

27-A.06.07. Signs, billboards, and other advertising structures.

By virtue of its Southern Black Hills location with its pristine vistas and the unique sandstone architecture of its historic district, the City has determined that, for the general welfare of its citizens and to protect and to further promote the historic significance of the city, consideration of signage aesthetics shall be a primary determinant in the review and permitting of all signs in the city.

The purpose of this Section shall be to establish effective local regulation of outdoor advertising. It is intended to provide for the convenience of the traveling public, for the promotion of locally available facilities, goods, and services, and to minimize any negative impact on adjacent properties. It is also attempting to pursue a reasonable number of and placement of signs and billboards.

- A. In any area where advertising signs are permitted, all applicable state and federal regulations shall apply. In addition, any business sign or advertising sign erected within areas referred to as natural or scenic beauty, areas of historical interest, or other areas within the city referenced within this ordinance or attachments, or resolutions to this ordinance, not including South Dakota State Highways or Roads and commercial lots with an approved On-Premise Business sign shall be required to conform to the following regulations:
 - 1. Advertising signs shall not be located in any area designated by the governing body as one of Historical Interest except as provided in the Historic Preservation District Ordinance.
 - 2. Advertising signs shall not be located in any area designated by the governing body as one of Scenic Beauty or Natural Attractions. Such areas shall be approved by the City Council and listed or illustrated by an attached map and/or described by common name. This registry, list, or map may be reviewed at any time by the governing body at which time areas under review may be added to

or deleted from the natural or scenic area designation.

3. Off premise advertising signs or billboards may be permitted through Use Permitted On Review procedure in accordance with 27-A.08.04. Construction of off-premise signs shall be regulated through the building permit process.
4. Roof signs shall be architecturally integrated into the roof structure design and in no case extend above the building roof line.
5. On-premise business signs in General Commercial, Golf Course Commercial, and Mixed Use Districts advertising the business on that specific site shall be limited to:
 - a. double-sided pole, monument, or projecting signs, of which none shall exceed twenty-five (25) square feet in size (50 sq/ft aggregate sign area) and,
 - b. wall mounted sign(s), the areas of which shall not exceed twenty-five square feet (25 sq/ft) for each twenty-five feet (25') of street frontage. Where the provisions of 27-A.06.07(A)(4)(a) are not used, the wall sign allowance shall be two square feet (2 sq/ft) of sign space per one (1) lineal foot of commercial street frontage. A wall sign may project not more than six inches from the storefront.
 - c. In no case shall any one sign exceed fifty (50) square feet in aggregate area, except that an on-premise billboard may be permitted through Use Permitted On Review procedure in accordance with 27-A.08.04.
 - d. In no case shall any combination of signage exceed two square feet (2 sq/ft) of sign space per one (1) lineal foot of commercial street frontage, except that no bonafide business shall not have less than fifty square feet (50 sq/ft) of sign space allotted to them.

- e. Signs shall be placed adjacent to the street upon which the sign allowance was calculated.
- f. On premise pole signs shall not be placed closer than fifty-one feet (51') to any other pole sign.
- g. Signage for customary home occupations as regulated in 27-A.06.07(A)(8).

Exceptions:

- (a) Fuel stations, hotel/motels and restaurants in GC zones may comply with Highway Service sign regulations for reader-type signs.
- (b) Sign structures housing signs for multiple businesses shall be considered a commercial structure and regulated through the building permit process.

- 6. On-premise business signs in Highway Service and Industrial Districts advertising the business on that specific site shall be limited to:
 - a. pole signs, not to exceed two-hundred square feet (200 sq/ft) of aggregate sign area, provided that pole signs do not exceed thirty feet (30') in height.
 - b. monument signs, not to exceed fifty square feet in size, exclusive of the supporting elements, provided that no part of the sign or structure exceeds six feet (6') in height and complies with the corner lot provisions of 27-A.06.04(B)(1).
 - c. No sign or element thereof shall be constructed closer than five feet (5') to any property line.
 - d. wall mounted or projecting sign(s) shall be limited to two square feet (2 sq/ft) of sign space per one (1) lineal feet of commercial street frontage. A wall sign may project not more than six inches from the storefront.
 - e. In no case shall any sign exceed fifty (50) square feet in size, exclusive of the supporting elements, with the exception of pole signs which shall not exceed one-hundred square feet (100 sq/ft) in size.

- f. In no case shall any combination of signage exceed two square feet (2 sq/ft) of sign space per one (1) lineal foot of commercial street frontage, except that no bonafide business shall not have less than fifty square feet (50 sq/ft) of sign space allotted to them.
- g. Signs shall be placed adjacent to the street upon which the sign allowance was calculated.
- h. On premise pole signs shall not be placed closer than fifty-one feet (51') to any other pole sign.
- i. Monument signs shall not be placed closer than seventy-six feet (76') to any other monument sign.

Note: These provisions allow for pole/monument sign combinations and multiple advertisements on a single sign face or sign pole. Engineering data is required for all pole sign structures.

Exceptions:

- a. Company emblems, logos, and Trademark names architecturally designed into fuel station canopies do not count towards the aggregate sign area.
 - b. Sign structures housing signs for multiple businesses, such as a mall or shopping complex, shall be considered a commercial structure and shall be regulated through the building permit process.
7. All illuminated OFF and ON premise signs or billboards shall be equipped with lighting fixtures designed and mounted in such a manner to only illuminate the sign or billboard face. At no time shall the light source be allowed to shine or reflect into or on any residential dwellings within 250 (two hundred and fifty) feet of the sign or billboard. All effort must be made to avoid illuminating the ground, other objects, and the sky, and must not adversely impact adjacent properties or streets.

8. Business signs which direct attention to a home occupation, where such is permitted, shall not exceed four square feet (4 sq/ft) in area, and shall be limited to one such sign per approved home occupation use. No sign shall be placed closer than twenty feet (20') to any property line abutting a street.
9. Churches, hospitals, clinics or similar occupancies in residential districts shall not exceed thirty-two square feet (32 sq/ft) in area. Such sign shall be either a wall sign or a ground sign and shall not be constructed, placed or erected at or near any intersection such that it would violate the 25 (twenty-five) foot sight triangle at intersections.
10. In any area within the jurisdiction of the City of Hot Springs, the following signs shall be allowed:
 - a) For each permitted or required parking area that has a capacity of more than four cars: one sign not more than four square feet in area, designating each entrance to or exit from such parking area; and one sign, not more than four square feet (4 sf) in area, identifying or designating the conditions of use of such parking area.
 - b) One non-illuminated 'For Sale' or 'For Rent' sign not exceeding sixteen square feet (16 sf) in area and advertising the sale, rental or lease of the premises on which the sign is located. Sign may not exceed forty-eight inches (48") in width or height.
 - c) For each real estate subdivision that has been approved in accordance with the regulations of the City of Hot Springs, one sign per entrance, not over one hundred square (100 sf) feet in area, advertising the sale of property in such subdivision. Permits for such signs shall be issued for a two year period and may be renewed for additional two year periods.

- d) For construction on or development of a lot, signs not more than twelve square feet (12 sf) in area, stating the names of contractors, engineers or architects, but only during the time that construction or development is actively underway.
 - e) Seasonal on-premise advertising signs, for agricultural products raised and/or cultivated on that land, not to exceed twelve square feet (12 sf) in area.
 - f) Political or campaign signs. Political signs must be removed within five (5) days following such election, unless the candidate is involved with on-going subsequent elections in which the sign is intended to influence.
 - g) Small directional signs shall not be greater than 18" x 24" rectangular or 18" in diameter. Directional signs shall require approval from Zoning Administrator.
 - h) Signs established by, or by order of, any governmental agency.
11. Temporary signs.
- a. All temporary signs shall be placed, built, erected, or moved onto site location in such a manner as to be easily removed.
 - b. Real Estate signs, garage sale signs and political signs may be placed within the right-of-way of a city street subject to the following conditions:
 - I. Signs face shall not exceed 24" x 24" in area,
 - II. Signs shall not exceed thirty inches (36") in height,
 - III. Signs shall not be placed within four feet (4') of any improved street or within ten feet (10') of the traveled path of any

unimproved street.

IV. Signs shall not be placed in any unsafe manner.

V. These provisions do not apply to state right-of-ways.

- c. Temporary off-premise signs for special events, such as benefits, festivals or similar activity are allowed ten (10) days prior to any lawful event and must be removed from premise within two (2) business days of conclusion of the event. Temporary signs must substantially conform to the regulations within this ordinance.
- d. Temporary on-premise business signs may be placed in lieu of a permanent on-premise sign provided that a sign permit for a permanent on-premise sign has been applied for and the placement of the temporary on-premise sign complies with all other provisions of this ordinance and is not placed on the premises for a length of time greater than sixty (60) days from the date of the sign application.
- e. The following items shall be considered on all temporary signs.
 - I. Banners which hang across public property shall have prior approval from the City.
 - II. All signs, whether attached to vehicle, pole, or other structures shall be in such manner that it will not endanger life or safety of others.
 - III. Signs placed within any right-of-way or on any public property or attached to any traffic sign, power pole or fire hydrant, which is placed in any manner that impedes or endangers pedestrian or vehicular traffic, shall be subject to immediate removal by the City. Such signs removed may be retrieved at City Hall for a fee of twenty-five dollars (\$25.00) each payable to the city Finance Officer. Signs not retrieved within thirty (30) days will be

discarded.

- IV. May not create visibility problems or interfere with line of sight with any traffic sign or official signs.
 - V. Shall substantially adhere to this ordinance except where noted otherwise.
 - VI. Attention-Attracting Devices must be approved by the Zoning Administrator. The Zoning Administrator shall consider the type of device, location and time duration proposed along with any other pertinent information.
 - VII. Freestanding Portable Signs (mobile signs), and temporary electronic signs that will be used for grand openings or special events, must be pre-approved by the Zoning Administrator.
 - VIII. Garage/Yard Sale signs do not require a permit, but shall not be placed longer than three (3) days prior to the event and shall be removed immediately following the event.
12. Off-premises signs shall not be constructed to resemble any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device, sign, or marker.
13. Signs shall not overhang into or be placed in a dedicated public right-of-way, except as allowed by that governmental entity having jurisdiction over that right-of-way.

14. Signs shall not overhang into or over adjoining property, without proof of written approval by that adjoining property owner.
15. Any non-commercial vehicle bearing commercial advertisement shall be considered off-premise signage and off-premise advertising.
16. Vehicle roof mounted signs shall not exceed two (2) square feet.

B. Application and Permitting.

1. Off Premise Application:

- a. All off premise signs and billboards shall be subject to the Use Permitted on Review requirements in 27-A.08.04 of the City of Hot Springs Code of Ordinances. Application shall be on a form provided by the Zoning Administrator.
- b. All other sign applications shall be made on a form provided by the Zoning Administrator and shall adhere to the provisions of this section.

C. Fees. One-time fee shall be assessed per each issued sign permit as follows:

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| a) | Temporary Signs | \$ no fee |
| b) | On-premise Signs: | \$25.00/each sign |
| c) | Sign Structures: | building permit fee + \$25.00/each sign |
| d) | Off-premise Signs: | Use Permit fee + building permit fee |

Political signs, garage sale signs, and directional signs, as defined in this Section, are exempt from fees.

D. Unsafe and Unlawful Signs.

Whenever it shall be determined by the Zoning Administrator that any sign or billboard has been constructed or erected or is being maintained in violation of the terms of this section, or is unsafe, insecure or deteriorated, such sign shall either be made to conform

with all sign regulations as provided by this section or shall be removed within thirty (30) calendar days after written notification thereof by the Zoning Administrator. Such sign shall be removed at the expense of the owner or lessee thereof. If the Zoning Administrator finds that any Billboard or Sign has deteriorated more than 50% (fifty percent) of its replacement value or is not repaired within the time specified in the Notice of Violation, the Zoning Administrator shall notify the owner of the sign or billboard and the owner of the real property on which the sign or billboard is located, to remove the sign or billboard from the property at the sign or billboard owners expense within a specified period of time stated on the Notice of Violation. Signs which advertise an activity, business or service which has been out of business for ninety days (90), must remove the sign within or by the end of the ninety day (90) period.

Source: Ord. 964, 2/2000; Ord. 1038, 9/2006