



Spearfish Planning Commission

Agenda

Tuesday, October 15, 2019 - 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 October 1, 2019

D. Declaration of Conflicts of Interest

E. Items for Action

1. **Request:** Approve a preliminary plat and a variance to the required right of way for the Blue Star Subdivision in the NW1/4 NW1/4 of Section 29, T6N, R2E, BHM, Lawrence County
Location: Approximately 700 feet south of Maitland Road and west of McDermott Road
Applicant: Blue Star Trust/Devin McDermott
Action: Set a public hearing for November 5, 2019

2. **Request:** Approve a zoning code update regarding small wind energy systems; Appendix A Zoning, Article IV. District Regulations, Article V. Supplementary Regulations and Article VI. Administration and Enforcement creating new Section 11. Small Wind Energy Systems (SWES) and Article VI. Administration and Enforcement, and Section 3. Conditional Use Permits.
Location: C-2 Highway Service Commercial, Light and Heavy Industrial, DRD Commercial, and Airport Zoning Districts
Applicant: City of Spearfish
Action: Hold public hearing and make a recommendation to City Council.

3. **Request:** Provide Input to Sign Ordinance Update
Location: City-wide
Applicant: City of Spearfish
Action: Continued Discussion

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 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:	October 15, 2019 at 3pm
APPLICANT:	Blue Star Trust/Devin McDermott
REQUEST:	Approve a preliminary plat for the Blue Star Subdivision of the NW1/4 NW1/4 Section 29 T6N R3E BHM, Lawrence County, South Dakota
ACTION:	Set a public hearing for November 5, 2019
LOCATION:	<p>+/- 700 feet south of Maitland Road, east of McDermott Road</p> 
SUMMARY:	This request will allow for the platting of single family lots on a 39.78 acre parcel located in the three mile extra platting territory. The request also includes a variance to not require a full 66 foot wide right of way.

BACKGROUND AND HISTORY:

The surrounding lands are:

- County Commission approved a change from County Ag-1 zoning to County Rural Residential with zoning change effective November 1, 2019.
- County Agriculture zoning exists on the north, east, and south.
- County Suburban Residential zoning on the west.

PROPOSAL DETAILS:

- The preliminary plat shows 8 lots. One lot will need to be deleted in order to comply with the County’s zoning requirements which allows 8 per 40 acres and this parcel is 39.78 acres. The plat will be revised before the public hearing.
- A variance is requested to not require the full 66 foot wide right of way.
- Lots will be served with onsite septic and either individual or shared wells.

STAFF ANALYSIS:

The purpose of the City’s involvement in the review of subdivision plats within three miles is to ensure that the future street network develops according to the major streets plan of the Master Transportation Plan (MTP). There are no major street corridors that are noted on the MTP, therefore no new major street alignments or rights of way will be required.

This proposal complies with the County’s Rural Residential zoning requirements for minimum lot size of 2 acres with the minimum lot size at 3 acres.

The applicant requests a variance to the 3 mile subdivision ordinance that requires a 66 foot wide right of way. They propose with a 36 foot wide private access easement. There will be no County or City control or ownership of this local road which is the basis of the 66 foot standard. A survey is underway to determine the grade of the access road. An assessment of the variance and road grade information will be published in the next staff report.

PUBLIC COMMENTS: A copy of this report has been forwarded to the County Planning and Zoning Director who concurred with staff’s comments regarding the deletion of one lot in order to comply with zoning. Adjacent property owners will be notified by sign posting and mailed notice.

STAFF RECOMMENDATION: Set a public hearing for November 5, 2019

ATTACHMENTS:

Page 3 – Aerial map

Page 4 – Preliminary Plat



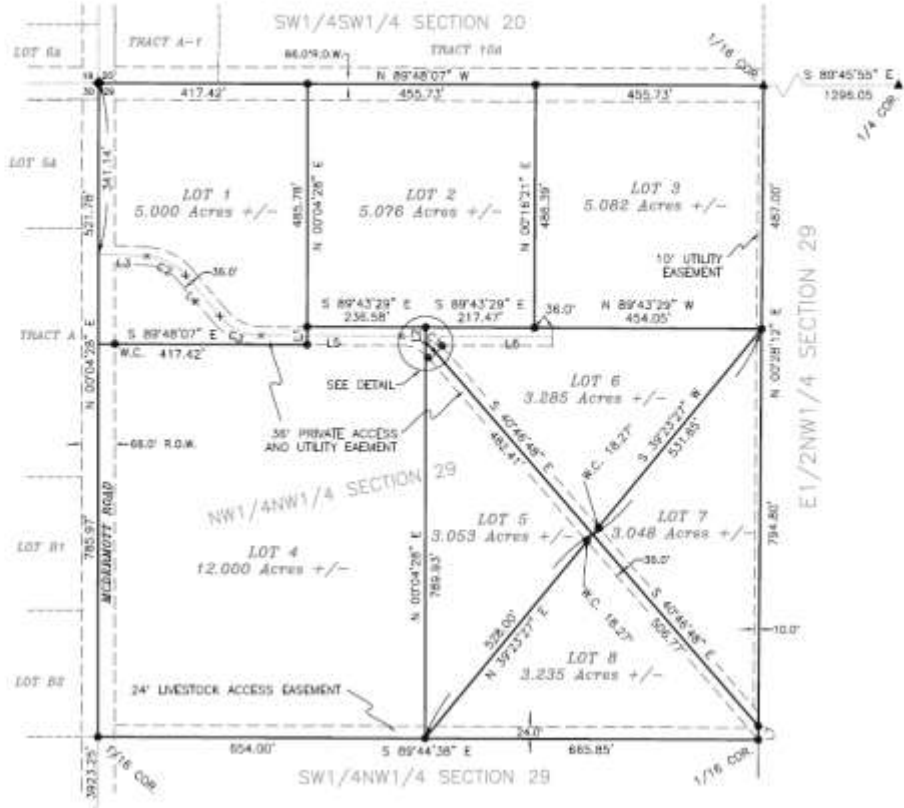
**PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 OF BLUE STAR SUBDIVISION,
LOCATED IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 29, T6N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA**

NOTES

- 1) BASIS OF BEARING WGS84
- 2) 5' UTILITY EASEMENT IS HEREBY DEDICATED ALONG THE INTERIOR SIDE OF ALL LOT LINES ON THIS PLAT UNLESS OTHERWISE SHOWN
- 3) TOTAL AREA PLATTED THIS PLAT 39.780 ACRES +/-
- 4) PROPERTY SHOWN ON THIS PLAT IS SUBJECT TO ZONE X SPECIAL FLOOD HAZARD AREAS AS SHOWN ON FORM OF LAWRENCE COUNTY, SOUTH DAKOTA PANEL NUMBER 48081002005F EFFECTIVE DATE 4/17/2012
- 5) 36' PRIVATE ACCESS AND UTILITY EASEMENT IS FOR THE USE OF AND BENEFIT OF LOTS 1-8 IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 29 AND THE E $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 29

OWNER:

BLUE STAR TRUST
10318 RIVERA DRIVE
ANDERSON ISLAND, WA
98303



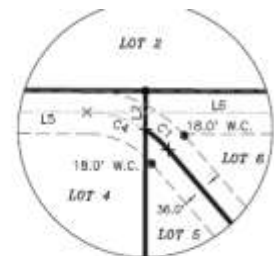
- REBAR & CAP (WREM LS8577)
- ◆ REBAR & CAP (LS11478)
- ▲ REBAR & CAP (SCOTT ENGINEERING)
- REBAR & CAP



30
31
32

LINE	BEARING	DISTANCE
L1	N 00°04'28" E	136.00'
L2	N 00°04'28" E	132.35'
L3	N 82°33'29" E	189.73'
L4	S 40°04'13" E	1114.22'
L5	N 89°43'29" W	1280.98'
L6	S 89°43'29" E	1302.18'
L7	N 00°28'12" E	127.30'

CURVE	CHORD	LENGTH	RADIUS	DELTA	ANGLE	CHORD	LENGTH	CHORD	BEARING
C1	23.26'	89.95'	187.00'	29°	25.18'	N 48°44'32" W			
C2	89.05'	108.60'	146.58'	50°	86.58'	E 67°33'38" E			
C3	53.77'	108.20'	149.32'	16°	90.86'	N 64°53'51" W			
C4	51.58'	89.95'	187.00'	29°	50.88'	S 73°17'53" E			



DETAIL, NOT TO SCALE



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, October 15 2019; 3pm
APPLICANT:	City of Spearfish
REQUEST:	Approve an update to Appendix A Zoning, Article IV. District Regulations, Article V. Supplementary Regulations and Article VI. Administration and Enforcement creating new Section 11 pertaining to Small Wind Energy Systems (SWES) and Article VI. Administration and Enforcement, Section 3. Conditional Use Permits.
ACTION:	Hold a public hearing and make a recommendation to City Council.
LOCATION:	Commercial, Industrial, Airport and DRD Commercial zoning districts

BACKGROUND AND HISTORY/SUMMARY:

Several months ago, the City Council requested that new set of regulations pertaining to SWES be drafted with the prime features being:

- 1) Reviewed by the Planning Commission as a Conditional Use Permit
- 2) Permitted by a CUP only in commercial, industrial, airport and DRD commercial zoned areas

PROPOSAL DETAILS:

This request introduces a new opportunity for renewable energy sources to be a choice for Spearfish businesses. The overall goals of this effort are:

- Enable opportunities for SWES where impacts to adjoining properties can be mitigated.
- Implement the new regulations and refine them as conditions warrant.

The primary features of these new regulations enable the following:

- Wind energy systems less than 75 feet tall.
- One free standing wind generator and up to two additional roof top mounted generators on the same parcel.

PUBLIC COMMENT: No comment has been received as of this writing. Legal notice of this amendment was provided to the newspaper and interested parties have also been made aware of this update.

STAFF RECOMMENDATION: Approve.

ATTACHMENT: Proposed small wind energy system ordinance

ORDINANCE NUMBER xxxx

AN ORDINANCE AMENDING APPENDIX A ZONING, OF THE REVISED ORDINANCES OF THE CITY OF SPEARFISH PERTAINING TO ARTICLE IV. DISTRICT REGULATIONS, ARTICLE V. SUPPLEMENTARY REGULATIONS, AND ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

BE IT ORDAINED by the Common Council of the City of Spearfish, that the following text shall be amended - with strikethrough indicating text to be deleted, underlined text indicating text to be added, and the remainder of the Article left unaffected—as follows:

Article IV. District Regulations

Section 7. C2 highway service commercial district.

A. General description. This district is established for the accommodation of retail and business service activities and are typically located and grouped along a major street, street intersection or highway interchange, generating a considerable volume of vehicular traffic.

B. Primary uses permitted. Property and structures in the C2 highway service commercial district shall be used for the following purposes:

[. . .]

C. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.

1. Drop-off or transfer sites for household recyclables.
2. Telecommunications facilities.
3. Large scale contractor.
4. Veterinary clinics for domesticated animals including pet daycare and overnight pet stays for which outdoor runs and kennels are provided.
5. Treatment center.
6. Small wind energy systems (SWES)

[. . .]

Section 8. ILR light/restrictive industrial district.

A. General description. This district is intended to provide for a number of light manufacturing, wholesale, retail, warehousing and service uses where landscaped site frontages provide an attractive setting for business.

B. Primary uses permitted. Property and structures in the ILR light/ restrictive industrial district shall be used for the following purposes:

[. . .]

C. Uses eligible for a conditional use permit. Conditional use permits may be granted to properties for the following land uses:

1. Telecommunications facilities.
2. Schools and universities.
3. Crematory.
4. Detached site-built or modular single-family dwellings in support of a primary use.
5. Small wind energy systems (SWES)

[...]

Section 9. IH heavy industrial district.

A. General description. This district is intended to:

1. Reserve appropriately located areas for heavy industrial and related activities where the environmental impacts are of a different nature than in other commercial and industrial zones, and ensure the continuity of locations for industries that can operate on sites with minimum mutual adverse impact.
2. Provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other.

B. Primary uses permitted. Property and structures in the HI heavy industrial district shall be used for the following purposes:

[...]

C. Uses eligible for a conditional use permit. Conditional use permits may be granted to properties for the following land uses:

1. Extractive operations for sand, gravel, rock, minerals, and similar materials.
2. Processing facilities for food, beef, pork, fish, poultry, agricultural crops, timber, wood and similar raw materials.
3. Small wind energy systems (SWES)

[...]

Section 10. Development review district.

A. General description. The purpose of the development review district (DRD) is to allow development of undeveloped parcels of land that, by virtue of their visually and/or environmentally unique location, lend themselves to a blend of diverse yet compatible uses, innovative layouts or sensitive designs. Development of such parcels shall be accomplished while meeting public requirements, including preservation, promotion and protection of open space, scenic vistas and natural resources, by-through the application of extra administrative controls. All final plans in the development review district shall be recommended by the planning

commission and approved by the common council under the procedure set forth herein. Final approval by the common council is deemed to be an administrative act not subject to referendum.

B.a Uses permitted. ~~Property and structures in the DRD-Development review district shall may be used for the following purposes: Unless expressly prohibited in C. below, the following uses are permitted:~~

1. Commercial uses.
2. Inpatient and outpatient health care facilities and clinics.
3. Long term care, congregate and assisted living facilities.
4. Religious and educational facilities and institutions.
5. Light manufacturing and office park uses.
6. Public and private recreation facilities and their ancillary services.
7. Variable density housing.
8. Public and private transportation, utility and public safety facilities.
9. Agricultural uses.
10. Telecommunications facilities ~~as defined and regulated in Article V, Section 8 by administrative approval and use permit.~~
11. Photovoltaic (PV) systems ~~per Article V, Section 9.~~

B.b Uses eligible for a conditional use permit. Conditional use permits may be granted to properties for the following land uses:

1. Small wind energy systems (SWES) for lots designated by the concept plan as being commercial, open space, or other non-residential land use.
2. Telecommunications facilities.

C. Uses prohibited.

[. . .]

Section 11. APZ airport zoning district.

A. General description. The purpose of the airport zoning district (APZ) is to provide for and promote the aviation and economic development potential of Black Hills Airport/Clyde Ice Field. This district shall apply to all existing and future properties included in the ownership boundaries of the airport. To achieve its purpose the district shall, in concert with the airport master plan:

1. Reserve appropriately located areas for business, industry and aviation and to provide and ensure the continuity of locations for uses that can operate on sites with maximum mutual beneficial impact.
2. Establish and maintain high standards of site planning, architecture and landscape design that will create a safe and attractive environment for business and industry, while maximizing the protection of the aviation mission of the airport.
3. Protect areas appropriate for business, industry and aviation from intrusion by inharmonious uses.

4. Provide opportunities for certain types of industrial, business, residential and aviation uses to concentrate in mutually beneficial relationships to each other without compromising the primary mission of aviation.

B.a ~~Uses permitted.~~ Primary uses permitted. Property and structures in the APZ Airport zoning district heavy industrial district shall be used for the following purposes:

1. All aviation and related uses.
2. Light industries and businesses that operate solely within the confines of an enclosed structure and whose activities do not cater to the general public.
3. Residential use shall be limited to those areas designated as "Residential Air Park" (RAP), by the Airport Master Plan, as from time-to-time may be amended.
4. Photovoltaic (PV) systems ~~per Article V, Section 9~~
5. Telecommunications facilities.

B.b Uses eligible for a conditional use permit. Conditional use permits may be granted to properties for the following land uses:

1. Small wind energy systems (SWES).
2. Telecommunications facilities.

Article V. Supplementary Regulations

Section 11. Small Wind Energy Systems (SWES)

A. Purpose—. The purpose of these standards is to define the review criteria that will be used in considering Conditional Use Permit Requests for SWES. Meteorological towers are not subject to these regulations.

B. Definitions.

"Meteorological tower" (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, measuring devices such as anemometers (wind speed indicators), wind direction vanes, booms to hold anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit data such as wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

"Shadow flicker" means alternating changes in light intensity caused by rotating parts that cast shadows on the ground and stationary objects such as an occupied structure.

"Small wind energy system" (SWES) means equipment arranged in any configuration that converts or transfers energy from the wind into usable forms of electrical energy or mechanical function for on-site use. This equipment includes the wind generator and related components and supporting structures.

“Total height” means the following:

- a. for a horizontal axis system, the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- b. for a vertical axis system, the vertical distance from ground level to the highest point of the SWES, excluding lightning rods.
- c. for a roof mounted system, the vertical distance from ground level to the highest point of the SWES.

“Roof mounted” means a system mounted on and totally supported by a structure or structure that complies with current codes, but not supported by a tower.

“Tower mounted” means a system mounted on a monopole, freestanding, or guyed structure that supports a wind generator.

“Wind generator” means the parts of the system that are activated by the force of the wind along with any associated mechanical and electrical connections and components.

C. Conditional Use Permit approval criteria for Small Wind Energy Systems (SWES)

1. Certification: All SWES must either be certified by its manufacturer or a licensed professional engineer to meet current recommendations of the American Wind Energy Association (AWEA), the British Wind Energy Association (BWEA) or the United States Department of Energy (DOE), with evidence of certification submitted at the time of application for a conditional use permit.
2. Setbacks. The SWES shall adhere to the setbacks as described below.
 - a. A setback distance of 1.1 times the height of the system is required along all property lines.
 - b. If the manufacturer’s recommended setback for mitigation of any impact to an adjoining lot is greater than as described above in 2.a, the manufacturer’s setback is required.
3. Maximum Total Height. The maximum total height of any SWES shall be less than 75 feet for C-2, I-LR, I-H, DRD, and APZ zoning districts.
4. Clearance of blades/moving parts: No moving portion of a wind generator shall be located within twenty feet of the ground. No blades may extend over parking areas, public rights of ways, driveways, sidewalks, or above-ground utilities.
5. Lighting. A wind tower and generator shall not be lighted unless such lighting is required by the Federal Aviation Administration.
6. Appearance, Color, and Finish. SWES shall be painted a color which is deemed to be compatible with the surroundings. Dark muted earth tones are preferred to lighter colors. If manufacturers’ specifications do not permit changing the factory

paint finish, this shall be disclosed at the time of application for approval.

7. A maximum of one tower mounted wind generator is permitted per lot. A maximum of two roof mounted wind generators are permitted per lot. Both tower and roof mounted wind generators are permitted on the same lot.
8. The SWES shall be located such that it does not create noise impacts above the ambient noise level at the property line that is closest to the SWES.
9. An application for a SWES will not be approved if it would cause shadow flicker at any time of day or night, regardless of season, to fall onto:
 - a. An existing occupied structure on an adjacent lot.
 - b. On a structure under construction on an adjacent lot at the time of application for approval of an SWES, and the structure is intended to be occupied.

Article VI. Administration and Enforcement

Section 3. Conditional Use Permits

A. Generally

[...]

B. Approving Authority

[...]

