

ORDINANCE NO. 5263

AN ORDINANCE ALLOWING EXISTING NON-CONFORMING OFF-PREMISES SIGNS TO BE STRUCTURALLY ALTERED SO THAT THEY CAN BE BROUGHT INTO COMPLIANCE WITH THE SIGN CODE BY AMENDING SECTION 15.28.240 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City has adopted a comprehensive Sign Code to regulate the location and appearance of signs within the City; and

WHEREAS, the City of Rapid City has formed a Sign Code Task Force to review issues related to signage within the City; and

WHEREAS, the City Sign Code currently allows the structural alteration of existing off-premises signs in order to encourage the reduction in the size of off-premise sign faces; and

WHEREAS, the current ordinance does not allow any structural alterations beyond what is necessary to reduce the sign face so that it is in compliance with the City's Sign Code; and

WHEREAS, the current exception does not require that any other portion of an off-premise sign other than the face be brought into compliance with the City's Sign Code; and

WHEREAS, the result of the exception is that visually unattractive signs, with out-dated supporting structures and wiring that would not be allowed under the current code remain in place; and

WHEREAS, the owners of these non-conforming signs have no incentive to remove the signs due to the fact they will be unable to replace them in a desirable location based on the City's spacing requirements for off-premise signs; and

WHEREAS, the Sign Code Task Force has reviewed the City Sign Code's exception for the alteration of existing off-premise signs and has recommended that it be amended to allow structural alteration or reconstruction beyond what is necessary to reduce the size of the sign face; and

WHEREAS, this change will allow sign owners to bring signs that are non-conforming due to the City's spacing requirements between signs into compliance with all other provisions of the City's Sign Code; and

WHEREAS, the updating of the non-conforming signs that have not already been removed under this exception will result in the minimizing of the visual blight caused by the out-dated non-conforming signs; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City of Rapid City's best interests to adopt the recommendations of the Sign Code Task Force by amending Section 15.28.240 of the Rapid City Municipal Code to allow structural

alterations to existing non-conforming off-premise signs beyond those necessary to reduce the size of the sign face.

NOW THEREFORE, BE IT ORDAINED that Section 15.28.240 of the Rapid City Municipal Code be amended to read as follows:

15.28.240 Alteration of existing signs.

A. Whenever any existing sign is structurally altered, it must be brought into conformance with all requirements of this code. Any existing sign that is structurally altered and which does not comply with all requirements of this code shall be deemed unlawful by the Building Official and removed in accordance with § 15.28.040 of the Rapid City Municipal Code.

B. Notwithstanding subsection A of this section, any legal non-conforming off-premise sign ~~existing as of the date of the adoption of this code~~ may be structurally altered ~~for the sole purpose of reducing the size of the sign face. To be eligible for this exception, the size of the sign face must be reduced to a size not larger than currently allowed for new off-premise signs. Only those alterations necessary to allow reduction of the face size are permitted by this exception. Structural alterations in excess of those necessary to reduce the face size do not qualify for this exception.~~ or reconstructed by the current permit holder in the same location as it currently exists so long as the alterations or reconstruction of the sign bring it into compliance with all of the provisions of this chapter with the exception of any spacing requirements between signs. A sign building permit is required to make the alterations allowed by this subsection.

C. Whenever any off-premise sign is ~~reduced in size~~ structurally altered pursuant to subsection B, the ~~owner~~ current permit holder of the sign shall be eligible for off premise sign credits as follows:

1. The ~~owner~~ current permit holder of the sign completes an application for an off-premise sign credit;
2. The ~~owner~~ current permit holder of the sign provides proof to the Building Official that the sign for which a credit is sought was lawfully erected and in existence prior to the adoption of this chapter;
3. The Building Official determines the sign is currently not a prohibited sign as defined in this code;
4. The Building Official issues a certificate of eligibility for off premise sign credit. Certificates of eligibility for off-premise sign credit shall expire 21 days after it is issued and become null and void;
5. The Building Official confirms, by ~~on-sight~~ site inspection, that the sign has been ~~completely removed~~ brought into compliance with all the provisions of the City's Sign Code with the exception of any spacing requirements between signs and that the certificate of eligibility for off premise sign credit has-not expired. No request for inspection shall be made to

the Building Official until the ~~structure~~ alterations to the ~~structure~~ sign have been fully completed. The Building Official shall make an inspection within 2 working days of a request for inspection; and

6. Upon compliance with all provisions of this subsection, the Building Official shall issue 2 off-premise sign credits to the ~~owner~~ current permit holder of the sign ~~equal in square footage to the amount of square footage by which the existing sign was reduced up to a maximum credit size of 250 square feet.~~

D. Whenever any legal off-premise sign is completely removed, the current permit holder of the sign shall be eligible for off premise sign credits as follows:

1. The current permit holder of the sign completes an application for an off-premise sign credit;

2. The current permit holder of the sign provides proof to the Building Official that the sign for which a credit is sought was lawfully erected and in existence prior to the adoption of this chapter;

3. The Building Official determines the sign is currently not a prohibited sign as defined in this code;

4. The Building Official issues a certificate of eligibility for off premise sign credit. Certificates of eligibility for off-premise sign credit shall expire 21 days after it is issued and become null and void;

5. The Building Official confirms, by on-sight inspection, that the sign has been completely removed and that the certificate of eligibility for off premise sign credit has not expired. No request for inspection shall be made to the Building Official until the alterations to the sign have been fully completed. The Building Official shall make an inspection within 2 working days of a request for inspection; and

6. Upon compliance with all provisions of this subsection, the Building Official shall issue 2 off-premise sign credits to the current permit holder of the sign.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: