88-445-14. OUTDOOR ADVERTISING SIGNS

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.

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:

1. **SIGN LOCATION**

   (a) Outdoor advertising signs may not be located within 500 feet of any improvements which are wholly occupied as a residential, institutional, or other noncommercial or nonindustrial use.

   (b) Outdoor advertising signs may not be located within 500 feet of any boulevard or parkway under the jurisdiction and control of the board of parks and recreation commissioners.

   (c) Outdoor advertising signs may not be located within 500 feet of a public park, playground, school, library, auditorium, stadium, or other publicly owned building used by the general public.

   (d) Outdoor advertising signs may not be located within 500 feet of property with frontage upon the same highway or interstate and which is located within a residential zoning district (including AG-R).

   (e) Outdoor advertising signs may not be attached to the wall or roof of any building.

   (f) Outdoor advertising signs may not be located within 500 feet of an interchange or intersection at grade. Such 500 feet must be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

   (g) Outdoor advertising signs are allowed only on property that is zoned M1-5 or M3-5.

   (h) No outdoor advertising sign may be located on, or project over, any public property, right-of-way, utility easement, or drainage easement.

   (i) Outdoor advertising signs may not be located within 660 feet of the right-of-way for the Broadway Bridge, Broadway Extension, or U.S. Highway 169 in the area between 5th Street on the south and Briarcliff Parkway/Extension on the north.

2. **SIZE, HEIGHT AND OTHER DIMENSIONS, AND APPEARANCE**

   (a) **HEIGHT**

   Outdoor advertising signs, including their supporting structures, may not exceed 35 feet in height from grade.

   (b) **GROSS AREA OF SIGNS**

   The maximum gross area of any outdoor advertising sign may not exceed a total of 300 square feet.

   (c) No three-sided signs are permitted.

(d) If an outdoor advertising sign has messages mounted on each side of the sign structure, the 2 sign faces must be parallel and be no more than 5 feet apart.

(e) Outdoor advertising signs may not have more than one area/face on each side of the sign structure.

(f) Exposed back of signs, poles and other support structures must be painted black, dark green or dark brown presenting an attractive and finished appearance which will blend with natural surroundings in order to further accomplish the objectives of this chapter.

3. **LIGHTING, ANIMATION AND ELECTRONIC OPERATION OF SIGNS**

(a) Lighting of billboards must be shielded to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and may not be of such intensity or brilliance as to cause glare or impair vision or interfere with the residential use of property or the safe operation of motor vehicles.

(b) No outdoor advertising sign may have any revolving, moving, flashing, blinking, or animated characteristics.

(c) No outdoor advertising sign may have any electronic, digital, tri-vision or other changeable copy display.

4. **MINIMUM SPACING REQUIREMENTS**

(a) No outdoor advertising sign structure hereafter erected may be less than 4200 feet from any other existing outdoor advertising structure on either side of the highway or interstate.

(b) Such minimum spacing distance must be measured along the centerline of the highway or interstate from a point opposite any edge of an outdoor advertising sign structure and perpendicular to the centerline of such highway or interstate.

5. **LEGAL NONCONFORMING OUTDOOR ADVERTISING SIGNS**

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

(a) Legal nonconforming outdoor advertising signs may be repaired as needed to maintain the safety and appearance of the sign face and structure.

(b) Lighting and/or electronic or digital displays may not be added to legal nonconforming signs, unless as permitted under 88-445-14-B.5.(k).

(c) Should a legal nonconforming outdoor advertising sign be destroyed by any means or deteriorate to an extent of more than 50 percent of its replacement cost at time of the destruction or deterioration, it may not be reconstructed and must be removed.

(d) A legal nonconforming outdoor advertising sign may not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(e) Should such legal nonconforming outdoor advertising sign be moved for any reason for any distance whatever, it must thereafter conform to the regulations of the district in which it is located after it is moved.

(f) Legal nonconforming outdoor advertising signs may not be enlarged or extended, nor may the height be increased.

(g) If a legal nonconforming outdoor advertising sign remains blank for a continuous period of 45 days, that outdoor advertising sign is deemed abandoned and no longer be deemed a

legal nonconforming sign, and the owner will have 30 days to remove the sign. The notice and cure periods of section 88-445-14-B.7(c)(1) and sections 88-445.15-A and 88-445-15-C.6 shall not apply to "blank" nonconforming outdoor advertising signs. For purposes of this section, a sign is "blank" if:

(1) It advertises a business, service, commodity, accommodation, attraction, event, or other enterprise or activity that is no longer operating or being offered or conducted; or

(2) The advertising message it displays becomes illegible in whole or substantial part; or

(3) No advertising copy is visible on the sign; or

(4) The advertising copy promotes only the rental of the sign.

(h) Legal nonconforming outdoor advertising signs using electronic or video technology must comply with the following requirements:

(1) Such technology must be programmed so that the message or image on the sign changes no more often than once every 8 seconds;

(2) There may be no effects of movement, flashing, scintillation, or similar effects in the individual images;

(3) 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;

(4) Video technology in billboards 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 subsection. All electronic, video or digital display unit 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, video or digital display signs may not exceed 5,000 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.

(i) Nonconforming outdoor advertising signs must comply with subsection 6 of this section.

(j) Notwithstanding the specific provisions of this subsection or any other provision in this chapter concerning signs, one or more existing legal nonconforming signs which is located within 660 feet of an interstate highway may be altered by installing an electronic, digital, or other changeable copy display and the required supporting structures, cabinets, and electronic fixtures, or a tri-face or tri-vision changeable copy display, under the following conditions:

(1) The alteration of the existing legal nonconforming signs are done in conjunction with the removal of a separate legal nonconforming sign located in the city that is the subject of a condemnation action or under threat of condemnation by the city or other condemning authority.

(2) The removal of the separate legal nonconforming sign is necessary to accomplish a public purpose.

(3) The separate legal nonconforming sign to be removed is located in a redevelopment area established by the city council pursuant to the Real Property Tax Increment Allocation Redevelopment Act, the Urban Redevelopment Corporations Law, the Land Clearance for Redevelopment Authority Law, or the Planned Industrial Expansion Law.

(4) The removal of the separate legal nonconforming sign will result in an overall decrease in the total number of legal nonconforming signs in the city and, upon the removal of the separate legal nonconforming sign, and the alteration of the existing legal nonconforming sign, the nonconforming signage rights of the separate legal nonconforming sign owner shall be discontinued, abandoned, or otherwise terminated.

(5) The alteration of the existing legal nonconforming sign shall be done in conjunction with a plan approved by the city council in settlement of a condemnation action or under threat of condemnation by the city or other condemning authority.

(k) Notwithstanding the specific provisions of this subsection or any other provision in this chapter concerning signs, an existing legal nonconforming sign which is located within 660 feet of an interstate highway may be altered by installing an electronic or digital display, and the required supporting structures, cabinets, and electronic fixtures, under the following conditions:

(1) Notwithstanding the specific provisions of this subsection or any other provision in this chapter concerning signs the sign owner, lessee, or licensee shall apply for and must obtain a sign permit from the city planning and development director prior to any conversion.

(2) No digital conversion shall be permitted:

a. Along Interstate Highway 49 or that portion of U.S. Highway 71 located south of Interstate Highway 70 to Red Bridge Road;

b. Within an R zoning classification or within 250 feet of any improvement wholly occupied as residential;

c. Directed toward and within 500 feet any residential unit located in an R zoning classification; or

d. Within 1,400 feet of an existing electronic or digital outdoor advertising sign on the same side of the interstate highway.

(3) The application shall be accompanied by a signage plan including:

a. The location and size in square footage of the legal nonconforming sign to be converted;

b. The locations and sizes in square footage of the existing signs to be removed;

c. The submission of stamped drawings from an engineer, showing required structural replacements, upgrades and alterations, if any, necessary to support the weight of the added digital technology necessary for the conversion of a legal nonconforming sign; and

d. A statement that the signs being removed meet the removal criteria in this subsection.

(4) In the case of a digital conversion, at least 7 times the surface square footage for poster board signs (10'6" × 22'9") and junior poster board signs (6' × 12') and 3 times the surface square footage for bulletin board signs (14' × 48') shall be removed in conjunction with the conversion of the approved electronic or digital display. All other signs or sign faces located on the structure of the existing sign to be removed, along with the structure, shall also be removed.

(5) Issuance of the permit shall be conditioned upon removal of existing signs and structures, as identified on the signage plan, prior to activation of electronic or digital display. Upon the issuance of the permit the applicant may begin removing the existing signs and structures identified on the signage plan and begin the conversion of the existing sign to electronic or digital display. The electronic or digital display may not be activated until the city planning and development director has authorized such activation pursuant to this subsection and the conditions of the permit. Upon the removal of the existing signs and structures to be removed pursuant to the permit, the applicant shall submit certification and evidence of removal in the form required by the city planning and development director. Within 30 calendar days of receipt of such certification and evidence, the city planning and development director shall review the certification and evidence that the signs and existing structures have been removed and notify the applicant in writing as to whether or not there are any deficiencies in the removal of the signs and structures or whether activation of electronic or digital display may occur. Any denial of activation of the electronic or digital display shall include a written explanation of such deficiencies. The applicant shall have 60 days to address any deficiencies. Failure of the applicant to satisfy all conditions of the permit, including removal of all signs and structures within this period, violates this subsection and shall be grounds for revocation of the permit. Further, activation of electronic or digital display prior to approval by the city planning and development director shall be grounds for revocation of the permit.

(6) Subject to approval of the city planning and development director, at any time prior to removal of the existing signs, the applicant may identify alternate signs to be removed in the event the applicant incurs issues in the removal of the signs previously identified for removal, provided that the total amount of square footage of sign surface to be removed has been met or exceeded.

(7) 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.

(l) Digital conversion pursuant to this subsection shall not constitute maintenance or repair subject to other provisions governing maintenance and repair under this chapter.

(m) No sign owner, lessee, or licensee may have more than eleven permits for electronic or digital displays within the corporate limits of the city at any one time.

(n) All sign companies shall make their electronic/digital signs available for emergency weather announcements or alerts, at no charge, as requested by the city manager. In addition, the city shall have the use of any electronic/digital sign for public service announcements on a space available basis pursuant to a written request from the city manager.

(o) Notwithstanding the specific provisions of this subsection or any other provisions in this chapter concerning signs, an existing electronic/digital display outdoor advertising sign may be relocated to another location on an interstate highway that contains an existing sign without electronic or digital display meeting the state's requirements contained in RSMo § 226.500 et seq., and the city's Code of Ordinances, except that no relocation shall be permitted:

(1) Along Interstate Highway 49 or that portion of US Highway 71 located south of Interstate Highway 70 to Red Bridge Road;

(2) Within an R zoning classification or within 250 feet of any improvement wholly occupied as residential;

(3) Directed toward and within 500 feet of any residential unit located in an R zoning classification; or

(4) Within 1,400 feet of an existing electronic or digital outdoor advertising sign on the same side of the interstate highway.

6. **MAINTENANCE**

All outdoor advertising signs, including the sign faces, poles, supports, and braces, must be kept in good repair and free from tears, rust, and other indicia of deterioration.

7. **ENFORCEMENT AND RECORDKEEPING**

(a) The city planning and development director is authorized to enforce the provisions of this ordinance.

(b) The city planning and development director must maintain a master record of all outdoor advertising signs in the city by location.

(c) The city planning and development director may order the removal of any outdoor advertising sign that is not maintained as required by this section, or any sign that is not in compliance with any other provision of this section or the Code of Ordinances.

(1) For an outdoor advertising sign that is not being maintained as required by this section, or a nonconforming sign that is not in compliance with the electronic or video technology requirements above, the city planning and development director must provide written notice to the signs record owner of the signs deficiencies, and the owner must be given 30 days from the date of the notice to remove the sign or bring the sign into compliance with these requirements.

(2) For an outdoor advertising sign that is in not in compliance with any other provision of this zoning and development code, the city planning and development director will provide written notice to the signs record owner of the signs deficiencies, and the owner must be given 30 days from the date of the notice to remove the sign.

(3) The city planning and development director's determination that the sign is not in compliance with this zoning and development code may be appealed to the board of zoning adjustment within 15 days of the city planning and development director's determination.

8. **REGISTRATION**

A. All new or existing outdoor advertising signs in Kansas City shall be registered with the City Planning and Development Department.

B. The owner of any existing outdoor advertising sign is required to register each sign within 90 days from the effective date of this ordinance, or within 30 days of the installation of any new sign. If the sign owner does not register the sign within the time periods required herein, the owner of the property on which the sign is located must register the sign within 30 days after the deadline for the sign owner to register the sign.

C. The registration shall identify the size, height and type (electronic, static, trivision, etc.) of each sign, shall include a photograph of the sign face(s) and structure of each sign, shall provide an address, if one is available, the geographical coordinates of the sign location, and a detailed description of its location, shall state the date on which it was installed, if known, and shall provide contact information for a representative of the sign's owner.

D. The registration shall be on a form provided by the City. The Department shall allow electronic registration.

E. Sign registration is transferable and in the event of sale of the sign, the buyer and seller shall be responsible to send written notification of the sale to the Department within 30 days of the sale.

F. Any outdoor advertising sign that is removed or structurally altered (as allowed by the provisions of this Code) shall be reported to the Department within 30 days of such removal or structural alteration.

G. The owner of the sign shall identify each sign by an identification number which shall be placed permanently on the sign, and shall report the identification number to the City with the registration. Said identification number may be the same as the identification number that is used by the Missouri Department of Transportation for such signs located within its jurisdiction. The identification number shall be displayed on both sides of the head of the sign, and shall be at least 6 inches tall if the sign face is at least 300 square feet, or at least 2½ inches tall on smaller signs, and shall be legible from the roadway.

H. The failure to comply with the requirements of this subsection 88-445-14-B-8 shall be a violation of this Zoning and Development Code. An affidavit of the Director stating that the sign in question is not registered in accordance with the requirements herein shall be prima facie evidence of the failure to register.

I. The Director of City Planning and Development may extend any deadlines herein for good cause shown.

(Ord. No. 120817, § A, 12-13-2012; Ord. No. 141042, § A, 1-15-2015; Ord. No. 170365, § A, 5-25-2017; Ord. No. 190514, § 1, 1-9-2020)