

Ordinance No. 6233

AN ORDINANCE TO AMEND THE SIGN CODE TO INCORPORATE ON-PREMISES SIGNAGE RULES FOR THE URBAN COMMERCIAL DISTRICT BY AMENDING SECTION 17.50.100 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted regulations pertaining to regulation of on-premises signage in Section 17.50.100 of the Rapid City Municipal Code (R.C.M.C.); and

WHEREAS, R.C.M.C. 17.50.100.B.1 and C.1 set the maximum size of on-premises ground signs and on-premises wall signs as 2.0 square feet per lineal foot of lot frontage; and

WHEREAS, R.C.M.C. 17.50.100.B.1 and C.1 have a lower maximum size for on-premises ground signs and wall signs for areas designated in the “Original Town” of Rapid City; and

WHEREAS, R.C.M.C. 17.50.080.A defines the “Original Town” as certain blocks of the original town plat of Rapid City that generally align with the Central Business District; and

WHEREAS, as part of the adoption of the Urban Commercial District in compliance with the Downtown Area Master Plan adopted by the Common Council in October 2016, the City wishes to extend the on-premises signage rules of the Central Business District to the new Urban Commercial District; and

WHEREAS, R.C.M.C. 17.50.100.C.3 provides for projecting pedestrian signs for areas of the city designated as the “Original Town”; and

WHEREAS, the City wishes to amend R.C.M.C. 17.50.100.C.3 to ensure that projecting pedestrian signs are allowed throughout the new Urban Commercial District;

WHEREAS, adopting the same on-premises signage regulations for the Urban Commercial District that have been applied in the Central Business District complies with the Downtown Area Master Plan and promotes an interesting and vibrant pedestrian oriented environment in the downtown area; and

WHEREAS, it is therefore in the best interests of the health, safety, and general welfare of its citizens to amend R.C.M.C. 17.50.100 to amend the on-premises signage rules to remove references to the Original Town and replace them with references to the Central Business District and the Urban Commercial District.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.50.100 of the R.C.M.C. is hereby amended to read in its entirety as follows:

17.50.100 On-premises signage.

A. *On-premises sign general regulations.* On-premises signs, where permitted, shall be regulated by the requirements of this section and § 17.50.080 of the Rapid City Municipal Code.

1. 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.

2. 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.

3. A property where an on-premises sign is permitted may have both on-premises ground and on-premises wall signs.

4. No on-premises sign may be converted to an off-premises sign except as provided in § 17.50.090G. of this code.

5. Any on-premises sign which is illegally converted to an off-premises sign is declared unlawful and subject to removal pursuant to § 17.50.080C. of this code.

B. *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 Central Business District and Urban Commercial District ~~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 45 feet.

3. On-premises ground signs with a minimum clearance of less than 10 feet from grade, or monument type ground signs, shall be setback at least 10 feet from all public rights of way and property lines. On-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.

4. There shall be a minimum separation distance of 100 feet from all on-premises ground signs located on the same premises.

C. *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 Central Business District and Urban Commercial District ~~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 16 feet or less of frontage on a public street may have an on-premises wall sign

with a maximum area of 32 square feet in size, except for a premises located in the Central Business District and Urban Commercial District area designated the “Original Town” of Rapid City which shall be limited to an area of 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 Central Business District and Urban Commercial District, 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.

D. *On-premises roof signs.* Notwithstanding § 17.50.080D.12. of this code, on-premises roof signs on buildings 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 180 days to be subject to this exception.

E. *Electronic message centers incorporating varying message display technology.*

1. 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.

2. The maximum area of an on-premises sign authorized by this section is 60 square feet.

3. 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.

F. *Lighting of on-premises signs.* In addition to any applicable requirements of § 17.50.080N., 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.

G. *Conversion of certain on-premises signs to off-premises signs.* Notwithstanding § 17.50.090A., 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 Building Official 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 Building Official, 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; and
 - 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 2 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.

(Ord. 5883 (part), 2012)

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: