

BILL NO. 2007-68

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE ZONING REGULATIONS THAT GOVERN OFF-PREMISE SIGNS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Updates the zoning regulations that govern off-premise signs.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 19, Chapter 14, Section 100, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read 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 sign's 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

1 the approval.

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

5 SECTION 2: Title 19, Chapter 14, Section 100, Subsection (D), of the Municipal
6 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 (D) Additional Provisions.

8 (1) All structural elements of an off-premise sign to which the display panels are attached
9 shall be screened from view. Display surface panels which are removed for the purpose of changing
10 the advertising message shall be replaced within thirty days with display panels containing a new
11 advertising message or uniformly painted blank panels.

12 (2) All off-premise signs shall be detached and permanently secured to the ground and
13 shall not be located on property used for residential purposes.

14 (3) For any off-premise sign that is proposed within six hundred sixty feet of any highway
15 classified by the State of Nevada as part of the interstate or primary highway system, a State of Nevada
16 sign permit shall be obtained and a copy attached to the application prior to the issuance of a
17 construction permit or sign certificate by the City.

18 (4) No sign certificate shall be issued for an individual off-premise sign unless and until
19 a site plan for the lot on which the sign will be erected has been submitted to and approved by the
20 Director. The site plan shall include the following:

- 21 (a) An accurate site plan of the lot, at the scale the Director requires;
- 22 (b) The location of buildings, parking lots, driveways and landscaped areas on the
23 lot;
- 24 (c) An accurate indication of the location of all existing and proposed off-premise
25 signs; and
- 26 (d) Drawings that allow the computation of the area and the height of any
27 off-premise signs and which indicate any sign characteristics such as illumination, embellishment
28 areas or moving parts.

1 (5) The permittee or holder of a sign certificate shall notify the Director in advance, by
2 letter or fax and pursuant to Section 19.18.050(F), of any [significant] change in the characteristics
3 of an off-premise sign, such as illumination, embellishment areas or moving parts, that are not shown
4 on the approved site plan, and shall provide any additional supplemental drawings as the Director may
5 require. Final approval of any changes under this Paragraph (5) shall be contingent upon final
6 construction inspection and approval by the Department of Building and Safety regarding structural
7 changes, including approval of any necessary electrical inspections. In the case of a proposed
8 embellishment, the proposal shall be processed as in the case of a Minor Site Development Plan
9 Review under Section 19.18.050(F), except that if the Director does not respond to the notice, within
10 ten business days following receipt thereof, regarding whether or not the embellishment complies with
11 this Chapter, the embellishment shall be deemed approved.

12 (6) No display panel or advertising message may be placed upon a new off-premise sign
13 structure until:

14 (1) The Department of Building and Safety has performed all necessary
15 final construction inspections of the structure and issued a certificate or other evidence of compliance
16 with applicable codes; or

17 (2) The applicant has obtained and filed with the City a certification by a
18 licensed professional engineer that the sign is structurally sound.

19 (7) Any illumination of an off-premise sign shall be in accordance with the applicable
20 standards and permit requirements of the City's Electrical Code and Administrative Code.

21 (8) With respect to existing signs for which no final construction inspection and approval
22 exists, the owner of the sign, upon notice from the City, shall, within thirty days, obtain either
23 construction inspection and approval by the City or structural certification, as those items are
24 described in Paragraph (6).

25 SECTION 3: Title 19, Chapter 14, Section 100, Subsection (C), Paragraph (4), of the
26 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
27 follows:

28 (4) No off-premise sign shall have a surface area greater than six hundred seventy-two

1 square feet, except that an embellishment of not to exceed five feet above the regular rectangular
2 surface of the sign may be added if the additional area contains no more than one hundred twenty-eight
3 square feet. Any embellishment may include lettering, text, numerals or images, but only to the extent
4 that such items do not exceed fifty percent of any linear side of the sign.

5 SECTION 4: Title 19, Chapter 14, Section 100, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto two new subsections,
7 designated respectively as Subsections (G) and (H), reading as follows:

8 (G) Modifications and Relocations of Signs Near Freeways.

