**FIRST AMENDMENT**

**BILL NO. 2012-26**

**ORDINANCE NO. _____**

AN ORDINANCE TO EXTEND ON A TEMPORARY BASIS THE DISPLAY PERIODS FOR TEMPORARY SPECIAL EVENT SIGNS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Extends on a temporary basis the display periods for temporary special event signs.

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

WHEREAS, LVMC 19.08.120(G)(1) authorizes the use of temporary special event signs under certain circumstances and makes them subject to certain limitations, as follows:

> **Temporary special event signs may be displayed by the same business license holder on the same lot up to four times in any one calendar year. The aggregate time of display of such signs shall not exceed sixty days in any one calendar year.**

AND WHEREAS, those calendar-year limitations (the "calendar-year limitations") are also generally made applicable by the Town Center Development Standards to property subject to those Standards; and

WHEREAS, in addition, the use of temporary special event signs is allowed subject to those limitations in certain other planned areas within the City by means of the specific standards applicable thereto, either by means of incorporating by reference the LVMC provisions or by analogy; and

WHEREAS, the City Council desires to temporarily allow such signage, where it is allowed at all, on a more frequent basis than is presently allowed under Title 19 and the other applicable standards.

NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

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. . .

SECTION 1: Notwithstanding any contrary provision of LVMC Title 19 or of any development standard or regulatory document adopted thereunder, but subject to the provisions of Sections 2 to 4, inclusive, of this Ordinance, the calendar-year limitations, as they are made applicable to various areas within the City in the manner described above, are temporarily adjusted to read as follows:

> **Temporary special event signs may be displayed by the same business license holder on the same lot up to eight times in any one calendar year. The aggregate time of display of such signs shall not exceed one hundred eighty days in any one calendar year.**

SECTION 2: All signs authorized by this Ordinance are subject to all other applicable provisions of Title 19 and other applicable standards governing signs, including without limitation the applicable provisions governing the application and approval process, and the requirement to properly maintain such signs. Signs that are faded, torn or in a similar state of deterioration must be immediately removed, repaired or replaced.

SECTION 3: This Ordinance shall not apply to any location within any of the following areas subject to an area or master plan:

(A) Cliff's Edge (Providence);

(B) Summerlin;

(C) Symphony Park; or

(D) Any other area in which temporary special event signs are not permitted.

SECTION 4: Unless otherwise extended or modified by ordinance, this Ordinance shall expire by limitation on July 1, 2014, and the display period for any temporary special event sign that is issued a sign certificate after that date shall be subject to the applicable calendar-year limitations that would be in effect independent of this Ordinance.

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SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-19-12
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2012, and referred to a committee for recommendation, the committee being composed of the following members _____ _____; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2012, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

15 June, 2012

RECEIVED
CITY CLERK

2012 JUN 18 P 4:01

City Clerk
Las Vegas City Hall
495 S. Main Street
Las Vegas, NV 89101

Protest

RE: Recommending Committee meeting of June 19, 2012, Items #6 and #7 (this one is also on the agenda for City Council on 06/20/12 as item #81)

I would like to open this letter by stating that these are my own personal concerns as a citizen of the City of Las Vegas. With that being said, I am very concerned with the addition of two proposed city ordinances on the June 19, 2012 Recommending Committee meeting agenda. My first concern has to do with the manner in which the items, numbers 6 and 7, were placed on a council agenda without first going through the full legal public hearing process, as required by Title 19.16.220.B.2, which clearly states:

> Except where immediate concern for the public health, safety or general welfare dictate otherwise, the substance of any proposed amendment to the text of this Title shall be presented to the Planning Commission for its recommendation.

These items would amend Title 19 and were placed directly onto a City Council agenda without first being considered by the Planning Commission in violation of city ordinance. Although Item #7 is presented as a stand-alone ordinance, it has the effect of temporarily amending a section of Title 19. I would argue that placing this item directly on a City Council agenda violates the intent of the code requirement for a recommendation by the Planning Commission prior to any such amendment. I would further argue that the action violates the spirit of the code to fully inform the general public of proposed changes to city ordinances and to allow the public adequate opportunity to express their support or opposition to such changes.

I respectfully request that these items be removed from the Recommending Committee (and City Council) agenda and re-submitted through the Planning Commission, as required.

In addition to the procedural issue, I have specific concerns related to the bills themselves. The first bill has to do with temporarily extending the frequency and duration that temporary signage is permitted on commercial sites. While I do agree that changes could be made to allow additional temporary signage for new businesses while awaiting the installation of permanent signage, I believe that we have enough visual clutter in the city without adding more of it for longer periods (up to **6 months/year** of "temporary" signage per business). I also am a little perplexed at the proposal as a temporary fix for a "problem" that is neither defined nor discussed (perhaps this would occur at a Planning Commission meeting, if the required process were followed?). It seems odd to me that the current signage standards are adequate for the future (after July 1, 2014, when this proposal would expire), but not for current conditions within the city.

Submitted after final agenda
Date 6/18/2012 Item 6 & 7

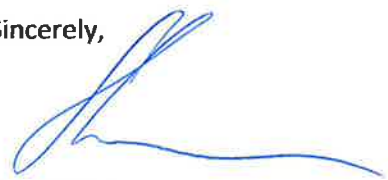
The second bill involves the re-establishment of a specific nonconforming use (a sexually oriented business, with or without a tavern), under specific circumstances (foreclosure/seizure by the government), and within one year of adoption of this bill. As the only discussion of the issue so far is what was reported in the news (I reference the article in the 05/29 Review Journal), I may be a little off on my analysis, but my concern for this proposal is that the ordinance is so narrowly written as to benefit one specific use within the city, and further limits are placed that make it applicable only to one specific property. I am concerned that since it is so narrowly defined, it will be determined to be preferential in nature and therefore unconstitutional, as it will not provide equal protection to all property/business owners under the law. I believe that if the city wishes to provide the means to re-establish **any** nonconforming use under the specific circumstances listed, then that opportunity should be offered to all businesses, and not limited to just a single use/owner.

I also question the benefit of the proposal for the city. In this case, the city would receive a minor benefit, as the current property owner has agreed to pay an outstanding fine of $1.5 million, and *one single property* would then be allowed to re-establish as a sexually oriented business and/or tavern before the ordinance expires. However (unless I have misunderstood the article), the current property owner, who bought the property out of foreclosure for $3 million, could benefit greatly from this proposal as the value of the property as a sexually oriented business before it shut down was estimated as high as $35 million. If the value of the property were to revert to anywhere near that previous level, it would certainly be a worthwhile "flip" property for the current owner, with no obligation to reopen the club.

I believe that the proposal (as stated in the RJ) to give away the money collected as a fine to the individual hurt in the previous establishment is a noble thought, but is not in the best interest of the city, as the city should not set a precedence of accepting the responsibility for paying off court-ordered settlements of convicted criminals. Furthermore, I don't believe that it serves the best interests of the city or its citizens to have our elected officials setting policy and creating ordinances that benefit a single property/business owner.

Again, based on the improper procedural issue, I respectfully request that these items be removed from the Recommending Committee (and City Council) agenda until they have gone through the public hearing process as required by city ordinance, and the public has had adequate time and opportunity to consider the content and potential consequences of these proposals.

Sincerely,



Steve Gebeke
Ward 3 Resident
Las Vegas, NV 89104