, sign area shall be determined by calculating the area of a geometric object large enough to cover the words forming the sign message, around the whole of the lower case letters excluding ascenders/descenders, if necessary, a combination of geometric objects may be used.~~

~~—c. Logos may be excluded from the sign area provided that:~~

~~—(1) The logo(s) is/are subordinate to the sign(s) that are subject to a permit and a maximum sign area.~~

~~—(2) Logo(s) shall not exceed twenty (20) square feet for each logo.~~

~~—Example of using a simple rectangle to calculate sign area for individual letters (within outlined area):~~



~~—Example of using a simple rectangle or combination of geometric shapes to calculate sign area for individual letters and/or images on more than one line (within outlined area):~~



~~2. Design and construction requirements of all permanent signs:~~

~~a. All exterior mounting hardware, brackets, and related supporting elements (except for freestanding support poles/posts) shall not be visible. If concealment is not possible, supporting hardware shall be painted a color to blend with the surrounding structure.~~

~~b. A footing design shall be submitted for free standing signs that are taller than fifteen (15) feet measured from grade at the bottom of the support, to the highest part of the sign. The footing design may require a professional engineer's design, at the discretion of the building official.~~

~~c. No sign shall be attached to a tree, utility pole or box, vending machine, benches, street fixtures/ furnishings or other unapproved structure.~~

TABLE 2						
1	2	3	4	5	6	6
Sign Type	Max. Number Signs Permitted	Max. Square Footage each sign*	Location Permitted	Lighting Permitted	Other Regulations	Sign Permit Required?
Church	1 per street frontage per parcel	50	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Kiosk Tenant	1 per tenant	30	Exterior building wall; no pole mounted signs	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Multi Tenant Commercial Building	3 per tenant	2 per each linear foot of suite width	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
	1 monument sign	300**	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes

Commercial and Industrial outside Central Core zoning	2-per street frontage	2-square feet per each linear foot of building facing the street. 150 maximum per street	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Central Core Downtown	2-per street frontage	Maximum 100 square-foot total per street frontage for all signs	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D Square-footage may be apportioned by owner	yes
Home Occupation or Use on Review	1-per home occupation	3-square feet- with staff approval or up to 32-square feet with City Council approval	Exterior wall of house/ building or as other wise approved by City Council	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Ag-zoning and R-3 multi-family zoning	1-per parcel	16-square feet	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Subdivisions	1-sign-per entry	100-square feet	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
<p>* Signs with more than one side are counted as one sign for square footage purposes.</p> <p>** Signage for individual tenants to be allocated by the building owner.</p>						

~~d. Flexible material used for awning signs must be of canvas or other material that is designed, sewn/assembled and fitted specifically for use over an awning frame. Plastic sheeting, vinyl, banners and similar products not specifically designed for awning installation shall not be permitted for use as an awning sign.~~

~~e. Flexible banner material installed as a permanent sign must be installed in the following manner:~~

~~(1) Must be legible and without any sagging, folds or wrinkles;~~

~~(2) Must be attached to an exterior building wall so that the banner is flush with the wall;~~

~~———— (3) If not attached to a building, must be attached to a fence, or a freestanding structure designed specifically to hold the banner.~~

~~———— f. All electric design must be per the National Electric Code, current edition as adopted by the State.~~

~~———— 3. *Multi tenant commercial building.* A maximum of three (3) wall or projecting signs for each business front based on the formula of two (2) square feet for each lineal foot of frontage, but not exceeding one hundred fifty (150) square feet per business, and one (1) sign on a shared monument, all apportioned by the developer/owner. The developer/ owner shall be entitled to one (1) monument sign, not exceeding three hundred (300) square feet upon which tenants and the developer may place signs.~~

~~———— 4. *Kiosk tenant sign allowance:* Each kiosk tenant that is allowed one (1) sign on one exterior wall, not to exceed thirty (30) square feet. No pole sign shall be allowed. This signage amount shall be for the exclusive use of the kiosk tenant and shall not be included in the overall sign allowance for the main building tenant(s) or other building tenants unrelated to the requested sign.~~

~~———— 5. *Optional sign allowances for buildings ten thousand (10,000) square feet and larger.* As an alternative to the requirements in the Commercial and Industrial zoning districts, signage may be provided using the following standards:~~

~~———— a. Buildings that have a footprint of ten thousand (10,000) square feet and larger are permitted two (2) square feet of signage for each lineal building foot on each frontage, which shall be the overall maximum sign area for the lot. The maximum of one hundred fifty (150) square feet as described in the Table 2 pertaining to commercial and industrial districts shall not apply.~~

~~———— b. Only wall and monument signs are permitted.~~

~~———— c. The lot lines along Interstate 90 shall not be considered as frontage in the calculation of sign area.~~

~~———— d. The design standards for monument signs are as follows:~~

~~———— (1) The maximum height shall not exceed twenty (20) feet in height above grade.~~

~~———— (2) Signs shall be supported by a solid base that is built of masonry, metal, stone, brick, wood, or other similar opaque material. The sign base shall not be calculated in the sign square footage provided it contains no lettering, logos or other advertising.~~

~~———— (3) Sign lighting shall comply with Section 6.D.7.a. -j.~~

~~———— (4) Signs shall be placed within a landscaped setting having a minimum one thousand seven hundred and fifty (1,750) points as described in the landscape material points table of Chapter 19 of the city code.~~

~~———— (5) If this option is applied, all existing signage must comply with the standards described above in paragraphs 5a.—d. including removal of signs not permitted such as pole, pylon or post-mounted signs.~~

~~—— 6. *An additional sign area bonus may be given for all signs that are installed as monument signs.* To qualify for this bonus the sign must be a maximum of twenty (20) feet in total height and have one thousand seven hundred fifty (1,750) landscape points installed with the sign. For this credit, the area of the signage is calculated using the formula of two (2) square feet for each linear foot of building front and up to a maximum of one hundred fifty (150) square feet. The result is then multiplied by 1.20 to determine the final size of the sign. Example: 75 feet of building front x 2 = 150 square feet. Bonus is 150 x 1.20 = 180 square feet of signage.~~

~~—— 7. *Standards for all illuminated and electronic message signs.*~~

~~———— a. No flashing or blinking light shall be used to display a message or image, or be used during the change from one message or image to another.~~

~~———— b. Electronic message signs shall not exceed forty (40) square feet.~~

~~———— c. Light levels created by signage shall not exceed 0.3 foot candles above ambient light levels as measured using a foot candle meter at a distance from the sign face as described in subsection d. "*Distances Required for Measuring Sign Illumination*". No sign shall produce a light level that exceeds the ambient light level at the property line.~~

~~———— d. The distances required for measuring sign illumination shall be according to Table 3.~~

~~———— e. No such illuminated sign shall interfere with the traveled way of streets or obscure traffic signs or devices.~~

~~———— f. Light measurements shall be taken with the meter held facing the sign with the sign turned off, and again with the sign turned on. For electronic message centers, the sign shall be turned on to a full white image for a message center capable of displaying a white color, or a full amber or red image for a message center capable of displaying only an amber or red color. The difference between the off and the white, amber or red message measurements shall not exceed the light levels described in Section 6.D.7.c.~~

~~———— g. All electronic message signs shall revert immediately to a black screen if the sign malfunctions.~~

~~———— h. All electronic message signs shall automatically adjust in brightness in direct correlation with ambient light conditions.~~

TABLE 3 -- Distances for Measuring Sign Illumination

Distance from Sign	Sign Area
thirty-two (32) feet	ten (10) square feet
thirty-nine (39) feet	greater than ten (10) square feet and not more than fifteen (15) square feet
forty-five (45) feet	greater than fifteen (15) square feet and not more than twenty (20) square feet
fifty (50) feet	greater than twenty (20) square feet and not more than twenty-five (25) square feet
fifty-five (55) feet	greater than twenty-five (25) square feet and not more than thirty (30) square feet
fifty-nine (59) feet	greater than thirty (30) square feet and not more than thirty-five (35) square feet
sixty-three (63) feet	greater than thirty-five (35) square feet

~~i. All externally mounted sign lighting fixtures shall be located to prevent the light source from being visible except from the sign face, and shall not exceed a total of one thousand seven hundred fifty (1750) lumens.~~

~~j. Enforcement of sign illumination standards.~~

~~(1) In the case of noncompliance with the requirements of this section, the zoning administrator shall provide written notice to the owner of the sign and the owner of the property upon which it is located, which notice shall state the reason(s) such sign is in noncompliance and set forth a period of thirty (30) days for compliance or removal of the sign.~~

~~(2) In circumstances when sign illumination creates a nuisance to an adjoining property, the following procedures and standards shall apply:~~

~~(a) A complaint must either initiated by the City of Spearfish or by the owner of real property affected, and the complaint shall be provided in writing to the city administrator or designee.~~

~~(b) In addition to the standards for light levels described in Section 6.D.7.c the sign shall not exceed luminance of five thousand (5,000) NITS during daylight hours and five hundred (500) NITS evening hours (evening defined as the period starting one (1) hour after sunset and one (1) hour before sunrise).~~

~~_____ (c) The city shall notify the sign owner of corrective measures required, if any.~~

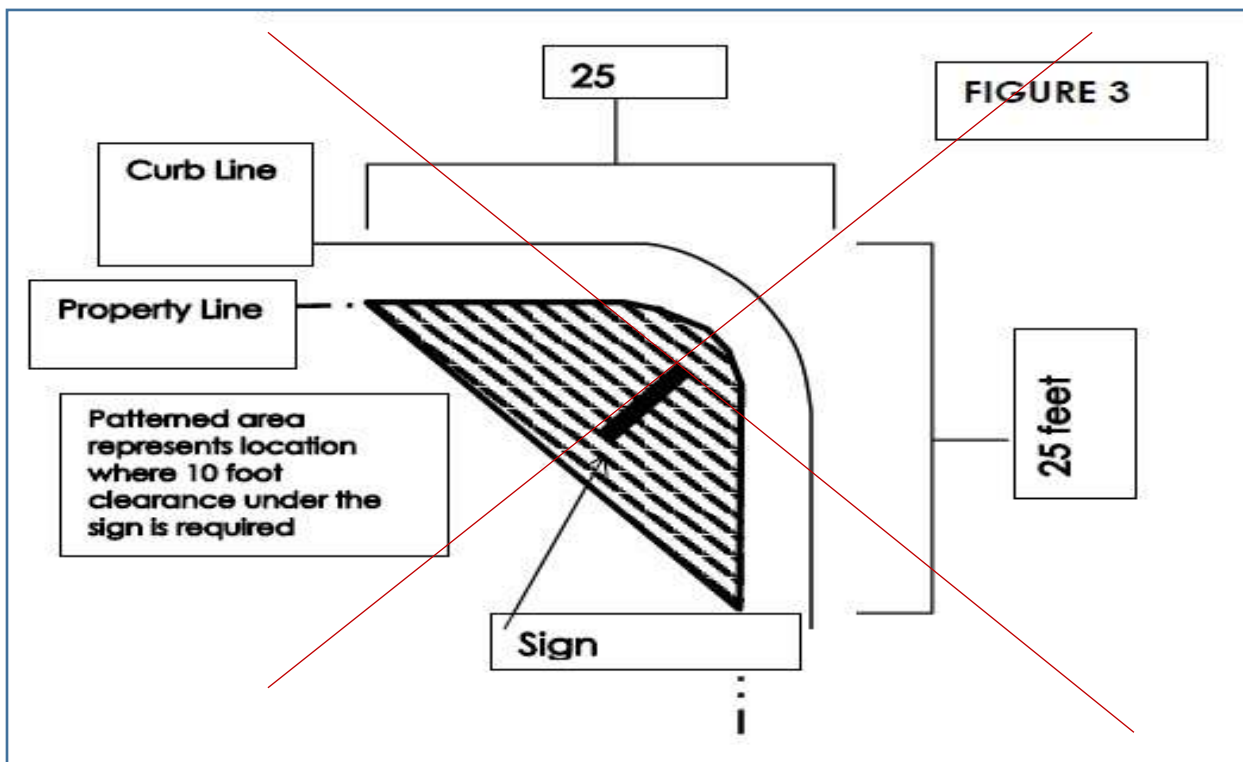
~~— 8. *Maintenance, removal responsibility.* The responsibility for keeping a sign in safe repair and properly maintained, or for the removal of a sign if and when it is abandoned, no longer functional, unsafe, or unmaintained is joint and several of the owner of the sign and the owner of the property upon which it is located.~~

~~— 9. *Projection, clearance and height.*~~

~~— a. Signs located within twenty-five (25) feet of a public street intersection shall not exceed two and one half (2.5) feet tall if the sign rests directly on the ground or is attached to a foundation on the ground. If supported by a post(s) or pole(s) it shall have a minimum vertical clearance of ten (10) feet above the crown of the roadway, per Figure 3.~~

~~— b. Signs and awnings that extend out from an exterior wall over a public sidewalk shall maintain a minimum vertical clearance of eight (8) feet, and shall not materially impede adjacent parking or street traffic.~~

~~— c. The height of a sign that is not attached to a building shall not exceed thirty-five (35) feet above grade to the highest portion of the sign and shall not include filled grade beneath the sign to increase sign height.~~



~~—E. Prohibited signs.~~

~~—1. Roof signs. Exceptions to this are signs on mansard roofs, canopies and patio covers that are lower than the highest building roofline, and similar roofs where an architectural feature is specifically designed for signage. See illustration and definitions of roof sign.~~

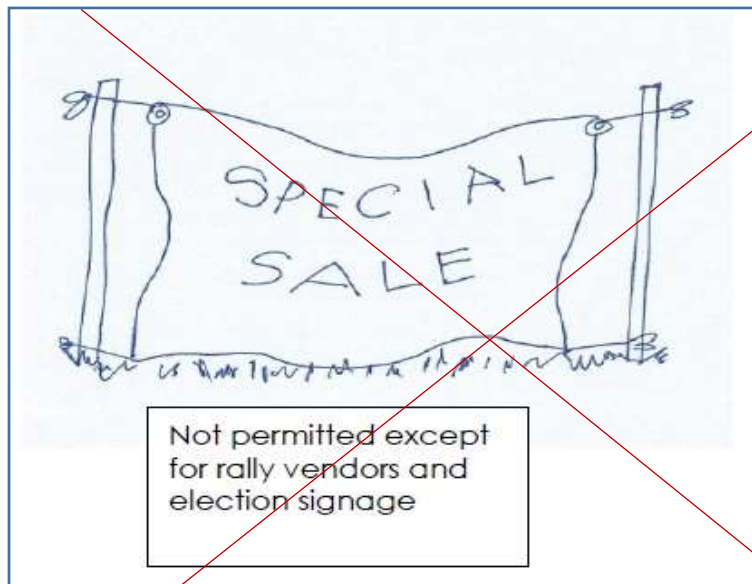
~~—2. Illuminated signs containing flashing, intermitting or moving light, that interfere with the traveled way of streets or obscure traffic signs or devices. See Section 6.D.7 for sign illumination standards.~~

~~—3. Signs that constitute pedestrian or vehicular traffic hazards or which could be confused with any governmental regulatory, directional or warning sign.~~

~~—4. Signs with moving parts; signs and logos printed on or attached to a moving surface (does not include images and text painted on the body of a licensed motor vehicle).~~

