



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

## OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Carla R. Cushman, Assistant City Attorney  
City web: [www.rcgov.org](http://www.rcgov.org)

Phone: 605-394-4140  
Fax: 605-394-6633  
e-mail: [carla.cushman@rcgov.org](mailto:carla.cushman@rcgov.org)

### MEMORANDUM

TO: Planning Commission

FROM: Carla Cushman, Assistant City Attorney

DATE: April 7, 2016

RE: 16OA002 – An Ordinance to Amend Certain Provisions Concerning Digital Signs, Sign Credits, and Spacing of Off-Premises Signs by Amending Sections 17.50.080 and 17.50.090 of the Rapid City Municipal Code

I provide this memo to provide background into the proposed changes in Ordinance No. 6013, before you today as 16OA002.

On March 7, 2016, the Common Council authorized the Mayor to sign a settlement agreement with Lamar Advertising of South Dakota, L.L.C. and TLC Properties, Inc. This agreement settles two lawsuits filed by Lamar concerning the initiated ordinances in 2011. In signing the agreement, the Common Council has agreed to make three major changes to the sign code.

- Repeal the ban on digital/LED off-premises signs found in RCMC 17.50.080.D.20 and 17.50.090.C;
- Amend the spacing provisions in RCMC 17.50.090.B.5 to reduce the minimum radial distance between off-premises signs from 1,500 feet to 1,000 feet and reduce the minimum linear distance between off-premises signs along the same roadway from 2,000 feet to 1,500 feet; and
- Amend RCMC 17.50.090.D.6 to acknowledge that the sunset provision for sign credits will not apply retroactively to sign credits issued before passage of the 2011 initiative on June 9, 2011.

These three changes that Council has committed to make are before you today in 16OA002, along with a few other clarifications to the sign code that don't substantively change any provision. Regardless of your recommendation on this application, the ordinance will proceed to Council for its review and decision.

I attach here a memo written by Joel Landeen to the Council that accompanied the settlement agreement. The agreement itself is also attached to this agenda item.

If you have any further questions on this matter, please feel free to give me a call at any time. My number is 394-4140, and my email is [carla.cushman@rcgov.org](mailto:carla.cushman@rcgov.org).