

ORDINANCE NO. 2546

AN ORDINANCE AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO ZONING (ZOA-03-10); AMENDING 17.12.020 BY ADDING NEW DEFINITIONS FOR SIGN, OFF-PREMISE DIGITAL DISPLAY, HIGHWAY IMPROVEMENT PROJECT AND NOISE ABATEMENT PROJECT; AND AMENDING 17.24.110 (I) AND (J), ADDING REQUIREMENTS ALLOWING THE CONVERSIONS OF EXISTING OFF-PREMISE SIGNS TO DIGITAL DISPLAY AND REQUIREMENTS TO ALLOW ADJUSTMENTS OR MODIFICATIONS OF EXISTING OFF-PREMISE SIGNS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, signs have a direct and substantial impact on traffic safety and community aesthetics;

WHEREAS, the City Council intends by this amendment to establish a legal framework for the conversion of existing off-premise signs to digital display, and requirements to allow adjustments or modifications of existing off-premise signs;

WHEREAS, the City Council finds that off-premise digital display signs are highly visible from long distances and at very wide viewing angles both day and night, and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time;

WHEREAS, if left unregulated, off-premise digital display signs constitute a serious traffic safety threat and may result in confusion for drivers and interference with efforts to establish a desirable community identity;

WHEREAS, it is not the purpose or intent to regulate the content displayed on any off-premise digital display;

WHEREAS, the purpose and intent of the amendment is to regulate the location, brightness, legibility and operational characteristics of off-premise digital display signs within the city in order to promote the public health, safety and welfare; and

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: Chapter 12, Section 20, of Title 17 of the North Las Vegas Municipal Code is hereby amended to add the following new definition:

Sign, Off-Premise Digital Display means an off-premise sign, display, or device, which changes the “static” message or copy on the sign by electronic means.

Highway Improvement Project means any bridge or overpass, including any on and off ramps or embankments associated with the bridge or overpass.

Noise Abatement Project means any man-made object that serves as a barrier which interrupts the path of sound, producing a reduction in sound levels (degree of sound intensity). A barrier could be a wall, an earth berm, or a combination of both.

SECTION 2: Chapter 24, Section 100, Subsection I and Subsection J, of Title 17 of the North Las Vegas Municipal Code is hereby amended by replacing the existing text in its entirety with the following:

17.24.100 Signs

I. Off-Premises Advertising Signs or Structures.

1. Purpose. The intent of the prior provisions governing off-premises advertising signs was to regulate the location and design of off-premises advertising signs in order to maintain the city's aesthetic environment, to enhance the city's ability to attract sources of economic development, to improve pedestrian and vehicular safety and to minimize possible adverse effects on property from the off-premises advertising signs.

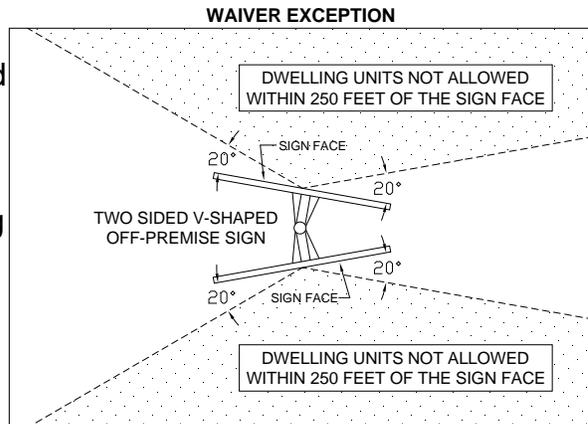
The city council found that the prior rules were not achieving the city's primary objectives. The ordinance codified in this chapter similarly intends to promote and protect the public health, safety and welfare by preventing the unreasonable distraction of the operators of motor vehicles by such signs or structures; by making the city visually attractive to residents, tourists and businesses; by protecting the public and private investment in land improvements; and by preserving and enhancing the natural scenic beauty and aesthetic features of the city from the date of adoption into the future. The city council hereby declares that these objectives will be further advanced and finally achieved on a going-forward basis by a complete prohibition of any and all new off-premises advertising signs or structures within the boundaries of this city.

2. Off-Premises Advertising Signs or Structures Prohibited; Limited Exceptions. Any new construction or use of off-premises advertising signs or structures is hereby prohibited, except as delineated herein. The city shall not issue any building or other land use permit allowing the use, construction or reconstruction of any off-premises advertising sign or structure, except under the following limited circumstances:
 - a. The off-premises advertising sign and/or structure qualifies as legal non-conforming sign pursuant to NLVMC 17.24.110(J);
 - b. For the partial reconstruction of damaged or deteriorated legally non-conforming off-premises advertising signs pursuant to NLVMC §17.24.110(J);