~~—5. Tethered, airborne devices located within the required front setback.~~

~~—6. No sign may contain any offense or sexually explicit language, depict the nude human form or anatomy, contain any flashings, intermittent or moving lights nor exceed more than forty (40) square feet as prescribed in Section 6.D.1.~~



~~—F. Nonconforming signs. The intent of this ordinance is to regulate the installation of new signs, and ensure the eventual compliance of all signage within the corporate limits of the city. The following regulations shall regulate nonconforming signage in the~~

~~city. Signs that do not conform to the terms of this ordinance as of September 17, 2009, shall be considered nonconforming and shall be permitted to exist as such unless any one of the following circumstances 1. - 5. occur, and upon which, the nonconforming status expires and the subject signage shall comply with the terms of the sign regulations of the zoning ordinance. This permission to exist only applies to signs that were installed before the city's first sign code was adopted, and signs that have become nonconforming due to various amendments passed after the adoption of the first sign code. This permission does not apply to signs which were installed prior to the effective date noted in this paragraph, if a permit was required for such sign but was not obtained.~~

~~— 1. Changes are made to modify the overall height, shape, illumination, square footage, location, or support structure of the signage.~~

~~— 2. Maintenance or replacement costs including labor and materials exceed fifty (50) percent of the sign value as determined by an insurance adjuster.~~

~~— 3. Additional support, fasteners, parts, support structures or a new sign face are needed to extend the useful life of the sign.~~

~~— 4. The sign is determined to not be structurally sound by the city building official during periods of both active use and non-use, defined below.~~

~~— 5. The use of the property changes to a different permitted use as described by the list of uses allowed by the zoning district in which the sign is located.~~

~~— 6. On September 17, 2024, all signs not complying with the regulations of the sign provisions of the zoning ordinance shall be modified to comply with the terms of the sign regulations.~~

~~— 7. Appeals of the zoning administrator's interpretation of land use in Section 6.F.5. above shall be according to Article VI, Section 6, Appeals.~~

~~— 8. *Active-use* is defined as a sign or structure that uses words, phrases, letters, pictures, logos or other descriptive method to advertise a business located on the same site.~~

~~— 9. *Non-use* is defined as a sign or structure that lacks words, phrases, letters, pictures, logos or other descriptive method to advertise a business located on the same site.~~

~~— G. *Permit process.* All requests for a sign permit, when required, shall provide the following:~~

~~— 1. Dimensions and location of sign(s), plus any necessary details required to correctly identify the sign being issued a permit.~~

~~— 2. Permanent signs shall require a permit fee according to Article II Chapter 6-29 of the Revised Codes of the City of Spearfish.~~

~~— 3. Applicants requesting a Type A temporary sign permit shall provide the following:~~

~~— a. A copy of commercial liability certificate with minimum coverage of \$1 million each occurrence and \$2 million aggregate.~~

~~— b. \$10 one-time fee.~~

~~— c. Sign owner to complete a hold harmless agreement form provided by the city.~~

~~— H. *Definitions.* For purposes of this section the following terms are defined:~~

~~— *Ambient light level.* The existing illumination intensity of an outdoor location, measured in foot-candles, before a new light source is introduced to the same outdoor location.~~

~~— *Animation.* The use of movement or some element thereof, to depict action or create a special effect or scene.~~

~~— *Banner.* A sign made out of cloth, vinyl, plastic, or similar flexible material affixed to a pole, wire or rope which is located outdoors and which communicates a message to the public. Awning signs are not banners; see related prohibition regarding the use of banners installed on an awning frame, Section D.2.d.~~

~~— *Business.* A commercial entity formed for the purpose of offering the public tangible goods, property, personal or professional services, in exchange for compensation of the same.~~

~~— *Central Core Downtown.* Property that is zoned on the City of Spearfish official zoning map as Central Core (CC).~~

~~— *Commercial and Industrial Districts.* Property that is zoned on the City of Spearfish official zoning map as Central Core (CC) Central Commercial (C1), Highway Service Commercial (C2), Commercial Office (C3), Light Restrictive Industrial (I-LR), Heavy Industrial (I-H), Airport (APZ).~~

~~— *Electronic message sign.* A sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.~~

~~— *Flashing.* A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in periods of less than one (1) second.~~

~~— *Frame effect.* A visual effect on an electronic message center where a solid border appears around text or animation, and acts as a transition from one message to the next.~~

~~— *Freestanding.* A support system that is not connected to any other object or building, and has a permanent foundation in the ground.~~

~~— *Frontage.* For sign-permitting purposes, a public street is considered to constitute a frontage when it abuts a property and from which a defined and functional vehicular access is derived.~~

~~— *Kiosk tenant.* A business meeting the criteria below:~~

~~— a. A business that cannot meet the definition of a multi-tenant commercial building, and performs transactions and sales that are completely separate transactions from the building owner or the main building tenant.~~

~~— b. The business holds a South Dakota sales tax license or other relevant state-issued license/charter and a copy shall be provided to the city at the time the sign permit.~~

~~— c. A business that occupies interior space within a building where the space occupied is not more than twelve hundred (1,200) square feet.~~

~~— *LED/LCD.* Acronyms for light emitting diodes (LED) or liquid crystal display, respectively.~~

~~— *Light level.* A measure of illumination intensity cast onto any surface, and measured in foot-candles.~~

~~— *Logo.* An illustration, word(s), letters, or symbol designed to represent a business, brand or product.~~

~~— *Multi-tenant commercial building.* A structure housing three (3) or more businesses, each having an individual exterior or interior access. The terms of this definition does not apply to the central core zoning district.~~

~~— *Rally or seasonal vendor.* Any person or business that is temporarily offering goods and/or services to the public on a parcel of land owned by the holder of a vendors license.~~

~~— *Residential District.* Any property zoned Single Family (R-1) Duplex (R-2) and Multi Family (R-3), or zoned Development Review District (DRD) and developed or conceptually planned as residential.~~

~~— *Sandwich board.* A sign that cannot be inserted into the ground and by design is intended to stand up without any roping or tying off to another structure.~~

~~— *Sign(s).* Any visual medium or method which is used or intended to be used to attract attention to the subject matter for the purpose of communicating information or ideas to the public and which is visible from an offsite location and considered to be a customarily incidental, appropriate and subordinate land use to the principal use of land and buildings located on the same lot.~~

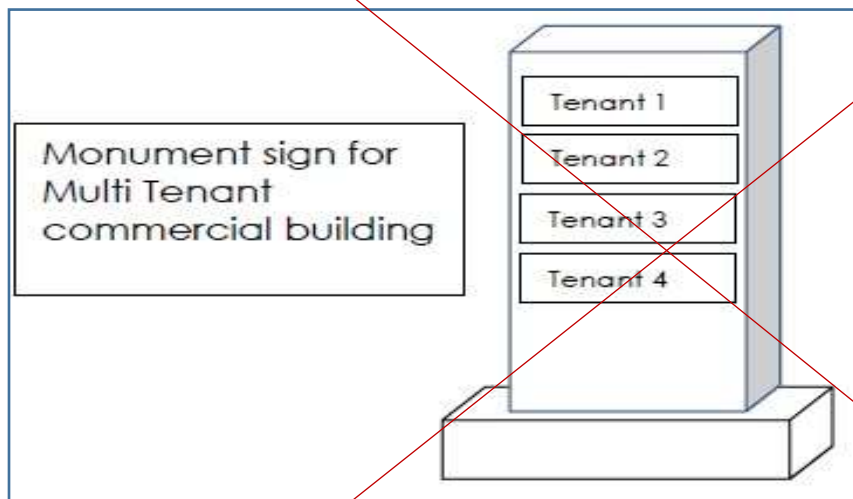
— ~~Sign, awning.~~ A sign that is printed on fabric, or a on a solid surface that forms a roof-like structure extending from the vertical surface of a building.

— ~~Sign, election.~~ Any sign that is posted as part of a political campaign or a municipal, county, state or national election.

— ~~Sign, home occupation.~~ A sign that is used for the identification of a business located within a home that is occupied by the business owner.

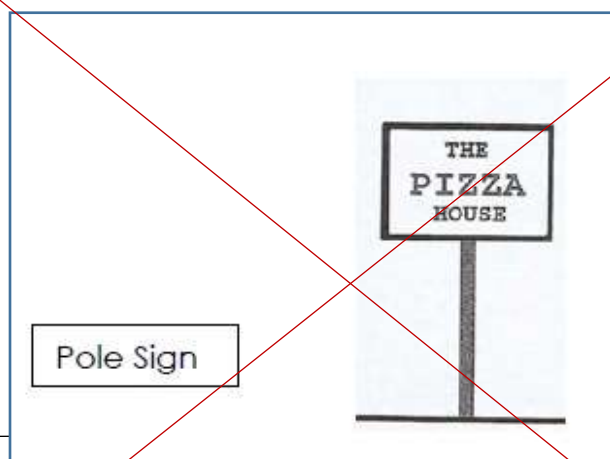
— ~~Sign, monument.~~ A freestanding ground sign, supported wholly by a base structure and containing one

~~(1) or more signs of individual businesses on the property; not including a signs defined as pole or pylon signs.~~



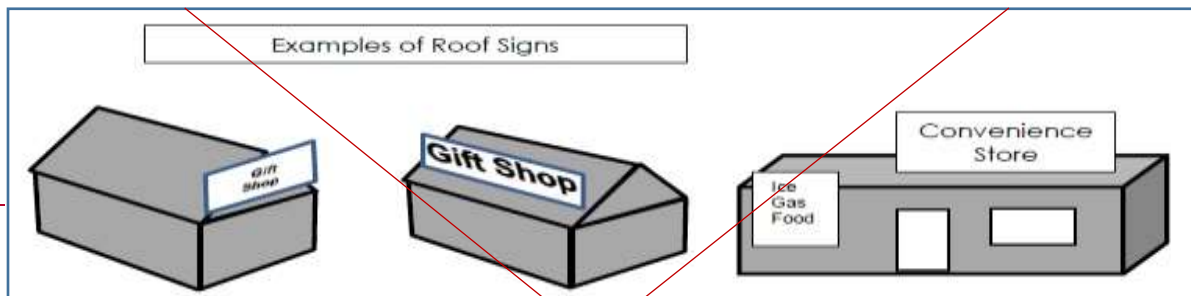
— ~~Sign, permanent.~~ Sign that is attached to a building or to a free standing support of any type having an in-ground foundation.

— ~~Sign, pole, pylon, or post-mounted.~~ A sign that is supported above the ground by one more vertical members and the area beneath the sign face is more than fifty percent (50%) open to the passage of light and air.



~~—Sign, real estate. Any sign that is posted on a property being offered for sale or lease.~~

~~—Sign, roof. Any sign erected or constructed wholly upon the roof of any building and shall include all areas of the roof surfacing material, and areas above the uppermost parapet line, or any line so established by the roof plane. Signs mounted on a mansard roof or on a canopy cover over a patio, sidewalk, are not considered to be roof signs, however the uppermost part of the sign may not be taller than any portion of the roof.~~



~~The following is an example of a mansard sign, and is not classified as a roof sign~~



~~—Sign, temporary. Any sign that is:~~

~~—a. A sign placed for the purposes of promoting or directing attention to a special event or activity that does not have permanent signage;~~

~~—b. A supplementary sign used by a business that currently has existing permanently mounted signs.~~

~~—Sign, window.~~

~~—a. Any decal, lettering, applique, sticker, or painted message that is attached directly to the interior or exterior glass surface on a building window.~~

~~—b. Any form of communication that is not physically attached to the interior glass surface, but is displayed in a window for public viewing.~~

— ~~*Sign area.* As used in the sign ordinance, shall be term used to indicate the maximum allowable sign size. See Section 6.D.1, Sign Standards, for calculating sign area.~~

— ~~*Sign brightness.* The level to which the human eye perceives the intensity of light coming from a sign and described to be within a range of dim to moderate to glaring when compared with the ambient light level of the outdoor spaces surrounding the sign.~~

— ~~*Sign face.* The message portion of a sign which communicates information by any means. A sign face does not include frames or support structures.~~

— ~~*Special event.* For the purposes of signage, any type of activity that the general public is invited to attend and for which there is not an existing sign that either could be modified or used to advertise the activity. Examples include: open house events, garage sales, health fairs, public gatherings on private or public property, auctions, etc. The definition of *event* does not include promotional sales or other activity that held at the site of an established business and where the business has existing signage.~~

— ~~*Streaming video.* The use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by an electronic message sign or similar device.~~

— ~~*Subdivision sign.* A sign marking the entrance to a neighborhood which also may be used for marketing purposes.~~



PLANNING COMMISSION UPDATE MEMORANDUM

January 7th, 2020

TO: Planning Commission
FROM: Jayna Watson, City Planner
RE: C-1 Parking Update/Redevelopment Incentive

As was discussed in previous meetings, the goal of this update is to offer an incentive for property redevelopment by reducing or eliminating the required off street parking in this zoning district for certain redevelopment proposals that meet specified criteria.

At the last meeting, the Commission briefly discussed the concept that all required off-street parking should be accounted for in the event that it is not being provided on the same site creating the parking demand. The zoning code currently allows shared parking between two sites owned by different people and this can be a voluntary method if the owner chooses to do so.

In order to achieve the goals for redevelopment in this district, staff's recommended approach is to allow the owner to pick from several options that are relevant to the development site since not all C-1 zoned parcels will have access to shared parking facilities, or curbside parking that could be improved/upgraded. By limiting the choices to the existing code provisions for shared parking, no meaningful relief to the off-street parking requirements results. At the January 7 meeting, staff will review examples of downtown redevelopment where redevelopment has taken place without the requirement for off street parking.

The following is an example for how the options would be incorporated into the C-1 zoning text.

Staff seeks the Commission's input on these concepts in red underlined text, and where noted as (TBD).

Section 5. C1 Central Commercial District.

A. General description.

B. Primary uses permitted

C. Uses eligible for conditional use permit

D. Area regulations

E. Height regulations

F. Minimum off-street parking and loading requirements per city code, or according to the C1 Redevelopment Incentive Plan.

G. C-1 Redevelopment Incentive Plan.

1. For any new or renovated structure, the required parking for non-residential land uses may be waived under the following criteria.

Mandatory Criteria:

b. Site structures must have an increase in valuation that is the greater of \$500,000 or 200% from the previous years assessed value.

c. Building design incorporates varying rooflines, contrasting exterior colors and finishes, outdoor use areas around/near the building.

Optional Criteria – In addition to the mandatory criteria above, a minimum of two of the following must be satisfied:

d. Existing public right of way is improved with new parking spaces.

e. Street trees are provided within the public right of way at the rate of (TBD) for each new parking space improved in b. above.

f. Existing sidewalks are widened.

g. New street trees provided at the rate of (TBD). (see next page for suggestions)

h. Other criteria (TBD).

2. Review and approval process. Upon receiving a complete application, the zoning administrator will place the request on the Planning Commission's agenda and the Commission will forward their recommendation to the City Council for a final decision.

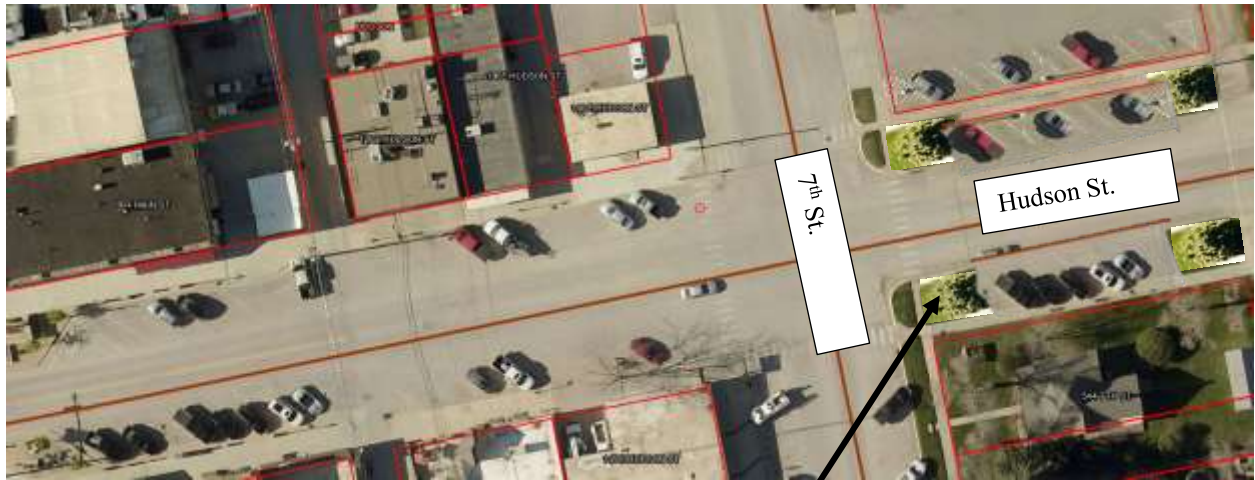


Exhibit 1: Two trees, on end



Exhibit 2: One tree, in middle

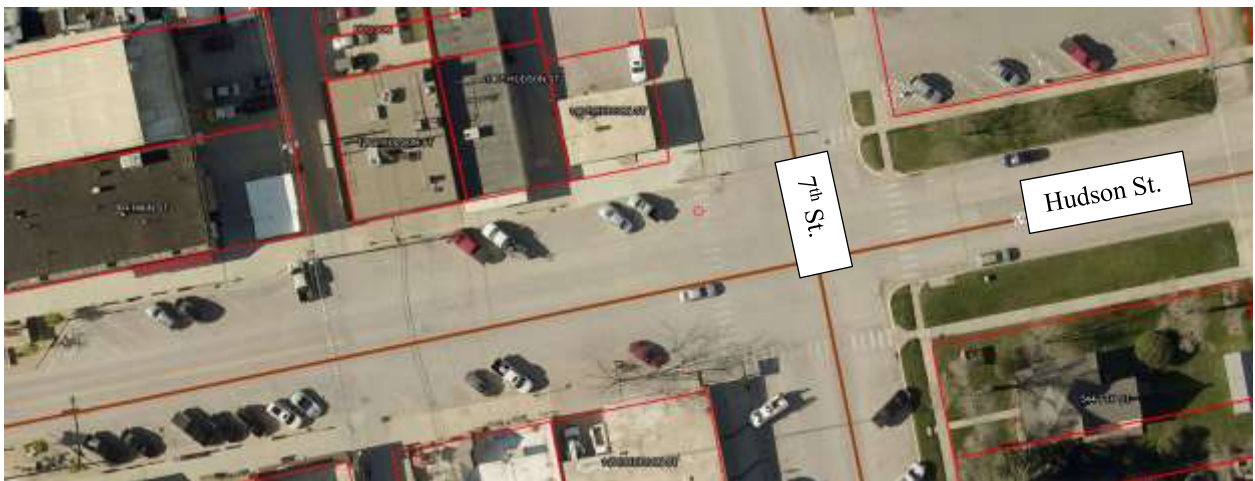


Exhibit 3: Unaltered picture of existing conditions for comparison



PLANNING COMMISSION UPDATE MEMORANDUM

January 7th, 2020

TO: Planning Commission
FROM: Daniel Van Holland, Assistant City Planner
RE: Parking Examples from Billings, MT

Please find attached two examples of overlay districts implemented by the City of Billings, MT pertaining to parking requirements designed to increase local aesthetics and spur economic development.

Example 1 waives all off street parking requirements within the overlay.

Example 2 acts as a PUD and assigns points to developments based on design and construction criteria. Criteria are meant to encourage a certain aesthetic within the overlay. A list of criteria from Billings is provided.

Example 1: East Billings Parking Overlay

The City of Billings has created a Parking Overlay district encompassing the East Billings Urban Renewal District. The overlay provides for alternative off-street parking requirements to encourage development and re-development of the encompassed area. The zone does not alter permitted use of the underlying zoning.

Overlay regulations are:

(a) No minimum off-street parking spaces are required at the time of development, redevelopment, expansion, change of use, or addition to public, commercial, industrial or residential property.

(b) Where off-street parking spaces are developed, the design of such spaces and parking lots shall meet the standards set forth in the city code and other design standards for off-street parking that are adopted policies of the City Engineer.

(c) These regulations in no way diminish or reduce a property owner's liability or obligation to provide accessibility in compliance with the federal Americans with Disabilities Act (ADA) standards.

Example 2: Shiloh Corridor Overlay District

This overlay exists to promote an aesthetically pleasing area through abundant landscaping, attractive building design, and preservation of scenic vistas. The district sets two criteria for developments to meet: absolute and relative. Absolute criteria are building standards set by the city code, relative criteria are design standards based on a point system.

