

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120190

Amending Section 88-445-15.C, Nonconforming Signs, to provide for the relocation of signs in the public interest.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 88-445-15-C, Nonconforming Signs, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-445-15.C. NONCONFORMING SIGNS

1. **CONTINUANCE AND MAINTENANCE OF NONCONFORMING SIGNS**

Subject to the restrictions of this section, nonconforming signs that were otherwise lawful at the time of installation may be continued. Routine maintenance of nonconforming signs is allowed, including changing sign copy and “re-facing” of existing signs when the re-facing does not result in any structural alterations, additional signs or additional sign appendages.

2. **ALTERATIONS AND EXPANSIONS OF NONCONFORMING SIGNS**

No structural alteration, enlargement, or expansion may be made to a nonconforming sign unless the alteration, enlargement, or expansion will result in elimination of the nonconforming aspects of the sign. Illumination, including electronic or digital signfaces, may not be added to any nonconforming sign. Electrical permits may not be issued for any upgrade or signface replacement; provided, however, that electrical permits may be issued for electrical repairs that do not constitute an upgrade to the sign, such as permits for relocating service lines or replacing component parts.

3. **RELOCATION -- GENERALLY**

A nonconforming sign may not be moved to another location unless doing so would bring the sign into complete conformity with the provisions of this chapter.

4. **RELOCATION FOR PUBLIC PURPOSE**

Notwithstanding the specific provision in 3, above, or any other provision in this Chapter concerning signs, a nonconforming sign may be moved to another location without conforming to the provisions of this chapter under the following conditions:

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120190

- a. An eminent domain action has been filed in court by the City to effect the removal of the sign, or the sign is under threat of condemnation by the City;
 - b. The relocation of the sign is necessary to accommodate a public purpose in the construction or improvement of facilities of public interest;
 - c. The sign will be relocated not more than 100 feet from the existing current site as necessary to resolve any public purpose concerns;
 - d. The relocation of the sign must be in conjunction with the removal of one or more legally nonconforming outdoor advertising sign(s) (including structure), which removal meets one of the following two criteria:
 1. a single sign is to be removed which contains sign faces at least the same size (or larger) as the sign being relocated, or
 2. more than one sign is to be removed and at least one of the signs to be removed contains sign faces that are at least 247 square feet in size, and the cumulative sign face square footage being removed equals or exceeds at least 75% of the sign being relocated.
 - e. The sign will not be enlarged, including its signface, height and width. The sign may be externally illuminated if the sign being replaced was illuminated, and an electrical permit may be issued for such illumination. Electronic or digital signfaces will not be allowed on the relocated sign.
 - f. The relocation of the sign must be approved as part of, and must resolve the actual or threatened eminent domain action.
5. **ABANDONMENT OF NONCONFORMING SIGN**
Nonconforming signs will be deemed abandoned if they are not maintained in good structural condition and in compliance with all city codes. Nonconforming signs that are structurally unsound, rotted, excessively weathered or faded, contain inoperable electrical equipment, or are otherwise in an obvious state of disrepair will also be deemed abandoned. Once a nonconforming sign is deemed abandoned, it must be removed within 30 days by the sign owner, owner of the property where the sign is located, or other person having control over the sign.

Section B. That the Council finds and declares that before taking any action on the proposed area plan amendment hereinabove, all public notices have been given and hearings have been held as required by law.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120190

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission

Approved as to form and legality:

M. Margaret Sheahan Moran
Assistant City Attorney