



Mission Statement

To provide exemplary experiences, services & spaces that create opportunities for everyone to learn, engage and thrive.

YANKTON BOARD OF CITY COMMISSIONERS

Work Session Meeting beginning at 5:30 P.M.

Monday, October 23, 2023

City of Yankton Community Meeting Room

Located at the Career Manufacturing Technical Education Academy formerly known as Technical Education Center • **1200 W. 21st Street • Room 114**

If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton's YouTube Live Channel. <https://www.youtube.com/c/cityofyankton/live>

TV Schedule: Mondays at 7:03 p.m. and Tuesday following meeting at 1:00 p.m. on Midco Channel 3 and Bluepeak Channel 98.

- 1. Roll Call**
- 2. Public Appearances**
- 3. Sign Ordinance Discussion**
- 4. Other Business**

Other business is a time for City Commissioners to address the commission regarding matters not on the agenda. These items will be deliberated by the governing body and will not be acted upon at this time. Items mentioned may be added to a future City Commission meeting or work session for deliberation or action.

- 5. Adjourn the Work Session of October 23, 2023**

Memorandum

To: Amy Leon, City Manager
From: Dave Mingo, AICP Community and Economic Development Director.
Subject: October 23rd Work Session regarding the Sign Ordinance
Date: October 18, 2023

This memorandum describes the process that was used to create the current City of Yankton Sign Ordinance. The work session presentation will include images that were used in 2012 – 2013 as the ordinance was rewritten as well as more recent images from Yankton’s streetscape and the streetscapes of other first-class communities in South Dakota. Although we will touch on how we address the issue, this is not a discussion about regulating signs in right-of-way as that is a significantly different subject.

Origins of the current sign ordinance - The Comprehensive Plan

The 2003 Comprehensive Development Plan was created through a thorough process of community engagement. The 48-member Comprehensive Planning Committee, in addition to the Planning Commission and City Commission were involved in an 18-month process to develop the plan. Comprehensive Plans are adopted by ordinance and designed to guide a city for 20 to 25 years. The 2003 plan that continues to be in effect, describes the community’s vision for what the City of Yankton should look like.

Chapter Seven of the Comprehensive Plan, “The Visual City” states that “urban design is a strategic economic decision, adding value to the community, increasing property values and producing a city that its residents find rewarding. Good urban design promotes community growth and establishes an environment for healthy neighborhoods.”

The plan further stated that “while people oppose restrictions that regulate the use of property, it is in everyone’s best interest to control certain elements in order to maintain property values and ensure that the appearance of Yankton remains an important asset.” It was decided that “Yankton should implement programs to enhance the physical appearance of its major crossroads highways, along with their associated community entrances.” The plan concluded that an aesthetically pleasing streetscape is important.

This chapter also includes specific references to signs and the impact they have on transportation corridors. Excerpts include:

General Issues and Policies

The following policies pertain to each of these principal corridors.

- *Signage. In auto-oriented settings, often characterized by substantial building setbacks and large parking areas, signs have a greater impact on environmental design than other structures. Yankton should consider sign regulations and practices that:*

- *Discourage excessively high pole signs and provide incentives for monument and ground signs.*
 - *Encourage developers to develop comprehensive sign plans for their properties.*
 - *Link the maximum amount of signage permitted on a property to the amount of frontage along streets, and restrict the number and size of individual signs on a property.*
 - *Remove constitutionally challengeable distinctions between on- and off-premise signs. These include regulations that control signs differently depending on their editorial message. Signs should be regulated on the basis of size, setback, aesthetics, and other physical or design issues.*
- *Visual clutter: Another way to improve the design of principal corridors is to reduce visual clutter where possible. This can be accomplished by grouping signage, reducing posts and other obstacles (this has the added benefit of making the public works staff job easier by reducing maintenance and improving safety), relocating monuments to a place where they are more easily accessed and appreciated by the public, and implementing a comprehensive program for welcome signage and directional graphics. All City signage, directional and informational, should be of consistent design.*

Signage and Displays

- *Yankton should establish and enforce guidelines producing appropriately scaled signage that communicates effectively without becoming the dominant feature on the streetscape.*

The 2013 Sign Ordinance Update

The timing was very good. Legal proceedings around the state and country had come along far enough that Yankton was on good footing for development of the language, yet we were still ahead of the curve as compared to many other communities. The former ordinance was unwieldy in that it required permits for too many short-term or temporary things rendering consistent administration of the code impossible with the resources available. The impact of federal case law regarding signage and the use of new sign technologies also made the former code language obsolete.

