City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12 **Ordinance/Resolution#** 2702

For Meeting of December 2, 2013 (Ordinance First Reading Date) **For Meeting of** December 16, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: AN ORDINANCE TO AMEND THE LCMC 1997, CHAPTER 38, ARTICLE V, SECTION 43, ENTITLED CENTRAL BUSINESS DISTRICT TO ENACT A PROVISION PERMITTING BUSINESS OWNERS IN THE CENTRAL BUSINESS DISTRICT TO USE ONE A-FRAME SIGN ON PUBLIC PROPERTY.

PURPOSE(S) OF ACTION:

Amend Chapter 38 of the Municipal Code.

COUNCIL DISTRICT: N/A		
Drafter/Staff Contact: Andy Hume	**Department/Section:** Community Development / Planning & Neighborhood Services	**Phone:** 528-3048
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

For many years, some business owners in the Central Business District have used A-frame signs to promote their businesses to potential customers. A-frame signs can be more specifically described as a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle. This method of business promotion has continued after the re-opening of Main Street to vehicular traffic. However, placing A-frame signs on public property that advertise a private business is prohibited under the current code.

This A-frame sign Ordinance sets minimum guidelines for a business owner to place A-frame signs on public property. It also set standards that address obstructing pedestrian travel and aesthetic issues such as overall size. Finally, this Ordinance only applies to businesses that are physically located in the Central Business District and are unable to place an A-frame sign on private property. The application of this Ordinance could be used as a pilot project to determine if the use of A-frame could be expanded to the rest of Las Cruces. Such expansion would be subject to Council direction to staff as well as final Ordinance review and approval.

The Planning & Zoning Commission recommended approval (6-0) at their meeting held on August 27, 2013.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Proposed A-Frame Ordinance.
3. Attachment "A", Excerpt from August 27, 2013 Planning & Zoning Commission meeting.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: ____in the amount of $_____for FY__.
N/A	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this action will approve the Ordinance amending Chapter 38-43 of the Las Cruces Municipal Code, entitled Central Business District.
2. Vote "No"; this action will deny the Ordinance amending Chapter 38-43 of the Las Cruces Municipal Code, entitled Central Business District. This will mean that A-frame signs currently used by business owners will no longer be allowed.
3. Vote to "Amend"; this action could modify the Ordinance and delay business owners from using A-frame signs.
4. Vote to "Table"; this action would prevent business owners from using A-frame signs.

REFERENCE INFORMATION:

1. N/A

COUNCIL BILL NO. 14-017
ORDINANCE NO. 2702

AN ORDINANCE TO AMEND THE LCMC 1997, CHAPTER 38, ARTICLE V, SECTION 43, ENTITLED CENTRAL BUSINESS DISTRICT TO ENACT A PROVISION PERMITTING BUSINESS OWNERS IN THE CENTRAL BUSINESS DISTRICT TO USE ONE A-FRAME SIGN ON PUBLIC PROPERTY.

The City Council is informed that:

WHEREAS, the Las Cruces Zoning Code was amended in 1997 in order to implement the Main Street Plaza Overlay Zone of the Central Business District; and

WHEREAS, Chapter 38, Section 43 of the current Las Cruces Municipal Code, entitled Central Business District, sets out zoning, land use, and design details for Main Street Downtown; and

WHEREAS, Chapter 38, Section 43 of the Las Cruces Municipal Code must be amended to permit business owners to use an A-frame sign on public property; and

WHEREAS, this Ordinance will only apply to the use of an A-frame sign by business owners whose business is physically located within the Central Business District; and

WHEREAS, the Planning & Zoning Commission recommended approval (6-0) at their meeting held on August 27, 2013; and

WHEREAS, the Las Cruces City Council has the authority to amend the Municipal Code.

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT Chapter 38, Section 43 of the current Las Cruces Municipal Code, entitled Central Business District, as shown in Exhibit "A," attached hereto and made part of this

Ordinance, is hereby amended.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Proposed Downtown A-Frame Sign Ordinance

38-43.J.9

i. **A-frame sign** means a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle, which is designed to be placed near where pedestrians walk or gather and ADA accessibility is assured. The sign shall not be permanently anchored or secured and shall be removed at the end of the establishment's business hours. Sign language is limited to advertising the business name, days and hours of operation, location, and goods or services provided.

a. All agents, employees or representatives displaying an A-frame sign on public property in the CBD shall comply with the following provisions:

(i) One A-frame sign per business may be displayed during regular business hours;

(ii) A-frame signs shall be no greater than 6 square feet on one side, no more than 12 square feet total, and shall be no greater than 3 ½ feet in height when fully set up;

(iii) An A-frame sign shall be installed and removed by the business or property owner;

(iv) No A-frame signs shall be erected in such a manner so as to obstruct ADA access or vehicular traffic;

(v) A-frame signs shall only be displayed immediately in front of the permanent business located in the CBD;

(vi) The placement of an A-frame sign on public property shall not violate any other placement ordinance as found in LCMC Chapter 36;

(vii) No business or property owner shall display any sign advertising another business or a business no longer open to the public;

(viii) The business or property owner shall be responsible for any damage caused to the sidewalk or public property by the sign;

(ix) The business or property owner assumes all risks with setting up an A-frame sign and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the sign.

IV. POSTPONEMENTS – NONE

V. CONSENT AGENDA

Crane: Now we proceed to the consent agenda. The way this works, for those who are not familiar with it, is that these items and there are five of them, are ones that the City Community Development Department feels are routine and uncontroversial and so they are grouped together here and we usually vote on them without discussion as a block. However, the rule is that if any Commissioner, Community Development person or any member of the public wishes to discuss any of these then we take them off the consent agenda and put them into the new business. Does anybody wish to remove anything from the consent agenda? Yes, sir, which item? Okay. Number 2. That's the Claude Dove property? Okay, sir, we'll take that off and make it the first item of new business. And somebody wants to take off Number 1?

Ochoa: Number one. Yes, sir.

Crane: Okay. That will be the second item of new business.

1. **Case S-13-011/IDP-13-01:** Application of Moy Surveying Inc. on behalf of Terry Lee & Velia Guethe, property owners, for a replat known as Parker Place 2nd Amended Subdivision, Replat No. 2 on a 0.226 ± acre lot located on the southwest corner of Wilson Avenue and Second Street; Parcel ID# 02-01305. Proposed Use: Subdividing one (1) existing residential lot into two (2) residential lots. Accompanying the proposed replat is an Infill Development Process (IDP) variance request to the minimum 5,000 square foot lot size requirement of the subject property's R-1a (Single-Family Medium Density) zoning designation: Lot 1A encompasses 4,910 square feet, 90 square feet less than the minimum lot size requirement and Lot 1B encompasses 4,869 square feet, 131 square feet less than the minimum lot size requirement; Council District 4 (Councillor Small).

2. **Case Z2865:** Application by Claude Dove-Teke LLC to rezone a 0.23-acre portion of the 1.98-acre Parcel 02-14428, located at 2969 Claude Dove Drive, from R-2 (Multi-Dwelling Medium Density Residential) to R-3 (Multi-Dwelling High Density Residential). The property is currently zoned R-3 and R-2 and the rezoning would allow the property to have the single zoning designation of R-3. District 3 (Councillor Pedroza).

3. **Case ZCA-13-2:** A request to amend Section 38-43.J.9 of the 2001 Las Cruces Zoning Code, as amended, by adding subsection (i) including provisions related to the use of A-frame signs on public property within the Central Business District (CBD). Submitted by the City of Las Cruces. Council District 1 (Councillor Silva).

4. **Case ZCA-13-3:** A request to amend Sections 36-3 Definitions and 36-9.b.1 Permits of the 2006 Las Cruces Sign Code, as amended, by adding a definition and provisions related to the use of A-frame signs in the City of Las Cruces (City). Submitted by the City of Las Cruces. All Council Districts.

5. **Case ZCA-13-4:** A request to amend Section 38-43.J of the 2001 Las Cruces Zoning Code, as amended, by adding subsection 13 including provisions related to the use of sidewalk displays on public property on Main Street between the roundabout at 700 N Main Street and Bowman Ave. at 250 S. Main Street, approximately 7 blocks. Submitted by the City of Las Cruces. Council District 1 (Councillor Silva).

Crane: Anything else? In that case we will vote on items 3, 4 and 5, cases ZCA-13-2, 3 and 4 as items of the consent agenda. May I have a motion to that ...?

Shipley: Move to approve consent items 3, 4 and 5.

Crane: Mr. Shipley moves that these items be approved.

Scholz: Second.

Crane: Seconded by Scholz. All in favor, aye.

All: Aye.

Crane: Any opposed? It passes 6 – 0. Thank you.

VI. OLD BUSINESS - NONE

VII. NEW BUSINESS

Crane: Item 1 in the consent agenda now moved to new business. Case Z2865: Application by Claude Dove-Teke LLC to rezone a 0.23-acre portion of the 1.98-acre Parcel 02-14428, located at 2969 Claude Dove Drive. Mr. Ochoa.

Ochoa: Yes, sir, Commissioner Crane. First, just a quick announcement: we have been advised by Legal now. Whenever we do have somebody from the public or the applicant stepping up to ask a question or make a statement or so forth into the minutes, that we take their oath, just a quick, "Do you promise to tell the truth, the whole truth and nothing but the truth under penalty of law?"

Crane: I see; and who administers this oath?

City of Las Cruces®
PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of December 2, 2013 (Ordinance First Reading Date)

For Meeting of December 16, 2013 (Adoption Date)

TITLE: **AN ORDINANCE TO AMEND THE LCMC 1997, CHAPTER 38, ARTICLE V, SECTION 43, ENTITLED CENTRAL BUSINESS DISTRICT TO ENACT A PROVISION PERMITTING BUSINESS OWNERS IN THE CENTRAL BUSINESS DISTRICT TO USE ONE A-FRAME SIGN ON PUBLIC PROPERTY.**

Purchasing Manager's Request to Contract (PMRC) {Required?} **Yes** ☐ **No** ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Community Development Staff Contact		528-3048	10/17/13
Department Director		528-3067	10/17/13
Other			
Assistant City Manager /CAO		2078	10/18/13
Management & Budget Manager		2107	10/18/13
Assistant City Manager/COO		2221	11/5/13
City Attorney		2128	11/6/13
City Clerk		x2115	11/21/13

Rev. 8/2011