

SECOND 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:

- 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 on the same or adjoining property as the existing current site, as necessary to resolve any public purpose concerns, but will not be moved more than 300 feet. "Property" as used herein means a lot as shown on a plat of a subdivision recorded or registered pursuant to statute or a parcel of land as designated by the property owner to be used, developed or built upon as a unit under single ownership or control.
- d. The relocation of the sign must be in conjunction with the removal of one or more legally nonconforming outdoor advertising sign(s) (including structures), which removal meets one of the following two criteria:
 1. a single, double-sided sign is to be removed which contains sign faces which are at least 100% as large as the sign being relocated, and is located on property zoned B-1, B-2, or B-3, or
 2. more than one sign is to be removed and at least one of the signs to be removed contains a sign face that is at least 247 square feet in size, and the cumulative sign face square footage being removed equals or exceeds at least 110% 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 was externally illuminated before being relocated, and an electrical permit may be issued for such illumination. Electronic or digital signfaces will not be allowed on the relocated sign.

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- f. For purposes of this section 88-445-15.C, the signface square footage of a multiple-faced or double-sided sign will be the measurement of the largest of the faces.
- g. The relocation and sign removal must be approved by the Board of Zoning Adjustment, after written notice is provided to any registered neighborhood group or business association with boundaries within 500 feet of each of the signs proposed to be relocated or removed, considering the following criteria:
 - 1. The removal of the proposed sign or signs will have a greater positive impact on the improvement of the city's residential and commercial neighborhoods than would the removal of the sign proposed to be relocated because of the signs' relative locations, with at least the following factors being considered:
 - a. The removal of signs in less intensive zoning districts will have a greater positive impact.
 - b. The removal of signs nearer residential properties will have a greater positive impact.
 - c. Signs located within 500 feet of any residentially used or zoned property, any institutional use, or any boulevard, park or parkway have an adverse impact on neighborhoods.
 - d. The Board of Zoning Adjustment shall consider the impact of the proposed relocation and removal on scenic, natural, historic or other features in the areas surrounding the signs.
 - 2. The sign or signs to be removed are not abandoned, as defined in 5, below;
 - 3. The sign or signs to be removed have contained paid advertising in the last 90 days and therefore are not "blank" as defined in 88-445-14.
- h. The relocation of the sign must be approved as part of, and must resolve the actual or threatened eminent domain action. Nothing in this section will be deemed to eliminate or reduce the City Attorney's discretion in its representation of the City in any eminent domain action.

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5. **ABANDONMENT OF NONCONFORMING SIGN**

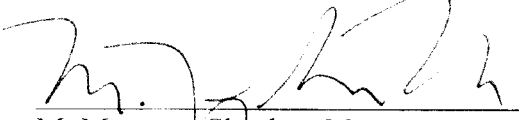
Nonconforming signs will be deemed abandoned if they are not maintained in good structural condition and in compliance with all city codes. Nonconforming signs that are structurally unsound, rotted, excessively weathered or faded, contain inoperable electrical equipment, or are otherwise in an obvious 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 Zoning and Development Code Amendment hereinabove, all public notices have been given and hearings have been held as required by law.

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

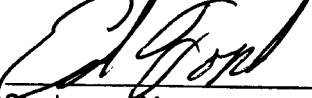
Approved as to form and legality:




M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as **Passed**



Sly James, Mayor



Marilyn Sanders, Acting City Clerk

JUL 19 2012

Date Passed