



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-23597 - APPLICANT: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: NO RECOMMENDATION

1. That Title 19.14.100(B), Special Use Permit Required, is hereby amended as follows:

(B) Special Use Permit Required.

- (1) Except as otherwise provided in [~~Subsection (F)~~] Subsections (F), (G) and (H) of this Section, a Special Use Permit is required for all off-premise signs prior to the construction, placement, erection or modification of the sign in accordance with the requirements of this Chapter. A Special Use Permit application shall be processed in accordance with Section 19.18.060. Furthermore, the property owner(s), owner(s) of the structure or other [~~assignee~~] responsible person shall maintain in force, at all times, a sign certificate for the sign in accordance with the requirements of this Chapter.
- (2) The Special Use Permit requirement set forth in Paragraph (1) is in addition to and independent of any locational provision or limitation contained in this Section. In determining whether to approve or deny a Special Use Permit under this Section, the Planning Commission and City Council may consider the aesthetic impact of the sign on the area and all other aspects of the signs compatibility with the surrounding area, including the existence or nonexistence of other signage in the area. [~~The provisions of this Paragraph (2) are intended to reflect and reconfirm existing standards and practice, rather than to impose a new or different standard.~~]
- (3) In connection with the approval of a Special Use Permit under this Section, the Planning Commission or City Council may impose a time limit on the approval or require a periodic review of the sign as a condition of approval[~~], provided that:~~
 - (a) In the case of a time limit, the limit is not less than five years; and
 - (b) In the case of a periodic review, the review is not sooner than five years after the approval.

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- (4) After conducting a review, the ~~[Planning Commission or]~~ City Council may require removal of the sign if it is demonstrated that conditions in the surrounding area have changed in such a manner that the sign no longer meets the standards established in Section 19.18.060(L).

2. That Title 19.14.100(C)(4), Locational Provisions, is hereby amended as follows:

- (4) No off-premise sign shall have a surface area greater than six hundred seventy-two square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than one hundred twenty-eight square feet. Any embellishment may include lettering, text, numerals or images, but only to the extent that such items do not exceed fifty percent of any linear side of the sign.

3. That Title 19.14.100(D), Additional Provisions, is hereby amended as follows:

(D) Additional Provisions.

- (1) All structural elements of an off-premise sign to which the display panels are attached shall be screened from view. Display surface panels which are removed for the purpose of changing the advertising message shall be replaced within thirty days with display panels containing a new advertising message or uniformly painted blank panels.
- (2) All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.
- (3) For any off-premise sign that is proposed within six hundred sixty feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, a State of Nevada sign permit shall be obtained and a copy attached to the application prior to the issuance of a construction permit or sign certificate by the City.
- (4) No sign certificate shall be issued for an individual off-premise sign unless and until a site plan for the lot on which the sign will be erected has been submitted to and approved by the Director. The site plan shall include the following:
 - (a) An accurate site plan of the lot, at the scale the Director requires;
 - (b) The location of buildings, parking lots, driveways and landscaped areas on the lot;

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- (c) An accurate indication of the location of all existing and proposed off-premise signs; and
 - (d) Drawings that allow the computation of the area and the height of any off-premise signs and which indicate any sign characteristics such as illumination, embellishment areas or moving parts.
- (5) The permittee or holder of a sign certificate shall notify the Director in advance, by letter or fax and pursuant to Section 19.18.050(F), of any [significant] change in the characteristics of an off-premise sign, such as illumination, embellishment areas or moving parts, that are not shown on the approved site plan, and shall provide any additional supplemental drawings as the Director may require. Final approval of any changes under this Paragraph (5) shall be contingent upon final construction inspection and approval by the Department of Building and Safety regarding structural changes, including approval of any necessary electrical inspections. In the case of a proposed embellishment, the proposal shall be processed as in the case of a Minor Site Development Plan Review under Section 19.18.050(F), except that if the Director does not respond to the notice, within ten business days following receipt thereof, regarding whether or not the embellishment complies with this Chapter, the embellishment shall be deemed approved.
- (6) No display panel or advertising message may be placed upon a new off-premise sign structure until:
- (1) The Department of Building and Safety has performed all necessary final construction inspections of the structure and issued a certificate or other evidence of compliance with applicable codes; or
 - (2) The applicant has obtained and filed with the City a certification by a licensed professional engineer that the sign is structurally sound.
- (7) Any illumination of an off-premise sign shall be in accordance with the applicable standards and permit requirements of the City's Electrical Code and Administrative Code.
- (8) With respect to existing signs for which no final construction inspection and approval exists, the owner of the sign, upon notice from the City, shall, within thirty days, obtain either construction inspection and approval by the City or structural certification, as those items are described in Paragraph (6).

