FROM THE DESK OF

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June 22, 2025

Mayor Pro Tem Parks-Shaw
Neighborhood Planning & Development Committee Members
414 E 12th Street
Kansas City, MO 64106

Re: Ordinance 250440

Dear Mayor Pro Tem Parks-Shaw,

In considering the proposed amendments to 88-445-15 presented in ordinance 250440, it's important to recognize that a great deal of thoughtful and collaborative work has gone into crafting and passing some of the strongest signage ordinances in the country with the sole purpose of acting in the best interests of the public. Previous efforts have evaluated traffic safety, environmental impacts, light pollution, signage blight, and a host of other input.

The result is a set of standards (Standards) covering a broad range of potential scenarios. Chapter 88-445-14 Outdoor Advertising Signs and 88-445-15 Unsafe Signs, Signs in Disrepair and Nonconforming Signs co-exist and have some overlapping provisions specific to outdoor advertising signs. To fully evaluate the proposed amendments in this ordinance, language in both sections must be considered.

The overarching intent of the Standards is stated at the beginning of Chapter 88-445-14:

*88-445-14-A. PURPOSE*

> *The purpose of this section is to preserve and promote the public health, safety, and welfare and to provide an orderly, effective and reasonable control of off-premise signs, thereby halting sign proliferation, reducing distractions to drivers and enhancing the visual environment and community character of the city.*

The overarching intent of implementation and enforcement of the Standards follows:

*88-445-14-B. REGULATIONS*

> *Outdoor advertising signs are not permitted in Kansas City except within 660 feet of the right-of-way of highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system, and only in accordance with the following conditions:*

The complete text of sections 88-445-14 and -15 are attached to this letter for reference along with the current Missouri Department of Transportation (MODOT) Outdoor Advertising booklet.

The stated purpose of ordinance 250440 is to facilitate the resetting/relocation of an existing billboard (see image at the of this letter) impacted by work planned by MODOT to improve a section of I-70 known as the Benton Curve. Section 88-445-14 currently prescribes the process for condemnation actions related to digital billboards or digital billboard conversions but does not fully address similar actions impacting other outdoor advertising signs.

First, Kansas City has no obligation to enter into the oversight of billboards along the Interstate Highway system. Federal law, dating back to the Highway Beautification Act of 1965 guides the MODOT standards and processes for managing billboards along those transportation corridors. We can, however, choose to provide pathways for negotiation in cases where a billboard is being condemned and allow it to remain within the city limits pursuant to the terms set out in Chapter 88-445.

Absent the proposed changes, MODOT would follow their standard process, which is clearly defined in RSMo 226.500 – 226.600 and 7 CSR 10-6 and described in the MODOT Outdoor Advertising booklet.

## Defining the term "Nonconforming"

As stated in my June 18 testimony to the City Plan Commission, lack of clarity in the term "nonconforming" may create unintended consequences. Proposed amendments to insert the term *State of Missouri* are included in the section titled "Nonconforming Signs" without identifying which definition will be used. Staff attorney Sarah Baxter, requested more detail in my proposed alternate language, which I have included here.

Both MODOT and the City use the term "nonconforming" with wholly different definitions and criteria.

> **Kansas City, MO:** Signs that were otherwise lawful at the time of installation. With the stated exception of signs withing 660 feet of certain highway rights-of-way, no outdoor advertising signs are considered conforming under current City code.
>
> **MODOT** sets out 4 lengthy descriptions of nonconforming signs that include signs located within and outside commercial and industrial areas, those located beyond 660 feet of the right-of-way, and landmark signs. These definitions can be reviewed on pages 32 and 33 of the attached ODA booklet.

Additionally, MODOT defines both conforming and conforming, but out-of-standard, categories for outdoor advertising signs. The City of Kansas City does not recognize either of these categories.

In the case of signs within 660 feet of the right-of-way of a MODOT controlled roadway, the process for resetting/relocating a billboard condemned or under threat of condemnation by the State of Missouri, the controlling definition of nonconforming would be MODOT. This definition may determine whether the billboard is eligible for resetting/relocation as per Revised Missouri State Statute 226.500 et seq.

## Incorporation of external standards

And finally, in response to concerns raised over external standard references during the June 18 City Plan Commission hearing, Chapter 88 does contain references to relevant standards and regulations enacted by other agencies and jurisdictions, including, but not limited to, the State of Missouri, the Environmental Protection Agency, the National

Fire Protection Association, etc. The Missouri State Statute referenced and incorporated into 88-445 is RSMo 226.500 et seq.

**Other considerations**

Incorporate consistent language:

> Reconcile the use of "*legal nonconforming*" and "*nonconforming*" terminology within 88-445.

Use language consistent with 88-445-14 to capture all applicable agencies:

> *…that is the subject of a condemnation action or under threat of condemnation by the city or other condemning authority.*

Insert language to mirror 88-445-14-B-5, ensuring that all relevant provisions are applied to sign resetting/relocation, including the City restrictions on how and where digital conversions are allowed:

> *[Legal] nonconforming outdoor advertising signs may remain, subject to the following provisions in addition to the provisions of 88-445-15-C.*

Insert language consistent with 88-445-14 to prohibit future replacement of signs removed as the result of an approved relocation.

> *The exact locations of any signs that are removed pursuant to this subsection shall continue to be used for the purpose of future calculations regarding spacing between outdoor advertising signs, such that the removal of one sign does not allow for construction of a new sign in the same area.*

Ultimately, few, if any, of the changes contained in the alternate language presented at the June 18 City Plan Commission and updated version attached to this letter will impact on the sign identified in this case. It is important, however, to ensure that revisions to the code also consider future applications and impacts to all areas of the City, avoiding unintended consequences resulting from too narrow an interpretation.

Sincerely,

Tiffany Moore

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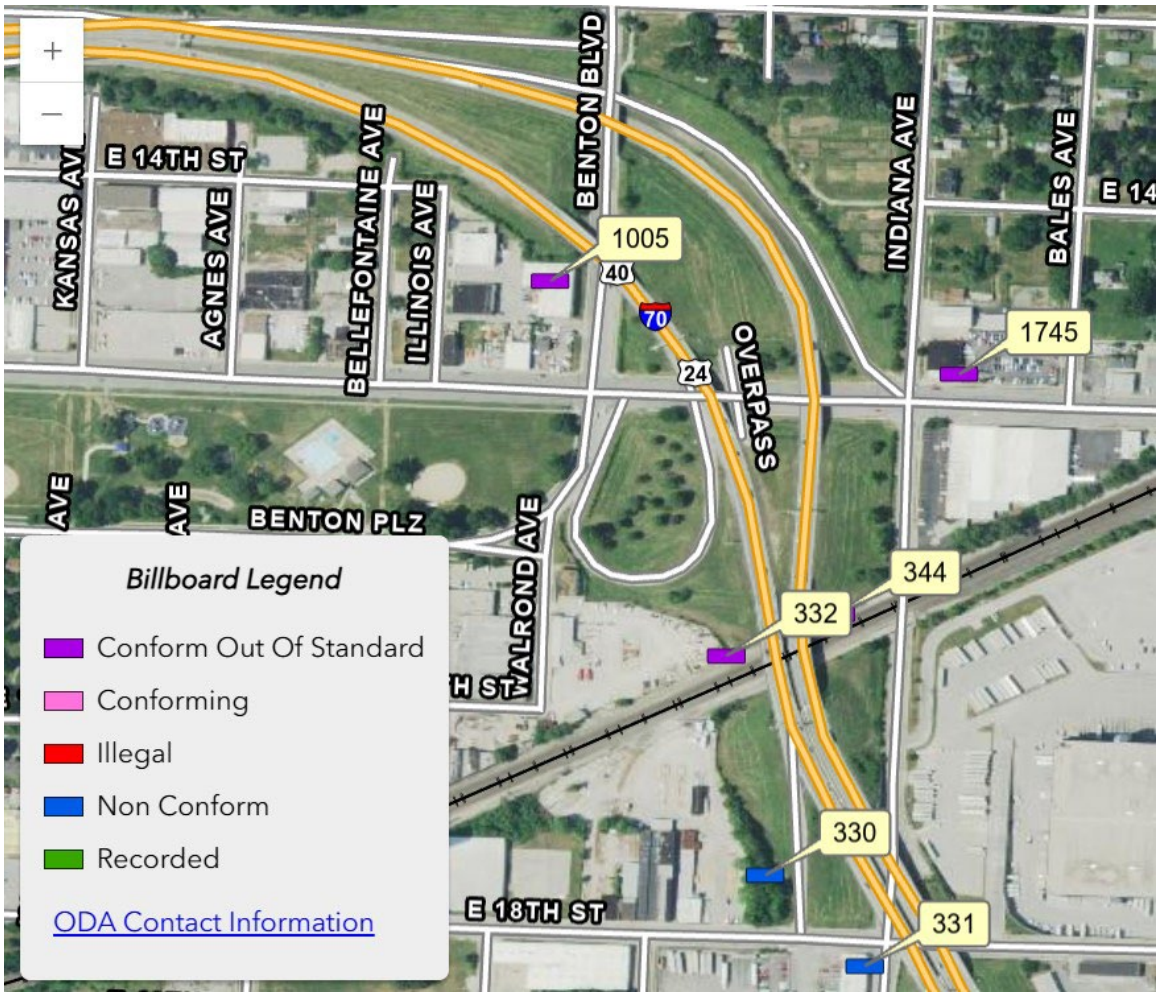
cc: Staff, City Planning & Development
City Council members
City Manager Vasquez

Enclosures:
88-445-14 Outdoor Advertising Signs
88-445-15 Unsafe Signs, Signs in Disrepair, and Nonconforming Signs
2018 ODA booklet (MODOT)
250440 Alternate proposal_v2




Ordinance 250440 addresses the relocation of a billboard identified on this MODOT map as sign #344, a "Conforming Out-of-Standard" sign as defined by MODOT standards.