The writing of the current ordinance in 2012 – 2013 included additional public engagement. In addition to the City Commission’s initial direction to rewrite the ordinance, the topic was discussed at five Planning Commission meetings including a combined Planning Commission meeting / open house forum that included sign contractors’ business owners and the public. We were also in contact with a representative of the International Sign Association (ISA) so they could review our code. The ISA represents sign contractors and works to make sure that ordinances are fair to their membership and the businesses they serve. All the input was very valuable in customizing the language to reflect Yankton’s needs.

The process included a visual preference survey where we flashed through pictures that displayed streetscapes and asked participants to rank them. The survey and public input proved valuable in helping create the framework for the ordinance. It was then up to staff and the City Attorney's Office to develop the technical ordinance language that would create the desired vision when implemented.

The three goals in considering a sign code rewrite in 2013 were:

- To streamline the permitting process through a series of regulated exemptions, making the process more business and user friendly. This means that permits are needed for fewer types of signs now than was the case pre-2013. The permitting process in Yankton is less cumbersome than most other communities because of these exemptions for things such as banners placed in compliance with the code.
- Reducing some of the less desirable types of signage thereby helping with the overall image of the community. This refers to the vision for the streetscape as discussed in the Comprehensive Plan.
- Modernize the ordinance language including the addition of terminology that reflects current laws and federal court decisions related to signs and to reflect new technologies (electronic message displays).

The result of the case law dictated that the primary foundation of regulating signs went away from references to sign content. That meant that instead of identifying types of signs by the content of the words on them (i.e. real estate, political or business name) they are now identified based on whether or not they refer to an activity or occurrence on the site. 1990's and 2000's federal case law at the time dictated this change to regulation by time, place, and manner. These changes impacted every community in the country. The other major difference between our current sign ordinance and how it was in the past is where it appears in our Code of Ordinances. The sign regulations are now included in the zoning ordinance because of the more thorough administrative process outlined in land use law related to zoning.

At the time we were asked, "If the new ordinance is adopted, what will look different as we drive down the street?" Here are some of the comments from the time that provide some insight:

- New permanent signs (the larger signs on buildings, poles and other structures) are managed in much the same way as they were pre-2013. No change.
- Banners are now moved back closer to principle permitted structures. This provides improved streetscape aesthetics in our transportation corridors. This created a significant change in the aesthetics of the streetscape.
- Signs on trailers (having wheels and hitches visible) or other vehicles that are clearly positioned to function as a sign as opposed to being parked on-premises would not be permitted. There are ways to visually transform a trailer sign into a compliant temporary sign (skirting) that we will provide images of at the work session.

Administration of the Current Sign Ordinance

The process interactions with the public are focused on education and attempting to provide guidance that will lead people to achieve their sign goals within the provisions of the ordinance. Many people call in advance of purchasing or placing signage, and our staff assists them in accomplishing their goals while complying with the ordinance. We have been very successful with many businesses in reaching that end. If there are any questions, we always offer to meet with people on site to discuss their specific situation.

There are some that don't take advantage of our offers to provide assistance. They don't call to discuss placement before they install signage. They may have one specific non-compliant idea in mind and are not willing to consider ordinance compliant alternatives. Although very infrequent, these are the situations that are the most difficult to work through. We have gotten comments like "how much is the fine because I'll just put the signs up and pay it." or, "I want a variance and I'll just leave the signs there until I get one." There are also a very few that knowingly violate the ordinance. This is especially prevalent on weekends. Some of those folks treat city staff disrespectfully when we contact them about the violation.

Some think that staff administer the ordinance selectively. This is not the case, and we are consistent with our application of the code. We are always working to find ways to educate and give people the benefit of the doubt. Some of the perception of selective enforcement could be created by the timing associated with compliance actions. Although our approach is the same, the processes can be different and therefore take different lengths of time to gain compliance. For instance, in most cases when we notice or are informed of a sign out of compliance, we contact the property owner, explain the situation and they adjust their signs to be compliant. That process may only take a couple hours. Other less cordial situations can take longer because of the legal notice processes involved.

Like many other code enforcement issues, the administration of the sign code is ongoing. An analogy would be our vegetation height regulations. Just because we may gain compliance at a specific location at one point in time, it does not mean that location will be compliant in perpetuity. The grass will continue to grow, so to speak and new owners or managers may need guidance on the appropriate placement of signs.

Closing thoughts

Based on the guidance provided by the community over the last 20 years, we continue to be proud of the results of the sign ordinance changes that were made. We regularly hear compliments from officials from other communities. The visual difference is very evident when traveling the streets of Yankton as compared to our past or other communities that have a proliferation of banners, whip signs, streamers, and trailer signs along their streets.

If there is an amendment considered, we recommend the discussion be as thorough as it was when the current language was created. There are many considerations, including federal case law, zoning district specifics and the ability to administer any new language that must be considered. Unless there is community and commission direction otherwise, staff is not inclined to recommend

any changes that would downgrade the visual streetscape quality that the current ordinance has assisted in creating.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Dave Mingo". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

Dave Mingo, AICP
Community and Economic Development Director

Signs in the City of Yankton

Work Session

October 23, 2023



THE ORIGINS OF THE CURRENT ORDINANCE



THE 2003 COMPREHENSIVE PLAN

- The process to create the current Comprehensive Plan included a thorough process of community engagement over an 18-month period.
- It included a 48-member committee representing a diverse cross section of the community in addition to the Planning Commission and City Commission.
- It included open houses and visioning sessions.

THE 2003 COMPREHENSIVE PLAN

- The Plan includes a chapter titled “The Visual City” and the important role that aesthetics play in the growth of the community.
- The plan states: *“urban design is a strategic economic decision, adding value to the community, increasing property values and producing a city that its residents find rewarding. Good urban design promotes community growth and establishes an environment for healthy neighborhoods.”*
- The plan also discusses the desire to reduce visual clutter along principal corridors.

THE GOALS OF CONSIDERING A SIGN ORDINANCE REWRITE IN 2013

1. Streamline the permitting process through a series of regulated exemptions making the process more user friendly, and
2. Reduce some of the less desirable types of signage thereby helping with the overall image of the community, and
3. Modernize the language including the addition of terminology that reflects current technology.

THE 2013 SIGN ORDINANCE REWRITE

- The timing for a rewrite was very good.
- The prior ordinance had become unwieldy in that permits were required for too many types of signs leaving it impossible to consistently administer the ordinance with the resources available.
- State and federal case law had evolved to the point where there was clear direction.

THE 2013 SIGN ORDINANCE REWRITE

- Regulatory authority for signs had changed nationwide. The legal ability to regulate was limited to three things:
 - Time—Duration of Placement
 - Place—Location
 - Manner—Type and Size

THE 2013 SIGN ORDINANCE REWRITE

- The process included significant opportunities for public engagement.
- Planning Commission Meetings
- City Commission Meetings
- An ordinance adoption process that included official hearing notice publications and the required South Dakota Codified Law process for adopting an ordinance.

THE 2013 SIGN ORDINANCE REWRITE

- The process included a representative of the International Sign Association (ISA) who reviewed our proposed code.
 - The ISA represents sign contractors and works to make sure that ordinances are fair to their membership and the businesses they serve.
- The process included a visual preference survey.
 - Participants individually ranked images projected on a screen and those rankings were used to help guide the language in the ordinance.

THE 2013 SIGN ORDINANCE REWRITE

City of Yankton Sign Ordinance Discussion

Your first thought when you saw the slide was.....

| Photo # | | | |
|---------|----------------------------------|-----------------------------------|-------------------------------|
| 1 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 2 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 3 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 4 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 5 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 6 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 7 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 8 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 9 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |
| 10 | <input type="radio"/> Looks Fine | <input type="radio"/> Indifferent | <input type="radio"/> Dislike |

The survey included 35 images.

THE 2013 SIGN ORDINANCE REWRITE

- Among other thoughts about the ordinance, it was determined that Yankton wanted to emphasize aesthetics in the sign code.
- Participants in the community engagement processes commented that as long as the ordinance is community-wide, nobody in the city would be put at a disadvantage.

PURPOSE OF SIGNS

- To use private land and sight lines created by public right-of-way to inform and persuade the public by means of a message.



