X. NON-PLANNING AGENDA

REVISED ITEM

ITEM NO. 1 – 140125…. ORDINANCE: DIGITAL OUTDOOR ADVERTISING

Synopsis:  A revised ordinance permitting digital outdoor advertising signs; amending Chapter 27-722 through 27-739.
ORDINANCE NO. ________________

AN ORDINANCE permitting digital outdoor advertising signs, subject to certain regulations, in Kansas City, Kansas; amending Chapter 27, Article VIII, Sections 27-722 through 27-739 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 27, Planning and Development, Article VIII, Division 11, “Signs”, Sections 27-722 through 27-739 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 27-722. - Definitions and classifications.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign means any outdoor announcement, device, design, figure, trade-mark or logo used for decoration, conveying information, identification, or to advertise or promote any business, product, activity, service or interest placed so as to be seen from outside a building or premises. The definition of "sign" shall include the following:

(1) Changeable message sign means a manually, mechanically or electronically activated sign on which copy is changed two times per day or less. This includes reader boards, gas price signs, and theater marquees, but is not limited to them. Outdoor advertising signs, billboards, poster panels, junior poster panels and painted boards are not changeable message signs.

(2) Electronic message center means a manually, mechanically or electronically activated sign on which copy is changed at a rate of not more than once every 8 seconds. This includes reader boards, gas price signs, and theater marquees, but is not limited to them. Outdoor advertising signs, billboards, poster panels, junior poster panels and painted boards are not electronic message centers.

(3) Detached sign means a single or double-faced sign placed upon or supported by the ground independent of any other structure, including pole or pylon signs and monument signs.

(4) Pole or pylon sign means a detached sign supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the sign face is located three feet or more above the average finished grade at the base of the sign.
(5) **Monument sign** means a detached sign whose sign surface is attached to a proportionate base or structural frame, the width of which shall be a minimum of one-half the width of the widest part of the sign face. Said base shall not exceed a height of three feet above the average finished grade. An enclosed or solid sign base shall not be required if the sign face is within two feet of the average finished grade. The materials of the base of a monument sign shall be either masonry, wood, anodized metal, stone or concrete.

(6) **Portable sign** means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(7) **Projecting sign** means a sign supported by and projecting at a 90-degree angle from a building wall.

(7) **Roof sign** means a sign erected, constructed, or maintained upon or above the roof of a building, or which is wholly dependent upon a building for support and which projects above the cornice or parapet line of a building with a flat roof, or the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard. A mansard having a pitch not exceeding one foot horizontal and three feet vertical is a wall. A mansard having a less vertical slope is a roof.

(8) **Wall bulletin** means a sign painted on the surface of a building or structure or a painted sign or poster which is attached to but does not project more than 12 inches from such building or structure. A wall bulletin is not a bulletin under section 27-737.

(9) **Wall sign or building sign** means a sign attached to and erected parallel to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 12 inches from such building or structure. Signs on awnings, canopies or marquees shall be considered wall signs.

(10) **Flashing sign** means any sign that is internally or externally illuminated by flashing, flowing, alternating, or blinking lights.

(11) **Rotating sign** means any sign surface or sign structure or any portion thereof which rotates, moves, or is animated.

(12) **Sign structure** means the support, upright bracing and framework for any sign.

(13) **Sign surface** means the entire area within a single continuous rectangular, triangular, or trapezoidal shape which encloses all elements that form the display, including any background which is different from or in contrast with any building wall surface upon which it is mounted.

(14) **Signable wall area** means a continuous portion of a building facade below the roofline or major architectural feature as viewed by a person approaching the building consisting of a plane surface. A sign may not extend above the sill level of the second story unless the business establishment to which it pertains is located above the first floor.

(15) **Conversion** – A change in the face type of an outdoor advertising sign from a traditional static outdoor advertising sign face to a digital outdoor advertising sign face, or vice versa, which either maintains or reduces the length and width dimensions of the sign face. A conversion shall include any alterations to the sign structure which are necessary to support the weight of the digital technology as detailed in the requirements set forth in
Sec. 27-723. - Purpose.

The purpose of this division is to recognize the business community's need for effective, individualized identity and public awareness, to guard regulate against and reduce what otherwise might be confusing and objectionable clutter, to promote traffic safety by reducing the visual distraction of motorists to determine placement consistent with traffic safety, to protect property values by enhancing the harmony between residential and commercial uses, and to preserve, protect and promote the public health, safety and general welfare.

Sec. 27-724. - Sign permits.

(a) Required. No sign shall be erected, installed, or altered until a sign permit has been issued by the unified government. No sign permit is required for maintenance. Maintenance includes all care and minor repair that is necessary to retain maintain a safe, attractive and finished structure, frame pole, brackets or surface and which does not enlarge or materially alter any face or display portion of the sign. Replacing a damaged or structurally unsound frame pole with another frame pole of the same size and height shall be considered maintenance. Nothing herein shall prevent the maintenance, repainting, or posting of a legally established nonconforming outdoor advertising sign. With respect to on-premise signage, changing the copy on a sign without changing the sign dimensions shall be considered maintenance if the information, product or service depicted remains the same, if the graphic design is not substantially altered, and if the sign will serve the same business establishment after the change as before. All signs hereafter installed shall have permanently affixed thereto a label clearly visible at all times indicating the number of the permit issued therefor.

(b) Requirements for permits.

(1) For all wall signs, a building elevation drawing shall be required scaling both the size and placement of the sign as well as the dimensions of the wall elevation. The content, lettering, colors and materials of the sign shall be identified.

(2) For all freestanding pole or monument signs, a site plan is required identifying the setback from the property line and the proposed location on the site. The content, dimensions, lettering, colors and materials shall also be identified.

(3) Temporary signs do not require drawings or site plans.

(4) A special use permit shall not be required for the conversion of an existing off-premises outdoor advertising sign to a digital outdoor advertising sign. However, the sign owner/applicant shall apply for and must obtain a sign permit from the Planning Director prior to any conversion. The sign owner/applicant shall provide the following information...
upon forms prescribed by the Planning Director, along with the applicable fee, and shall be
accompanied by a written, detailed plan which sets forth:

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

b. The size in square footage of the existing outdoor advertising signs to be
   removed;

c. The locations of the signs to be removed;

d. The submission of stamped drawings from an engineer, showing required
   structural upgrades and alterations necessary to support the weight of the
   added digital technology necessary for the conversion; and

e. A statement that the signs being removed meet the removal criteria of section
   27-737(f).

(5) Digital outdoor advertising signs shall be permitted on legally established,
existing outdoor advertising sign structures located adjacent to interstate highways,
subject to the requirements of this code.

(Code 1988, § 27-1373; Ord. No. 64690, § 1(27-71.6(A)), 8-30-1984; Ord. No. 65814, § 17, 7-8-
1993)

Sec. 27-725. - Maintenance.

All signs shall be of sound structural quality, be maintained in good repair, have a clean and
neat appearance, and land adjacent shall be kept free from debris, weeds and trash. The light
modules on digital outdoor advertising signs shall be repaired or replaced if they become
broken, burned-out or substantially dimmed. If signs are not maintained as described and the
building official deems them a public safety hazard or nuisance, such signs shall be removed.
Similarly signs that have become obsolete through the closing of a business shall be removed
within six months. The owner of the property shall be responsible for the removal.

Nothing herein shall prevent the maintenance, repainting, or posting of legally established
nonconforming outdoor advertising signs.

Maintenance shall not include the conversion of an existing outdoor advertising sign to a digital
outdoor advertising sign. All such conversions shall be subject to the permitting and fee
requirements specified in this chapter and pertaining to sign permits generally.

(Code 1988, § 27-1374; Ord. No. 64690, § 1(27-71.6(B)), 8-30-1984; Ord. No. 65814, § 18, 7-8-
1993)

Sec. 27-726. Prohibited signs.
The following types of signs shall be prohibited, except where specifically permitted under the provisions of this division:

(1) Any sign that is not otherwise included under types of sign permitted in this division.

(2) Any roof sign, wind or banner sign, portable signs, pennants, search lights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons and other gas filled objects.

(3) Any sign mounted on a platform, trailer, or motor vehicle, whether operable or inoperable, which sign may be placed on or near the premises of the business being advertised. Such prohibition shall not extend to trucks or other legitimate carriers and delivery vehicles that may be parked on such premises in the course of their normal operations.

(4) Any sign located in a public or private right-of-way, railroad rights-of-way or public and private utility easements, except those signs required by governmental authority.

(5) Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency vehicle, or which hides from view any traffic or street sign or signal or device.

(6) Any sign giving false statements concerning zoning or land use.

(7) Electronic message centers except for time and temperature signs and except as otherwise may be permitted.


Sec. 27-727. District sign requirements.

No sign shall be erected, installed or altered except in conformance with the following chart and the provisions of this division:

<table>
<thead>
<tr>
<th>District</th>
<th>Wall Signs</th>
<th>Detached Signs</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>(Includes Planned District Equivalent)</th>
<th>Number (Maximu m of One Per Facade)</th>
<th>Area (As Percentag e of Signable Wall Area)</th>
<th>Number</th>
<th>Pole or Pylon</th>
<th>Monument</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Area (Per Sign Face)</td>
<td>Height (Overall Sign Height)</td>
</tr>
<tr>
<td>A-G, R, R-1, R-2, R-2(B)</td>
<td>1</td>
<td>5 percent (Not to exceed 35 square feet)</td>
<td>(Signs permitted for nonresidential uses only, i.e., churches, orchards, etc.)</td>
<td>1</td>
<td>25 square feet</td>
</tr>
<tr>
<td>R-3, R-4, R-5, R-6, R-M</td>
<td>1</td>
<td>5 percent (Not to exceed 75 square feet)</td>
<td></td>
<td>1</td>
<td>25 square feet</td>
</tr>
<tr>
<td>C-O</td>
<td>3</td>
<td>5 percent (Not to exceed 75 square feet)</td>
<td>(in lieu of one permitte d wall sign)</td>
<td>1</td>
<td>25 square feet</td>
</tr>
<tr>
<td>C-1</td>
<td>2</td>
<td>7 percent</td>
<td></td>
<td>1</td>
<td>50 square feet</td>
</tr>
<tr>
<td>C-D</td>
<td>3</td>
<td>7 percent</td>
<td>(in lieu of one permitte d wall sign)</td>
<td>1</td>
<td>50 square feet</td>
</tr>
<tr>
<td>C-2, C-3, M-1</td>
<td>3</td>
<td>7 percent</td>
<td>(in lieu of one permitte d wall sign)</td>
<td>1</td>
<td>75 square feet</td>
</tr>
</tbody>
</table>

For each one foot additional setback, one foot additional height and two square feet in area are permitted up to the maximums for pole or pylon signs.

(8 feet 5 feet)

(5 feet 5 feet)

(5 feet 5 feet)

(5 feet 5 feet)
### Sec. 27-728. Signs not requiring permits.

No permits are required for the following signs:

1. **For sale/lease signs.** One nonilluminated "for sale" or "for rent" sign shall be allowed for each lot, not to exceed eight square feet in area in single-family or two-family zoning districts, and not to exceed 32 square feet in area in all other zoning districts.

2. **Construction site signs.** One nonilluminated sign not more than 64 square feet in area shall be allowed on each street frontage of a construction site, showing names of architects, engineers, builders or contractors, funding sources, sales and/or leasing information of a building or development being constructed, provided such signs shall be removed upon completion of the project.

3. **Directional signs.** Signs for the direction of automobile traffic may be permitted for parking lots and for businesses with drive-in or drive-through facilities. No directional sign shall exceed five square feet per sign face, nor three feet in overall height, and shall not advertise a business or product. No setback shall be required.
Flags. Official flags of government jurisdiction, including flags indicating weather conditions and flags that are emblems of religious, charitable, public and nonprofit organizations shall be allowed. A single corporate flag shall be permitted in conjunction with at least one governmental flag. No flag shall exceed 50 square feet in area.

Menu boards. Signs listing the menu and prices may be permitted for restaurants with drive-in or drive-through facilities. A menu board shall not exceed 36 square feet in sign area.

Incidental signs.

a.

Signs not exceeding four square feet in area that are customarily associated with residential use and that do not advertise off-site activities, such as signs giving property identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to private parking, political signs or signs warning the public against trespassing or danger from animals shall be allowed.

b.

Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and address of the occupant shall be allowed. Such signs shall not exceed four square feet. Where multiple tenants share the same rear door, the sign may display the names and address of each tenant.

c.

In lieu of an otherwise permitted detached sign, a painted sign may be placed on a fence in the M2 general industrial or M3 heavy industrial districts so long as it does not exceed 16 square feet in area.

Window signs. In all business and commercial districts, signs inside the building but clearly visible from outside the building are permitted, provided that not more than 25 percent of the total window area may be utilized.

Sec. 27-729. Multiple building complexes/large buildings.

(a) In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project.

(b) In districts CO through M-3 and the planned district equivalents, multitenant centers, multiple buildings complexes, or projects of unified design or control are permitted one wall sign for each occupant with facade frontage meeting the area requirements as set out in section 27-727. Each such center or multitenant building will be allowed one detached sign meeting the area, height and setback requirements as set out in section 27-727, where such center, complex or building includes over 20,000 square feet of building area, the detached sign shall be permitted to be up to one-third larger than otherwise permitted in that district. Where such a center has more than one main building (as opposed to an accessory building), each additional main building is permitted one monument sign meeting area, height, and setback requirements for monument signs set out in the sign chart. In addition, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not more than five feet may be permitted for each additional street frontage.

(c) In planned commercial and industrial districts CPO through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:

(1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height.
with a setback of 25 feet to any property line, measured from the leading sign edge.

(2) If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.

(3) A theater listing may be permitted with planning commission approval as part of a center identification sign.

(4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign.

(5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

(d) Individual businesses in multitenant buildings in the CI or CPI districts are permitted, in lieu of the basic seven percent maximum, to have a wall sign up to 25 square feet in area so long as the sign does not exceed ten percent of the wall area.

(e) In districts CP-O through MP-3, single tenant buildings of more than 100,000 square feet may have one wall sign on each building facade in addition to any permitted detached sign. Signage area shall be as allowed under section 27-612.

Sec. 27-730. - Surface restrictions.

(a) No sign shall flash or rotate, provided, however, that signs identifying time and temperature may be permitted and electronic message centers may be permitted as set out in section 27-737. Manually and mechanically activated changeable message signs shall be allowed, but such signs shall have actual areas doubled in calculating permitted sign area. Only that portion of the sign face that is changeable will be subject to this limitation. In addition, the changeable message portion of pole or monument signs shall not include the entire area of the pole or monument sign. Portable signs shall not be converted directly for use as a pole or monument sign.

(b) Up to 25 percent of the surface of any face of any marquee, canopy, facia, or wall may be backlighted so long as it is ornamental or decorative in purpose and does not employ any logo, trademarks, or patterns exclusive to the company and/or business in question. Similarly, awnings may be backlighted to the extent of one quarter of the wall area to which they are attached. Such backlighted area shall be in addition to signage areas allowed under section 27-612.


Sec. 27-731. Sight distance at intersections.

No sign that obstructs the view shall be allowed within the sight triangle of a street intersection, as provided in division 8 of this article.

(Code 1988, § 27-1381; Ord. No. 64690, § 1(27-71.6(E)), 8-30-1984)

Sec. 27-732. Flags.

Official flags of government jurisdiction, including flags indicating weather conditions and flags that are emblems of religious, charitable, public, and nonprofit organizations shall be allowed. A single corporate flag shall be permitted in conjunction with at least one governmental flag. No flag shall exceed 50 square feet in area.

(Code 1988, § 27-1384; Ord. No. 64690, § 1(27-71.6(G)), 8-30-1984; Ord. No. 65658, § 6, 9-5-1991)

Sec. 27-733. Projecting building signs.
(a) One projecting building sign shall be allowed in lieu of one allowable detached sign on any commercially zoned structure having a zero setback from the front property line.

(b) Area and placement shall be as follows:

1. No projecting building sign shall exceed 20 square feet per sign face.

2. No projecting building sign shall project more than four feet or one-third of the sidewalk width from the wall of the supporting building, whichever is greater.

3. The lower edge of a projecting building sign shall be no closer than ten feet to any sidewalk nor 14 feet to any street or alley surface where vehicles may pass below. The upper edge of a projecting building sign shall not extend vertically above the eave line of a single-story structure nor above the second story line of a multistory structure.

4. All projecting building signs shall be attached at right angles to the supporting structure and may be anchored no more than six inches from the structure.

(Code 1988, § 27-1385; Ord. No. 64690, § 1(27-71.6(I)), 8-30-1984)

Sec. 27-734. Special event display.

Portable signs and banner signs may be erected on the premises of an establishment having a grand opening or special event, provided that such signs shall be displayed for a period not to exceed seven calendar days within any six-month period. Balloons and search lights shall be considered as portable signs for special event displays. Banner signs of up to 50 square feet may be displayed for such special events as wall signs for up to a 30 day period within any six-month period.


Sec. 27-735. Residential land development signs.
(a) Each residential land development shall be permitted two monument signs for each public street entrance into the development. Said signs shall not exceed five feet in height nor 40 square feet in area and shall identify the name and logo of the development only. Where a permitted sign is proposed to be incorporated into a larger structure such as a wall, entrance gate, fence or other substantial structure, the structure shall not exceed more than eight feet in height and the area of copy shall not exceed 32 square feet in area.

(b) Any residential land development offering lots or dwellings for sale shall be allowed two off-site signs of no greater than 32 square feet in area. Such signs shall be located entirely on private property, have written permission from the landowner, and be located at least 660 feet from interstate highway right-of-way unless on commercially or industrially zoned land. Such a sign shall be removed within two years after issuance of a sign permit unless a special use permit is granted for an additional period.

(Code 1988, § 27-1387; Ord. No. 64690, § 1(27-71.6(K)), 8-30-1984; Ord. No. 65814, § 25, 7-8-1993)

Sec. 27-736. Wall bulletins.

One wall bulletin shall be allowed in lieu of one allowable wall sign; provided, however, that no wall bulletin shall exceed 75 square feet in area.

(Code 1988, § 27-1389; Ord. No. 64690, § 1(27-71.6(M)), 8-30-1984)

Sec. 27-737. - Outdoor advertising signs.

(a) Compliance. No outdoor advertising sign shall be erected, installed or structurally altered except in conformance with the requirements of this section.

(b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bulletin means an outdoor advertising sign between 300 and 925 square feet in sign surface.

Digital outdoor advertising sign means an outdoor advertising sign which has a computer controlled board that displays an image through the use of Light Emitting Diode Display (LED) or similar technology.

Junior poster panel means an outdoor advertising sign not exceeding 100 square feet in sign surface. Junior poster panels may not be digital outdoor advertising signs.
Outdoor advertising sign means a sign advertising or directing attention to a name, a business, product, development, or service which is offered, manufactured, or sold at a location other than the zoning lot upon which it is situated, commonly known as billboards. The use of the term “outdoor advertising sign” in this chapter shall include within its meaning digital outdoor advertising signs, unless otherwise provided.

Poster panel means an outdoor advertising sign between 100 and 300 square feet in sign surface.

(c) District sign requirements. Outdoor advertising signs shall be allowed only in the M-2 and M-3 zoning districts. In addition:

(1) In the M-2 zoning district, only junior poster panels and poster panels shall be allowed, not to exceed 300 square feet in sign surface area.

(2) In the M-3 zoning district, junior poster panels and poster panels shall be allowed. A bulletin whose sign surface does not exceed 925 square feet shall be allowed when adjacent to freeways and expressways as defined by the unified government's major street plan.

(d) Prohibited areas. Regardless of zoning district, outdoor advertising signs shall be prohibited on the following streets:

(1) Grandview Boulevard from 9th Street to Park Drive.
(2) Hoel Parkway from Minnesota Avenue to Washington Boulevard.
(3) Meadowlark Lane from State Avenue to Parallel Parkway.
(4) Parallel Parkway from 3rd Street to the western city limits.
(5) Park Drive from 18th Street to 38th Street.
(6) Parkwood Boulevard from 10th Street to Brown Avenue.
(7) Rainbow Boulevard from Southwest Boulevard to County Line Road.
(8) Washington Boulevard from 3rd Street to Orville Avenue.
(9) Wilson Boulevard from Grandview Boulevard to 23rd Street.
(10) 57th Street from K-32 Highway to State Avenue.
(11) 59th Street from Parallel Parkway to Leavenworth Road.
(12) 77th Street from Parallel Parkway to Leavenworth Road.
(13) 78th Street from K-32 Highway to Parallel Parkway.
(14) 107th Street/110th Street/Hutton Road from I-70 Highway to Wolcott Drive/95th Street/K-5 Highway.

Outdoor advertising signs, except for digital outdoor advertising signs, shall be permitted on Argentine Boulevard, Southwest Boulevard, and Quindaro Boulevard, their boulevard designation notwithstanding.
(e) **Sign permits.** Prior to the issuance of a permit for an outdoor advertising sign, except for the issuance of a sign permit for a conversion from an outdoor advertising sign to a digital outdoor advertising sign, a development plan for any proposed sign shall be submitted delineating the arrangement of improvements, landscaping and screening, including the topographical conditions within 200 feet of the proposed sign location. The plan shall be drawn to a suitable scale and shall include:

1. Limits of property ownership.
2. Location of existing outdoor advertising signs within a radius of 1,000 feet.
3. Outline of all structures within 500 feet of property in accompanied by their address numbers.
4. Zoning district for the property on which the sign is to be located, as well as the or districts of adjacent properties.
5. Location of sign on proposed property showing setbacks from all property lines.
6. Dimensioned elevation drawings delineating sign surface and structure.
7. Description of size and type of sign.
8. Relationship of proposed sign to existing and proposed streets and to other public ways.
9. Any additional information which may be required by the planning commission, including contour lines with intervals of not greater than five feet, which shows the applicant's intention to comply with the provisions of this division.
10. Area locator map.
11. Site plan must indicate any flood zones and floodways.

(f) With respect to a digital outdoor advertising sign permit, as a condition of approval, the owner/applicant shall, at his or her sole expense, comply with the following requirements:

1. In the case of poster boards and junior poster boards, no less than two and a half times the square footage of existing conforming or nonconforming outdoor advertising poster or junior poster board signage in Kansas City, Kansas shall be removed contemporaneously with the conversion of the approved digital advertising sign of the same square footage;
2. In the case of bulletin boards, no less than one and a half times the square footage of existing conforming or nonconforming outdoor advertising bulletin signage in Kansas City, Kansas shall be removed contemporaneously with the conversion of the approved digital advertising sign of the same square footage.

(g) Failure of the owner/applicant to remove the existing outdoor advertising signage within thirty (30) days of the completed conversion of any new digital outdoor advertising sign shall
constitute non-compliance with this section and shall be grounds for revocation of the owner/applicant’s permit for the digital outdoor advertising sign. A conversion shall be deemed complete when all supporting structures, cabinets and electronic fixtures have been installed, even if messages have not yet begun displaying on the digital outdoor advertising sign. A written affidavit from the owner/applicant stating that removal has been completed shall be filed with the Planning Director within seven (7) business days after the thirty (30) day removal period. Failure to provide the affidavit within seven (7) business days after the thirty (30) day removal period shall result in a $1000.00 fine for every day that the applicant fails to provide the affidavit.

(h) The exact locations of any conforming or nonconforming outdoor advertising sign or signs that are removed pursuant to this section shall continue to be used for the purpose of future calculations regarding spacing between outdoor advertising signs and digital outdoor advertising signs, such that the removal of one outdoor advertising sign does not allow for construction of a new outdoor advertising sign in the same area.

(i) No owner/applicant shall be allowed to have more than seven (7) permits for digital outdoor advertising sign surfaces in Kansas City, Kansas at any one time.

(j) Maintenance. In the event that an outdoor advertising sign is abandoned, or is not reasonably maintained for a period of three months, the building official shall proceed against the property owner or sign company of record by appropriate legal remedy to obtain compliance with the requirements hereof. The building official shall not approve subsequent sign permits by the owner of record of any sign that remains in violation of this section.

(k) Surface restrictions.

   (1) No portion of an outdoor advertising surface shall be more than 22 feet high. Where not located along a freeway or expressway, the vertical dimension shall be no more than 17 feet high.

   (2) No sign surface shall be more than 53 feet wide.

   (3) No sign surface shall be larger than 925 square feet in area.

   (4) Two sign surfaces located one above the other or side by side which have parallel sign surfaces visible from the same position, are located on the same sign structure, and collectively would not exceed the sign surface requirements for subsections (g)(1)—(g)(3) of this section for height, width, and area of a single sign surface, shall not be prohibited by this requirement.

   (6) Animated, flashing or rotating sign surface and beacons shall be prohibited.

   (7) Except for digital outdoor advertising signs, sign copy on outdoor advertising signs shall not be changed more than once every twelve hours.

(l) Performance standards for digital outdoor advertising signs. Digital outdoor advertising signs may be permitted on existing off-premise outdoor advertising sign structures and shall comply with the requirements set forth in this section in addition to all other applicable requirements of this chapter. A stacked or side-by-side sign is not allowed under this section. Digital outdoor advertising signs shall not be permitted on outdoor advertising sign structures newly erected after the effective date of this section.
Operational limitations. Digital outdoor advertising signs shall contain static messages only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static message shall not include any flashing or the varying of light intensity and the message shall not scroll.

Minimum display time. Each static message on the sign must be displayed for a minimum of (8) eight seconds duration. Message changes shall be completed instantaneously and shall be imperceptible. All transition effects are prohibited.

Digital outdoor advertising signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter.

Each digital outdoor advertising sign must have a light sensing device that will adjust the brightness as ambient light conditions change.

The technology currently being deployed for digital outdoor advertising signs is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that complies with the Performance Standards for digital outdoor advertising signs including the maximum brightness levels as stated in paragraph 3 above shall be permitted.

All digital outdoor advertising signs shall be operated with systems and monitoring in place to either turn the display off or show “full black” on the display in the event of a malfunction.

All digital outdoor advertising signs shall be designed that in the event of a catastrophic power surge, the sign will go dark or will have maximum brightness limitations in place.

Digital outdoor advertising sign operators shall provide for regional emergency announcement and alerts to be displayed on the digital outdoor advertising sign without charge and on an as-needed basis. Including but not limited to Amber Alerts, tornado warnings, flood warnings or such other alerts that may be issued by first responders.

Sign height. No sign structure or surface shall project higher than 40 feet above the average finished grade measured at the base of the sign structure. If a street or highway surface to which the sign is oriented is higher than the average finished grade elevation at the base of the sign structure, the higher street elevation may be used in determining the permitted height. In no case shall the height exceed 80 feet above the average finished grade elevation at the base of the sign structure. There shall be an open space of at least ten feet between the bottom of the sign surface and the finished grade elevation at the base of the sign structure.

Sign setback. No sign shall be closer than 25 feet to any property line. When a sign is located adjacent to residentially zoned property, the sign setback shall be equal to the overall sign height or the most restrictive setback, whichever is greater.

Sign spacing.

(1) No new sign shall be less than 250 feet from any existing outdoor advertising sign
surface. When adjacent to a freeway or expressway or class A thoroughfare, the minimum distance shall not be less than 1,000 feet. The required distance shall be measured along the centerline of the frontage street or streets from a point opposite any edge of a sign surface and perpendicular to the street's centerline. For the purpose of this division, frontage street or streets shall include exit and entrance ramps associated with the freeway or expressway or class A thoroughfare system as well as the main traveled roadway. Any sign that is farther than 660 feet from freeway, expressway or class A thoroughfare right-of-way shall not be considered adjacent. Double-faced sign structures having parallel sign surfaces and adjacent sign structures having touching sign surfaces with an angle no greater than 90 degrees between sign surfaces, and not exceeding the sign surface requirements, shall not be prohibited by this requirements.

(2) No sign shall be located within 500 feet of a publicly owned park or publicly owned building.

(3) No sign shall obstruct clear vision of any road or railroad intersection.

(4) No sign shall be erected which obstructs any authorized traffic-control device.

(5) No sign shall be erected which blocks the surrounding view within 500 feet of a residential structure located in a residential zoning district. When determining if a sign would block the view from a residential structure, the planning commission shall consider topographical conditions, sign elevation, sign placement, sign dimensions, sign lighting, and amount of view that would be obstructed.

(p) Roof signs. No new outdoor advertising sign shall be located on or above the roof of any building.

(q) Landscaping. All yard areas not covered by sign structures or paved areas and within 15 feet of the sign shall be landscaped with such landscaping continuously maintained. If the grade at base of the sign is altered, proper drainage for surface water shall be provided by the sign company of record.

(r) The provisions of Section 27-737 are declared to be not severable and if any provision, word, phrase or clause of Section 27-737 or the application thereof to any person or other entity shall be held invalid, such invalidity shall cause the remaining portions of Section 27-737 to be invalid.


Sec. 27-738. Freeway and expressway signage.

(a) Generally. On sites meeting all the location and other requirements set out in this section, larger and taller detached signs are allowed. This is in deference to the higher speeds and limited access on freeways and expressways. The provisions of this section do not allow for any additional signs nor does this section allow
center identification signs to be larger or taller than allowed under the provisions of section 27-729(c).

(b) Standards.

(1) **Minimum frontage.** Two hundred feet continuous linear feet of property abutting freeway or expressway right-of-way.

(2) **Sign location.** No more than 100 feet from the freeway or expressway right-of-way and where adjacent only to the entrance or exit ramps, no more than 250 feet from the nearest portion of the actual paved ramp.

(3) **Sign orientation.** Sign face must be oriented toward the expressway or freeway.

(4) **Sign setback.** As set out in section 27-727.

(5) **Sign height.** The maximum sign height allowed shall be twice that set out in section 27-727, as measured from the finished grade at the edge of the freeway or expressway right-of-way nearest the sign to the top of the sign.

(6) **Sign area.** The maximum sign area allowed shall be twice that set out in section 27-727.

(Code 1988, § 27-1396; Ord. No. 65567, § 5, 9-20-1990)

Sec. 27-739. – Special on-site signage

(a) This section is established in reference to the special signage needs of major community entertainment and recreational attractions. Under section 27-593(a)(7) a special use permit may be approved that supersedes the provisions of this article to the extent designated and may be more and/or less restrictive than the provisions of this article. Such special on-site signage may only be approved for entertainment and/or recreational attractions which have improvements capable of serving at least 1,000 patrons at a time, or entertainment, shopping and/or recreational facilities of regional significance and unique to the community.
(b) In addition to the factors to be considered for all special use permits, the planning commission and unified government board of commissioners shall consider the purposes set out under section 27-723 as well as the attractiveness, quality, and durability of the proposed signage.

(c) No such request shall be approved until an overall set of sign standards for all exterior signs within the development in question has been submitted. The size, color, materials structures, styles of letters, appearance of any logo, type of illumination and locations shall be set out in such standards.


PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ______ DAY OF _________________________, 2015.

Mark Holland, Mayor/CEO

Attest:

______________________________
Unified Government Clerk

Approved as to form:

______________________________
Patrick Waters
Legal Department
I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION GIVEN BY REVEREND MICHAEL MAY, ST. LUKE’S LUTHERAN CHURCH

IV. PLEDGE OF ALLEGIANCE

V. REVISIONS TO JANUARY 29, 2015 AGENDA

VI. CLERK’S STATEMENT
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. NON-PLANNING CONSENT AGENDA

X. NON-PLANNING AGENDA

XI. ADJOURN

SERGEANT-AT-ARMS: MAJOR RODNEY SMITH
VII. PLANNING AND ZONING CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2014-66 – FRANK LAVENDER

SYNOPSIS: Renewal of a Special Use Permit (#SP-2012-23) for a dirt and rock fill at 3924 North 49th Drive, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (100195)

2. #SP-2014-74 – MICHAEL R. JOHNSON

SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-2) for an event hall in conjunction with a specialty dress shop and office space/storage at 735 Minnesota Avenue, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (130211)

3. #SP-2015-1 – RHONDA HALL-SMITH WITH DIMPLES & DIAPERS

SYNOPSIS: Special Use Permit for a day care center at 3202 West Barker Circle, submitted by Robin H. Richardson, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL FOR TWO (2) YEARS) (150006)

B. MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

1. AN ORDINANCE rezoning property at 5430 State Avenue (#3081) from C-1 Limited Business District to R-1 Single Family District, submitted by Robin H. Richardson, Director of Planning, 573-5774. (140403)

2. AN ORDINANCE rezoning property at 4458 State Line Road (#3064) from C-1 Limited Business District to TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, Director of Planning, 573-5774. (140050)

3. AN ORDINANCE rezoning property at 81 North Mill Street (#3069) from R-1 Single Family District to TND Traditional Neighborhood Design District, T-5 Urban Center, submitted by Robin H. Richardson, Director of Planning, 573-5774. (070585)

4. AN ORDINANCE rezoning property at 240 South 65th Street (#3073) from MP-2 Planned General Industrial District to MP-2 Planned General Industrial District, submitted by Robin H. Richardson, Director of Planning, 573-5774. (140135)
5. **AN ORDINANCE** rezoning property at 2933 South 47th Street (#3078) from A-G Agriculture and C-1 Limited Business Districts to CP-1 Planned Limited Business District, submitted by Robin H. Richardson, Director of Planning, 573-5774. (140345)

6. **AN ORDINANCE** vacating utility easements at 10621 Parallel Parkway (#U/E-2014-7), submitted by Robin H. Richardson, Director of Planning, 573-5774. (140408)

**VIII. PLANNING AND ZONING NON-CONSENT AGENDA**

No items

**IX. NON-PLANNING CONSENT AGENDA**

1. **ORDINANCE (140419)**

   **SYNOPSIS:** An ordinance relating to Chapter 7 Animals, submitted by Jenny Myers, Legal.

   *On January 8, 2015, the commission voted unanimously to approve the proposed amendments to the animal code to increase the maximum number of animals, adopting Trap, Neuter and Release (TNR), along with other changes. This ordinance captures all the amendments as discussed and approved.*

**X. NON-PLANNING AGENDA**

1. **ORDINANCES: DIGITAL OUTDOOR ADVERTISING (140125, 140298, 140299)**

   **SYNOPSIS:** Three ordinances relating to digital outdoor advertising, submitted by Patrick Waters, Legal.

   - Update/discussion

   *On December 18, 2014, the commission voted unanimously to hold this item over until January 29, 2015.*

**XI. ADJOURN**
None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2013.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.
To: Unified Government Board of Commissioners

From: City Staff

Date: January 29, 2015

Re: Petition #SP-2014-66 (100195)

GENERAL INFORMATION

Applicant:
Frank Lavender

Status of Applicant:
Owner
2615 North 38th Street
Kansas City, KS 66104

Requested Action:
Renewal of a special use permit

Date of Application:
August 28, 2014

Purpose:
Renewal of a special use permit
to add earth to this site

Property Location:
3924 North 49th Drive

Existing Zoning:
R-1 Single Family District
Existing Surrounding Zoning: 
- **North:** R-1 Single Family District
- **South:** R-1 Single Family District
- **East:** R-1 Single Family District
- **West:** R-1 Single Family District

Existing Uses: 
- **North:** BPU Nearman power plant, agriculture
- **South:** Wooded, rural residential
- **East:** Wooded, rural residential
- **West:** Wooded, rural residential

**Total Tract Size:** 44 acres

**Master Plan Designation:** Rural Density Residential

**Major Street Plan:** Dickinson Road is a Class B thoroughfare in the Major Street Plan although it is largely unimproved. 55th Street/Nearman Drive and 49th Drive are designated as collector streets.

**Advertisement:** The Wyandotte Echo – September 18, 2014

**Public Hearings:** January 12, 2015 and January 29, 2015

**Public Opposition:** No one appeared in opposition at the January 12, 2015 City Planning Commission meeting.

---

**PROPOSAL**

**Detailed Outline of Requested Action:** This is a renewal of a special use permit to add about 9,190 cubic yards to a 44 acre site at 3924 North 49th Drive. About 9 acres would be disturbed. The disturbed area is narrow, near 49th Drive and widens as the access road extends about a half mile to a future home site overlooking the Missouri river.

**City Ordinance Requirements:** 27-1251 through 27-1270

---

**FACTORS TO BE CONSIDERED**

1. **The Character of the Neighborhood.**
   
   The neighborhood is rural in nature.

2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**
   
   The zoning and uses are set forth above. With the proper management, this use will not have to be a nuisance.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

   The property is zoned R-1 single family. This application has a neutral effect on nearby property.

4. **The length of time the property has remained vacant as zoned.**

   The property has never been developed.

5. **The degree of conformance of the proposed use to the Master Plan.**

   The Master plan is not applicable to special use permits for fill.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

   This is not foreseen to be an issue.

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

   If the project continues to be managed properly, this will not be an issue.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

   Dust is a natural occurrence when filling a site. This site will create a typical amount for a lot this size.

9. **Whether the proposed use will pollute the air, land or water.**

   The applicant must continue to use the prescribed erosion control measures.

10. **Whether the use would damage or destroy an irreplaceable natural resource.**

    If the applicant continues to follow the city standards, this should not be an issue.

11. **The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

    This is not foreseen to be an issue

12. **Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**
Staff does not foresee this becoming an issue.

**PREVIOUS ACTIONS**

In June of 2005, this application was considered and approved only for on-site grading and no addition of earth to this site. A significant reason for this was that no route was determined to be acceptable for getting the dirt off the property to an adequately improved street. In 2007 a special use permit was approved for the addition of earth with a route specified by the Public Works Department. On January 7, 2010, that permit was again renewed for two years.

**NEIGHBORHOOD MEETING**

The applicant held a neighborhood meeting on September 24, 2014. There was one (1) person present but did not express any opposition.

**KEY ISSUES**

1. Length of time of permit
2. Prior stipulations

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-66, subject to:

This application has come before Planning Commission multiple times over the last ten (10) years. Staff supports the approval of this application, subject to all prior stipulations laid out in prior staff reports (listed below) as well as with the stipulation that this is the last two (2) year period for which it will be approved.

**PREVIOUS Urban Planning and Land Use Comments:**

- A. Portions of this property are located in a flood area. To ensure that fill is not occurring in this area, staff is requesting that the applicant add zone A to the proposed grading plan.
- B. A phased removal plan creates at least two specific fill areas with the first being largely completed prior to proceeding to the second. This reduces the amount of bare material exposed to water, wind and visibility. Permission would be necessary to move from one phase to the next.
- C. Approval for no more than two (2) years.
- D. The following operational conditions:
  1. Hours being limited to 7:00 a.m. to 5:30 p.m.
  2. Meeting the commitment set out on the submitted plans
  3. A water truck should be readily available and utilized at any time dust could be a problem.
4. The access to this property being paved as necessary so that tracking can be minimized.

5. The petitioners agreeing to remedy, repair or clean up any damage to adjacent property owners occasioned by the washing of silt or other erosion.

6. Adherence to erosion control and storm drainage requirements must be met with conformance to Appendix J of the 2003 International Building Code.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

PREVIOUS Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) Provide statement describing what work has been accomplished since previous Special Permit was issued.
   2) Parcel is located within Flood Plain. Site Plan shall include the floodplain designation, FIRM map panel and date.
   3) No work is allowed within the floodplain without review and UG approval. Work within the floodplain may require permits from State of Kansas DWR.

B. Items that are conditions of approval (stipulations):
   1) Access to Leavenworth Road via North 49th Drive is prohibited. Access from site shall be North 49th Drive north to Dickinson Road, west to Nearman Drive and south on North 55th Street to Leavenworth Road.
   2) Land Disturbance Permit is required.

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) Roads not constructed to UG Standards will not be accepted for public maintenance.
   2) Drainage study per UG Criteria is required to evaluate culvert sizing.
   3) Separate review of Erosion Control Plans will be required for the Land Disturbance Permit. Plans shall include twice a year seeding of disturbed areas (to match fall & spring planting seasons). Preliminary plans submitted indicate that a sediment trap should be considered for use on this site.
STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Petition #SP-2015-66 subject to the comments and suggestions.

ATTACHMENTS

January 12, 2015 City Planning Commission Minutes
Sketch
Pictures
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Use Approval</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STAFF CONTACT: Jamie Ferris jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2014-66 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ________________________________;

2. ________________________________; And

3. ________________________________.

OR

I move the Unified Government Board of Commissioners DENY Petition #SP-2014-66 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.
JANUARY 12, 2015 CITY PLANNING COMMISSION MINUTES:

100195 SPECIAL USE PERMIT APPLICATION #SP-2014-66 – FRANK LAVENDER –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2012-23) for a dirt and rock fill at 3924 North 49th Drive

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 12, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Mr. Escobar, seconded by Mr. Ernst, the Planning Commission voted as follows to APPROVE the items on the Consent Agenda:

Carson Aye
Connelly Aye
DeWitt Aye
Ernst Aye
Escobar Aye
Gonzalez Age
Huey Not Present
Hurrelbrink Chairman
Pauley Not Present
Schwartzman Aye
Walker Aye

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

This application has come before Planning Commission multiple times over the last ten (10) years. Staff supports the approval of this application, subject to all prior stipulations laid out in prior staff reports (listed below) as well as with the stipulation that this is the last two (2) year period for which it will be approved.
PREVIOUS Urban Planning and Land Use Comments:

A. Portions of this property are located in a flood area. To ensure that fill is not occurring in this area, staff is requesting that the applicant add zone A to the proposed grading plan.

B. A phased removal plan creates at least two specific fill areas with the first being largely completed prior to proceeding to the second. This reduces the amount of bare material exposed to water, wind and visibility. Permission would be necessary to move from one phase to the next.

C. Approval for no more than two (2) years.

D. The following operational conditions:
   1. Hours being limited to 7:00 a.m. to 5:30 p.m.
   2. Meeting the commitment set out on the submitted plans
   3. A water truck should be readily available and utilized at any time dust could be a problem.
   4. The access to this property being paved as necessary so that tracking can be minimized.
   5. The petitioners agreeing to remedy, repair or clean up any damage to adjacent property owners occasioned by the washing of silt or other erosion.
   6. Adherence to erosion control and storm drainage requirements must be met with conformance to Appendix J of the 2003 International Building Code.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
PREVIOUS Public Works Comments:
A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) Provide statement describing what work has been accomplished since previous Special Permit was issued.
   2) Parcel is located within Flood Plain. Site Plan shall include the floodplain designation, FIRM map panel and date.
   3) No work is allowed within the floodplain without review and UG approval. Work within the floodplain may require permits from State of Kansas DWR.
B. Items that are conditions of approval (stipulations):
   1) Access to Leavenworth Road via North 49th Drive is prohibited. Access from site shall be North 49th Drive north to Dickinson Road, west to Nearman Drive and south on North 55th Street to Leavenworth Road.
   2) Land Disturbance Permit is required.
C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) Roads not constructed to UG Standards will not be accepted for public maintenance.
   2) Drainage study per UG Criteria is required to evaluate culvert sizing.
   3) Separate review of Erosion Control Plans will be required for the Land Disturbance Permit. Plans shall include twice a year seeding of disturbed areas (to match fall & spring planting seasons). Preliminary plans submitted indicate that a sediment trap should be considered for use on this site.
MINUTES:

Application Number #SP-14402-00056 (Ref.2014-66)
Date and Location: Sept. 24, 2014 @ 3535 N.49th Dr. Kansas City Ks.
Meeting called to order at: 5:00 Pm.
Names of people in attendance: See sign in sheet.

Introductions: Feel free to ask questions of concern about this project.

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):
  ➢ Who asked question or gave comment
  ➢ What was the question or comment
  ➢ Who answered the question/comment
  ➢ What was the answer given

Meeting adjourned at:

Minutes taken by: [Signature]

#SP-2014-66 January 29, 2015
Sept. 24, 2014

Meeting Minutes

Meeting started at 5:00 PM at 3535 N. 49th Dr. one person was present.

Mr. Richard Mareske my next door neighbor to the west said attended just to meet me but did ask some questions.

Q. what are your plans?
A. To remove and relocate dirt for a future home site.

Q. what price range?
A. Approx. 200K

Q. when he decide to build a new home would he be able to use my road to access his property?
A. More than likely.

Q. Would he be able to connect to the water main when I run my water line?
A. I would have to check with BPU to see what all that involves.

Meeting adjourned at 5:30 and we went to the site and I showed him what I proposed to do he said ok no problem and left to go home.

Minutes taken by Frank Lavender 9-24-2014
Sign in Sheet

Sept. 24, 2014

3535 N. 49th Dr.

1. Rick Maroto

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas )

COUNTY OF Wyandotte ) SS:

Comes now Frank Lavender, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-1402-00356 (Ref. 2014-66)
2. That I conducted a neighborhood meeting on 9-24-2014.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]

Affiant
Frank Lavender

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25
day of September, 2017

My commission expires 4 of December, 2017

[Signature]

Notary Public

Notary Public - State of Kansas
RAUL GUERRIZ
My Appt Exp 8/7/17
To: Unified Government Board of Commissioners

From: City Staff

Date: January 29, 2015

Re: Petition #SP-2014-74 (130211)

GENERAL INFORMATION

Applicant: Michael and Maria Johnson

Status of Applicant: Owner
Michael and Maria Johnson
735 Minnesota Avenue
Kansas City, Kansas 66101

Requested Action: Approve renewal of Special Use Permit for an event hall and dress shop

Date of Application: September 29, 2014

Purpose: To operate an event hall in conjunction with a specialty dress shop and office space/storage

Property Location: 733 – 735 Minnesota Avenue

Existing Zoning: C-D Central Business District
**Existing Surrounding Zoning:**

North: C-D Central Business District  
South: C-D Central Business District  
East: C-D Central Business District  
West: C-D Central Business District

**Existing Uses:**

North: Commercial  
South: Commercial  
East: Commercial  
West: Commercial

**Total Tract Size:** 0.21 acre

**Master Plan Designation:** The Downtown Master Plan designates this property as Downtown Mixed Use.

**Major Street Plan:** Minnesota Avenue is a designated Class C Thoroughfare.

**Advertisement:**

The Wyandotte Echo – October 16, 2014  

**Public Hearings:** January 12, 2015 and January 29, 2015

**Public Opposition:** No one appeared in opposition at the January 12, 2015 City Planning Commission meeting.

---

**PROPOSAL**

**Detailed Outline of Requested Action:** The applicants are requesting a renewal of the special use permit (#SP-2013-2) that allows them to operate and event hall in addition to a specialty dress shop and office space at 733 Minnesota.

**City Ordinance Requirements:** 27-1251 through 27-606

---

**FACTORS TO BE CONSIDERED**

1. **The Character of the Neighborhood.**

   The character of the neighborhood is entirely commercial, where there is a mixture of business and vacant tenant spaces. Some of the businesses include a restaurant, small storefronts, and office space.

2. **The zoning and uses of properties nearby and the proposed use’s expected compatibility with them.**

   The zoning and its uses are set out above. The proposed uses are relatively compatible with the surrounding properties.
3. **The suitability of the property for the uses to which it has been restricted.** Will removal of the restrictions detrimentally affect nearby property.

   The removal of restrictions should not detrimentally affect nearby property due mainly to the area's commercial nature.

4. **The length of time the property has remained vacant as zoned.**

   The property is not vacant; the business has been operating since 2013.

5. **The degree of conformance of the proposed use to the Master Plan.**

   Special Use Permits are not addressed in the Master Plan. The other general uses, such as retail and office space conform to the Master Plan.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

   The use does result in increasing the amount of vehicular traffic in the downtown area, but not to the point where it exceeds the capacity of the street network.

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

   The proposed use is not reasonable necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the building and the owners. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

   The noise that is associated with the use is not expected to create problems for adjacent property given the evening and weekend hours of operation as the businesses along Minnesota Avenue are commercial in nature.

9. **Whether the proposed use will pollute the air, land or water.**

   This is not foreseen to be an issue.

10. **Whether the use would damage or destroy an irreplaceable natural resource.**

    This is not foreseen to be an issue.
11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowners is minimal. Those who attend events will benefit, but if this petition is denied, the building could be repurposed as retail or office space.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

When evaluating overcrowding, event halls and/or places of assembly are always a concern for staff. If not properly managed, overcrowding could be an issue as individuals typically congregate outside the entrance of the building at the conclusion of an event.

PREVIOUS ACTIONS

#SP 2013-2: Special Use Permit for event hall in conjunction with dress shop and office space.

NEIGHBORHOOD MEETING

The applicant must hold a neighborhood meeting by October 27, 2014. A copy of the sign-in sheet, meeting minutes, and affidavit shall be returned to the Urban Planning and Land Use Department via e-mail, fax, mail, or personal delivery by October 29, 2014.

KEY ISSUES

Hours of Operation
Guest Lists

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2014-74, subject to:

Urban Planning and Land Use Comments:

Questions for the applicant:

1. Why are you requesting the changes to your stipulations, including an extension of hours to 1 AM and the removal of the guest list requirement?

   Applicant Response: The reason for requesting changing the event conclusion time to 1AM is because several other event centers close at 1:00AM. Because of the current 12:00 event time, it adversely affects our
ability to compete equally with other event centers, which close at 1:00. We have lost many events as a result of the 12:00 conclusion time. We would like a more flexible guest list requirement, which would allow us to choose more practical use of the guest list.

Staff feels that the time limit imposed is reasonable and should remain at 12:00 midnight. Because there has been no security issues that staff is aware of, we feel that the guest list policy can be relaxed and applied only to events over 75 people.

2. Have there been any problems associated with events held at the center? If so, please detail.

Applicant Response: No, there have not been any problems associated with this event center.

All prior stipulations remain, with an amendment to the guest list policy as stated above. Staff recommends approval for two (2) years, in accordance with the following stipulations

Prior stipulations:

1) Complete fulfillment of their business plan as mandated by first set of stipulations.
2) Events larger than 250 people shall have a pre-determined number of security officers in the building, greater than two (2).
3) All doors shall remain closed during an event.
4) All events shall conclude by midnight, 12:00 AM.
5) A guest list shall be created for each event events over 75 guests. Guests who do not appear on the list are not admitted entrance.
6) No gambling.
7) No music over 65 DBA before 6:00 p.m.
8) An understanding by the applicant that simply shoving a troubled situation out the door is not acceptable. They need to control and detain until on-duty officers arrive and take control of any situation.
9) A complete copy of the business plan is up-to-date and on file in the Unified Government Urban Planning and Land Use Office
10) Completion of the appendixes of I (signage which will be handled by permit), L (staffing plan – needs to be completed and reviewed with Director Richardson and the Downtown Shareholders) and S (safety grant documentation provided to Director Richardson).
11) All alcohol will be provided by the facility or one of its approved caterers. Catering list must be up-to-date and on file in the Planning Department.
12) Security as outlined on page 23 of their plan.
13) In addition to that security one (1) non-security adult chaperon for every twenty-five (25) children for events focused on youth under 18 years old (provided by the client).
14) Verify all parking agreements.

Public Works Comments:
A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None
B. Items that are conditions of approval (stipulations):
   1) None
C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered, and Key Issues and recommends APPROVAL of Petition #SP-2014-74 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 12, 2015 City Planning Commission minutes
Neighborhood meeting information
Parking agreement information
Aerial photograph
Map

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Use</td>
<td>Approval</td>
<td></td>
</tr>
</tbody>
</table>

STAFF CONTACT: Jamie Ferrisjferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2014-74 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _________________________________;
2. _____________________________________________________; And

3. ________________________________________________________.

OR

I move the Unified Government Board of Commissioners DENY Petition #SP-2014-74, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

JANUARY 12, 2015 CITY PLANNING COMMISSION MINUTES:

130211 SPECIAL USE PERMIT APPLICATION #SP-2014-74 – MICHAEL R. JOHNSON – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-2) for an event hall in conjunction with a specialty dress shop and office space/storage at 735 Minnesota Avenue

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 12, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Hurrelbrink asked if any member of the public, staff or Commission wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Mr. Escobar, seconded by Mr. Ernst, the Planning Commission voted as follows to APPROVE the items on the Consent Agenda:

Carson
Connelly
DeWitt
Ernst
Escobar

Aye
Aye
Aye
Aye
Aye

SP 2014-74 January 29, 2015
Urban Planning and Land Use Comments:

Questions for the applicant:

1. Why are you requesting the changes to your stipulations, including an extension of hours to 1 AM and the removal of the guest list requirement?

   Applicant Response: The reason for requesting changing the event conclusion time to 1AM is because several other event centers close at 1:00AM. Because of the current 12:00 event time, it adversely affects our ability to compete equally with other event centers, which close at 1:00. We have lost many events as a result of the 12:00 conclusion time. We would like a more flexible guest list requirement, which would allow us to choose more practical use of the guest list.

   Staff feels that the time limit imposed is reasonable and should remain at 12:00 midnight. Because there has been no security issues that staff is aware of, we feel that the guest list policy can be relaxed and applied only to events over 75 people.

2. Have there been any problems associated with events held at the center? If so, please detail.

   Applicant Response: No, there have not been any problems associated with this event center.

All prior stipulations remain, with an amendment to the guest list policy as stated above. Staff recommends approval for two (2) years, in accordance with the following stipulations

Prior stipulations:

1) Complete fulfillment of their business plan as mandated by first set of stipulations.
2) Events larger than 250 people shall have a pre-determined number of security officers in the building, greater than two (2).
3) All doors shall remain closed during an event.
4) All events shall conclude by midnight, 12:00 AM.
5) A guest list shall be created for each event events over 75 guests. Guests who do not appear on the list are not admitted entrance.
6) No gambling.
7) No music over 65 DBA before 6:00 p.m.
8) An understanding by the applicant that simply shoving a troubled situation out the door is not acceptable. They need to control and detain until on-duty officers arrive and take control of any situation.

9) A complete copy of the business plan is up-to-date and on file in the Unified Government Urban Planning and Land Use Office.

10) Completion of the appendixes of I (signage which will be handled by permit), L (staffing plan – needs to be completed and reviewed with Director Richardson and the Downtown Shareholders) and S (safety grant documentation provided to Director Richardson).

11) All alcohol will be provided by the facility or one of its approved caterers. Catering list must be up-to-date and on file in the Planning Department.

12) Security as outlined on page 23 of their plan.

13) In addition to that security one (1) non-security adult chaperon for every twenty-five (25) children for events focused on youth under 18 years old (provided by the client).

14) Verify all parking agreements.

Public Works Comments:

A. Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None

B. Items that are conditions of approval (stipulations):
   1) None

C. Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None
NEIGHBORHOOD MEETING NOTICE
Date: November 11, 2014

Name: Mike and Maria Johnson
Address: 735 Minnesota Avenue
City/State/Zip: Kansas City, Kansas 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application for Special Use Permit Renewal with the Department of Urban Planning and Land Use #SP 2014-74. The purpose of this:

- Special Use Permit - Renewal Application; amend event(s) close time from 12:00am to 1:00am close time.
- Special Use Permit - Renewal Application; amend original application to provide flexibility guest list
- Special Use Permit – Renewal Application; Extend Renewal Permit time for (2) years in lieu of (1)

Is for a: Renewal of Special Use Permit with amendments as indicated above

At the following address: 735 Minnesota Avenue, Kansas City, Kansas

I/We are having a neighborhood meeting on:

November 26th at 7th Street Event Center – 7:00-8:00 PM at the following:

Address: 735 Minnesota Avenue
Kansas City, Kansas 66101

The purpose of this meeting is to explain the Permit renewal with amendments and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number listed below.

Sincerely,

[Signature]

Name and Contact Information:

Mike Johnson 913-634-4542 or
Steve McConnell 816-916-4073
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Johnson

Comes now Mike Johnson, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #
2. That I conducted a neighborhood meeting on November 26, 2014
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 3rd day of December, 2014

My commission expires 31st of January, 2015

Notary Public

ELENA M. VEGA
Notary Public-State of Kansas
My Appt. Expires 1-31-15
**Special Use Support - Event Hall**

**735 Minnesota**

**November 5, 2014**

We have visited with Mike and Maria Johnson and understand, they will use part of their building as an event Hall. They have explained their use and operation and we have no objection to what they plan to do.

<table>
<thead>
<tr>
<th>Name/Street Address / Business</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cesar Correa Flores</td>
<td></td>
</tr>
<tr>
<td>Leslie Garcia</td>
<td></td>
</tr>
<tr>
<td>Amy Madrid</td>
<td></td>
</tr>
<tr>
<td>Jorge Abreu</td>
<td></td>
</tr>
<tr>
<td>Maricela Balderrama</td>
<td></td>
</tr>
<tr>
<td>Regis Borregaon</td>
<td></td>
</tr>
<tr>
<td>Zelia Rodriguez</td>
<td></td>
</tr>
<tr>
<td>Minnoco Gonzalez</td>
<td></td>
</tr>
<tr>
<td>Maria Morales</td>
<td></td>
</tr>
</tbody>
</table>
Special Use Support - Event Hall
735 Minnesota

We have visited with Mike and Maria Johnson and understand, they will use part of their building as an event Hall. They have explained their use and operation and we have no objection to what they plan to do.

Paul Ritchie 9 Castle St., St. Paul, MN 55105
Name/ Street Address /Business

Signature

Robert Roche 1135 23rd Ave. N.
Name/ Street Address /Business

Signature

Leticia Aleman MODA BELL
Name/ Street Address /Business

Signature

Cersi Carias
Name/ Street Address /Business

Signature

Susan Cran Lewis 739 Minneaska Ave. Ravenna, KS 66741
Name/ Street Address /Business

Signature

Dave Thrift Store
Name/ Street Address /Business

Signature

Name/ Street Address /Business

Signature

Name/ Street Address /Business

Signature

Name/ Street Address /Business

Signature

Name/ Street Address /Business

Signature
Special Use Support - Event Hall
735 Minnesota
November 5, 2014

We have visited with Mike and Maria Johnson and understand, they will use part of their building as an event Hall. They have explained their use and operation and we have no objection to what they plan to do.

Fatima Alvarez
Name/ Street Address / Business
Signature

Marcela Chaves
Name/ Street Address / Business
Signature

Karen
Name/ Street Address / Business
Signature

Nancy Gutierrez
Name/ Street Address / Business
Signature

Nancy Roche
Name/ Street Address / Business
Signature

Vivian Osorio
Name/ Street Address / Business
Signature

Vivian Osorio
Name/ Street Address / Business
Signature

Marc
Name/ Street Address / Business
Signature

Marty
Name/ Street Address / Business
Signature
Special Use Support - Event Hall  
735 Minnesota  
November 5, 2014

We have visited with Mike and Maria Johnson and understand, they will use part of their building as an event Hall. They have explained their use and operation and we have no objection to what they plan to do.

Name/ Street Address / Business  
Signature

Name/ Street Address / Business  
Signature

Name/ Street Address / Business  
Signature

Name/ Street Address / Business  
Signature

Name/ Street Address / Business  
Signature

Name/ Street Address / Business  
Signature
Special Use Support - Event Hall
735 Minnesota
November 5, 2014

We have visited with Mike and Maria Johnson and understand, they will use part of their building as an event Hall. They have explained their use and operation and we have no objection to what they plan to do.

C.C. Moore/2067 Tremarshick/Moore
Name/ Street Address /Business

L. Nelson/2057 N. Tremont
Name/ Street Address /Business

Boysen/801 E 147th st/Boysen
Name/ Street Address /Business

Wendell Watson/736 Armstrong
Name/ Street Address /Business

Moore/3512 N. Mississippi/Exoctic Fish
Name/ Street Address /Business

Gwendolyn Riebel/Underground Firegal/Exercise 2015
Name/ Street Address /Business

MacNeil/2050 N. 22nd
Name/ Street Address /Business

M. Johnson/735 Minnesota/Exoctic Fish
Name/ Street Address /Business

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature
NEIGHBORHOOD MEETING MINUTES

Date: November 28, 2014

Name: Mike and Maria Johnson
Address: 735 Minnesota
City/State/Zip: Kansas City, Kansas 66106

SUBJECT: Neighborhood Meeting

I/We have filed an application for Special Use, Permit Renewal. The purpose of this meeting was to present:

1. Special Use Permit-Renewal Application; amend events close time from 12:00am to 1:00am close time.
2. Special Use Permit-Renewal Application; amend original application to flexibility guest list
3. Special Use Permit-Renewal Application; extend Renewal Permit time for (2) years in lieu of (1)

At the Neighborhood meeting no objections were made to the above aforementioned items.

After approximately Fifty minutes the neighborhood meet ended.

-End-

Mario Leon 913-963-6119
Parking Agreement
Event Center at 735 Minnesota Ave, Kansas City, Kansas

25 June 2013

Michael and Maria Johnson
Owners and Managers of the Event Center
735 Minnesota Ave.
Kansas City, Kansas 66101

Re: Parking Requirements for Event Center
735 Minnesota Ave. Kansas City, Kansas 66101
Special Use Petition #SP-2013-2

This Agreement is for the Parking Lot at the NW quadrant of the intersection of 8th Street and Minnesota.

800 and 802 Minnesota Ave., and also 1020 N 8th St., and also 801 State Ave. all in KCK; and belonging to INT'L BROTHERHOOD OF BOILERMAKERS. The Parking Lot is further described as:

L1 to L6 subdivision 1173-DUERS RES; and also B118 L3, N 1/2 L4; and also B118 L1 LS 0.00029 AC M/L

FOR R/W, ALL L2 all in subdivision 0801 WYANDOTTE CITY

Event Center operational hours for evening events will be from 6:30 pm the day of an event; to 1:30 am the following day. Use of the parking facility will be from 6 pm the day of an event, to 2 am the following day.

There will be Event Center Security (uniformed police or private security) at and during every Event Center function in need of such security. The security will be present at the parking lot and throughout the route too and from the parking lot.

The Event Center will also be providing cleanup of any Event Center Trash that might be left in the Parking Lot and also along the route to and from the Parking Lot. This cleanup will be completed prior to 7am the morning following an event.

In accordance with the above conditions, the owner of this Parking Lot agrees to allocate 126 parking stalls to the Event Center starting at 6 pm and ending at 7am the next day.

This Agreement replaces and supersedes the Agreement signed 9 January 2013 #2013R-02822

______________________________
Michael Johnson, Owner/Manager
Event Center at 735 Minnesota Ave.

______________________________
Maria Johnson, Owner/Manager
Event Center at 735 Minnesota Ave.

State of Kansas, County of Wyandotte
This instrument was acknowledged before me: ___________________________

a notary public in and for the above on this 26th day of June 2013.

by ____________________________
Dean Lewis, Building Supervisor and Michael & Maria Johnson
Int'l Brotherhood of Boilermakers Owner/Manager of Event Center

My commission expires 8/10/2015

______________________________
AMY ARMSTRONG
My Appl. Exp. 8/10/2015
I, Dean Lewis, acting agent for the Boilermakers, still agree for 7th Street Event Center. Use the parking lot at corner of 8th Minnesota Ave to 8th and State Ave as agreed in Original Parking Agreement. Ownership hasn't changed. Parking Agreement still in force.

Dean Lewis
To: Unified Government Board of Commissioners
From: City Staff
Date: January 29, 2015
Re: Petition #SP-2015-1 (150006)

GENERAL INFORMATION

Applicant: Rhonda Hall Smith

Status of Applicant: Owner
3202 W. Barker Circle
Kansas City, Kansas

Requested Action: A Special Use Permit to for a temporary use of land to operate a daycare in a home that is not a primary residence.

Date of Application: December 1, 2014

Purpose: To operate a daycare in a residential property in which the applicant does not reside.

Property Location: 3202 West Barker Circle

Existing Zoning: R-1 Single Family District
Existing Surrounding Zoning: North: R-1 Single Family District  
South: R-1 Single Family District  
East: R-1 Single Family District  
West: R-1 Single Family District

Existing Uses: North: Single family residences  
South: Single family residences  
East: Single family residences  
West: Single family residences

Total Tract Size: .24 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential

Major Street Plan: Kansas Avenue is designated as a local street

Advertisement: The Wyandotte Echo – December 18, 2014  
Letters to Property Owners – December 16, 2014 and January 20, 2015

Public Hearings: January 12, 2015 and January 29, 2015

Public Opposition: No one appeared in opposition at the January 12, 2015 City Planning Commission meeting.

PROPOSAL

Outline of Requested Action: Ms. Smith is requesting a Special Use Permit for the temporary use of land for commercial purposes in order to use a residential structure as a daycare center.

City Ordinance Requirements: 27-1251 through 27-1270

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

   The neighborhood is residential in nature.

2. The zoning and uses of properties nearby and the proposed uses expected compatibility with them.

   The zoning and uses of nearby properties are set out above. Though we often allow daycares to operate in residential neighborhoods, this case is unique in that Ms. Smith is not planning to reside in the house and it will only be used in a commercial fashion.
3. **The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.**

   The property was developed as a residence and is located in an exclusively residential neighborhood. By allowing a solely commercial use in the neighborhood, there are some changes to the neighborhood to be expected.

4. **The length of time the property has remained vacant as zoned.**

   The property is not vacant.

5. **The degree of conformance of the proposed use to the Master Plan.**

   This sort of operation is not addressed by the Master Plan.

6. **Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.**

   There will likely be an increase in traffic in both the mornings and the evening when parents are dropping off and picking up their children each day. Though it is unlikely to exceed the capacity of the street, it is not unreasonable to assume there would be times when there would be traffic backed up or a lack of parking spaces near the property due to the increased traffic.

7. **Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.**

   This use is not a necessary convenience to the public. Having a daycare in a neighborhood can be helpful to some nearby residents but is not a particular asset to the area.

8. **Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.**

   Noise could become an issue if not properly managed. Children playing outside can be quite noisy where there are many of them together.

9. **Whether the proposed use will pollute the air, land or water.**

   This will not be an issue

10. **Whether the use would damage or destroy an irreplaceable natural resource.**

    This will not be an issue
11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The Planning Commission will need to make this assessment.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

No previous action has been taken on this property

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 29, 2014. A copy of the sign-in sheet, neighborhood meeting minutes and neighborhood meeting affidavit are attached. There was some opposition to the property becoming a commercial site; however the opponent was ok with a temporary use for commercial purposes if not a zoning change.

KEY ISSUES

1. Noise
2. Traffic and parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-1, subject to:

Urban Planning & Land Use Comments:

1. Please provide your business plan including hours of operation and how many children you will be providing care for.
2. Please explain how you plan to keep noise down as to not bother neighbors nearby.
3. How do you plan to insure parking and traffic is not an issue when parents are dropping off and picking up their children?

Applicant response in attachments.

Staff feels that a daycare is an appropriate use within a residential neighborhood. Because this is a new business, staff feels that a trial period for this operation is justified to ensure that there are no issues with regard to noise, traffic, or parking.
Staff recommends approval with the following stipulations:

1. Children playing outside must be supervised at all times as to avoid any potential nuisance to neighbors.
2. Parent/drop off and pick up parking must be limited to the applicant’s driveway and parking in front of the house
3. Approval for one (1) year

PLANNING STAFF RECOMMENDATION

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends APPROVAL of Petition #SP-2015-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 12, 2015 City Planning Commission Minutes
Zoning map
Vicinity map
Applicant response to comments
Neighborhood meeting information
Site pictures provided by applicant

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Unified Government Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Use Approval</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STAFF CONTACT:  Jamie Ferris  jferris@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE Petition #SP-2015-1 as meeting all the requirements of the City code and being in the interest of the public, health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ________________________________
2. ________________________________; And
I move the Unified Government Board of Commissioners DENY Petition #SP-2015-1, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

JANUARY 12, 2015 CITY PLANNING COMMISSION MINUTES:

150006 SPECIAL USE PERMIT APPLICATION #SP-2015-1 – RHONDA HALL SMITH WITH DIMPLES AND DIAPERS - SYNOPSIS: Special Use Permit for a day care center at 3202 West Barker Circle

Recording Secretary Parker stated that the following items should be included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 12, 2015;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 18, 2014;

Ms. Parker asked if any member of the Planning Commission had any contact to disclose concerning this case. (No one responded in the affirmative.)

Planning Commissioner Connelly left the room at 7:54 p.m.

Ms. Kathy Crawford, 3305 Wood Avenue, Apartment 29, Kansas City, Kansas and Ms. Rhonda Hall Smith, 6509 Garfield, Kansas City, Kansas, applicant, appeared in support of this application. Ms. Crawford stated that they would like to open a day care at 3202 Barker Circle for 12 children with 2 adults. Chairman Hurrelbrink asked if this is in a residential area. Ms. Crawford stated yes.

Planning Commissioner Walker stated that the city does need quality day care and she appreciates them coming forward with this application; she asked about their background in childhood development. Ms. Crawford stated that she has an Associates of Science in early childhood development; she graduated from Donnelly College with a 4.0 grade point average. She worked at Kiddie College at 9th and Waverly for three and one-half (3.5) years. She stated that she has worked with Ms. Hall Smith for the last nine (9) years. She loves children and worked in the Sunday school and nursery department at her church from age 2 to 7 year old children. Ms. Hall stated that she has been in child care for 16 years and she enjoys doing it. She treats them as if they are
their own and she teaches the children how to write their names and say their ABCs; she has a two (2) year old spelling his name and she loves her job.

Planning Commissioner Escobar asked if she checks her employees’ background. Ms. Smith stated that the State checks it.

No one appeared in opposition to this application.

Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff opinion.

On motion by Mr. Escobar, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application #SP-2015-1:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carson</td>
<td>Aye</td>
</tr>
<tr>
<td>Connelly</td>
<td>Not Present</td>
</tr>
<tr>
<td>DeWitt</td>
<td>Aye</td>
</tr>
<tr>
<td>Ernst</td>
<td>Aye</td>
</tr>
<tr>
<td>Escobar</td>
<td>Aye</td>
</tr>
<tr>
<td>Gonzalez</td>
<td>Aye</td>
</tr>
<tr>
<td>Huey</td>
<td>Not Present</td>
</tr>
<tr>
<td>Hurrelbrink</td>
<td>Chairman</td>
</tr>
<tr>
<td>Pauley</td>
<td>Not Present</td>
</tr>
<tr>
<td>Schwartzman</td>
<td>Aye</td>
</tr>
<tr>
<td>Walker</td>
<td>Aye</td>
</tr>
</tbody>
</table>

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning & Land Use Comments:

1. Please provide your business plan including hours of operation and how many children you will be providing care for.
2. Please explain how you plan to keep noise down as to not bother neighbors nearby.
3. How do you plan to insure parking and traffic is not an issue when parents are dropping off and picking up their children?

Applicant response in attachments.

Staff feels that a daycare is an appropriate use within a residential neighborhood. Because this is a new business, staff feels that a trial period for this operation is justified to ensure that there are no issues with regard to noise, traffic, or parking.

Staff recommends approval with the following stipulations:

1. Children playing outside must be supervised at all times as to avoid any potential nuisance to neighbors.
2. Parent/drop off and pick up parking must be limited to the applicant’s driveway and parking in front of the house
3. Approval for one (1) year
DIMPLES & DIAPERS HAS BRANCHED OUT AND OPENED A SECOND IN HOME DAY CARE LOCATED AT 3202 BARKER CIRCLE KCK. HOURS OF OPERATION ARE MONDAY THRU FRIDAY, 7:30 A.M. TO 5:30 P.M., AGES INFANTS TO 8 YEARS OLD, WITH THE ACCOMODATION OF 12 CHILDREN. THE FOLLOWING HOLIDAYS ARE HONORED NEW YEARS DAY, MARTIN LUTHER KINGS BIRTHDAY, PRESIDENTS DAY, MEMORIAL DAY, INDEPENDENCE DAY, THANKSGIVING, AND CHRISTMAS. IN LOOKING AT THE PHOTOS YOU NOTICE THAT IT IS EQUIPT WITH A NURSERY, A KITCHEN, A BATHROOM, A CLASSROOM, DINNING AREA, INSIDE PLAY AREA/REST AREA, AND OUTSIDE PLAY. THERE WILL BE ONE/TWO QUALIFIED STAFF ON DUTY ACCORDING TO AMOUNT OF CHILDREN AT THE DAY CARE THAT DAY. THEY ARE EQUIPT WITH THE REQUIREMENTS TO BE CERTIFIED DAYCARE PROVIDERS BY THE STATE. EACH ONE HAS COMPLETED HIS OR HERS CLASS REQUIREMENTS FRO THE STATE. EACH PARENT/GUARDIAN WILL BRING THEIR CHILD/CHILDREN TO THE DOOR COME IN AND SIGN THE PROPER INFORMATION ON THE SIGN IN SHEET ON ARRIVAL AND WILL DO THE SAME WHEN THEY PICK THEM UP AT THE CLOSE OF THE DAY. AT THE TIME OF ENROLLMENT FOR NEW CLIENTS WE EXPLAIN THE WEEKLY Fee FOR EACH CHILD, HOURS OF OPERATION, WHAT WE DO DAILY FOR THEIR CHILDREN SUCH AS: MEALS SERVED, LEARNING CIRCUUM, AND INSIDE & OUTSIDE PLAY. WE ALSO EXPLAIN THAT WE DO NOT ALLOW LOUD MUSIC AND SMOKING ON THE PREMISES, AND WHERE THE DROP OFF AND PICK UP AREAS ARE AT THE DAYCARE. IF ANOTHER CLIENT IS ALREADY IN THE DRIVE WAY, PARK ON THE STREET IN FRONT OF THE DAYCARE MAKING SURE THE STREET OR NEIGHBORS DRIVEWAYS ARE NOT BLOCKED. ALSO WHEN ENTERING USE THE PAVED AREA TO COME TO THE DOOR NOT THE (GRASS). AND PLEASE DO THE POSTED SPEED LIMIT.
ATTENDANCE LOG/SIGN IN SHEET
NEIGHBOR MEETING

SPECIAL USE PERMIT #SP-2015-1
LOCATION: LEAVENWORTH ROAD ASSOCIATION
6100 LEAVENWORTH ROAD
KANSAS CITY, KS 66104

DATE: MONDAY DEC. 29, 2014
TIME: 6:30 P.M. - 7:15 P.M.

PLEASE COMPLETE THE FOLLOWING INFORMATION INDICATING THAT YOU DID ATTEND THIS SPECIFIC MEETING.

<table>
<thead>
<tr>
<th>PRINT NAME</th>
<th>SIGNATURE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan Reeves</td>
<td></td>
<td>4945 Parkview KCS</td>
</tr>
<tr>
<td>Monica Horvat</td>
<td></td>
<td>3117 W Barker Cir</td>
</tr>
<tr>
<td>Denise Davis</td>
<td></td>
<td>3314 W Barker Cir</td>
</tr>
<tr>
<td>Vaughn Anzeck</td>
<td></td>
<td>3201 W Barker Cir</td>
</tr>
<tr>
<td>John Zawackie</td>
<td></td>
<td>3937 N 52</td>
</tr>
<tr>
<td>Carl Kaster</td>
<td></td>
<td>3135 N 57th Street KCK 66104</td>
</tr>
<tr>
<td>art Braswell</td>
<td></td>
<td>5202 Parkview KCK 66104</td>
</tr>
<tr>
<td>Kathy Crawford</td>
<td></td>
<td>3305 Wood #29 KCK</td>
</tr>
<tr>
<td>Sylvester Smith</td>
<td></td>
<td>6699 Garfield Dr KCK</td>
</tr>
<tr>
<td>Kenda Smith</td>
<td></td>
<td>6509 Garfield Dr KCK</td>
</tr>
</tbody>
</table>

#SP-2015-1 January 29, 2015 11
NEIGHBORHOOD MEETING MINUTES FOR
DIMPLES & DIAPERS @ 3202 BARKER CIRCLE KCK

APPLICATION NUMBER: #SP-2015-1

DATE AND LOCATION: 12/29/14 6100 Leavenworth Rd KCK

MEETING CALLED TO ORDER AT: 6:32 PM

ATTENDANCE:
1. Susan Reeves
2. Monica Hovvat
3. Deniese Davis
4. Vaughn Anzek
5. John Zawacki
6. Carl Raster
7. Lou Braswell
8. Kathy Crawford
9. Sylvester Smith
10. Rhonda Smith

MINUTES:

See Attached on next page

* She was not on mailing list but she was against the daycare.

Kathy Crawford
Kathy Crawford called meeting to order, opening with prayer.

She opened with the introduction of the staff that would be on duty at the day care center, along with the holiday schedule they would be observing. The literature that was available summarized that the facility along with day care, also provided education and healthy meals. She also explained that the different times for child drop off and pick up would not create any traffic concerns.

She then opened the meeting for questions.

Monica Horvat did state she would be against the day care because she did not want to see the residential area begin turning to commercial property. She fears this would be an opening for auto repair from the home, or similar business. She also stated she makes jewelry as a hobby and was told she could not sell it from her home.

There were not any other questions, only discussions on the arrangement of play time, outside activities etc.

Of those in attendance, were Leavenworth Road Association board members;

Sue Reaves, John Zawacki, Deniese Davis, Carl Kaster and Lou Braswell, all in support of the facility.

Deniese Davis is also president of the neighborhood watch group, North Welborn in that area.

Lou Braswell
STATE OF Kansas  
)  
) SS:  
COUNTY OF Wyandotte  
)

Comes now Rhonda Hall Smith, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP-2015-1  
2. That I conducted a neighborhood meeting on  
   Dec-29-2014  
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Rhonda Hall Smith  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 39 day of Dec, 2015  
My commission expires 8 of 39, 2018

LOUJETTA M BRASWELL  
Notary Public Expires August 20, 2016
ORDINANCE NO._________________

AN ORDINANCE rezoning property hereinafter described located at approximately 5430 State Avenue in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to R-1 Single Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 24, 2014, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business District to R-1 Single Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Section 12, Township 11, Range 24, Acres 1.270000, 19-1, beginning at a point 225 feet East of the SW corner, thence East along the South line of Sec. 12 to a point 414.1 feet East of the corner, thence 363 feet, thence West 189.1 feet, thence South 363 feet to the point of the beginning, also 8 ¼ feet by 51.1 feet on the North line of State Avenue, located at approximately 5430 State Avenue, Kansas City, Kansas,

be changed from its present zoning of C-1 Limited Business District to R-1 Single Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of
Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_________ DAY OF_______________, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: ________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____________________________
UNIFIED GOVERNMENT CLERK
AN ORDINANCE rezoning property hereinafter described located at approximately 4458 State Line Road in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to TND Traditional Neighborhood Design District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 25, 2013, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business District to TND Traditional Neighborhood Design District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

The South 5 feet of Lot 29, all of Lot 30 and the North 10 feet of Lot 31, Vogel Heights No. 4, a subdivision of land in Kansas City, Wyandotte County, Kansas, containing 5,226.14 square feet or 0.12 acres more or less, located at approximately 4458 State Line Road, Kansas City, Kansas,

be changed from its present zoning of C-1 Limited Business District to TND Traditional Neighborhood Design District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-471, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.
Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for TND Traditional Neighborhood Design District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_________ DAY OF__________________, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY:____________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____________________________
UNIFIED GOVERNMENT CLERK
AN ORDINANCE rezoning property hereinafter described located at approximately 81 North Mill Street in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to TND Traditional Neighborhood Design District, T-5 Urban Center.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on February 13, 2014, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to TND Traditional Neighborhood Design District, T-5 Urban Center.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Lot 17, Block 1, McAlpine Addition to Wyandotte, a subdivision of land in Kansas City, Wyandotte County, Kansas, subject to all easements and restrictions of record, located at approximately 81 North Mill Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to TND Traditional Neighborhood Design District, T-5 Urban Center as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-471, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.
Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for TND Traditional Neighborhood Design District, T-5 Urban Center. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_________ DAY OF________________, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY:____________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