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4. That Title 19.14.100 is hereby amended by adding two new subsections, designated respectively as Subsections (G) and (H), and reading as follows:

(G) Modifications and Relocations of Signs Near Freeways.

- (1) The Director shall have the authority to grant approval, by means of a Minor Site Development Plan Review under Section 19.18.050(F), to do any of the following regarding an off-premise sign within six hundred sixty feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, and no Special Use Permit or public hearing shall be required in connection therewith:
- (a) Adjust the height or angle of an off-premise sign to a height or angle that:
 - (i) Restores the visibility of the sign to the same or comparable visibility as before the construction of a noise abatement or highway improvement project;
 - (ii) Is not more than forty-five feet above the noise abatement improvement project, measured from the tallest point of the improvement project to the top of the sign; and
 - (iii) Is not more than sixty-five feet from the existing grade at the base of the sign to the top thereof;
 - (b) Relocate a sign to another location on the same existing parcel in order to achieve visibility that was obstructed by a noise abatement or highway improvement project;
 - (c) Reconstruct or make a structural modification to a sign, other than a modification to allow a digital display, in compliance with the size limitations and other applicable requirements of this Title; or
 - (d) Make a structural modification to allow a digital display on a sign that adjoins a controlled-access freeway, in compliance with the size limitations and other applicable requirements of this Title.
- (2) Application for approval under this Subsection (G) shall require signatures by both the property owner and the sign owner.
- (3) Action by the Director under this Subsection (G) shall be subject to the appeal provisions of Section 19.00.070(F) and those governing Minor Site Development Plan Reviews under Section 19.18.050(F).

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- (4) In the case of an adjustment, relocation, reconstruction or modification that exceeds the scope of the Directors authority under Paragraph (1) above, any approval by the City Council may not be conditioned upon a required periodic review of the sign if a condition requiring a review was not imposed when the sign was initially approved. Action by the City Council under this Paragraph (4) will be pursuant to a Site Development Plan Review with a public hearing rather than by means of the Special Use Permit process otherwise applicable. A sign approved by the City Council under this Paragraph (4) shall maintain any nonconforming status it had immediately before such approval.
- (5) In connection with an approval described in Paragraph (1) above, the applicant shall have ninety days within which to submit detailed plans to the City and obtain all permits and inspections. During that period:
 - (a) The use of the premises for an off-premise sign shall not be deemed abandoned; and
 - (b) Any right to modify or replace the sign without a Special Use Permit or without the imposition of a condition requiring a periodic review, as described in this Section, shall continue undisturbed.

(H) Reconstruction of Nonconforming Signs Not Located Near Freeways.

- (1) For signs that are not located within six hundred sixty feet of any highway classified by the State of Nevada as part of the interstate or primary highway system and that are nonconforming, no Special Use Permit hearing shall be required, but the reconstruction must first be approved by the City Council pursuant to a Site Development Plan Review with a public hearing. Any approval by the City Council may not be conditioned upon a required periodic review of the sign if a condition requiring a review was not imposed when the sign was initially approved. A sign approved by the City Council under this Paragraph (1) shall maintain the nonconforming status it had immediately before such approval.
- (2) Application for approval under this Subsection (H) shall require signatures by both the property owner and the sign owner.
- (3) In connection with an approval under this Subsection (H), the applicant shall have ninety days within which to submit detailed plans to the City, obtain from the Department of Building and Safety all construction-related permits and inspections, and obtain any necessary sign certificate from the Planning and Development Department. During that period:

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- (a) The use of the premises for an off-premise sign shall not be deemed abandoned; and
- (b) Any right to modify or replace the sign without a Special Use Permit or without the imposition of a condition requiring a periodic review, as described in this Section, shall continue undisturbed.

5. That Title 19.20.20, Words and Terms Defined, is hereby amended as follows:

Embellishment means a frame or bracket around the outside of a sign that is used to define the boundaries of ~~[, decorate, and/or]~~ or hold the sign, ~~[not including logos or words.]~~ or an extension around the outside of the sign that is used as decoration.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for discussion and possible action to amend Title 19.14 and Title 19.20 to provide standards for Off-Premise Signs.

EXECUTIVE SUMMARY

The proposed amendment will modify the existing billboard regulations to institute a minimum five-year review period, allow text and logos within embellishment areas, require inspections for off-premise signage (both new and existing), allow for administrative approval of modifications to signs because of freeway soundwall construction, and allow for modifications of nonconforming signs upon approval of a Site Development Plan Review by City Council. While some of the proposed changes are positive, other changes increase the impacts of off-premise signage.

BACKGROUND INFORMATION

Related Actions

- 01/19/05 An initial draft of a text amendment (TXT-5037) was prepared by the Planning & Development Department and sent to 15 sign companies for comment. Four companies commented verbally or in writing regarding the proposed changes.
- 07/26/05 A new draft of the text amendment was sent to the same comments that received the initial draft. Five companies responded to the draft in writing.
- 09/22/05 The Planning Commission reviewed the proposed text amendment (TXT-5037), and recommended approval with two additions: 1) Prohibition of embellishments; and 2) Extension of the boundaries of the Exclusionary Zone.
- 01/04/06 The City Council considered bill #2006-1 (TXT-5037) at first reading, and forwarded the item to the 1/17/06 Recommending Committee meeting.
- 01/17/06 The Recommending Committee voted to hold the item in abeyance for two weeks, in order to allow the sign companies to meet with staff to discuss concerns.

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- 01/23/06 Staff met with 10 individuals representing the billboard industry to respond to questions and concerns regarding the proposed ordinance as directed by the Recommending Committee. An additional meeting was held on 01/26/06 for those who could not attend the first meeting.

- 01/31/06 The Recommending Committee voted to hold the item in abeyance to the 4/4/06 Recommending Committee meeting to allow staff and the industry more time to meet.

- 03/23/06 Councilwoman Tarkanian held a meeting with representatives of the billboard industry and city staff to discuss the proposed ordinance.

- 04/04/06 The Recommending Committee voted to hold the item in abeyance for 30 days.

- 05/02/06 The Recommending Committee voted to hold the item in abeyance to the 05/16/06 meeting.

- 05/16/06 The Recommending Committee recommended that the bill be stricken by a full vote of the City Council at the 05/16/06 meeting.

- 05/17/06 The City Council voted to strike the item from the Council agenda. The vote was unanimous.

- 12/20/06 The City Council voted to approve a four-month moratorium retroactive to 10 December 2006, to allow city staff to review and consider amendments to regulations pertaining to off-premise signs. The vote included a suspension of all Special Use Permit reviews for the four-month period.

- 09/13/07 The Planning Commission will consider a new text amendment (TXT-23597) drafted by the City Attorneys Office to modify the regulations pertaining to off-premise signage.