THE STRANGE AND SOMETIMES FUNNY



CAUTION

**THIS SIGN HAS
SHARP EDGES**

DO NOT TOUCH THE EDGES OF THIS SIGN



ALSO, THE BRIDGE IS OUT AHEAD





PURPOSE OF SIGN REGULATIONS

To provide standards for the erection and maintenance of signs that:

- Ensure signs are installed in a safe manner (sight lines, construction methods).
- Promote efficient communication (limit size to appropriate, understandable volumes).
- Preserve the quality of the landscape (enhance community image and protect economic value of the landscape).

BACK TO THE GOALS OF THE REWRITE

I. Streamlining the permit process with exemptions for signs like...



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the  YMCA

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Leif Ericson Day Camp
Camp Tepe Tonka
Tepeetonka Leadership Camp

605-336-3190

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GOALS OF THE REWRITE

2. Reduce some of the less desirable signs to improve the image of the community.



AUTO DOC

CAR & TRUCK WASH

ATM INSIDE



LIBERTY TAX
NEW CLIENTS FREE TAX
PREP FOR TEACHERS.
360-9009

OPEN
LIBERTY TAX

WELCOME TAX



QUEEN
FOR THE
PRICE OF A **TWIN**





ACE PAINT

CRAFTSMAN

STIHL

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BATTERY
Place

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EdenPURE™
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Portable Heaters

The area's only authorized
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- Heats up to 1,000 sq ft
- Cannot start a fire
- Heats room evenly
- Does not reduce humidity or oxygen

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& CONV. CENTER
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BOATS, HOUSING



BEEF PORK
CHICKEN
OPEN
VEGGIE S





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2106
Mulberry
Friday 1-4
Sat 8-12
Call 7140

3. MODERNIZE THE LANGUAGE

- Electronic Message Signs
 - Regulate brightness, require auto dimming, prohibit flashing.
- Lumens
 - Max brightness of 0.3 ft candles above ambient light.
- Expanded definitions

IN 2013 WE WERE ASKED WHAT WOULD LOOK DIFFERENT AS YOU DROVE DOWN THE STREET

- New permanent signs (the larger signs on buildings, poles and other structures) are managed in much the same way as they were pre-2013. No change.
- Banners moved back closer to principle permitted structures/occupancies. This provides improved streetscape aesthetics in our transportation corridors. This created a significant change in the aesthetics of the streetscape.
- Signs on trailers (having wheels and hitches visible) or other vehicles that are clearly positioned to function as a sign as opposed to being parked on-premises would not be permitted. There are ways to visually transform a trailer sign into a compliant temporary sign (skirting).



ADMINISTRATION OF THE CURRENT ORDINANCE

EDUCATION FIRST

- We post seasonal reminders about the provisions of the sign ordinance (events like election season).
- The City's website includes user friendly guidance about the sign ordinance.
- We promote and are hopeful that folks will simply call us before they put up a sign so we can advise them.
- When a non-compliant sign is discovered, we call and try to educate prior to taking formal compliance action.

MISCONCEPTIONS

- We believe the misconception of selective enforcement has much to do with the timelines associated with gaining ordinance compliance in non-compliant situations.
 - Often a simple phone call takes care of the situation quickly.
 - Signs placed in public right of way are addressed by staff quickly.
 - If compliance is not gained with a phone call, the legal process of gaining compliance takes longer.
 - Processes are dramatically different if the sign is on private property than they are if the sign is in right of way.

MORE DIFFICULT SITUATIONS OCCUR WHEN...

- Someone installs something without checking the ordinance. (Could also be dangerous.)
- Someone has decided upon a non-compliant type of sign and is not willing to discuss compliant alternatives.
- Violators are verbally abusive to our staff that are simply trying to educate and explain what the adopted ordinance says.



YANKTON'S CURRENT STREETSCAPE COMPARED TO OTHER COMMUNITIES IN THE STATE

YANKTON



YANKTON



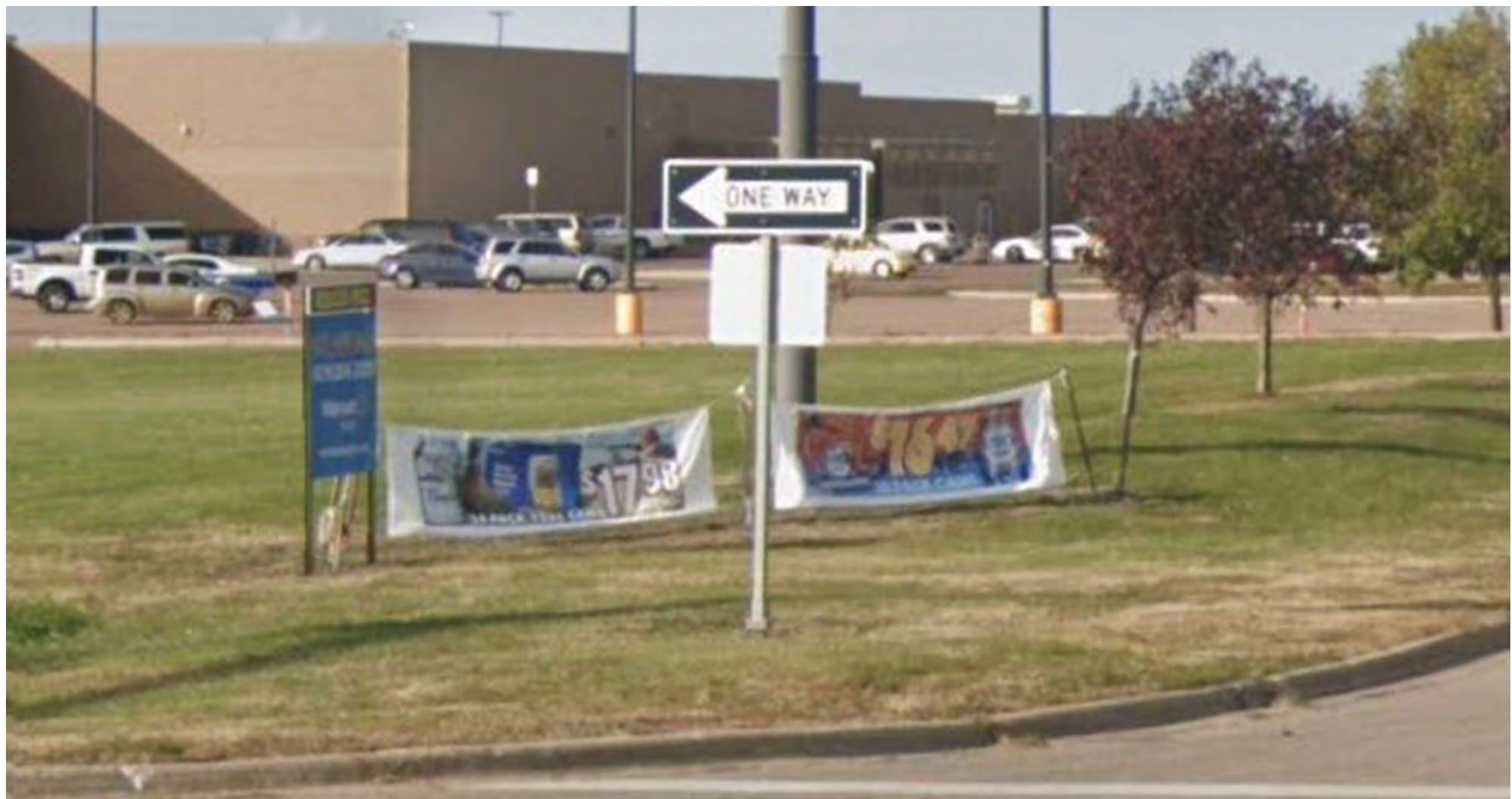
NOT YANKTON



YANKTON



NOT YANKTON



YANKTON



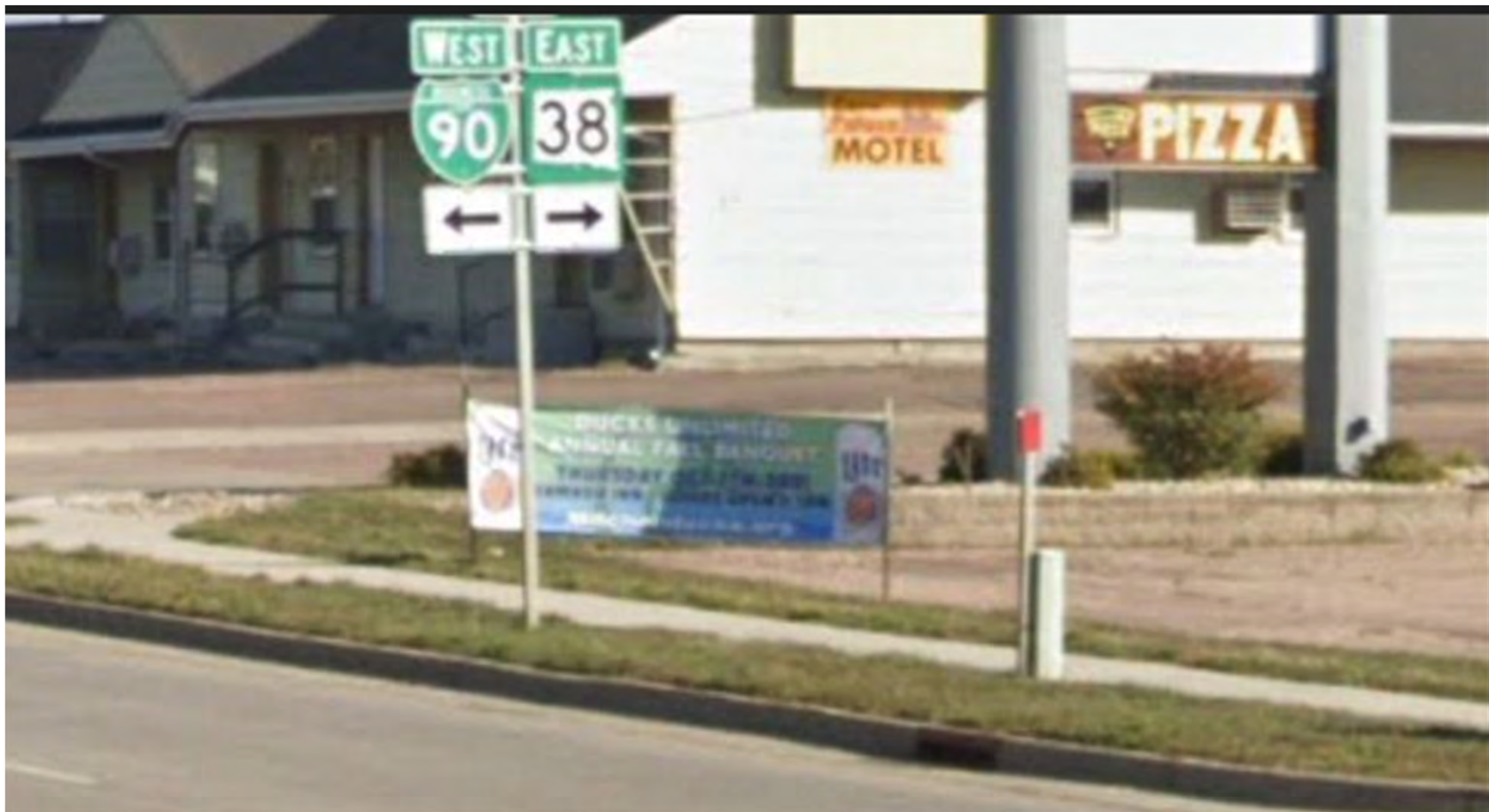
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NOT YANKTON



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NOT YANKTON



YANKTON



NOT YANKTON



CLOSING THOUGHTS

- Based on the guidance provided by the community over the last 20 years, we continue to be proud of the results of the sign ordinance changes that were made.
- We regularly hear compliments from officials from other communities. Others have used our ordinance as a reference when discussing their codes.
- The visual difference is very evident when traveling the streets of Yankton as compared to our past or other communities that have a proliferation of banners, whip signs, streamers, and trailer signs along their streets.

IF CHANGES ARE PROPOSED

- Recommend a thorough community engagement process similar to what was used in the past.
 - Consideration of federal case law is of utmost importance.
 - Administration of the Ordinance with available resources needs to be considered. The current code was written in a manner that makes determining compliance fairly clear and quick while driving by.



THANK YOU FOR THE
OPPORTUNITY TO PROVIDE
INFORMATION ABOUT
YANKTON'S SIGN ORDINANCE

DISCUSSION...