C. Evaluation criteria. In either making a recommendation to approve or deny, or acting to approve or deny an application for a CUP, the following criteria shall be considered:

1. The proposed use shall comply with other ordinances. A CUP may not be issued to allow a use otherwise prohibited specifically identified as being eligible for a CUP;
2. The proposed use shall be eligible for a CUP based on the zoning district;
3. The proposed use shall comply with the setback, lot coverage, height and other requirements of the zoning district, unless the subject property is currently legally nonconforming or a request for a variance is simultaneously submitted with the application for a CUP;
4. The proposed use shall be compatible with the location, physical character, and topographic features of the property;
5. Buffering measures along parcel boundaries shall exist or be incorporated to mitigate any visual impact of outdoor use areas onto adjacent property;
6. If applicable, lighting from all sources shall be designed so that it does not unreasonably affect adjacent property;
7. The proposed use shall not create an unreasonable public safety issue relating to the property or its surroundings, nor increase the risks of an existing public safety issue;

8. The proposed use shall have adequate pedestrian and vehicular access, circulation and parking, including those related to bicycle transportation and transportation by persons with physical disabilities;
9. The proposed use shall not result in any unusual or unreasonable parking impacts.
10. The proposed use shall not result in an unusual or unreasonable number of vehicle trips per day as measured against the character of the neighborhood of the subject property and the street network serving it;
11. The proposed use shall not result in an unusual or unreasonable level of noise;
12. Adequate public services and utilities shall be available to accommodate the proposed use; and
13. Additional imposed conditions, if any, will mitigate any probable adverse impacts of the proposed use.

14. For applications for small wind energy systems (SWES) only, the specific conditional use permit criteria for the SWES has been met.

Authorization: That this ordinance is being passed pursuant to the provisions of SDCL §11-4-1

Severability. If any provision of this code or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of this code are severable.

Effective Date. This ordinance will be effective 20 days following publication, which will occur after the ordinance receives second and final reading by the City Council and is signed by the Mayor.

Dated this _____ day of _____ 2019

CITY OF SPEARFISH

By: _____
Dana Boke, Mayor

ATTEST:

Michelle DeNeui, Finance Officer

(SEAL)

First Reading:
Second Reading:
Public Hearing:
Published:
Effective:



PLANNING COMMISSION UPDATE MEMORANDUM

October 15, 2019

TO: Planning Commission

FROM: Jayna Watson, City Planner

RE: Sign Ordinance Discussion

From the last meeting, a general consensus was reached to allow display of temporary signs for up to 7 days per month. This timeline would apply to all signs within the right of way and on private property. Signs placed on properties for sale or lease will not be subject to the below. Separate permissions will be created, but require additional review and will be presented in the next report. Signs requiring a display of longer than 7 days on private property would be considered permanent signage and would need to follow those regulations.

Staff reviewed the following **temporary signage** examples to compare with the 7 day proposal:

- Senior Center Rummage Sales – 3 consecutive days per month
- Canyon Acoustic Series – Every Wednesday June-August
- Churches serving rally breakfast – 7 days is typical however some may want 10 days
- Festival in the Park – 4 days in July
- Business promotion signage – owners sometimes want to display for several months, especially if newly opened business.
- Garage sales – usually a maximum of 3 days
- Special events, auctions, open house, community gatherings - typically 3 days and less, school homecoming festivities last up to 7 days.

It is important to remember that the above signage is for advertising, not, business identification. The city has discretion to be as restrictive or permissive as it deems appropriate with regard to the posting of these in the public right of way. Regarding the election season signage, staff recommends the 60 days before and 48 hours after timeframe for display, keeping in mind that any of the above could also appear in this time frame.

The last major topic to be covered is regarding non-conforming signs, the City Council has indicated they prefer that as signs are removed and replaced, compliance to the code would be required at that time. Ordinary maintenance of a non-conforming sign would be permitted without requiring compliance to the code. New language reflecting this is included.

Section 6. Sign regulations - (Yellow highlight reflect changes since last meeting)

- A. General provisions and purpose – reviewed on 7-2-19
- B. Sign subject to regulation – reviewed on 7-2-19
- C. **Temporary Sign General Regulations** (note: defined as a sign displayed 90 days per year or less)
 - 1. Signs are permitted according to Table 1, and the standards listed below.
 - 2. 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.
 - 3. **Signs may be displayed for a maximum of 7 days per month, every month of the year.**
 - 4. Signs must ~~shall~~ be securely anchored or fastened so as not to be displaced into the street.
 - 5. Public sidewalks and streets must ~~shall~~ not be impeded by sign placement.
 - 6. Signs must ~~shall~~ be located to enable visibility of oncoming traffic from all site driveways onto a public street and at street intersections.
 - 7. 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.
 - 8. Signs must ~~shall~~ be free of all rips and tears and without any folds or sagging.
 - 9. Signs must be legible, clean, and free from deterioration.
 - 10. Signs that have a ~~display~~ ~~copy~~ on both sides are counted as one sign.
 - 11. **Feather banners (defined below) must be posted on private property and must not overhang or encroach into a public street right of way or alley right of way. (NOTE: if this method of regulation is chosen, the provision in permanent signs will be deleted)**

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	Maximum number of signs allocated per column 3 and 60 days before and 48 hours after an election
Public Rights of Way: a) Allowed in any zoning district b) Minimum spacing 50 feet between signs	6	1	2 10 (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	32	1	2 10
	6	2	4 10

Private Property Zoned AG, RLS-1, R-1, R-2, DRD one and two family residential	6	2	4 10
Footnote to Table 1: 1. Three or more contiguous lots under the same ownership are considered one lot.			

New Definition:

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.

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

1. Signs are permitted according to Table 2, and the standards listed below.

4.2. The method for calculating sign size or area is: ~~according to the following:~~

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

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):



~~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.~~

3. For lots with more than one building, each building has its own sign allowance.

4. 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 street and a maximum of 2 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.

d. One feather banner per lot, up to 32 square feet. (Note: if feather banners are treated as permanent signs, the temporary permission will be deleted)

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

VILLAGE CENTER

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):



2.5. *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 shall~~ not be visible. If concealment is not possible, supporting hardware ~~must shall~~ be painted a color to blend with the surrounding structure.
- b. A footing design ~~must 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 ~~may shall~~ 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 shall not be permitted for use as an awning sign.
- e. Flexible ~~banner~~ material ~~used 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 pole or structure designed specifically to hold the banner.
- f. All electric design must be per the applicable code National Electric Code, current edition as adopted by the State of South Dakota.

(Note: the following 3 and 4 are incorporated into the permanent sign Table 2)

~~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.~~

56. *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 shall also apply to existing signs: (Note: this last statement replaces (5) below)

- 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.~~ (Note: reference not needed)
 - (4) Signs shall be placed within a landscaped setting having a minimum one thousand seven hundred and fifty (1,750) landscape 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.~~ (Note: see intro paragraph)

6.7. 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.

~~7.8.~~ *Standards for all illuminated and electronic message signs.*
(Note: no changes proposed)

~~8.9.~~ *Maintenance, removal responsibility.*
(Note: no changes proposed)

~~9.10.~~ *Projection, clearance and height.*
(Note: no changes proposed)

E. *Prohibited signs.*
(Note: no changes proposed)

F. *Nonconforming signs.*

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.

1. The sign has been altered in a fashion exceeding the allowed maintenance standards in subsection (4) below or relocated.
2. The sign has been brought into compliance with this subchapter.
3. The sign is abandoned.
4. Nonconforming signs may be maintained, altered, modified, or reconstructed provided that such changes do not increase the overall sign area, height, or change any other non-conforming aspect of the sign. 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. A new sign permit is required for inspection purposes. (Note: the purpose of allowing this type of maintenance is to ensure that a non-conforming sign can be refreshed and not become blighted)

ABANDONED OR ABANDONMENT. The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property

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

1. Permanent signs require a permit except where noted in Table 2. Temporary signs require no permit.

2. Applicants seeking a permit shall provide the dimensions and location of the requested sign(s), plus any necessary details required to correctly identify the sign being issued a permit.

