



Las Vegas

Agenda Item No.: 68.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 16, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
Discussion and possible action on the 9-day update of Bill No. 2007-68 which updates the zoning regulations that govern off-premise signs - All Wards

Fiscal Impact:

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

On January 9, 2008 the City Council approved the proposed ordinance, with a First Amendment to include digital signs, with an understanding that all other concerns regarding non-conforming signs would be brought back for discussion in 90 days.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Correspondence with Billboard Companies
3. City of Las Vegas Billboard Data Map
4. Minutes from the January 9, 2008 City Council Meeting
5. Bill No. 2007-68

Motion made by GARY REESE to Hold in Abeyance to 5/21/2008 with direction to Planning to work with the City Attorney's Office on three proposed ordinances for Council's consideration

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

MARGO WHEELER, Director of Planning and Development, said that at the time the ordinance was adopted the issue of non-conforming signs was left unchanged. The Council requested staff seek input from the billboard companies regarding that issue. Two of the responding companies indicated that they would like no changes in the code with regard to this matter. The other responding companies felt that rebuilding should be done with or without a special use permit.

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The industry was requested to respond with a single voice, but staff has not yet received such a response.

In summary, staff concluded that 57 percent of the industry prefers the existing code remain as written, requiring that any non-conforming sign that is too close to another sign should not be allowed to be rebuilt if voluntarily removed.

COUNCILMAN REESE asked if a distance variance could be requested for a non-conforming sign that is removed. MS. WHEELER and ASSISTANT DEPUTY CITY ATTORNEY BRYAN SCOTT answered that it is not allowed. There is no opportunity to obtain a variance for non-conforming signs that are too close to other signs, nor a special use permit.

MAYOR GOODMAN explicated that the City was mandated by the Legislature to work with the industry. Three issues were resolved, but the issue of non-conforming signs could not be resolved. The Council would like to retain the ability to police and make decisions for its community, but he did not feel that government should interfere with individual property rights. He asked MS. WHEELER to brief the Council members on the potential for owners with non-conforming signs to make application to the Council for a special use permit in order to allow them to rebuild or erect a new sign. COUNCILMAN REESE added that, if the opportunity is allowed to make application, it has to be done after the sign is removed. He does not want property owners to start meeting with the Council to negotiate six months before the sign is taken down.

MS. WHEELER clarified that the non-conforming sign would have to be removed before the property owner and his/her chosen billboard company can make application, and he/she has a timeframe in which to do it and to meet with his/her Council representative. ASSISTANT CITY ATTORNEY SCOTT interjected that the owners will not take the associated risk.

COUNCILMAN REESE insisted that he does not want the owners to use the Council members as negotiators to get more money.

COUNCILMAN ROSS commented that he was hoping the industry would reach a consensus, but the issue of non-conforming signs has been an ongoing problem. He suggested every billboard require a special use permit, conforming or non-conforming, which would give Council full discretion. ASSISTANT CITY ATTORNEY SCOTT pointed out that the problem with that suggestion is that the Legislature mandates that any non-conforming billboard owner that is forced to take his/her sign down must be compensated for the economic loss.

COUNCILMAN BROWN remarked that the State's involvement has made this matter quite complicated, as well as a lack of consensus amongst the industry, and even the Council. He asked staff to get him the total number of signs that are non-conforming and stated that he sympathizes with the property owners perspective. The suggestion was made that application for a special use permit could be made in order to keep a non-conforming sign. There is a fine line between the Council and the Planning Department creating legal parameters and policies under which the City can operate versus the Council choosing sides. MS. WHEELER asserted that there would have to be some sort of time period in between. ASSISTANT CITY ATTORNEY SCOTT added that, during negotiations with the industry, a 90-day period was discussed for a

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sign to come down, the owner to obtain a special use permit and the sign to be re-erected.

COUNCILMAN BROWN emphasized that he wants a final resolution; either find a compromise with the industry or leave the code as written. He would like a bill introduced for the Recommending Committee to consider.

MS. WHEELER stated that the option discussed was already presented to the members of the industry and they cannot agree. ASSISTANT CITY ATTORNEY SCOTT asked the Council if it would like three different bill drafts, one with the existing language, one requiring a special use permit and one requiring removal without a special use permit. COUNCILMAN REESE said he would prefer to leave the code as written.

ASSISTANT CITY ATTORNEY SCOTT indicated that requiring a special use permit for property owners with non-conforming signs would take the signs out of the definition of non-conforming structures and make them subject to review by the Council without the City having to pay for them.

COUNCILMAN BARLOW stated that he would prefer the Council have the opportunity to allow a new sign to be erected under a new level of review.

COUNCILMAN WOLFSON expressed his preference for an individual review process, because each billboard is distinct. ASSISTANT CITY ATTORNEY SCOTT agreed that billboards are non-conforming for different reasons. COUNCILMAN BROWN said perhaps the ability to restore a billboard could be allowed.

MAYOR GOODMAN said that if the Council members could not reach a consensus, the existing ordinance would remain intact. He asked that three proposals be brought before the Council for consideration.