ANALYSIS

The following table identifies that changes that are proposed to the existing off-premise signage regulations:

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Code Section	Existing Regulation	Proposed Regulation
19.14.100(B) Required Reviews	<ul style="list-style-type: none"> • No limitations for review periods 	<ul style="list-style-type: none"> • 5 year minimum review period
19.14.100(C)(4) Embellishments	<ul style="list-style-type: none"> • Embellishments shall not contain text 	<ul style="list-style-type: none"> • Embellishments may include text, but shall not exceed 50% of the linear side of the sign
19.14.100(D)(5) Changes to Signs	<ul style="list-style-type: none"> • Director shall be notified of any changes to signs 	<ul style="list-style-type: none"> • Final approval contingent upon final construction inspection by Building & Safety • Embellishments shall be processed as a minor SDR; failure to act within 10 days constitutes approval
19.14.100(D)(6) Use of New Signs	<ul style="list-style-type: none"> • (New section) 	<ul style="list-style-type: none"> • Final construction inspection from Building & Safety required prior to installation of advertising message • Certificate of structural soundness required
19.14.100(D)(7) Illumination	<ul style="list-style-type: none"> • (New section) 	<ul style="list-style-type: none"> • All illumination shall be in conformance with the citys electrical code
19.14.100(D)(8) Existing Signs Proof of Inspection	<ul style="list-style-type: none"> • (New section) 	<ul style="list-style-type: none"> • All signs without any proof of inspection shall be required to submit a certificate of structural soundness or obtain final construction inspections within 30 days of notice by the city

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<p>19.14.100(G) Sign Modifications Soundwall Construction</p>	<ul style="list-style-type: none"> • (New section) 	<ul style="list-style-type: none"> • Director is authorized to approved changes to the height of signs up 65 above grade • Director is authorized to approve relocation of signs on same parcel • Director is authorized to approve modifications to signs • Any changes to signs that exceed the Directors authority to approve shall be approved by City Council as an SDR
<p>19.14.100(H) Reconstruction of Nonconforming Signs</p>	<ul style="list-style-type: none"> • (New Section) 	<ul style="list-style-type: none"> • City Council approval of SDR required for reconstruction of nonconforming signs
<p>19.20.20 Definition of Embellishment</p>	<ul style="list-style-type: none"> • Frame or bracket around sign, not including logos or words 	<ul style="list-style-type: none"> • Frame or bracket around sign, or extension around sign used as decoration

As noted above, the new text amendment will institute a minimum Required Review (RQR) period of five years. There is no current minimum or maximum for review periods; currently, one- and two-year reviews are not uncommon. This change will reduce the number of applications that staff is required to process, but may not allow for the timely review of billboards in areas where conditions change quickly.

The amendment also makes changes the definition of embellishment, and will allow text and logos within the embellishment area. The text area is limited to 50% of the sign width, and the overall dimensions of permitted embellishments do not change. The addition of an embellishment to a sign may be reviewed administratively by the Director of the Planning & Development Department as a Minor Site Plan Review; failure by the Director to issue a decision within 10 days results in an automatic approval of the embellishment.

The proposal clarifies that any changes to signs must be reviewed by both the Planning & Development Department and the Building & Safety Department. Signs will be subject to construction inspections. Existing signs without any proof of a final inspection will be required to submit proof of structural soundness and obtain an inspection when required to do so by the city.

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A new section will be added to the Off-Premise Sign Regulations, allowing the Director of Planning & Development to administratively approve changes to existing billboards where impacted by soundwall construction. The administrative approval is restricted to a maximum height of 65 feet above grade, and must be located on the same parcel. Any request outside of these limitations would be forwarded to the City Council as a Site Development Plan Review application, rather than a Special Use Permit or Variance.

Another new section would be added, dealing with the reconstruction of nonconforming signs that are located more than 660 feet from freeways. The reconstruction would be approved by City Council as a Site Development Plan Review application, and Council could not institute a Required Review (RQR) as a condition of approval if the sign was not originally conditioned for such review.

FINDINGS

The proposed amendment will bring about the following:

- Establish a minimum review period of five years for Required Reviews (RQRs);
- Allow text and logos within permitted embellishments;
- Require inspections and/or structural certificates for new signs or existing signs without final inspections;
- Allow administrative approvals of modifications to signs along freeways due to soundwall construction;
- Institute a Site Development Plan Review process rather than a Special Use Permit or Variance process for modifications to nonconforming signs.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0