

ORDINANCE NO. 5808

AN ORDINANCE REGULATING ON-PREMISES SIGNAGE BY ADDING CHAPTER 15.29 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 on-premises signage by adding Chapter 15.29 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Chapter 15.29 of the Rapid City Municipal Code be added to read as follows:

15.29.010 On-premises signage.

On-premises signs, where permitted, shall be regulated by the requirements of this Chapter and Chapter 15.28 of the Rapid City Municipal Code. Unless it is otherwise exempt, the owner of an on-premises sign is required to obtain a sign building permit before constructing a new on-premises sign or before making structural alterations to an existing on-premises sign. The owner of an on-premises sign may not sell advertising on such sign or otherwise enter into contracts which allow the sale of advertising on the sign. A premises where an on-premises sign is permitted may have both on-premises

ground and on-premises wall signs. No on-premises sign may be converted to an off-premises sign except as provided in Section 15.29.070 of this code. Any on-premises sign which is illegally converted to an off-premises sign is declared unlawful and subject to removal pursuant to Chapter 15.28 of this Code.

15.29.020 Size, height and spacing regulations for on-premises ground signs.

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

1. The maximum size of all on-premises ground signs for a single premises is 2 square feet in size for every lineal foot of lot frontage on a public street, except for premises which are located in the area designated the “Original Town” of Rapid City which shall be limited to 1.5 square feet in size for the first 25 feet of lot frontage on a public street and .5 square feet for the remaining lot frontage on a public street.
2. The maximum height of an on-premises ground sign is forty-five (45) feet.
3. On-premises ground signs with a minimum clearance of less than ten (10) feet from grade, or monument type ground signs, shall be setback at least ten (10) feet from all public rights of way and property lines. On-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.
4. There shall be a minimum separation distance of one hundred (100) feet from all on-premises ground signs located on the same premises.

15.29.030 Size, height and spacing regulations for on-premises wall signs.

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

1. The maximum size of all on-premises wall signs for a single premises is 2 square feet in size for every lineal foot of lot frontage on a public street, except for premises which are located in the area designated the “Original Town” of Rapid City which shall be limited to 1.5 square feet in size for the first 25 feet of lot frontage on a public street and .5 square feet for the remaining lot frontage on a public street. A premises with sixteen (16) feet or less of frontage on a public street may have an on-premises wall sign with a maximum area of thirty-two (32) square feet in size, except for a premises located in the area designated the “Original Town” of Rapid City which shall be limited to an area of twenty-four (24) square feet in size.
2. On-premises wall signs may be displayed on any side of a building or structure on the premises.
3. The face of an on-premises wall sign shall be parallel to the plane of the wall it is mounted on. An on-premises wall sign shall not project above or beyond the plane of the wall it is mounted on. In the area of the City designated as the “Original Town,” each separate business entity may display 1 pedestrian-oriented sign for each wall of the building that faces a public street. These signs are limited to 5-foot projection, 8 square feet, 9-inch letters and 8-foot clearance.

15.29.040 On-premises roof signs.

Notwithstanding Section 15.28.050(J) of this code, on-premises roof signs on buildings six (6) or more stories in height and located in the "Original Town" of the City of Rapid City, which lawfully existed on January 1, 2012, may be structurally altered or replaced subject to the following regulations:

1. Only the name or logo of the primary occupant of the building may be displayed on a roof sign.
2. The square footage of the new or structurally altered roof sign may not be greater than the existing roof sign.
3. If an existing roof sign is removed, it must be replaced within one hundred and eighty (180) days to be subject to this exception.

15.29.050 Electronic message centers incorporating varying message display technology.

On-premises electronic message centers, reader boards and other signs that allow for the display of varying messages through either manual means, or by the use of a digital, plasma, or LCD display, or other similar technology are allowed. The maximum area of an on-premises sign authorized by this section is Sixty (60) square feet. Notwithstanding any other provisions of this code, on-premises signs utilizing a digital display or other similar technology authorized by this section may incorporate graphic, animated or scrolling messages, but may not incorporate full motion video.

15.29.060 Lighting of on-premises signs.

In addition to any applicable requirements of Section 15.28.155, the light from any light source intended to illuminate an on-premises sign, or emanating from an internally illuminated on-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.

15.29.070 Conversion of certain on-premises signs to off-premises signs.

Notwithstanding Section 15.29.010, certain on-premises signs may be converted to off-premises signs if all of the following criteria are satisfied:

1. The sign that is being converted must be a legal, pre-existing, on-premises sign.
2. The conversion of the sign from an on-premises sign to an off-premises 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 be 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-premises sign to an off-premises 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-premises to off-premises;

c. The decision to allow the conversion of an on-premises sign to an off-premises sign is within the 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 up to two specific parcels which the sign will serve. The converted sign will be treated as an on-premises sign for the businesses located on the designated parcels; and

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

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

d. At such time as the use of the property being served by the converted off-premises sign changes, the face of the converted off-premises sign may be changed to advertise that new use.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: