



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Joel P. Landeen, Assistant City Attorney

Phone: 605-394-4140

City web: www.rcgov.org

Fax: 605-394-6633

e-mail: Joel.Landeen@rcgov.org

MEMORANDUM

TO: Mayor and City Council

FROM: Joel P. Landeen, Assistant City Attorney

DATE: 5-19-11

RE: Recommendations of the Ad Hoc Sign Code Revision Task Force

On October 18, 2010, an Ad Hoc Sign Code Revision Task Force was created at the regular meeting of the City Council. The direction to the task force was to review the entire sign code and report back to the Mayor and City Council with any revisions to the code the task force found to be appropriate. The task force met 17 times, took a field trip to review actual signage in the City and held two additional meetings focused solely on taking public comments. The minutes of the meetings are linked to the City's website (<http://www.rcgov.org/Growth-Management/ad-hoc-sign-code-revision-task-force.html>) and while they are not verbatim, provide further detail regarding the discussion on the specific recommendations of the task force. Based upon its review of the sign code and the input it received at its meetings, the task force would make the following recommendations:

1. The task force discussed the current sign credit system at length. The task force voted to preserve the existing sign credit system. Feb 9, 2011 (Cite to meeting where motion making recommendation was approved). (Vote: 10 in favor; 1 against)

2. The task force discussed video signage and voted to recommend that full motion be prohibited on all off-premises, on-premises and public purpose signs within the City. This includes prohibiting full motion on all current signs. Mar 2, 2011. (Vote: 7 in favor; 3 against)
3. The task force recommends that no additional electronic digital off-premises signs be allowed. The task force also recommends that on-premises electronic signs be treated the same as off-premises signs. Mar 9, 2011. (Vote: 5 in favor; 3 against)
4. If off-premises digital signs are allowed, the task force recommends 4 sign credits be required to convert a static billboard to a digital one. Feb. 23, 2011. (Vote: 5 in favor; 3 against)
5. The task force recommends that the display messages on both off-premises and on-premises signs be limited to a 6 second static message with no animation. Scrolling messages would be allowed, but a definition of what constitutes a scrolling message should be added to the sign code. Apr 13, 2011. (Vote: 6 in favor; 5 against)
6. The task force recommends the City adopt a non-subjective brightness standard for any electronic/video signs whether they be on or off premises. The standard that the task force recommends is .3 foot candles above ambient light. This standard is based on a presentation on electronic/video signage by a representative of Daktronics. There are several communities/states which have created a sign brightness/intensity standard based on the brightness/intensity of the sign in comparison to the ambient lighting. There is currently equipment that costs less than a \$500 which can measure this standard. Apr 6, 2011. (Vote: unanimous)
7. The task force recommends that all legal, non-conforming signs have a maximum of 10 years to come into compliance with the sign code. The task force would recommend that all legal non-conforming signs within the Downtown Historic District and the Original Town of Rapid City be excluded from this requirement. Apr 13, 2011. (Vote: 6 in favor; 5 against)
8. The task force recommends that City signage, such as the Civic Center sign, comply with the sign code. Apr 13, 2011. (Vote: unanimous)
9. The task force reviewed the exception for political signs and recommends the following changes:

POLITICAL SIGNS

Found in Sec.15.28.080 of the RCMC

13. ~~Temporary P~~political signs are allowed so long as they are not located within the public right of way, a required sight triangle or a required parking stall or parking area, ~~and Political signs may not be displayed until thirty (30) days prior to the election and are limited to 32 total square feet and a maximum height of 8 feet in height.~~ Temporary political signs shall be removed within 5 days after the election;

The only substantive change was a prohibition against displaying political signs more than 30 days before an election. Apr 6, 2011. (Vote: unanimous)

10. The task force reviewed the section of the code on miscellaneous signs and recommended the following changes:

MISCELANEOUS SIGNS – CHARITABLE EXCEPTION

Found in 15.28.050 and 15.28.220 of the RCMC

F. Banners, pennants, search lights, streamer, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, air and gas-filled figures shall ~~not be used~~ prohibited except when permitted ~~for the opening of a new business, not to exceed 15 days~~ pursuant to Section 15.28.220;

15.28.220 Miscellaneous signs.

The following sign requirements are intended to provide exceptions or qualify and supplement the other requirements of this code:

A. A permit may be issued for banners, pennants, sandwich board signs, and air and gas-filled figures (not exceeding 15 feet in height) to the following:

1. For a business in conjunction with a grand opening. A permit issued under this sub-section shall not exceed 15 days. Only one grand opening will be allowed per business.

2. To a non-profit, civic, charitable or fraternal organization in conjunction with a special event being held within the City. The permit may authorize such signage at multiple locations throughout the City. A permit issued under this sub-section shall not exceed 30 days.

~~AB.~~ Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural, religious or recreational in nature, may display on-premises signs. However, such sign or part thereof shall not contain a commercial advertising message. The signs shall comply with the following:

- ~~1. For on-premises ground signs and on-premises wall signs, the size shall not exceed 32 square feet;~~
- ~~2. The height of the sign shall not exceed 8 feet;~~

1. One on-premises ground sign shall be allowed per street frontage. The maximum height and area of the sign shall be based on its distance from the street frontage based on the following table:

Distance from Street Frontage	Maximum Height	Maximum Area
0 to 50 ft.	8 ft.	32 sq.ft.
50 to 200 ft.	15 ft.	64 sq.ft.
Over 200 ft.	20 ft.	120 sq.ft.

2. One on-premises wall sign shall be allowed per street frontage. The maximum area for the signs is based on the distance from the street frontage and is identical to the area allowed for on-premises ground signs. The height of the wall sign is dependent on the height of the building and is not subject to the restrictions on height for on-premises ground signs. If a wall sign is directly adjacent to a walking or other paved surface, it must be at least 8 ft. from the lowest part of the sign to the surface grade.

- 3. Signs shall not be placed within a required sight triangle or a required parking area; and
- 4. Electric signs shall comply with § [15.28.130](#).

~~BC.~~ In the area of the City designated as the “original town.” ~~E~~each separate business entity may display 1 pedestrian-oriented sign for each wall of the building that faces a public street ~~in the original town.~~ These signs are limited to 5-foot projection, 8 square feet, 9-inch letters and 8-foot clearance.

~~CD.~~ For home businesses or occupations located in residential zoning districts, ~~t~~The total area of wall signs or ground signs ~~for all residential entities on the premises may be~~ is 1 square foot for each dwelling unit. Wall signs or ground signs for all residential entities on the premises must also meet the following:

1. A maximum of 1 such sign per street frontage is allowed;
2. The maximum height of the sign shall be ~~8~~ 5 feet; and
- ~~3. The maximum width of the sign area shall be 8 feet.~~

~~DE.~~ Wall signs or ground signs for a commercial use in a residential district or a home occupation may be 1 square foot in size per commercial use or home occupation.

~~EF.~~ Miscellaneous signs shall not be located within any clear sight triangle as set forth by city’s Municipal Code.

~~EG.~~ The light from any light source intended to illuminate a miscellaneous sign, or emanating from an internally illuminated miscellaneous sign, shall be so shaded, shielded, directed or of such an intensity that the brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. If a miscellaneous sign is located in a residential zoning district, any illumination will be turned off from 10:00 p.m. to 6:00 a.m.

The changes recommended by the task force would provide an exception to allow certain signage which would otherwise be prohibited in conjunction with a grand opening of a new business or in conjunction with a special event being conducted by a non-profit, civic, charitable, or fraternal organization. The recommendation also made changes to the allowable signage for schools and churches. The requirements for signage in the current code are very restrictive. In the past, these entities used the 11-6-19 review process to get approved for larger signage. This process is no longer available and the result has been increased requests for variances. The recommended changes provide for additional signage with size and height requirements being based on the distance from the sign to the nearest street frontage. Apr 6, 2011. (Vote: 7 in favor; 2 against)