

## Nonconforming Billboard Options\*

	CONS	PROS
<p><b>OPTION 1</b></p> <p>Maintain Existing Code</p> <p>If a nonconforming billboard is removed, (except billboards removed in connection with a public works project), it cannot be rebuilt unless it meets the requirements of LVMC 19.14.100 and LVMC 19.18.060</p>	<p>None</p>	<ol style="list-style-type: none"> <li>1. The Code was recently amended in January 2008. The City and billboard industry are still working through applying those changes.</li> <li>2. There are approximately 336 billboards within the City's jurisdiction. It is unknown what percentage of those signs are "nonconforming" and would be affected by this change to the Code.</li> <li>3. Would not allow replacement of existing nonconforming sign structure.</li> <li>4. Property owner retains the right to sign zoning application.</li> </ol>
<p><b>OPTION 2</b></p> <p>Allow reconstruction with SUP</p>	<ol style="list-style-type: none"> <li>1. Inconsistent with other nonconforming uses &amp; structures.</li> <li>2. Does not further goals of code (LVMC 19.16.010).**</li> <li>3. Extends life of use &amp; structure which is no longer permitted by code.</li> <li>4. Affects signs located within 660 ft of freeway as well as signs located adjacent to residentially zoned and all other zoning districts.</li> </ol>	<ol style="list-style-type: none"> <li>1. Allows full replacement to new sign structure.</li> <li>2. Retains sign's nonconforming status under City Code (LVMC 19.14.100, 19.19.060).</li> <li>3. Establishes review period if not in place (3 yr. min.)</li> <li>4. Public hearing (required) at PC and CC.</li> <li>5. City Council discretion.</li> <li>6. Eliminates sign's "nonconforming outdoor advertising structure" status pursuant to NRS 278.0215(d) which means sign can be removed if there are changed conditions in the area without City paying just compensation.***</li> <li>7. Property owner retains their right to sign zoning application.</li> </ol>

	<b>CONS</b>	<b>PROS</b>
<p><b>OPTION 3</b></p> <p>Allow reconstruction without SUP</p> <p>Minor Site Plan Review (SDR)</p>	<ol style="list-style-type: none"> <li>1. Inconsistent with other nonconforming uses &amp; structures</li> <li>2. Does not further goals of code (LVMC 19.16.010).**</li> <li>3. Extends life of use &amp; structure which is no longer permitted by code.</li> <li>4. No public hearing (Administrative Review at P&amp;D) - City Council could appeal administrative decision within 10 days, but far less discretion than with a SUP (aesthetics only). See LVMC 19.18.050(E) &amp; (F).</li> <li>5. Affects signs located within 660 ft of freeway as well as signs located adjacent to residential and all other zoning districts.</li> <li>6. Sign maintains its "nonconforming outdoor advertising status" per NRS 278.0215(d). City must pay just compensation to remove sign.***</li> </ol>	<ol style="list-style-type: none"> <li>1. Allows full replacement to new sign structure.</li> <li>2. Retains sign's nonconforming status under City Code.</li> <li>3. Property owner retains the right to sign zoning application.</li> <li>4. City Council can review if Council member appeals administrative decision within 10 days. On appeal, far less discretion than with SUP. See LVMC 19.18.050 (E) &amp; (F).</li> </ol>
<p><b>OPTION 4</b></p> <p>Allow reconstruction without SUP</p> <p>Major Site Plan Review (SDR)</p>	<ol style="list-style-type: none"> <li>1. Inconsistent with other nonconforming uses &amp; structures.</li> <li>2. Does not further goals of code (LVMC 19.16.010).**</li> <li>3. Extends life of use &amp; structure which is no longer permitted by code.</li> <li>4. Affects signs located within 660 ft of freeway as well as signs located adjacent to residential zoned and all other zoning districts.</li> <li>5. Sign maintains its "nonconforming outdoor advertising status" per NRS 278.0215(d). City must pay just compensation to remove sign.***</li> <li>6. Less discretion by City Council (aesthetics only). See LVMC 19.18.050 (E) &amp; (G).</li> </ol>	<ol style="list-style-type: none"> <li>1. Allows full replacement to new sign structure.</li> <li>2. Retains sign's nonconforming status under City Code (LVMC 19.14.100, 19.18.060).</li> <li>3. Public hearing at PC and CC, but far less discretion than with a SUP (aesthetics only). See LVMC 19.18.050 (E) &amp; (G).</li> <li>4. Property owner retains the right to sign zoning application.</li> </ol>

	CONS	PROS
<p><b>OPTION 5</b></p> <p>Demolish existing billboard, then seek SUP</p>	<ol style="list-style-type: none"> <li>1. Inconsistent with other nonconforming uses &amp; structures.</li> <li>2. Does not further goals of code (LVMC 19.16.010).**</li> <li>3. Extends life of use &amp; structure which is no longer permitted by code.</li> <li>4. Affects signs located within 660 ft of freeway as well as signs located adjacent to residential and all other zoning districts.</li> <li>5. Could be argued that City must pay just compensation or allow the relocation of the structure to a comparable site of the owner's choosing NRS 278.0215(1)(a) provides: <ol style="list-style-type: none"> <li>1. If a city or county, through the adoption, operation or enforcement of any ordinance or code, requires the removal of a nonconforming outdoor advertising structure, the city or county shall: <ol style="list-style-type: none"> <li>(a) Pay just compensation for the loss of the nonconforming outdoor advertising structure to the owner of the nonconforming outdoor advertising structure and to the owner of the real property upon which the nonconforming outdoor advertising structure is located; or</li> <li>(b) Authorize the owner of the nonconforming outdoor advertising structure to relocate that structure to a site which is determined to be a comparable site by the owner of the nonconforming outdoor advertising structure and which is approved by the city or county as an appropriate site for the structure.</li> </ol> </li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. City Council discretion per LVMC 19.10.060 and 19.14.100 whether sign can be reconstructed.</li> <li>2. Allows full replacement to new sign structure.</li> <li>2. Retains sign's nonconforming status under City Code (LVMC 19.14.100, 19.18.060).</li> <li>4. Establishes review period if not in place (3 yr. min.)</li> <li>5. Public hearing (required) at PC and CC.</li> <li>6. City Council discretion.</li> <li>7. Eliminates sign's "nonconforming outdoor advertising structure" status pursuant to NRS 278.0215(d) which means sign can be removed if changed conditions in area without City paying just compensation.***</li> </ol>

	CONS	PROS
<p><b>OPTION 6</b></p> <p>A cap on all existing/future billboards</p> <p>- Any new construction on use of billboards would be prohibited.</p>		<ol style="list-style-type: none"> <li>1. Consistent with other jurisdiction's billboard policies (North Las Vegas, Clark County, Henderson)</li> <li>2. Retains status quo</li> <li>3. No new billboards except under defined exceptions: <ul style="list-style-type: none"> <li>(a) if damaged by fire, flood or act of God.</li> <li>(b) if on extension of time if approved before ordinance enacted.</li> <li>(c) pursuant to relocation provision of NRS 278.0215</li> </ul> </li> <li>4. Nonconforming billboards remain nonconforming.</li> </ol>

\*None of the options considers who would reconstruct the billboard sign or in what time frame the billboard sign is required to be reconstructed and final building permits issued after it is demolished. The property owner retains the right to sign the zoning application.

\*\*LVMC 19.16.010 INTENT - Within the zoning districts established by this Title, there may exist lots, structures and uses of land which were lawful before the effective date of this title or an amendment thereto and which would be prohibited, regulated, under the terms of this Title. It is generally the intent of this Title to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival. It is further the intent of this Title, that such nonconforming lots, buildings, or uses shall not be enlarged upon, expanded or extended, except as otherwise specifically provided, and that such nonconforming lots, buildings or uses may not be used as justification for adding other lots, buildings or uses prohibited elsewhere in the same zoning district. Except as otherwise provided, nonconforming uses are declared to be incompatible with permitted uses in the same zoning districts.

\*\*\*NRS 278.0215(d) "Nonconforming outdoor advertising structure" means an outdoor advertising structure which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the outdoor advertising structure and which does not conform subsequently because of a change to the local ordinances or codes. The term does not include an outdoor advertising structure that is authorized by a special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land if, when the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was limited by a specific condition which allowed or required the governing body of the city or county to conduct a review of the structure.