

ORDINANCE NO. 1310

AN ORDINANCE AMENDING APPENDIX A ZONING, ARTICLE V, SUPPLEMENTARY REGULATIONS, SECTION 6 SIGN REGULATIONS OF THE REVISED ORDINANCES OF THE CITY OF SPEARFISH.

BE IT ORDAINED by the Common Council of the City of Spearfish, that Appendix A Zoning, Article V., Supplementary Regulations, Section 6. shall be repealed and replaced in its entirety with the following text:

Article V. Supplementary Regulations, Section 6. Sign regulations

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 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 placed in a location that does not limit visibility of oncoming traffic at street intersections and at all site driveways onto a public street.
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 made of banner plastic or other flexible materials 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 are permitted and must be posted on private property and must not overhang or encroach into a public street right of way or alley right of way.
10. Signs may be displayed continuously beginning 7 days before and ending 10 days after the official start of the Sturgis motorcycle rally.

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 per individual lot, building tenant, or condominium unit displayed 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, all three 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):



VILLAGE CENTER

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. 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. 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. Signs 30 square feet or less may be placed immediately above a building entryway and a maximum of 2 signs per building.
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 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.
6. *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 information.
 - (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.
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 $150 \times 1.20 = 180$ square feet of signage.

TABLE 2 – PERMANENT SIGNS

1	2	3	4	5	6
Zoning or Use	Max. Number Signs Permitted	Max. Square Footage	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 signs 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	On public sidewalk	yes	yes

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
Signs posted on property listed for sale or lease and governed by the subdivision code	2 sign per subdivision	32 square feet per sign	On private property	no	yes

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.

8. 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.

9. *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.

10. *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.

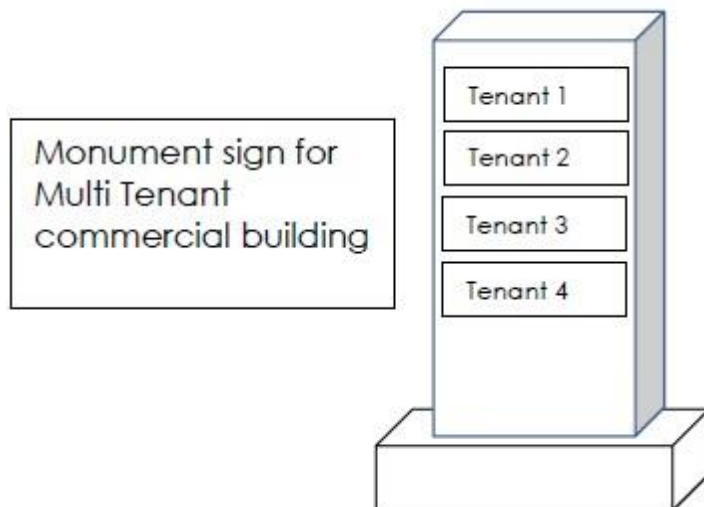
Excluded from this definition are:

- 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.

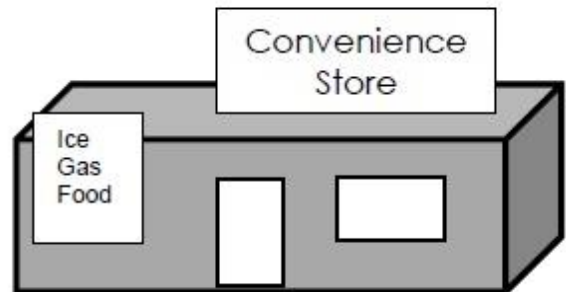
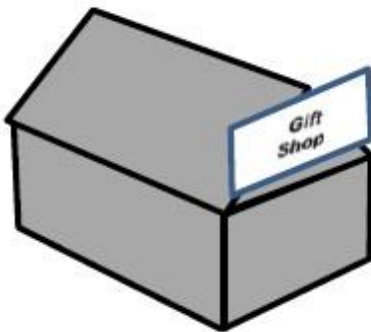
Sign, pole, pylon, or post-mounted. A sign that is supported above the ground by one or more vertical members and the area beneath the sign face is more than fifty percent (50%) open to the passage of light and air.

Pole Sign



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.

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)

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