

ORDINANCE NO. 5809

AN ORDINANCE REGULATING OFF-PREMISES SIGNAGE BY ADDING CHAPTER 15.30 TO THE RAPID CITY MUNICIPAL CODE (RCMC).

WHEREAS, the Common Council of the City of Rapid City finds that regulating the placement, size, spacing, brightness and appearance of signs is necessary to protect the health, safety and welfare of the citizens of Rapid City; and

WHEREAS, the City created an Ad Hoc Sign Code Revision Task Force on October 18, 2010; and

WHEREAS, the Ad Hoc Sign Code Revision Task Force was given the mandate to review the entire Sign Code and report back to the Mayor and City Council any revisions to the code it found to be appropriate; and

WHEREAS, the Ad Hoc Sign Code Revision Task Force met 17 times, took a field trip to view signage in the City and held two additional meetings for the sole purpose of taking input from the public; and

WHEREAS, the Ad Hoc Sign Code Revision Task Force has made its recommendations to the Mayor and City Council; and

WHEREAS, the City Council considered the Ad Hoc Sign Code Revision Task Force's recommendations at a Special City Council Meeting on September 26, 2011; and

WHEREAS, the City's Legal and Finance Committee was presented with a first draft of the proposed changes to the Sign Code on December 14, 2011; and

WHEREAS, the Legal and Finance Committee directed that the Sign Code be restructured so that on-premises signs and off-premises signs were regulated in separate Chapters of the Code; and

WHEREAS, the City Council has determined it is in the best interests of the City, with due consideration being given to the recommendations of the Ad Hoc Sign Code Revision Task Force, to make certain changes to the City's Sign Code and adopting a new chapter of the Code specifically regulating off-premises signage by adding Chapter 15.30 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Chapter 15.30 of the Rapid City Municipal Code be added to read as follows:

15.30.010 Off-premises signage.

Off-premises signs, where permitted, shall be regulated by the requirements of this Chapter and Chapter 15.28 of the Rapid City Municipal Code. The owner of an off-premises sign is required to obtain a sign building permit pursuant to Chapter 15.28 prior to building a new off-premises sign or making structural alterations to an existing off-premises sign. Nothing in this Chapter should be construed as altering the provisions of the City's zoning ordinances. If an off-premises sign is a conditional use in any zoning district, prior to a sign building permit being issued pursuant to Chapter 15.28, approval must be

obtained for the use. Approval of the use is required any time a new off-premises sign is built or a structural alteration as defined by this code is made to an existing off-premises sign.

15.30.020 Size, height and spacing regulations for off-premises signage.

Off-premises signs shall be constructed in accordance with the following regulations:

1. Off-premises signs shall be ground signs only. Off-premises wall or roof signs are prohibited. Off-premises ground signs shall have no more than one structural support or pole. Off-premises sign structures shall be earth tone.
2. Off-premises signs shall have no more than two (2) faces. Each face of an off-premises sign may have a maximum area of two hundred and fifty (250) square feet. The faces on an off-premises sign may be mounted parallel to each other, or may be angled to each other up to a maximum angle of twenty (20) degrees.
3. The maximum height of an off-premises sign is thirty (30) feet. Off-premises signs with a minimum clearance of less than ten (10) feet from grade shall be setback at least ten (10) feet from all public rights of way and property lines. Off-premises ground signs with a minimum clearance of ten (10) feet or more from grade may be setback zero (0) feet from all public rights of way or property lines. The lowest point of an off-premises sign which extends over an area intended for pedestrian use shall not be less than 8 feet above the finished grade below it. The lowest point of an off-premises sign which extends over an area intended for vehicular use shall not be less than 14 feet above the finished grade below it.
4. Electrical service to all off-premises signs shall be provided by an underground service lateral. In no case shall overhead wires be attached in any manner to an off-premise sign.
5. New off-premises signs shall not be located less than 1,500 feet from any other off-premises sign. The distance between off-premises signs shall be measured from the base of the sign in all directions (radial feet). No off-premises sign shall be located nearer than 2,000 feet from the nearest off-premises signs as measured by the distance over a public road between a line that extends from the base of each sign to the nearest mid-point of any public road from which the sign is intended to be viewed.
6. All off-premises signs shall be at least 50 feet from any on-premises sign. This subsection shall not prevent the construction of an on-premises sign within 50 feet of a previously existing off-premises sign.
7. Off-premises signs shall be identified by a label, nameplate, or trademark identifying the owner of the sign, except those signs which are exempt under Section 15.28.080(B) of this code.
8. Off-premises signs shall not be placed in any railroad right-of-way.
9. Off-premises signs shall not be located within any clear sight triangle as set forth by the City's Municipal Code, Design Criteria Manuals or standard specifications.

10. Off-premises signs shall not be placed on any property without written consent of the property owner or the owner's authorized agent. Applicants for an off-premises sign building permit shall provide the City with a copy of an easement or other legally binding document before receiving a permit. The City is not responsible for verifying the legality of the document, but will maintain a copy for its files.

15.30.030 Lighting of off-premises signs.

In addition to any applicable requirements of Section 15.28.155, the light from any light source intended to illuminate an off-premises 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. No off-premises sign is permitted that is internally illuminated or operates to display electronic variable messages through light emitting diodes, liquid crystal display, plasma image display, or any other light emitting mechanism.

15.30.040 Off-premises sign credit system.

A. *Off-premise sign credit system.* After the effective date of this ordinance, off-premises sign credits shall be issued by the City's Building Official to those owners of off-premises signs who have completely removed a previously existing, lawfully erected off-premise sign and all associated structures. Any outstanding sign credits issued by the City prior to adoption of this Chapter will remain valid and can be used in an identical manner to sign credits that are issued under this Chapter. All sign credits, including those previously issued are subject to the provisions of this Chapter and Chapter 15.28 of this code.

B. *Requirements prior to issuance of credit.* The process for issuance of off-premise sign credits is as follows:

1. The owner of the sign completes an application for an off premises sign credit.
2. The owner 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 not currently a prohibited sign as defined by this code and otherwise conforms to all applicable federal, state or local laws and regulations.
4. If the Building Official is satisfied that the first three requirements are met, a certificate of eligibility for an off-premises sign credit shall be issued. Certificates of eligibility for off-premise sign credit shall expire and become null and void 21 days after they are issued.
5. The Building Official, or their designee, confirms by on-sight inspection that the off-premises 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 structure has been completely removed. The Building Official, or their designee, shall make an inspection within 2 working days of a request for inspection.

6. An off-premise sign credit may not be issued if there are more than 20 sign credits outstanding.

C. *Off-premise sign credit basis.*

The number of off-premises sign credits that may be issued for removal of an existing off-premises sign is determined as follows:

1. For any existing off-premises sign which complied with Section 15.30.020(5) the Building Official may issue one (1) off-premises sign credit. For any existing off-premises sign which did not comply with Section 15.30.020(5), the Building Official may issue two (2) off-premises sign credits. If the face of the existing off-premises sign being removed is smaller than the maximum size for sign faces established in this code, the sign credit will only authorize construction of a new off-premises sign which is the same size as the one which is removed. In all other situations, an off-premises sign credit will authorize construction of an off-premises sign with a face as large as the maximum size legally allowed at the time the credit is used.

2. The square footage permitted by 1 off-premise sign credit may not be transferred or added to the square footage of another off-premise sign credit.

D. *Transferability of sign credits; notice of transfer required.* Off-premise sign credits are freely transferable through legal means; however, a transferee shall provide written notice of the transfer to the City by registered mail, return receipt requested, within 90 days following the transfer of the credit(s) or the sign credit(s) shall be void.

E. *Usage.* Off premise sign credits may only be used to erect a new off-premise sign if the proposed new sign is in full compliance with all requirements of the Rapid City Municipal Code and all applicable federal, state or local laws and regulations. The City has no obligation to guarantee that a sign credit may be utilized within the City during the life of the credit.

F. *Sunset date for sign credit.* An off-premises sign credit shall not exist in perpetuity. An off-premises sign credit shall terminate 2 decades after it has been issued unless utilized within 20 years from the date of issuance by the Building Official or unless the same has become void by operation of the provisions of this section.

G. The city shall maintain a list of all unused off-premises sign credits and their expiration dates.

15.30.050 Alteration of existing off-premises signs.

A. Notwithstanding any other provision of this code, any legal non-conforming off-premise sign may be 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.

B. Whenever any off-premise sign is structurally altered pursuant to subsection B, 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 or unlawful 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.
5. The Building Official confirms, by on-sight inspection, that the sign has been 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 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: