

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 210898

Amending Chapter 88, Zoning and Development Code, Section 88-445-15.C.5, to revise the requirements for relocation of certain legal nonconforming signs in settlement of condemnation actions. (CD-CPC-2021-00146)

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.C.5, Relocation for Public Purpose, and enacting in lieu thereof a new section of like number and subject matter to read as follows:

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 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 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 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.
- 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.

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 the Zoning and Development Code have been given and had.

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

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Joseph Rexwinkle, Secretary  
City Plan Commission

Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney