

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150407

Amending Chapter 88, Zoning and Development Code, to add Section 88-317, Art, allowing for Artboards to be approved through a Special Use Permit in the Greater Downtown Area, and adding two related definitions. (254-S-307)

WHEREAS, many old outdoor advertising signs remain in Kansas City, creating blight in the City's older neighborhoods; and

WHEREAS, the City's Zoning and Development Code requires that these signs be removed if they have been abandoned, but many still remain; and

WHEREAS, one local artist has proposed to reuse one of these signs to display his original artwork; and

WHEREAS, a few of these signs may be able to be put to productive use and bring more public art to the City; and

WHEREAS, allowing such artboards on a limited basis in a limited area will ensure that this exception to the sign removal requirements will not allow abandoned non-art outdoor advertising signs to remain; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, is hereby amended by adding new Sections 88-317, 88-810-105 and 88-810-683, to read as follows:

88-317. ART

88-317-01. ARTBOARDS

88-317-01-A. INTENT. The purpose of this section is to allow and encourage the reuse of outdoor advertising signs within the Greater Downtown Area as artboards under certain terms and conditions.

88-317-01-B. STANDARDS. The reuse of an existing or former outdoor advertising sign as an artboard may be allowed as either an accessory or principal use by special use permit subject to the following provisions:

- A. No part of the artboard may exceed 20 feet in height as measured from grade.
- B. An artboard shall be a freestanding structure, and may not be attached to a building.
- C. The structure of the artboard must be sound, and must not contain major indicia of disrepair, including rust, holes, or bending of the pole.
- D. The content shall not contain any obscene images or language.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150407

- E. No more than 3% of the content shall comprise text.
- F. An artboard may not contain a commercial message or logo.
- G. An artboard may not use any moving images, electrical or mechanical components, or changing images.
- H. The content may not extend past the established boundary of the artboard.
- I. An artboard may include a plaque displaying the ownership or sponsorship of the artboard with an area no larger than one (1) square foot.
- J. Issuance of a special use permit for an artboard will remove any nonconforming right to use the sign structure as an Outdoor Advertising Sign.
- K. Other than the above restrictions, the content of the artboard will not be a factor in the determination of whether it should be allowed.
- L. An artboard may only be allowed on a site within the Greater Downtown area.
- M. An artboard may only be allowed on a lot containing no other structures or uses.
- N. The Board of Zoning Adjustment may impose conditions of approval, including requiring landscaping or other improvement of the property on which the artboard will be located.

88-317-01-C. REVOCATION OF SPECIAL USE PERMIT In addition to provisions in 88-525-13 Revocation, the special use permit is subject to revocation and the artboard will be ordered to be removed by the Director for any of the following conditions:

- A. If an artboard remains blank for a continuous period of 90 days, that artboard is deemed abandoned and the special use permit is revoked and the entire structure must be removed. For purposes of this section, an artboard is "blank" if:
 - i. There is no content on the face of the artboard; or
 - ii. The content has become faded or otherwise deteriorated from its original condition in whole or substantial part.
- B. If lighting and/or electronic or digital displays are added to the artboard.
- C. If more than 50 percent of the structure's area be damaged or destroyed by any means

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150407

- D. If an artboard is enlarged or extended, or its height increased.
- E. If the faces, poles, supports, and braces of the artboard are not kept in good repair and free from tears, rust, and other indicia of deterioration.

88-810-105 – Artboard – An artboard is an outdoor advertising sign used for the display of original paintings, illustrations and photographs.

88-810-683 – Greater Downtown Area – The area generally bounded by the city limits of North Kansas City on the north, the state line on the west, 31st Street on the south and Woodland Avenue on the east.

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

Secretary, City Plan Commission

Approved as to form and legality:

M. Margaret Sheahan Moran
Assistant City Attorney