

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150444

Amending Chapter 88, Section 88-445, Signs, to make revisions regarding the size, location and abandonment of signs.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Sections 88-445-01, 88-445-02, 88-445-08-D and 88-445-15, and replacing said sections with new sections of like number and subject matter, to read as follows:

88-445-01 INTENT AND APPLICABILITY

88-445-01-A. INTENT

The intent of this chapter is to provide an orderly, effective and reasonable control of off-premises and on-premises signs, thereby halting indiscriminate sign proliferation and enhancing the visual environment of the city and to achieve balance among the following different and at times, competing goals:

1. to encourage the effective use of signs as a means of communication for businesses, organizations and individuals in Kansas City;
2. to provide for adequate way-finding in the community, thus reducing traffic congestion;
3. to provide adequate means of business identification, advertising and communication;
4. to prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city;
5. to protect the safety and welfare of the public by minimizing hazards to vehicles and pedestrians;
6. to preserve property values by preventing unsightly and chaotic signage that has a blighting influence on the city;
7. To differentiate among those signs that, because of their location, lighting, movement or other characteristics may distract drivers on public streets and those that may provide information in a safer manner;
8. to minimize the possible adverse effects of signs on nearby public and private property;
9. to implement the goals of the comprehensive plan,
10. to protect the constitutional rights of our citizens.

88-445-01-B. SIGNS EXEMPT FROM REGULATION

The following signs are exempt from regulation under this chapter:

1. any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance, or by order of a court of competent jurisdiction;
2. any sign not visible from a right of way or from any property other than the property on which it is located;
3. traffic control signs on private property, such as Stop, Yield, and similar signs, the faces of which meet standards set forth in the *Manual on Uniform Traffic Control Devices* and which contain no commercial message of any sort; and
4. numbers, letters and symbols or other configurations not representing a commercial message which are etched as metal or masonry cornerstone plates or imbedded into the facade of any building or other structure.

88-445-01-C. SIGN PERMITS

Signs may only be constructed after issuance of a sign permit according to the regulations of the building code.

88-445-01-D. PROHIBITED SIGNS

1. The following signs are expressly prohibited in all districts:
 - a. animated signs;
 - b. banners, except as specifically allowed as special event temporary signs elsewhere in this chapter, or as specifically allowed in a Council Approved Signage Plan; pennants; and wind-blown signs;
 - c. portable signs;
 - d. vehicle signs; for purposes of this section, a vehicle parked containing a commercial message or image and regularly parked on the street side of any business and not regularly and customarily used in the business;
 - e. signs on benches;
 - f. signs on trees;
 - g. signs on utility poles (not within the right-of-way), other than signs installed by the utility and related to the utility facility;
 - h. signs blocking required means of egress from a building; and

- i. signs within the public right-of-way or on public property, except signs posted in accordance with this chapter, or projecting signs as allowed by this chapter.
2. The list of prohibited sign types is not exclusive; any sign that is not exempt from this chapter, not established as a lawful nonconforming sign, or not expressly allowed by this chapter is a prohibited sign.

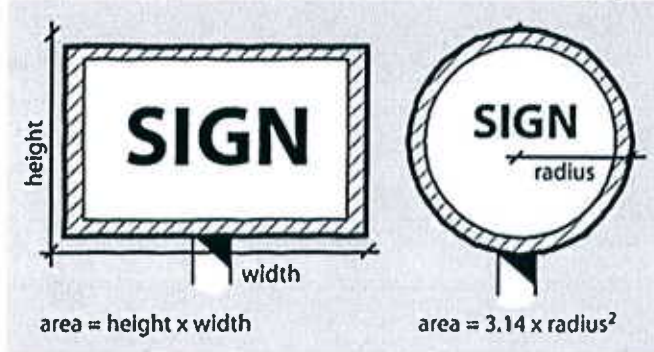
88-445-01-E. APPLICABILITY

No sign or outdoor advertising device as defined by this development code may be placed, erected, altered, rebuilt, enlarged, extended, relocated, maintained, or allowed to remain except according to the regulations of this chapter.

88-445-02 Sign Measurement and Interpretation

88-445-02-A. Sign Area

1. The area of a cabinet sign will be computed by the smallest rectangle or circle necessary to encompass the entire perimeter enclosing the extreme limit of all elements composing such sign but not including any structural elements lying outside the limits of the sign and not forming an integral part of the display.



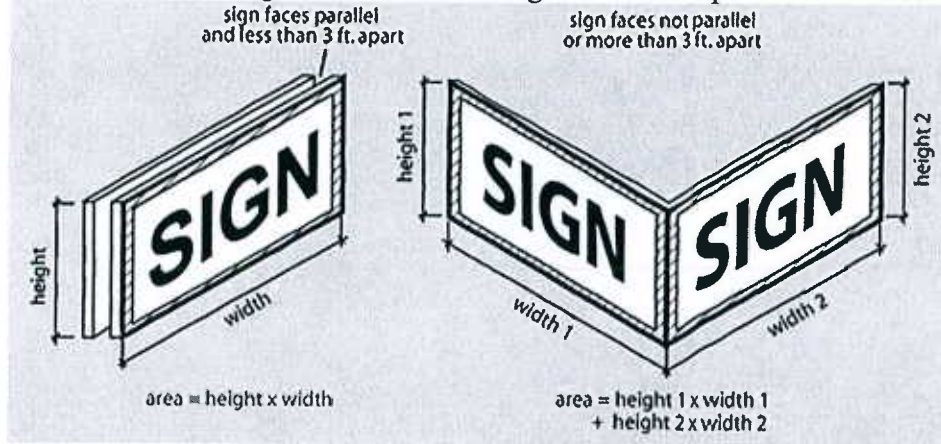
2. The area of a channel sign (individual letters, numbers, or symbols with no background) will be measured by the sum of all rectangular areas necessary to

**INDIVIDUAL
LETTER SIGN**

encompass each letter, number, or symbol.

3. Except for cabinet sign or channel signs as defined above, the area of a sign upon a wall, canopy, awning, or marquee shall be computed by the smallest rectangle or circle necessary to encompass the entire perimeter enclosing text and logo, but not including any structural elements lying outside the limits of the sign and not forming an integral part of the display.
4. Each individual message or logo separated by 18 inches or a space equal in width to two letters of the sign, whichever is greater, will be counted as one sign toward the maximum number allowed per elevation.

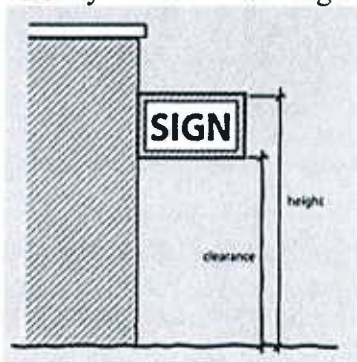
5. When the sign faces of a double-faced sign are parallel and the distance between the faces is 3 feet or less, only one display face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger sign. In all other cases, the areas of all faces of a multi-faced sign will be added together to compute the area of the sign.



6. The area of an outdoor advertising sign will be computed as in 1, above, except that, temporary cutouts and extensions of an irregular shape installed for a specific display will not be considered to be an increase in the size of the permanent display; provided that the actual square footage of such temporary cutouts or extensions may not exceed 20 percent of the permanent display area.

88-445-02-B. Sign Height Measurement

The height of a sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point on the sign or sign structure.



88-445-02-C. Sign Clearance Measurement

Clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

88-445-02-D. Signs inside windows.

Signs inside windows and doors on any ground floor which are visible from any right of way may not include any digital or electronic display nor any effects of movement, flashing, or similar effects.

88-445-08-D. Awning, Canopy, Marquee and Under-Marquee Signs.

1. No awning, canopy, marquee or under-marquee sign may project above the parapet of the building.
2. The maximum length of under-marquee signs shall be $\frac{1}{2}$ the distance the marquee or canopy projects from the wall, or 8 feet, whichever is less.
3. Under-marquee signs may not hang more than 24 inches below the lowest point on the marquee or canopy.
4. All awning, canopy, marquee and under-marquee signs must have a minimum clearance of 8 feet above the sidewalk or ground below.
5. Electronic, digital, or motorized signage is not permitted.
6. In calculating the area permitted for canopy signage for gas and fuel sales establishments, the longest length of the canopy shall be utilized to calculate the 10% wall area permitted for the canopy signage, and this canopy signage may be placed on any side of the canopy.

88-445-15 Unsafe Signs, Signs in Disrepair and Nonconforming Signs

88-445-15-A. Unsafe signs.

If the city planning and development director finds that any sign is unsafe or insecure, or is a menace to the public, they must give written notice to the owner or lessee.

1. If the owner or lessee fails to remove or alter the sign to bring it into compliance with this chapter within 30 days after the notice, the subject owner or lessee will be deemed in violation of this chapter.
2. The city planning and development director is authorized to cause any sign that is an immediate peril to persons or property to be removed immediately and without notice to the owner or lessee.

88-445-15-B. Signs in Disrepair

Any sign that is excessively weathered or faded or upon which the paint has excessively peeled or cracked, or is otherwise in disrepair, must, with its supporting members, be immediately removed or restored to a good state of repair.

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 legal nonconforming signs is allowed, as defined in 88-810-992.
2. **ALTERATIONS AND EXPANSIONS OF NONCONFORMING SIGNS**
No structural alteration, enlargement, expansion, or change in sign type may be made to a nonconforming sign unless the alteration, enlargement, expansion, or change 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.

3. STRUCTURAL REPAIRS

- a. Subject to compliance with the code and the issuance of a building permit, and subject to the limitations in b., below, the following structural repairs may be made to a legally nonconforming sign:
 1. Adding guys or struts for the stabilization of the sign; and
 2. Replacement of any pole or beam for the stabilization of the sign.
- b. Within any five year period, the total cumulative cost of the repairs under this subsection may not exceed 50% of the replacement cost of the sign, and the repair activity may not result in a change in the material of the replaced element of the nonconforming sign or an enlargement, expansion, alteration, or other change to the sign including, but not limited to, the relocation or expanded dimension of poles and beams. Each application for a sign permit for repair of a legally nonconforming sign under this subsection shall be accompanied by an estimate from a sign fabricator of: (i) the current actual market cost of labor and materials for the replacement of the sign and (ii) the current actual market cost of labor and materials for the proposed repair. The estimate shall itemize each element of cost and shall be subject to review and approval by the director of city planning and development, or designee, who may request additional data and information. The director shall review and act within fourteen (14) days of the date of the submission of the complete application for sign permit.

4. 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.

5. 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

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pursuant to a 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 sign is to be removed which contains at least two sign faces which are at least 100% as large as the largest sign face on 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 125% of cumulative square footage of the signface(s) of the sign being relocated. The sign face square footage will be calculated by adding the square footage of each face of a multi-faced sign.
- 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, digital, or tri-vision signfaces will be allowed on the relocated sign if and to the extent that electronic, digital, or tri-vision sign faces existed on the sign being relocated.
- f. 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 the sign proposed to be relocated, 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:
 - i. The removal of signs in less intensive zoning districts will have a greater positive impact.
 - ii. The removal of signs nearer residential properties will have a greater positive impact.
 - iii. Signs located within 500 feet of any residentially used or zoned property, any institutional use, or any boulevard,

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park, or parkway have an adverse impact on neighborhoods.

- iv. 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 88-445-15.C.6, 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.
- g. 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.

6. 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 or malfunctioning electrical equipment, or are otherwise in an obvious state of disrepair will also be deemed abandoned. On-site commercial signs will be deemed abandoned if they are blank or advertise a business, activity, product or service that is no longer operating or available on the property on which the sign is located. Once a nonconforming sign is deemed abandoned, the entire sign, including any structure which only supports the sign, 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.

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 Sheehan Moran
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor


Marilyn Sanders, City Clerk
JUL 23 2015

Date Passed