

ORDINANCE NO. 5348

AN ORDINANCE TO ALLOW FOR THE CONVERSION OF AN ON-PREMISE SIGN TO AN OFF-PREMISE SIGN BY AMENDING SUBSECTION Q OF SECTION 15.28.050 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City has adopted a comprehensive ordinance that regulates the placement of signs; and

WHEREAS, a part of the adopted ordinance prohibits on-premise signs from being converted to off-premise signs; and

WHEREAS, the City of Rapid City has determined that in certain instances it is appropriate to allow on-premise signs to be converted to off-premise signs.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that Subsection Q of Section 15.28.050 of the Rapid City Municipal Code is hereby amended to read as follows:

15.28.050 Prohibited signs.

Q. No on-premises signs shall be converted to an off-premises sign, unless all of the requirements of this code are satisfied. Notwithstanding this subsection, on-premise signs may be converted to off-premise signs if **all of** the following criteria are satisfied:

1. The sign that is being converted must be a legal, pre-existing, on-premise sign.
2. The conversion of the sign from an on-premise sign to an off-premise must be the result of the subdivision of an existing **platted** parcel of land.
3. The Rapid City Common Council determines, based on the totality of the circumstances taking into consideration the size, location, height and design of the current sign, and the location and topography of the parcel being served by the sign, that allowing the existing sign to remain will not be contrary to the public interest and will in the best interests of justice.
4. The process for getting approval to convert a legal on-premises sign to an off-premises sign under this exception is as follows:
 - a. Application to convert the sign from an on-premise sign to an off-premise sign must be submitted to the Sign Code Board of Appeals who shall review the application for compliance with the mandatory criteria and after having reviewed the application shall forward a recommendation for approval or denial to the Rapid City Common Council;
 - b. The Rapid City Common Council shall review the application, along with the recommendation of the Sign Code Board of Appeals, and must determine that

all the mandatory criteria are met prior to granting its approval for the conversion of the sign from on-premise to off-premise;

c. The decision to allow the conversion of an on-premises sign to an off-premises sign is within the ~~sound~~ sole discretion of the Common Council and its decision on the issue is final.

5. Additional Regulations that apply to converted signs:

a. At the time the application for conversion of the existing sign is submitted, the applicant must designate a specific parcel which the sign will serve. **The converted sign will be treated as an on-premises sign for the business located on the designated parcel;** and

b. The converted off-premise sign may not be expanded or structurally altered in any way except that advertising copy may be altered; and

c. The converted off-premise sign shall not ever be eligible for off-premise sign credits; and

d. At such time as the use of the property being served by the converted off-premise sign changes, the converted off-premise sign must be removed.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: