AN ORDINANCE TO AMEND CERTAIN PROVISIONS WITHIN THE SIGN CODE BY AMENDING SECTION 17.50.090 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted regulations governing off-premises signage in Rapid City Municipal Code (R.C.M.C.) Section 17.50.090; and

WHEREAS, under the current code a conditional use permit is required for new off-premises signs and for any structural alteration to existing signs; and

WHEREAS, the City Council has determined it to be in the best interests of the City to retain the conditional use permit requirement for new signs and to remove the conditional use review for work done to existing signs; and

WHEREAS, the City Council believes that requiring a conditional use review every time a structural alteration is made to an existing off-premises sign is redundant and unnecessary oversight over a sign that has already been reviewed and approved by the City; and

WHEREAS, conditional use review of new signs can incorporate considerations for the potential for expanded signage in the future once a conditional use permit is obtained; and

WHEREAS, currently the sign code imposes limits of 250 square feet in size and 30 feet in height for all off-premises signs located within the City; and

WHEREAS, higher speed traffic on certain roadways warrants larger and taller billboards, and a speed limit of 65 miles per hour along Interstate 90 justifies a higher visual impact of signage along that roadway;

WHEREAS, the City of Rapid City wishes to adopt new regulations for a narrow zone of billboards located within 100 feet of the Interstate 90 right of way that advertise to traffic on the high speed roadway to allow a maximum size of 672 square feet and a maximum height of 40 feet; and

WHEREAS, the City believes it to be in the best interests of its citizens to amend R.C.M.C. Section 17.50.090 to permit larger and taller signs along Interstate 90 and to remove conditional use approval for changes to existing or approved off-premises signs.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that R.C.M.C. 17.50.090 is hereby amended in its entirety to read as follows:

17.50.090 Off-premises signage.

A. Off-premises signage.
1. Off-premises signs, where permitted, shall be regulated by the requirements of this section and § 17.50.080 of the Rapid City Municipal Code, as well as any other applicable requirements found in the Rapid City Municipal Code.

2. The owner of an off-premises sign is required to obtain a sign building permit pursuant to § 17.50.080 prior to building a new off-premises sign or making structural alterations to an existing off-premises sign.

3. If any zoning district requires a conditional use permit for an off-premises sign, prior to a sign building permit being issued pursuant to § 17.50.080, approval of the conditional use permit must be obtained. A conditional use permit is required for any new off-premises sign. A conditional use permit is not required for any work to an existing or approved off-premises sign, including converting to a digital sign. A major amendment to a conditional use permit is not required for work to an existing or approved off-premises sign if that work is in compliance with the requirements of this Title.

4. Approval of a conditional use permit is required any time a new off-premises sign is erected or a structural alteration as defined by this code is made to an existing off-premises sign prior to a sign permit being issued pursuant to § 17.50.080.

5. Approval of a conditional use permit is required for the conversion of an on-premises sign to an off-premises sign as defined by this section and § 17.50.090F. and prior to a sign permit being issued pursuant to § 17.50.080.

B. 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 1 structural support or pole. Off-premises sign structures shall be earth tone.

2. Off-premises signs shall have no more than 2 faces. Each face of an off-premises sign may have a maximum area of 250 square feet, except as provided in Section 4. 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 20 degrees.

3. The maximum height of an off-premises sign is 30 feet, except as provided in Section 4. Off-premises signs with a minimum clearance of less than 10 feet from grade shall be setback at least 10 feet from all public rights or way and property lines. Off-premises ground signs with a minimum clearance of 10 feet or more from grade may be setback 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. For off-premises signs which are located within 100 feet of the right of way for Interstate 90 and which advertise to traffic on Interstate 90, an off-premises sign may have a maximum area of 672 square feet and may have a maximum height of 40 feet.

45. 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.

56. New off-premises signs shall not be located less than 1,000 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 1,500 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.

67. 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.

78. 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 § 17.50.080H. of this code.

89. Off-premises signs shall not be placed in any railroad right-of-way.

910. 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.

1011. 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.

C. Lighting of off-premises signs. In addition to any applicable requirements of § 17.50.080N., 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.

D. Off-premises sign credit system.

1. Off-premise sign credit system. After March 22, 2013, 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 section will remain valid and can be used in an identical manner to sign credits that are issued under this section. All sign
credits, including those previously issued are subject to the provisions of this section, §§ 17.50.080 and 17.50.090 of this code.

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

   a. The owner of the sign completes an application for an off premesis sign credit.

   b. 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 section.

   c. 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.

   d. If the Building Official is satisfied that the first 3 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.

   e. 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-premises 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.

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

3. **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:

   a. For any existing off-premises sign which complied with § 17.50.090.B.5. the Building Official may issue 1 off-premises sign credit. For any existing off-premises sign which did not comply with § 17.50.090.B.5., the Building Official may issue 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.

   b. 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.

4. **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.
5. **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.

6. **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. This section shall not apply to sign credits issued prior to June 9, 2011.

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

E. **Alteration of existing off-premises signs.**

1. 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 the City Code with the exception of any spacing requirements between signs. A sign building permit is required to make the alterations allowed by this subsection.

2. Whenever any off-premise sign is structurally altered, the current permit holder of the sign shall be eligible for off-premise sign credits as follows:

   a. The current permit holder of the sign completes an application for an off-premise sign credit;

   b. 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 section;

   c. The Building Official determines the sign is currently not a prohibited or unlawful sign as defined in this code;

   d. 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;

   e. 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
f. 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.

F. Conditional use permit requirements for off-premises signs.

1. Submittal requirements. In addition to the requirements set forth in §§ 17.50.080, 17.50.100, and 17.54.030 of this code, all applications for conditional uses for off-premises signage shall include the following:

   a. Site plan drawn to scale showing proposed sign location, adjacent property lines, distance to nearest surrounding off-premise signage, and other such data and information as may be required by the Planning Director or his or her designee;

   b. If necessary, the applicant shall submit a drawing prepared by a professional land surveyor identifying the proposed sign location and distances to the nearest adjacent off-premise signs;

   c. If applicable, a letter from the South Dakota Department of Transportation indicating that all state requirements are being met;

   d. A site-specific, engineered stamped drawing for the sign structure; and

   e. An elevation drawing of the sign showing all sign features, including, but not limited to the post, sign structure, sign face and lightning.

2. Criteria for review. The following criteria shall be considered in considering applications for conditional uses for off-premises advertising:

   a. The minimum requirements of the city’s Sign Code;

   b. The standard requirements for all conditional uses set forth in § 17.54.030;

   c. Size of the proposed off-premises sign;

   d. Spacing from adjacent off-premises signs;

   e. Density of off-premises signs in the neighborhood;

   f. Height of the proposed off-premises sign;

   g. Proposed lighting;

   h. Impacts upon significant urban or natural viewsheds;

   i. Impacts upon nearby residences;
j. Location with respect to any major community entryways, historic property, parks, schools, churches, playgrounds or similar public and recreational uses;

k. The potential height, size, lighting, and impacts of a future off-premises sign under the Sign Code;

l. The City’s comprehensive plan; and

m. Other criteria deemed pertinent to the review of the conditional use.

(Ord. 6103 (part), 2016: Ord. 5883 (part), 2012)

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: