COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 250580

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-445-08, "Additional Requirements for Specific Sign Types in Non-Residential Districts," and enacting in lieu thereof a new section of like number and subject matter to establish regulations for digital monument signs.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-445-08, "Additional Requirements for Specific Sign Types in Non-Residential Districts," and enacting in lieu thereof a new section of like number and subject matter to establish regulations for digital monument signs, with said section to read as follows:

88-445-08 ADDITIONAL REQUIREMENTS FOR SPECIFIC SIGN TYPES IN NON-RESIDENTIAL DISTRICTS

88-445-08.A. MONUMENT SIGNS

1. ~~1.~~ All monument signs must be set back a minimum of 10 feet from the property line.

2. All monument signs must be set upon a solid base of material and design compatible with that of the development. The width of the base must be a minimum of 75 percent of the width of the widest part of the sign.

3. Electronic, digital, or motorized monument signs may be approved by special use permit in District O and B1 and are permitted in Districts B2, B3, B4, UR, D, and M, provided that the message or image does not change more than once every hour, and provided that the sign complies with the following requirements:

~~(1) There may be no effects of movement, flashing, scintillation, or similar effects;~~

~~(2~~a) Visual effects are prohibited. There may be no effects of movement, flashing, scintillation, or similar effects; the display screen shall only transition between static images without animation or movement. No portion of any display screen shall change its message, background, or light intensity in any manner that imitates motion or movement. For example, a progression of static images that create the illusion of motion by altering the position or size of shapes in each progressive frame is prohibited. Similarly, a static image that creates the illusion of motion by fluctuating in light intensity to simulate a burst, zoom, twinkle, sparkle, or any other movement is prohibited.

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b) Changes of image must be instantaneous as seen by the human eye and may not use fading, rolling, window shading, dissolving, or similar effects ~~as part of the change~~;

~~(3)~~ c) Automatic brightness control required. Electronic and digital signs must use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the standards set forth in this sub-section. All electronic and digital signs must have installed ambient light monitors, and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic and digital signs may not exceed 5000 nits when measured from the signs face at its maximum brightness, during daylight hours, and 500 nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service. Maximum spillover for a digital sign in a non-residential zoning district shall be no greater than 0.5 footcandle.

~~(4~~d) The sign must be located at least 250 feet from any residentially zoned and occupied property, and must be located on a major thoroughfare.

e) The digital sign shall not face any residential use. All digital signage will require a landscape plan to ensure any light is screened from all adjacent residentially used structures.

4. Monument signs used to identify a development district must be located on a major thoroughfare.

5. Digital menu boards for a drive-through or drive-in shall not face a public street and the image cannot change more than every 15 seconds.

88-445-08-B. OVERSIZED MONUMENT SIGNS

1. Oversized monument signs must be set back a minimum of 20 feet from the property line and must be located on a major thoroughfare as designated by the Major Street Plan.

2. All monument signs must be set upon a masonry base of material and design compatible with that of the development. The width of the base must be a minimum of 75 percent of the width of the widest part of the sign.

3. Electronic, digital, or motorized signage is not permitted.

4. The design of the sign must be in character with the architecture and material of the development it identifies.

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5. When an oversized monument sign is used to identify a development district, additional development district monument signs are not permitted.

6. A special use permit is required for oversized monument signs.

88-445-08-C. WALL SIGNS

1. Wall signs must be permanently attached to the building and parallel to its surface, extending no more than 12 inches from the wall.

2. Wall signs may be placed on a parapet wall of a building, as provided in 88-810-1860. The parapet wall upon which a sign is placed may extend no more than 6 feet above the lowest parapet wall of the building.

3. Electronic, digital or motorized wall signage is not permitted unless through administrative adjustment in accordance with 88-570-02-K.

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 ½ 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.

88-445-08-E. PROJECTING SIGNS

1. Maximum thickness of projecting signs is 50% of its projecting distance.

2. Projecting signs may not project more than 4 feet from the building wall. For signs installed radially on building corners, maximum projection is 5 feet.

3. Projecting signs may not project above the parapet of the building.

4. The minimum clearance required for projecting signs is 8 feet.

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5. Electronic, digital, or motorized signage is not permitted.

88-445-08-F. ROOF SIGNS

1. Roof signs are permitted only as follows:
   (a) in nonresidential zoning districts within the area bound by the Missouri River, Paseo Boulevard, 31st Street, and State Line; or

   (b) within the M2-3 district, on a roof that is set back at least 1,000 feet from all property lines.

2. The supporting structure for a roof sign must comply with all applicable engineering and code requirements. Such supporting structures must consist of the fewest number of supporting members without embellishments, consistent with all applicable municipal code requirements.

3. Roof signs are not permitted on buildings unless the top of the highest portion of the roof is at least 50 feet above grade.

4. The maximum horizontal dimension of a roof sign may not exceed 50% of the width of the wall it most closely parallels.

5. The maximum height of a roof sign and its supporting structure may not exceed 26 feet, measured from the elevation of top of the highest parapet to the top of the sign.

6. Electronic, digital, or motorized signage is not permitted.

88-445-08-G. INCIDENTAL SIGNS

1. Incidental signs must be set back a minimum of 10 feet from all property lines.

2. An incidental sign may include the logo of the establishment.

3. Electronic, digital, or motorized signage is not permitted.

88-445-08-H. INTERIM SIGNS

1. Interim signs are not permitted within 2,000 feet of another such sign in the same development.

2. City plan commission approval is required for interim signs, except real estate signs or noncommercial signs.

3. The sign must be removed within 3 years or upon completion of development, whichever occurs first. The city plan commission may approve one extension of up to 3 years, provided an application for extension is made prior to the expiration of the original approval.

4. Electronic, digital, or motorized signage is not permitted.

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88-445-08-I. SPECIAL EVENT TEMPORARY SIGNS, INCLUDING BANNERS

1. Special event temporary signage, including banners will be allowed upon issuance of a permit.

2. Signs will be permitted to be displayed a maximum of either one 60-day period per year or two 30-day periods per calendar year.

3. Banners or flags will be permitted to be displayed a maximum of four 30-day periods per calendar year. In no case may a 30-day period be carried over from month to month, however.

4. No temporary sign may advertise or promote any commercial enterprise or event not conducted on the same building lot;

5. Temporary signs must be designed, constructed or mounted so as to be reasonably stable under all weather conditions, including high winds;

6. At the expiration of the permitted period(s) for the temporary signs, the signs must be removed.

88-445-08-J. ORNAMENTAL TOWER SIGN

1. Signs are permitted on ornamental towers when a tower or structure is an integral part of the architectural plan of a building, and may extend beyond the roof level of the building provided that the height of the tower does not exceed the maximum height permitted in the district.

2. Towers or structures with signs must be separated by 500 feet.

3. Such signs must face upon the interior of the center or on the principal street upon which the center fronts.

88-445-08-K. ILLUMINATION OF SIGNS

1. Any outdoor lighting arrangement for the illumination of a sign which would be visible from any property in an adjoining residential zoning district (including AG-R) must be so designed that no flashing or direct glare from any light source is focused, beamed or directed toward such property.

2. Flashing lights, rapidly changing or blinking illumination, rotating beams, or illumination resembling emergency lights are prohibited.

3. The electric supply for all illuminated signs must be located underground unless otherwise expressly approved by the city planning and development director.

4. Spillover light onto R-zoned property or public rights-of-way may not exceed 2 lux, measured at grade along the property line.

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88-445-08-L. HOSPITAL SIGNS

A signage plan portraying signs necessary for the proper identification of the facilities within a hospital may be approved by special use permit. Such signs shall be on-premises signs and limited to proper identification of the facilities. Such signs may be internally or externally illuminated.

88-445-08-M. SIDEWALK SIGNS

In non-residential districts, the owner or operator of a business may place a sidewalk sign on a sidewalk to direct attention to a business offering a product, commodity, or service for sale or lease. Alternatively, such sign may contain any lawful noncommercial message pursuant to section 88-445-03. Although no permit is required, placement of a sidewalk sign is subject to the following restrictions:

1. the sign may only direct attention to a business that has an entry to and is immediately adjacent to the sidewalk upon which the sign is placed;

2. the sign shall not be permanently attached to the ground or a structure;

3. the sign may be placed only during hours the business is open and shall be removed otherwise;

4. only one sign per business is permitted, and the sign shall not be located within 15 feet of another such permitted sign;

5. no sign shall exceed 2.5 feet in width or 4 feet in height, and the minimum height shall be 2.5 feet;

6. no sign shall have protrusions or extensions;

7. the sign shall be placed to ensure a minimum of 5 feet of horizontal sidewalk clearance;

8. the sign must be placed within 2 feet of the wall of the building within which the business is located;

9. placement shall not obstruct any points of ingress or egress to a building;

10. no sign may be animated or lighted; and

11. proof of liability insurance shall be maintained, with the City as an additional insured, with a policy meeting the following conditions:
    a. Liability insurance with either a combined single-limit policy of $500,000.00, or a split-limit policy of $100,000.00/$300,000.00 bodily injury and $100,000.00 property damage.

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Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

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

_____
Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

_____
Sarah Baxter
Senior Associate City Attorney