9 (1) The Director shall have the authority to grant approval, by means of a Minor Site
10 Development Plan Review under Section 19.18.050(F), to do any of the following regarding an off-
11 premise sign within six hundred sixty feet of any highway classified by the State of Nevada as part of
12 the interstate or primary highway system, and no Special Use Permit or public hearing shall be
13 required in connection therewith:

14 (a) Adjust the height or angle of an off-premise sign to a height or angle that:

15 (i) Restores the visibility of the sign to the same or comparable visibility
16 as before the construction of a noise abatement or highway improvement project;

17 (ii) Is not more than forty-five feet above the noise abatement improvement
18 project, measured from the tallest point of the improvement project to the top of the sign; and

19 (iii) Is not more than sixty-five feet from the existing grade at the base of
20 the sign to the top thereof;

21 (b) Relocate a sign to another location on the same existing parcel in order to
22 achieve visibility that was obstructed by a noise abatement or highway improvement project;

23 (c) Reconstruct or make a structural modification to a sign, other than a
24 modification to allow a digital display, in compliance with the size limitations and other applicable
25 requirements of this Title; or

26 (d) Make a structural modification to allow a digital display on a sign that adjoins
27 a controlled-access freeway, in compliance with the size limitations and other applicable requirements
28 of this Title.

1 (2) Application for approval under this Subsection (G) shall require signatures by both the
2 property owner and the sign owner.

3 (3) Action by the Director under this Subsection (G) shall be subject to the appeal
4 provisions of Section 19.00.070(F) and those governing Minor Site Development Plan Reviews under
5 Section 19.18.050(F).

6 (4) In the case of an adjustment, relocation, reconstruction or modification that exceeds
7 the scope of the Director's authority under Paragraph (1) above, any approval by the City Council may
8 not be conditioned upon a required periodic review of the sign if a condition requiring a review was
9 not imposed when the sign was initially approved. Action by the City Council under this Paragraph
10 (4) will be pursuant to a Site Development Plan Review with a public hearing rather than by means
11 of the Special Use Permit process otherwise applicable. A sign approved by the City Council under
12 this Paragraph (4) shall maintain any nonconforming status it had immediately before such approval.

13 (5) In connection with an approval described in Paragraph (1) above, the applicant shall
14 have ninety days within which to submit detailed plans to the City and obtain all permits and
15 inspections. During that period:

16 (a) The use of the premises for an off-premise sign shall not be deemed
17 abandoned; and

18 (b) Any right to modify or replace the sign without a Special Use Permit
19 or without the imposition of a condition requiring a periodic review, as described in this Section, shall
20 continue undisturbed.

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

22 (1) For signs that are not located within six hundred sixty feet of any highway classified
23 by the State of Nevada as part of the interstate or primary highway system and that are nonconforming,
24 no Special Use Permit hearing shall be required, but the reconstruction must first be approved by the
25 City Council pursuant to a Site Development Plan Review with a public hearing. Any approval by
26 the City Council may not be conditioned upon a required periodic review of the sign if a condition
27 requiring a review was not imposed when the sign was initially approved. A sign approved by the City
28 Council under this Paragraph (1) shall maintain the nonconforming status it had immediately before

1 such approval.

2 (2) Application for approval under this Subsection (H) shall require signatures by both the
3 property owner and the sign owner.

4 (3) In connection with an approval under this Subsection (H), the applicant shall have
5 ninety days within which to submit detailed plans to the City, obtain from the Department of Building
6 and Safety all construction-related permits and inspections, and obtain any necessary sign certificate
7 from the Planning and Development Department. During that period:

8 (a) The use of the premises for an off-premise sign shall not be deemed
9 abandoned; and

10 (b) Any right to modify or replace the sign without a Special Use Permit
11 or without the imposition of a condition requiring a periodic review, as described in this Section, shall
12 continue undisturbed.

13 SECTION 5: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the following term and its
15 corresponding definition:

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

19 SECTION 6: For purposes of Section 2.100(3) of the City Charter, LVMC 19.14.100
20 and 19.20.020 are deemed to be subchapters rather than sections.

21 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
22 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
23 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
24 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
25 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
26 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
27 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
28 invalid or ineffective.

SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2007.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Valstead 10-24-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, City Clerk

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