3. Permanent signs shall require a permit fee for permanent signs shall be according to the fee schedule set by resolution of the City Council and on file with the Finance Office, Article II Chapter 6-29 of the Revised Codes of the City of Spearfish.

4. Applicants requesting a Type A temporary sign permit for a sidewalk sign in the Central Core Zoning District shall provide the following:

a. A copy of commercial liability certificate with minimum coverage of \$1 million each occurrence and \$2 million aggregate naming the City of Spearfish as an insured.

b. \$10 one-time fee. (note: these signs were once considered as temporary, but now treated as permanent since they will be displayed more than 7 days a month.)

c. Sign owner must sign a complete hold harmless agreement form provided by the City of Spearfish.

SEE NEXT PAGE FOR SIGN TABLE 2

TABLE 2 - PERMANENT SIGNS (displayed more than 7 days per year)

TABLE 2						
1	2	3	4	5	6	6
Sign Type <u>Zoning, Land Use, Property Status</u>	Max. Number Signs Permitted	Max. Square Footage¹ each sign*	Location Permitted	Lighting Permitted	Other Regulations (Note: this column is not needed)	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 <u>square feet per sign</u>	Exterior building wall; no pole mounted signs	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Multi-Tenant Commercial Building <u>(standards for CC, C-1, C-2, C-3, ILR, IH, APZ and DRD do not apply)</u>	3 per tenant	2 <u>square feet</u> per each linear foot of suite width, <u>up to 150 square feet per sign</u>	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
	1 monument sign ²	300 <u>square feet per sign</u>	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes
Commercial and Industrial <u>zoning districts C-1, C-2, C-3, ILR, IH, APZ and DRD commercial</u> outside Central Core zoning	2 per street frontage	2 square feet per each linear foot of building facing the street. 150 <u>maximum square feet per sign street</u>	On private property	yes, see Section 6.D.7	Permanent signs Section 6.D	yes

Zoning or Use	Max. Number Signs Permitted	Max. Square Footage	Location Permitted	Lighting Permitted	Other Regulations	Sign Permit Required ?
<p>Central Core CC zoning Downtown</p> <p>(note: sidewalk signs were previously a 'business promotion' sign. Since they are displayed year round, they are permanent signs)</p> <p><u>CC zoning Sidewalk Signs</u></p>	<p>2 per street frontage</p> <hr/> <p><u>1 per street frontage</u></p>	<p>Maximum 100 square feet total per street frontage for all signs</p> <hr/> <p><u>6 square feet maximum</u></p>	<p>On private property</p> <hr/> <p><u>On public sidewalk</u></p>	<p>yes, see Section 6.D.7</p>	<p>Permanent signs Section 6.D Square footage may be apportioned by owner</p>	<p>yes</p>
<p>Home Occupation or Use on Review Conditional Use Permit or non-residential use within a residential zoning district</p>	<p>1 per <u>lot</u> home occupation</p>	<p>3 square feet - with staff approval or up to 32 square feet with <u>Planning Commission City Council</u> approval</p>	<p>Exterior wall of house/ building or as otherwise <u>On private property as approved by City Council Planning Commission</u></p>	<p>as approved by the <u>Planning Commission</u>; yes, see Section 6.D.7</p>	<p>Permanent signs Section 6.D</p>	<p>yes</p>
<p>Ag zoning and R-3 multi-family zoning</p>	<p>1 per <u>lot</u> parcel</p>	<p>16 square feet</p>	<p>On private property</p>	<p>yes, see Section 6.D.7</p>	<p>Permanent signs Section 6.D</p>	<p>yes</p>
<p><u>Signs posted at the entrance to a residential or commercial neighborhood Subdivisions</u></p>	<p>1 sign per entry</p>	<p>100 square feet <u>per sign</u></p>	<p>On private property</p>	<p>yes, see Section 6.D.7</p>	<p>Permanent signs Section 6.D</p>	<p>yes</p>

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.