Nine (9) criteria categories are given with features the city would like to see. Developers who implement a feature are awarded a point. A development must earn one (1) point in eight (8) of the nine (9) categories and earn a certain number of points based on the square footage of the development (15 points for < 25,000 | 20 points for > 25,000)

Points awarded based on parking include:

- a.) Having a joint use parking agreement
- b.) Providing less than 100% of required off-street spaces
- c.) Landscaping integrated into parking or sales areas
- d.) Lots placed at rear or side of building, none in front.

Criteria from Billings

Underlined criteria are Spearfish staff recommendations
Spearfish staff comments are in red

- (1) *Site development:*
 - a. Pavement along Shiloh frontage setback is less than or equal to thirty-five (35) feet.
 - b. Construct one or more public use spaces such as mini-parks, water feature, playfields or playgrounds, rest areas, for example.
- (2) *Access:*
 - a. A transit or school bus stop.
 - b. Easement granted for bike path or pedestrian trail other than sidewalk. The easement must be in addition to what is required by the Subdivision Regulations.
 - c. Construction of bike path or pedestrian trail other than sidewalk (one (1) point for each fifty (50) feet of ten (10) foot wide concrete or comparably durable hard surface pathway, four (4) points maximum).
 - d. Provision for internal access between lots.
 - e. Shared driveway.
 - f. Internal sidewalks incorporating stone, brick, patterned or colored concrete.
 - g. Installation of a curvilinear boulevard walk.
- (3) *Lighting:*
 - a. Demonstrate lighting does not spill over to adjacent residential properties.
 - b. Establish an overall outdoor lighting budget for the property that does not exceed fifty thousand (50,000) initial lamp lumens per net acre for all fully shielded and unshielded light sources.
 - c. Continuity of lighting fixture design with adjacent properties.
 - d. Incorporate outdoor light fixtures at heights less than twenty (20) feet.
- (4) *Parking:*
 - a. A joint use parking agreement.
 - b. Parking provided does not exceed one hundred (100) percent of required spaces.
 - c. Landscaping internally integrated in parking areas and/or sales area. – landscaping within the boulevard is an option
 - d. Parking lots placed at the rear and/or side of the building, none in front.
- (5) *Scale:*
 - a. The mass and scale does not exceed that of the surrounding development by more than ten (10) percent.
 - b. The height of structures does not exceed that of the surrounding development by more than ten (10) percent.
 - c. The building size does not exceed that of the surrounding development by more than ten (10) percent.
- (6) *Landscaping:*
 - a. Buildings have foundation planting.

- b. Landscaping exceeds minimum number of trees and shrubs that are required by ten (10) percent each.
- c. Landscaping material exceeds minimum caliper width by one (1) inch or fifty (50) percent additional height required.
- d. Drought tolerant tree, shrub and grass species requiring a significant reduction of water use.
- e. Terraced or bermed site design.
- f. Stormwater retention areas include significant landscaping.
- g. Bufferyards larger than required by at least ten (10) percent.
- h. Continuity of landscaping features at interface with adjacent property.
- i. Canopy trees placed in the boulevard along internal streets at one tree per twenty-five (25) feet of street frontage.
- j. Installation of a curvilinear boulevard walk.
- k. Incorporates existing trees in landscape design.

(7) *Architectural design:* - design criteria provided here is specific to billings, design is a criteria we recommend but these specific standards are not necessarily applicable to us

- a. Building materials are natural, i.e. wood or stone.
- b. Pitched roof with a minimum 3:12 pitch.
- c. Exceeds the state energy code requirements by:
 - Twenty-five (25) percent = One (1) point
 - Fifty (50) percent = Two (2) points
 - More than seventy-five (75) percent = Three (3) points
- d. The use of alternative energy sources, for example: photovoltaic, solar, geothermal, wind.
- e. Each building up to seventy-five (75) feet in length contains four (4) facade relief elements;
- f. Each building of seventy-five to one hundred fifty (75-150) feet in length contains five (5) facade relief elements;
- g. Each building exceeding one hundred fifty (150) feet in length contains six (6) facade relief elements;
 - Facade relief elements:
 - 1. Two (2) or more colors.
 - 2. Natural earth toned colors.
 - 3. Substantial fenestration using windows, doors, or other openings.
 - 4. Two (2) or more materials that break up the mass of the structure.
 - 5. Articulation of the parapet walls.
 - 6. Change in wall plane.
 - 7. Change in roof plane.
 - 8. Extended roof overhangs.
 - 9. Significant variation in building masses and/or forms.

- (8) *Signage:*
- a. Signage is not internally illuminated.
 - b. Monument signs used in lieu of pole signs.
 - c. Area of signage is at least twenty (20) percent less than total area allowable for each sign type.
 - d. Maximum sign height does not exceed one-third ($1/3$) the maximum height of the building(s).
 - e. Comprehensive sign plan.
- (9) *Mixed use:* One point will be given for each building that contains two (2) or more of the following uses:
- a. Office.
 - b. Retail.
 - c. Personal services such as dry cleaner, laundromats, beauty salons.
 - d. Residential.
 - e. Hotel/motel.
 - f. Medical.
 - g. Entertainment.
 - h. Restaurant.