

221
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 2702

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

For Meeting of December 16, 2013
 (Adoption Date)

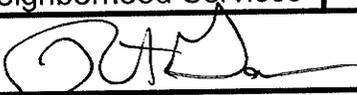
Please check box that applies to this item:

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		
<u>Drafter/Staff Contact:</u> Andy Hume	<u>Department/Section:</u> Community Development / Planning & Neighborhood Services	<u>Phone:</u> 528-3048
<u>City Manager Signature:</u>		

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? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	Budget Adjustment Attached	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	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)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

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

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.

1 IV. POSTPONEMENTS – NONE

2
3 V. CONSENT AGENDA

4
5 Crane: Now we proceed to the consent agenda. The way this works, for those
6 who are not familiar with it, is that these items and there are five of them,
7 are ones that the City Community Development Department feels are
8 routine and uncontroversial and so they are grouped together here and we
9 usually vote on them without discussion as a block. However, the rule is
10 that if any Commissioner, Community Development person or any
11 member of the public wishes to discuss any of these then we take them off
12 the consent agenda and put them into the new business. Does anybody
13 wish to remove anything from the consent agenda? Yes, sir, which item?
14 Okay. Number 2. That's the Claude Dove property? Okay, sir, we'll take
15 that off and make it the first item of new business. And somebody wants
16 to take off Number 1?

17
18 Ochoa: Number one. Yes, sir.

19
20 Crane: Okay. That will be the second item of new business.

- 21
22 1. **Case S-13-011/IDP-13-01:** Application of Moy Surveying Inc. on behalf of
23 Terry Lee & Velia Guethe, property owners, for a replat known as Parker
24 Place 2nd Amended Subdivision, Replat No. 2 on a 0.226 ± acre lot located on
25 the southwest corner of Wilson Avenue and Second Street; Parcel ID# 02-
26 01305. Proposed Use: Subdividing one (1) existing residential lot into two (2)
27 residential lots. Accompanying the proposed replat is an Infill Development
28 Process (IDP) variance request to the minimum 5,000 square foot lot size
29 requirement of the subject property's R-1a (Single-Family Medium Density)
30 zoning designation: Lot 1A encompasses 4,910 square feet, 90 square feet
31 less than the minimum lot size requirement and Lot 1B encompasses 4,869
32 square feet, 131 square feet less than the minimum lot size requirement;
33 Council District 4 (Councillor Small).
34
- 35 2. **Case Z2865:** Application by Claude Dove-Teke LLC to rezone a 0.23-acre
36 portion of the 1.98-acre Parcel 02-14428, located at 2969 Claude Dove Drive,
37 from R-2 (Multi-Dwelling Medium Density Residential) to R-3 (Multi-Dwelling
38 High Density Residential). The property is currently zoned R-3 and R-2 and
39 the rezoning would allow the property to have the single zoning designation of
40 R-3. District 3 (Councillor Pedroza).
41
- 42 3. **Case ZCA-13-2:** A request to amend Section 38-43.J.9 of the 2001 Las
43 Cruces Zoning Code, as amended, by adding subsection (i) including
44 provisions related to the use of A-frame signs on public property within the
45 Central Business District (CBD). Submitted by the City of Las Cruces. Council
46 District 1 (Councillor Silva).

1
2 **4. Case ZCA-13-3:** A request to amend Sections 36-3 Definitions and 36-9.b.1
3 Permits of the 2006 Las Cruces Sign Code, as amended, by adding a
4 definition and provisions related to the use of A-frame signs in the City of Las
5 Cruces (City). Submitted by the City of Las Cruces. All Council Districts.
6

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

14 Crane: Anything else? In that case we will vote on items 3, 4 and 5, cases ZCA-
15 13-2, 3 and 4 as items of the consent agenda. May I have a motion to that
16 ...?
17

18 Shipley: Move to approve consent items 3, 4 and 5.
19

20 Crane: Mr. Shipley moves that these items be approved.
21

22 Scholz: Second.
23

24 Crane: Seconded by Scholz. All in favor, aye.
25

26 All: Aye.
27

28 Crane: Any opposed? It passes 6 – 0. Thank you.
29

30 VI. OLD BUSINESS - NONE

31 VII. NEW BUSINESS

32
33
34 Crane: Item 1 in the consent agenda now moved to new business. Case Z2865:
35 Application by Claude Dove-Teke LLC to rezone a 0.23-acre portion of the
36 1.98-acre Parcel 02-14428, located at 2969 Claude Dove Drive. Mr.
37 Ochoa.
38

39 Ochoa: Yes, sir, Commissioner Crane. First, just a quick announcement: we have
40 been advised by Legal now. Whenever we do have somebody from the
41 public or the applicant stepping up to ask a question or make a statement
42 or so forth into the minutes, that we take their oath, just a quick, "Do you
43 promise to tell the truth, the whole truth and nothing but the truth under
44 penalty of law?"
45

46 Crane: I see; and who administers this oath?