

# STAFF REPORT

June 21, 2001

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**No. 010A006 – Ordinance Amendment – Off Premise Signs**

**ITEM 41**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 010A006 – Ordinance Amendment – Off Premise Signs</b>
DESCRIPTION	An Ordinance amending Chapter 17.16 of the Rapid City Municipal Code by deleting "off-premise signs" from the Uses Permitted in the Central Business Zoning District; and amending Chapters 17.18, 17.22 and 17.24 of the Rapid City Municipal Code by eliminating "off-premise signs" from the list of Uses Permitted and adding "off-premise signs" to the list of Uses Permitted on Review in the General Commercial, Light Industrial and Heavy Industrial Zoning Districts; and creating a new subsection within Chapter 17.50 of the Rapid City Municipal Code setting forth submittal requirements, construction requirements, and criteria for review for Use on Review applications for off-premise signs.
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Ordinance Amendment be approved.

GENERAL COMMENTS: On September 21, 2000 the Rapid City Planning Commission directed Staff to prepare an Ordinance Amendment making off-premise signs allowed as a Use on Review only. Currently, off-premise signs are a Permitted Use in the Central Business Zoning District, General Commercial Zoning District, Light Industrial Zoning District and Heavy Industrial Zoning District. The Planning Commission discussed the proposed draft Ordinance twice – on May 10 and May 24, 2001 before directing Staff to advertise the proposed Ordinance amendment. In addition to making all off-premise signage subject to a Use on Review in the General Commercial, Light Industrial and Heavy Industrial Zoning Districts, the attached Ordinance amendment proposes the following:

- Prior to the adoption of the new Sign Code two years ago, off-premise advertising was not allowed in the Central Business Zoning District. This was inadvertently changed when the Sign Code was revised so that currently off-premise signage is a permitted use in the Central Business Zoning District outside of the Original Town plat. The Planning Commission has now recommended that the Sign Code be revised to preclude off-premise signs in the Central Business Zoning District.
- A number of submittal requirements have been set forth in the proposed Ordinance.

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- Use on Review applications for off-premise signs would be evaluated according to a number of criteria:
  - 1) At a minimum, all requirements of the Sign Code would need to be met;
  - 2) Additional restrictions necessary to mitigate any adverse impacts caused by the off-premise signage could be imposed according to Chapter 17.54.030 of City Code. This is the same section for which all Use on Reviews are evaluated.
  - 3) Additional restrictions specific to off-premise signage could be imposed as set forth in the draft Ordinance. These restrictions could limit sign attributes such as size, height, spacing, lighting, etc. The purpose of these further restrictions would be to mitigate any adverse impacts that off-premise signage could have on adjacent residential, historic, public, or recreational land uses.

Earlier drafts of the proposed Ordinance amendment reviewed as part of Planning Commission discussion proposed the following language:

*B. Construction Requirements.*

1. *During construction of the off-premise sign and in accordance with State law, the applicant shall have an engineer inspect the hole, the structure and any electrical work and provide a copy of an engineer's statement approving such to City.*
2. *The City shall field check all applications for off-premise signage prior to issuing any sign permits.*

This language was proposed to clarify some of the existing language in the Sign Code. However, the City Attorney has recommended that this language be withheld from the current Ordinance proposal as it is not appropriate to place in the Zoning Ordinance. The language will be added to the Sign Code in the future.

**STAFF REVIEW:** Staff has reviewed the proposed Ordinance Amendment and is recommending approval based upon the previous direction of the Planning Commission. At the direction of the Planning Commission Chairperson, Staff sent letters to all affected Sign Contractors doing business in Rapid City informing them of the proposed Ordinance amendment and notifying them of the June 21, 2001 Planning Commission meeting at which the matter will be considered. Copies of the proposed Ordinance were included in the mailing to the sign contractors. Furthermore, Staff attended the City Sign Contractors Board meeting on June 13 and provided the members with an update of the proposed Ordinance. The Sign Contractors Board unanimously voted to oppose the proposed Ordinance amendment. It is expected that representatives of the Board will be present at the June 21 meeting.