COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250440

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-445-15, "Unsafe Signs, Signs in Disrepair and Nonconforming Signs," and enacting in lieu thereof a new section of like number and subject matter for the purpose of allowing a sign to be relocated in the event a condemnation action is initiated by the State of Missouri.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by repealing Section 88-445-15, "Unsafe Signs, Signs in Disrepair and Nonconforming Signs," and enacting in lieu thereof a new section of like number and title for the purpose of allowing a sign to be relocated in the event a condemnation action is initiated by the State of Missouri, with said new section to read as follows:

88-445-15 UNSAFE SIGNS, SIGNS IN DISREPAIR AND NONCONFORMING SIGNS

88-445-15-A. UNSAFE SIGNS

If the city planning and development director find 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 has panel(s) missing, 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 Section 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 sign faces, 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**

Except as otherwise allowed by this Chapter, 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 subsection 4 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 or the State of Missouri to effect the removal of the sign, or the sign is under threat of condemnation by the City or the State of Missouri.

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 sign is to be removed which contains at least two sign faces, each of which is 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~~238 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 sign face(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 sign face, 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 sign faces 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:
    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 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.

4. An application to the Board of Zoning Adjustment is filed within 180 days from the date of the final action in the condemnation proceedings, as may be extended by the Director of City Planning and Development.

g. Reserved.

h. Relocations under this section of signs which are not outdoor advertising signs, as defined in 88-810-1770, are not subject to the conditions set forth in 88-445-15.C.5.d and 88-445-15.C.5.f.

i. 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 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, and notice is given, 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.

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.

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Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

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Sarah Baxter
Senior Associate City Attorney