

ORDINANCE NO. 653

AN ORDINANCE OF THE CITY OF SALEM, SD, AMENDING THE 2011 REVISED SALEM ZONING REGULATIONS, BY AMENDING CHAPTER 11.06, ADDITIONAL USE REGULATIONS, ON-PREMISES SIGNS; AND REPEALING CHAPTER 11.07, ADDITIONAL USE REGULATIONS, OFF-PREMISES SIGNS.

BE IT ORDAINED BY THE CITY OF SALEM, SD:

*Section 1. That Chapter 11.06 of the 2011 Revised Salem Zoning Regulations is hereby amended in its entirety to read as follows:*

**11.06 Sign Regulations**

A. Sign Permitting.

1. Permit Required.

Except as otherwise provided herein, it shall be unlawful for any person to erect, alter, or relocate any sign without first obtaining a permit therefor from the City.

2. Permit Application.

An application for a sign permit shall be submitted to the Planning & Zoning Administrator on a form as he or she may prescribe and shall include all information as may be required for a complete understanding of the proposed sign and all other information necessary to show full compliance with this Ordinance and all other federal, state, and local laws.

If the Planning & Zoning Administrator determines that a proposed sign conforms to the requirements of this Ordinance and all other federal, state, and local laws, he or she shall issue the permit as soon as practicable.

3. Validity of Permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other federal, state, or local law. Permits presuming to give authority to violate or cancel one (1) or more provisions of this Ordinance or of any other federal, state, or local law shall not be valid.

4. Expiration.

Every permit issued shall become invalid unless the sign authorized by such permit is completely erected, altered, or relocated within one-hundred-eighty (180) days after its issuance. If an inspection has not been requested after one hundred-eighty (180) days of permit issuance and the permit has not been extended, the permit shall expire

without notice. The Planning & Zoning Administrator is authorized to grant, in writing, one (1) extension of time for a period of not more than one hundred-eighty (180) days. The extension shall be requested in writing and justifiable cause demonstrated.

5. Suspension or Revocation.

The Planning & Zoning Administrator is authorized to suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit has been issued in error; on the basis of incorrect, inaccurate, or incomplete information; or if he or she determines that the permit was granted in violation of this Ordinance or of any other federal, state, or local law.

6. Application Fee.

An application fee shall be paid to the City for each permit required by this Ordinance in an amount set by resolution of the City Council. All applicable fees must be paid prior to the Planning & Zoning Administrator's review of the application.

7. Sign Maintenance.

Maintenance of legally permitted signs or signs existing prior to the effective date of this Ordinance is allowed and shall not require a permit. Sign maintenance includes, but is not limited to, the replacement or repair of a part or portion of a sign required by wear, tear, or damage, with like material, color, and design.

8. Non-Issuance Due to Existing Illegality.

Unless necessary to protect the health, safety, and general welfare of the community, a permit for a new sign shall not be issued for a lot upon which there exists an illegal sign or other violation of this Ordinance.

9. Assignment.

A current and valid permit is freely assignable to a successor as owner of the lot.

10. Building Permit Not Required.

If a conditional use permit, building permit, or other permit has been issued pursuant to this Chapter, the applicant is not required to obtain a sign permit for the sign until such time as the sign is altered or changed from its depiction on the plans used to approve the permit.

B. Signs Not Regulated.

The following signs may be allowed in addition to the signs permitted by this Ordinance. They do not require a sign permit, but must be in conformance with all other federal, state, and local laws.

1. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, of permanent-type construction and made an integral part of the building structure.
2. Street address, street name, and/or building identification signs necessary for first responders to locate the building, structure, or lot as necessary to respond to any fire or public safety emergency.
3. Signs located entirely inside of a building or other enclosed place.
4. Signs affixed to or painted on a display window.
5. Signs erected by the City or other governmental entity.
6. Signs regulated, approved, or otherwise required by federal or state agencies, including, but not limited to, historical marker signs, official traffic control devices, etc.
7. Holiday lights and decorations displayed during the appropriate time of year.
8. National, state, or historical flags or their emblem or insignia.

C. Prohibited Signs.

1. Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be reasonably confused with or construed as a traffic control device.
2. Signs attached to trees, telephone poles, public benches, streetlights, street signs, or otherwise placed on any public property or within the public right-of-way. This prohibition is not intended to apply to signs integrated into their support structure by design.
3. Signs which obstruct any required ingress or egress from a building or structure.
4. Abandoned signs.
5. Signs placed on vehicles or trailers which are parked or otherwise located on a lot for the primary purpose of displaying the signs.
6. Any sign that is not protected by either federal or state law, or otherwise allowed by this Ordinance.

#### D. General Regulations.

The following regulations shall apply to all signs unless otherwise indicated:

1. Except as required by law, no sign may be displayed without the consent of the legal owner of the lot on which the sign is located. For purposes of this Article, the term "owner" shall mean the holder of the legal title to the lot and any party and person holding a present legal right to possession, control, or use of the lot.
2. Except as required by law or otherwise permitted by the City, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to declare such sign to be a nuisance pursuant to Chapter 3.01 of the Revised Ordinances of the City of Salem, South Dakota and act accordingly.
3. No wall or projecting sign may project over the public right-of-way or sidewalk unless the building or structure to which the sign is attached is less than five (5) feet from said right-of-way or sidewalk. In such a situation, the sign shall be placed at an adequate height so as not to interfere with pedestrians, vehicular traffic, or snow removal.

#### E. Computations.

##### A. Computation of Area of Individual Signs.

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.

##### B. Computation of Area of Multi-faced Signs.

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any single viewpoint. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of the largest of the two (2) faces.

##### C. Computation of Height.

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

F. Permanent Signs.

The requirements set forth herein shall apply to all permanent signs:

1. General Standards. All permanent signs shall conform to the following standards:
  - a. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a wall, frame, or other sign structure.
  - b. All signs shall be constructed to withstand a wind load of at least thirty (30) pounds per square foot.
  - c. Signs shall be maintained in a safe and legible condition at all times.

Any permanent signs not meeting these standards shall be declared a nuisance and remedied pursuant to Chapter 3.01 of the Revised Ordinances of the City of Salem, South Dakota.

2. Lots Containing a Single-Family Detached Dwelling or Single-Family Attached Dwelling(s).
  - a. Each lot containing a single-family detached dwelling or single-family attached dwelling may have one (1) wall or freestanding sign. One (1) additional wall or freestanding sign shall be allowed per approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area. If placed as a freestanding sign, the sign shall not exceed two (2) feet in height above grade.
3. Lots Containing a Manufactured Home Park.
  - a. Each individual manufactured home space within the manufactured home park may have one (1) wall or freestanding sign. One (1) additional wall or freestanding sign shall be allowed per approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area. If placed as a freestanding sign, the sign shall not exceed two (2) feet in height above grade.

- b. One (1) freestanding or wall sign shall be permitted at each entrance to the manufactured home park. Each sign shall have a maximum area of thirty-two (32) square feet. If placed as a freestanding sign, the sign shall not exceed six (6) feet in height above grade.

4. Lots Containing a Multiple-Family Dwelling.

- a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.
- b. One (1) freestanding sign shall be permitted per lot. It shall not exceed fifty (50) square feet in area nor be taller than six (6) feet above grade.
- c. Each individual dwelling unit within a multiple-family dwelling if immediately accessed through an exterior door may have one (1) wall or freestanding sign. One (1) additional wall sign shall be permitted for each dwelling unit if it is immediately accessed through an exterior door and it contains an approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area. If placed as a freestanding sign, the sign shall not exceed two (2) feet in height above grade.

5. Lots Containing a House of Worship or School.

- a. Wall signs shall have a maximum area of ten (10) square feet.
- b. Freestanding signs shall not exceed fifty (50) square feet in area nor be taller than six (6) feet above grade.

6. NRC Lots Not Containing a Dwelling, House of Worship, or School.

- a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.
- b. One (1) freestanding sign shall be permitted per lot. It shall not exceed thirty-two (32) square feet in area nor be taller than six (6) feet above grade.

7. R-1 or R-2 Lots Not Containing a Dwelling, House of Worship, Manufactured Home Park, or School.

- a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) square feet.

- b. One (1) freestanding sign shall be permitted per lot. It shall not exceed thirty-two (32) square feet in area nor be taller than six (6) feet above grade.

8. CB Lots.

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed two (2) square feet per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No portion of any wall, roof, or projecting sign shall exceed the height of the building or structure to which it is attached.
- b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No freestanding sign shall be taller than eighteen (18) feet above grade.

9. GB Lots.

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed two (2) square feet per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No portion of any wall, roof, or projecting sign shall exceed the height of the building or structure to which it is attached.
- b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No freestanding sign shall be taller than thirty (30) feet above grade.

10. LI and HI Lots.

- a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed one (1) square foot per three (3) feet of lineal street frontage.
- b. Freestanding signs shall be permitted so long as each does not exceed one (1) square foot per three (3) lineal feet of street frontage. Each lot shall be limited to one (1) sign per street frontage except that businesses on frontages of two hundred (200) lineal feet or more may erect two (2) freestanding signs.

- c. Any sign that equals or exceeds two hundred (200) square feet in area must be located at least five hundred (500) feet from a residentially zoned district or another sign two hundred (200) square feet in area or larger.

G. Temporary Signs.

The requirements set forth herein shall apply to all temporary signs:

1. General Standards. All temporary signs shall conform to the following standards:
  - a. No temporary sign may be illuminated in any manner.
  - b. Any temporary sign larger than nine (9) square feet in area shall be located at least ten (10) feet from all lot lines.
  - c. Signs shall be kept in good repair. Faded, torn, damaged, or otherwise unsightly signs shall be repaired or removed. In addition to other remedies hereunder, the City shall have the right to declare such sign to be a nuisance pursuant to Chapter 3.01 of the Revised Ordinances of the City of Salem, South Dakota and act accordingly.
  - d. Signs shall be securely attached to a sign support, building, or other structure.
2. Temporary Signs Requiring a Permit. Unless it is exempt from requiring a permit in conformance with Chapter 11.06(G)(3), a lot's temporary signs shall be limited to and conform to the following:
  - a. R-1 and R-2 Lots.
    - (1) One (1) wall or freestanding sign shall be allowed for up to sixty (60) days if it is larger than nine (9) square feet, but equal to or less than thirty-two (32) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
  - b. NRC, CB, GB, LI, and HI Lots.
    - (1) Two (2) wall or freestanding signs shall be allowed per calendar year so long as they do not cumulatively exceed two hundred (200) square feet in area. Any such temporary sign shall be allowed for no longer than sixty (60) days and shall be located at least fifteen (15) feet from all lot lines.



3. Temporary Signs Not Requiring a Permit. A temporary sign that complies with the following standards does not require a permit:

a. R-1 and R-2 Lots.

- (1) One (1) wall or freestanding sign shall be allowed per lot so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.
- (2) Two (2) additional wall or freestanding signs shall be allowed per lot for up to fourteen (14) consecutive days during a special event so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade. If any such sign is located more than fifteen (15) feet from the property lines, the prescribed size and height limitations shall not apply. MOVE THIS SECTION TO b. (2)
- (3) One (1) additional wall or freestanding sign up to nine (9) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

b. NRC, CB, GB, LI, and HI Lots.

- (1) Two (2) wall or freestanding signs shall be allowed per lot for up to sixty (60) days per calendar year so long as no individual sign exceeds nine (9) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.
- (2) Two (2) additional wall or freestanding signs shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as no individual sign exceeds thirty (30) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade. If any such sign is located more than fifteen (15) feet from the property lines, the prescribed size and height limitations shall not apply.
- (3) One (1) additional wall or freestanding sign up to forty-five (45) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than five (5) feet above grade.

H. Electronic Message Signs.

Any permitted signs may be, or may include as an individual component of the total allowable sign area, electronic message signs, except that such signs displaying a flashing or traveling

message are prohibited. Electronic messages or graphic displays may be changed at periodic intervals by various entry and exit display modes, provided that the maximum message time for a multiframe message shall be ten (10) seconds with up to five (5) display changes per sequence.

All electronic message signs located in a residential zoning district shall require a conditional use permit.

I. Lighting Standards.

Unless otherwise provided in this Ordinance, all illuminated signs shall comply with Chapter 11.11(H).

K. Removal of Unsafe, Unlawful, or Abandoned Signs.

Unsafe, Unlawful, or Abandoned Signs shall be declared a nuisance and remedied pursuant to Chapter 3.01 of the Revised Ordinances of the City of Salem, South Dakota.

*Section 2. That Chapter 11.07 of the 2011 Revised Salem Zoning Regulations is repealed in its entirety.*

*The purpose and intent of this Section is to leave Chapter 11.07 as a vacant placeholder for the adoption of Ordinance 654.*

Adopted this 7<sup>th</sup> day of June 2021.

\_\_\_\_\_  
Shawn English, Mayor

ATTEST:

\_\_\_\_\_  
Lori Heumiller, Finance Officer

Seal

First Reading: May 10, 2021

Second Reading & Adoption: June 7, 2021

Published: June 17, 2021

Effective Date: July 8, 2021

Published once at the approximate cost of \_\_\_\_\_.