



*Las Vegas*

Agenda Item No.: 63.

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: MAY 21, 2008**

DEPARTMENT: PLANNING AND DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**

BEYOND ITEM - Discussion and possible action on the 90-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
6. Nonconforming Billboard Options
7. November 30, 2006 e-mail
8. Map Citywide Billboards
9. May 9, 2008 Memorandum to City Council
10. Submitted at meeting Aerial map of citywide billboard locations

Motion made by GARY REESE to Approve Option No. 1, leaving the Code as written

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

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

NOTE: COUNCILMAN BROWN noted his previous abstention, as his campaign was in negotiations relative to normal business contracts with some of the billboard companies. Those

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negotiations have been resolved, so he is now able to vote on the item.

### Minutes:

ASSISTANT CITY ATTORNEY BRYAN SCOTT gave an overview on the updated zoning regulations and the modified billboard code. He noted that in January 2008, the City Council approved Bill No. 2007-68, which provided for the changes made to the billboard code.

Essentially, there were five changes: the definition of embellishments; allows lettering, text, logos and numbers within an embellishment; allows a height increase of billboards if obscured by sound walls/Public Works project by way of a site plan review; the periodic review period will be a standard minimum of three years; and a static billboard near a free way can be changed to a digital billboard by way of a site plan review. There are also six options to consider relative to the non-conforming billboards being reconstructed on site.

ASSISTANT CITY ATTORNEY BRYAN SCOTT used an aerial MAP showing all the existing billboards within the City's jurisdiction. In addition, he referenced a chart depicting 180 of the 336 billboards that are currently non-conforming and would be subject to a change based on the Code.

ATTORNEY MICHAEL SCHNEIDER, 704 South 9th Street, appeared on behalf of KERMIT WATERS, who owns a billboard sign on East Sahara Avenue. ATTORNEY SCHNEIDER stated MR. WATERS believes the issue is a property rights issue. His billboard has been in existence prior to any special use permits being required. MR. WATERS does not want to lose his vested property rights, as it is a lucrative venture and a consistent stream of income. MR. WATERS does not support any amendments to the ordinance that requires a stringent review. In keeping with the safety and aesthetics concerns, he would like to upgrade his billboard without having to appear before Council.

ATTORNEY SCHNEIDER informed COUNCILMAN REESE that MR. WATERS billboard is probably non-conforming, as it has been in existence for a long time.

ATTORNEY JOHN BAILEY, 8984 Spanish Ridge, appeared not as an attorney but as a landowner and on behalf of RANDY BLACK, JR. He thanked Council and staff for allowing individuals such as himself and MR. BLACK to play a part in the process as landowners. MR. BAILEY referenced the pros and cons previously identified by ASSISTANT CITY ATTORNEY SCOTT. Regarding the pros, MR. BAILEY believed that the City Council has discretion. The cons are only implicated after Council has exercised its discretion. In essence, the Council will always have the discretion in determining whether or not the billboard is appropriate. In trying to balance the interests of the City and the landowners, MR. BAILEY believed Option 2 was the most suitable in accommodating all parties involved and would not give competitive advantages to the industry itself. He asked that Council and all landowners adopt Option 2.

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ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of Lamar Outdoor Advertising. She thanked Council and staff for their hard work on Bill No. 2007-68. ATTORNEY LAZOVICH respectfully requested the adoption of Option No. 1, which would prohibit any changes being made to the existing Code.

ATTORNEY PAUL LARSEN, 300 South 4th Street, appeared on behalf of Clear Channel Outdoors, Inc. He echoed the same comments of appreciation by MR. BAILEY and ATTORNEY LAZOVICH. It was his opinion that should any changes be made to the existing code, a preference would be expressed towards the new conforming billboards, and it would be a significant departure from the existing policy of non-conforming structures. ATTORNEY LARSEN requested that the Code remain as written.

ATTORNEY JAY BROWN, 520 South 4th Street, believed that if there are no changes to the existing Code, it would set precedence. The message to landowners would be that their billboards can dilapidate and that they would be prohibited from making any improvements. Ultimately, the billboards end up becoming blight in the City. The landowners should have the opportunity and the right to upgrade their billboards and appear before Council for special use permits and reviews. Additionally, those that work with the billboard companies will end up having to use the same billboard perpetually until the property is sold.

ATTORNEY BROWN noted that approximately two-thirds of the billboards are located within Wards 1 and 5. After extensive discussions in previous meetings, he believed the overall consensus was that Option 2 would be recommended and an item would be brought back in 30 days; any other decision would not be fair to property owners. In all fairness, he believed Option 2 is the only option that is equitable to all parties involved.

ASSISTANT CITY ATTORNEY SCOTT informed the Council of how many billboards were located within each ward: Ward 1 78; Ward 2 0; Ward 3 131; Ward 4 6; Ward 5 99; and Ward 6 22.

COUNCILMAN REESE stated that he has been involved with billboards for over 13 years and appreciated the industry as well as the homeowners' rights.

COUNCILWOMAN TARKANIAN wondered if a cap could be placed on the number of billboards within the City, as other entities have done. It is evident that Wards 1, 3 and 5 are saturated with billboards. MAYOR GOODMAN responded that she could bring the matter forward again in the future.