- c. Pursuant to the relocation provision as provided specifically herein.
 - d. Existing legally non-conforming off-premise advertising sign may be converted to a digital display subject to NLVMC §17.24.110(I)(4).
 - e. Adjustments and modifications of legally non-conforming off-premise advertising signs may be permitted subject to NLVMC §17.24.110(I)(5).
3. Relocation required by operation of NRS §278.0215. Provided that, and only upon the circumstance pursuant to which the city requires the removal of a legally non-conforming advertising sign or structure, and such action triggers a city requirement to pay "just compensation" pursuant to NRS §278.0215, an applicant may request relocation of the legally non-conforming advertising structure. The location must be within three hundred (300) feet of Interstate 15 edge of right-of-way, upon property zoned M-2 and C-2, and at least seven hundred fifty (750) feet away from another off-premise advertising sign or structure. Such request shall be in the form of an application for a special use permit, and such process is to be governed by NLVMC §17.28.050, except that such application shall be acted upon by the city council without a hearing before the planning commission.
4. Digital Display Off-Premise Sign Conversion.
- a. The owner of an existing legally non-conforming off-premise advertising sign may convert the sign to a digital display subject to the following conditions:
 - (1) Permitted only when the sign is within three hundred (300) feet of Interstate 15 edge of right-of-way, and upon property zoned for non-residential uses;
 - (2) The sign may not be relocated;
 - (3) Must display messages a minimum six (6) seconds and messages cannot travel, flash or contain motion;
 - (4) The transition from one static display to another must be instantaneous without any special effects or movement;
 - (5) Consecutive signs facing the same direction of travel shall not display sequential messages;
 - (6) Consecutive signs facing the same direction of travel shall not display messages at the same rate of synchronization;

- (7) Every line of copy and graphics in a digital display must be at least 15 inches in height, with the exception of any symbol designating a federal or state registration of an intellectual property right;
- (8) Off-premise digital sign face shall not exceed 672 square feet in size;
- (9) If NDOT approval is required, it must be received prior to permit issuance;
- (10) Digital displays are prohibited within 250 feet of an existing building containing a residential dwelling unit or an existing developed residential district. For purposes of this section, “developed residential district” means a parcel of land zoned for residential use in which construction for at least one residential unit has begun on the date the applicant applied for a building permit.

Exception: This distance separation may be waived if the applicant can demonstrate the illuminated sign face is angled so that no dwelling unit is located at an angle greater than twenty (20) degrees measured from the center of the front plane of the illuminated sign face.



- (11) Digital display must conform to the following luminance standards:
 - (i) Signs shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign’s face at maximum brightness;
 - (ii) Signs shall be factory-certified to not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn;
 - (iii) Signs shall be equipped with an automatic dimmer device to reduce nighttime wattage to a maximum of 500 nits;

- (iv) Signs shall not interfere with any traffic control devices;
- (v) Sign display must immobilize in the event of a screen malfunction.

5. Adjustments or Modifications.

a. The owner of an existing legally non-conforming off-premise advertising sign may make adjustments and/or modifications to a sign subject to the following conditions:

- (1) Adjustments may only be made when the construction of a noise abatement or highway improvement project decrease the visibility of the sign;
- (2) The sign may not be relocated;
- (3) Adjustments may only be made to the height or angle of the sign
Adjustments:
 - (i) Shall restore the visibility of the sign to the same or comparable visibility as before the construction of a noise abatement or highway improvement project;
 - (ii) Shall not be more than forty-five feet above the noise abatement or highway improvement project, measured from the tallest point of the noise abatement or highway improvement project to the top of the sign and may not be more than sixty-five feet from the existing grade at the base of the sign to the top of the sign.
- (4) The sign must be located within three hundred (300) feet of Interstate 15 edge of right-of-way or a highway improvement project.

J. Nonconforming Signs.

1. Scope of provisions. The following provisions specifically govern the status of non-conforming signs, notwithstanding any other "non-conforming uses and structures" language found at NLVMC 17.24.180.

2. Existing signs or sign structures which do not conform to the specific provisions in this chapter may be considered "legally non-conforming" and continue to exist without conforming to the current code provided that:

a. Such signs or structures are properly maintained and do not endanger the

public;

- b. The sign or structure pre-existed an adopted ordinance regulating that sign or structure; and
 - c. There exists a valid sign permit and/ or other proper land use approval authorizing the sign or structure.
3. A legal nonconforming sign or structure shall lose its legal non-conforming status and must conform to all current code requirements for the use to continue if:
- a. Such sign or structure is relocated, replaced, or the sign or structure is reconstructed without a validly-issued building permit. Regarding reconstruction, provided that the sign or structure is damaged, and the cost to partially reconstruct such sign or structure is less than fifty (50) percent of its material value, the sign does not lose its legal nonconforming status, and the city may issue a building permit for the partial reconstruction of such sign or structure. However, if a legal nonconforming sign or structure is destroyed, damaged or deteriorates in excess of fifty (50) percent of its material value, the city shall not issue such building permit and the sign or structure loses its legally non-conforming status. For purposes of this subsection (a), the term "material value" is defined as it is at Nevada Revised Statutes Section 278.0215(7)(c).
 - b. The structure or size of the sign is altered in any way except towards compliance with the code. This does not refer to change of panels, normal maintenance, digital conversion, or adjustments to height or angle of the sign; or
 - c. When the sign, display or structure has been abandoned or the use has been discontinued for a period of six consecutive months.

SECTION 3: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 4: SEVERABILITY. If any section, paragraph, clause or provision of this

Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 6: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 7TH day of JULY, 2010.

AYES: Mayor Buck, Council Members Eliason, Wood and Cherchio

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

ABSENT: None

APPROVED:

/s/Shari L. Buck
SHARI L. BUCK, MAYOR

ATTEST:

/s/Karen L. Storms
KAREN L. STORMS, CMC, CITY CLERK