____________________________________
UNIFIED GOVERNMENT CLERK
AN ORDINANCE rezoning property hereinafter described located at approximately 240 South 65th Street in Kansas City, Kansas, by changing the same from its present zoning of MP-2 Planned General Industrial District to MP-2 Planned General Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on April 25, 2014, by the owners of property to have the zoning of said property changed from its present zoning of MP-2 Planned General Industrial District to MP-2 Planned General Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A tract of land in the Southeast 1/4 of Section 15, Township 11, Range 24 East of the 6th Principal Meridian, Kansas City, Wyandotte County, Kansas, being described as follows: Beginning at a point on the West line of the Southeast 1/4 of Section 15-11-24, as established by the plat of Valley Center Annex, a subdivision of land in Kansas City, Wyandotte County, Kansas, that is 504.75 feet South of the Northwest corner of said Southeast 1/4; thence South 00 degrees 15 minutes 00 seconds East along said West line of the Southeast 1/4 as established by the plat of Valley Center Annex, 839.03 feet; thence North 88 degrees 38 minutes 21 seconds East, 805.19 feet by survey measurement, 805.21 feet, by deed distance, to the Southwesterly corner of Lot 1, C-F Shops Subdivision, a subdivision of land in Kansas City, Wyandotte County, Kansas; thence North 0 degrees 03 minutes 29 seconds West along the Westerly line of said Lot 1, 222.57 feet by survey measurement 222.38 feet by deed distance to the Northwesterly corner of Lot 1; thence North 51 degrees 22 minutes 55 seconds East along the Northwesterly line of Lots 1, 2, 3, 4...
and 5, C-F Shops Subdivision, 634.46 feet by survey measurement, 634.84 feet by deed distance, to the point of intersection of the Northwesterly line of said Lot 5 with the Northerly line of Lot 5; thence South 89 degrees 59 minutes 45 seconds East along the Northerly line of said Lot 5 and the Easterly prolongation of said Northerly line, 190.31 feet by survey measurement, 190.83 feet by deed distance, to a point on the center line of 65th Street as said center line was established from existing control found along 65th Street; thence North 0 degrees 01 minutes 43 seconds West along said center line of 65th Street, 298.07 feet by survey measurement, 297.66 feet by deed distance to the Southeast corner of the tract of land numbered 923306 on the Wyandotte County Base Mapping Parcel Map of the Southeast 1/4 of Section 15-11-24; thence South 88 degrees 43 minutes 45 seconds West along the South line of said Tract 923306 as said South line was established from existing control found around Tract 923306, 620.16 feet by survey measurement, 620.30 feet by deed distance, to the Southwest corner of Tract 923306, said Southwest corner being a point of the East line of Tract 923314; thence South 0 degrees 22 minutes 29 seconds East, along the East line of Tract 922314 as said East line was established from existing control found along said East line, 67.59 feet by survey measurement, 64.75 feet by deed distance to the Southeast corner of Tract 923314; thence South 88 degrees 59 minutes 36 seconds West along the South line of Tracts 923314 and 923308 as said South line was established from existing control found around said tracts, 874.86 feet by survey measurement, 875.65 feet by deed distance, to the point of beginning, subject to that part, if any, in streets, roadways, highways or other public rights-of-way, located at 240 South 65th Street, Kansas City, Kansas,

be changed from its present zoning of MP-2 Planned General Industrial District to MP-2 Planned General Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-2 Planned General Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.
Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_________ DAY OF_________________, 2015.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:____________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____________________________
UNIFIED GOVERNMENT CLERK
AN ORDINANCE rezoning property hereinafter described located at approximately 2933 South 47th Street in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and C-1 Limited Business Districts to CP-1 Planned Limited Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 28, 2014, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture and C-1 Limited Business Districts to CP-1 Planned Limited Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Lot 1 and the South 183.00 feet of the West 45.00 feet of Lot 2, except the North 120.00 feet of the East 120.00 feet of Lot 1, MESSMER RESURVEY, Kansas City, Wyandotte County, Kansas, located at approximately 2933 South 47th Street, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture and C-1 Limited Business Districts to CP-1 Planned Limited Business District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-464, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.
Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-1 Planned Limited Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_________ DAY OF________________, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY:____________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

____________________________________
UNIFIED GOVERNMENT CLERK
ORDINANCE NO.________

AN ORDINANCE vacating a 15 foot wide Sanitary Sewer Easement, recorded in Plat Bk . 41, Pg. 35, and lying 7.50 feet on both sides of the following described centerline and whose sidelines are either lengthened or foreshortened to terminate at their respective property lines, being all that part of Lot 28, The Legends at Village West, Third Plat, a subdivision lying in the Northwest Quarter of Section 2, Township 11 South, Range 23 East, both being in the City of Kansas City, Wyandotte County, Kansas, and being more particularly described as follows: (Note: Held South 02 degrees 08 minutes 06 seconds East along the East line of the Northwest Quarter of Section 2, Township 11 South, Range 23 East – Matches the Legends of Village West Third Plat). COMMENCING at the Northeast corner of the Northwest Quarter of Section 2, Township 11 South, Range 23 East; Thence South 02 degrees 08 minutes 06 seconds East, along the East line of the Northwest Quarter of said Section 2, a distance of 435.27 feet, to a point on the centerline of a 15 foot wide Sanitary Sewer Easement, recorded in Plat Bk . 41, Pg. 35; Thence South 79 degrees 40 minutes 11 seconds West, along the centerline of said Sanitary Sewer Easement, a distance of 22.23 feet to a point; Thence North 01 degrees 57 minutes 36 seconds West, continuing along the centerline of said Sanitary Sewer Easement, a distance of 7.58 feet, to the POINT OF BEGINNING; Thence continuing North 01 degrees 57 minutes 36 seconds West, along the centerline of said Sanitary Sewer Easement a distance of 109.92 feet, to a point on the Northwesterly line of Lot 28, of said The Legends at Village West, Third Plat, said point also being the point of termination of said centerline, containing 1,651 Square Feet or 0.0379 Acres, more or less, located at approximately 10621 Parallel Parkway, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easements in Kansas City, Kansas be and the same are hereby vacated:

Vacating a 15 foot wide Sanitary Sewer Easement, recorded in Plat Bk . 41, Pg. 35, and lying 7.50 feet on both sides of the following described centerline and whose sidelines are either lengthened or foreshortened to terminate at their respective property lines, being all that part of Lot 28,
The Legends at Village West, Third Plat, a subdivision lying in the Northwest Quarter of Section 2, Township 11 South, Range 23 East, both being in the City of Kansas City, Wyandotte County, Kansas, and being more particularly described as follows: (Note: Held South 02 degrees 08 minutes 06 seconds East along the East line of the Northwest Quarter of Section 2, Township 11 South, Range 23 East – Matches the Legends of Village West Third Plat). COMMENCING at the Northeast corner of the Northwest Quarter of Section 2, Township 11 South, Range 23 East; Thence South 02 degrees 08 minutes 06 seconds East, along the East line of the Northwest Quarter of said Section 2, a distance of 435.27 feet, to a point on the centerline of a 15 foot wide Sanitary Sewer Easement, recorded in Plat Bk. 41, Pg. 35; Thence South 79 degrees 40 minutes 11 seconds West, along the centerline of said Sanitary Sewer Easement, a distance of 22.23 feet to a point; Thence North 01 degrees 57 minutes 36 seconds West, continuing along the centerline of said Sanitary Sewer Easement a distance of 7.58 feet, to the POINT OF BEGINNING; Thence continuing North 01 degrees 57 minutes 36 seconds West, along the centerline of said Sanitary Sewer Easement a distance of 109.92 feet, to a point on the Northwesterly line of Lot 28, of said The Legends at Village West, Third Plat, said point also being the point of termination of said centerline, containing 1,651 Square Feet or 0.0379 Acres, more or less, located at approximately 10621 Parallel Parkway, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF ____________, 2015.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: ________________________________
MARK HOLLAND
MAYOR/CHIEF EXECUTIVE OFFICER
ATTEST:

____________________________
UNIFIED GOVERNMENT CLERK
AN ORDINANCE relating to Chapter 7 Animals, amending Sections 7-1, 7-2, 7-3, 7-13, 7-16, 7-46, 7-48, 7-50, 7-51, 7-78, 7-79, 7-80, 7-107, 7-108, 7-212, 7-256, and 7-267 of the Unified Government code, adding new sections to be numbered 7-215, 7-216, and 7-217, and repealing original Sections 7-1, 7-2, 7-3, 7-5, 7-13, 7-16, 7-17, 7-18, 7-19, 7-20, 7-46, 7-48, 7-50, 7-51, 7-78, 7-79, 7-80, 7-107, 7-108, 7-109, 7-212, 7-215, 7-210, 7-216, 7-217, 7-265, 7-267, and Article VI, Division 3 and Division 4.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 7 sections 7-1, 7-2, 7-3, 7-13, 7-46, 7-48, 7-50, 7-51, 7-78, 7-79, 7-80, 7-107, 7-108, 7-212, 7-256, and 7-267, of the Unified Government code, be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal. Grooming of animals is also required so that they are free from dangerous matting and nail overgrowth which can affect their health and may be painful.

Adequate food means supplying at suitable intervals (not to exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.

Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions.

Adequate water means a continual access to a supply of clean, fresh, potable water.

Animal means any live vertebrate creature except a human.
**Animal control director** means the program coordinator of the unified government animal shelter and/or his designee.

**Animal control officer** means an officer or employee of the office of director of animal control, and officer or employee of the unified government public health department, whose duties involve the enforcement of the provisions of this chapter, or an officer of the police department.

**Animal euthanasia** means the humane destruction of an animal that may be accomplished by any of those methods authorized by K.S.A. 47-1718.

**Animal shelter** means the facility or facilities operated by the unified government or its authorized agent for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

**Cat** means any member of the species, felis domesticus.

**Commercial animal establishment** means any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, animal dealer, or any establishment performing one or more of the principal activities of the aforementioned establishments.

**Dog** means any members of the species, canis familiaris.

**Ear-tipped feral cat** means a cat that is unsocialized to humans and has a temperament of extreme fear or resistance to contact with humans that exhibits a straight-line cutting of the tip of its ear to indicate that it has been sterilized and vaccinated against rabies.

**Fowl** means any animal that is included in the zoological classification Aves.

**Health director or director of health** means the director of the unified government public health department. The term includes the director's authorized representative. **Person** means any owner or individual having the right of property in any animal, who keeps or harbors an animal, who has it in his care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupies by such person. Native wildlife remaining on or about any premises shall not be included in this definition.

### Sec. 7-2. Penalty.

(a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, shall, unless another specific penalty or specific penalty range be provided by another subsection of this section, be punished by a fine of not less than $50.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(b) Any person violating any of the provisions of sections 7-14, 7-212, 7-218, 7-261, 7-266, or 7-267 shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

1. First offense, $50.00.
2. Second offense, $100.00.
3. Third offense, $150.00.
4. Fourth or any subsequent offense, $600.00.

(c) Any person violating any of the provisions of section, 7-79, shall, upon conviction and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with references to initial or subsequent violation of the particular section:

1. First offense, $300.00.
(2) Second offense, $800.00.
(3) Third offense, $1,000.00
(4) After the first or any subsequent offense, the court may, in its discretion, revoke the license for the animal(s), or remove the animal as provided by section 7-78.

(d) Any person violating any of the provisions of section 7-106 shall, upon conviction, be punished by a fine of not less than $350.00 nor more than $500.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment.

(e) Any person violating any of the provisions of section 7-7, 7-15, 7-213, 7-214, or 7-215, of this chapter shall, upon conviction, and after the court, subsequent to such conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense, be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section:

(1) First offense, $100.00.
(2) Second offense, $200.00.
(3) Third offense, $500.00.
(4) Fourth offense, or a conviction of section 7-215(f)(5), the court may, in its discretion, impose a fine, revoke license for the animal(s), and/or order the director of animal control to remove the animal from the residence to the unified government shelter for disposition as provided by this chapter.

(f) Any person violating section 7-216 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. The court may, in its discretion, revoke the license for the animal(s), or refuse to return the animal(s) back to the owner, keeper, or harborer. In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, and veterinary care necessitated by the enforcement of this article.

(g) Any person violating section 7-217 shall, upon conviction, be punished by a fine of not less than $500.00 nor more than $1,000.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. Violation of section 7-217 shall constitute a misdemeanor. Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim up to the maximum amount allowed by law. The owner of a vicious animal shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

(h) Each day's violation of or failure, refusal or neglect to comply with any provision of this chapter shall constitute a separate and distinct offense.

(i) Court costs shall be imposed as authorized by ordinance.


(a) Whenever any animal is found running at large in violation of section 7-215(c), the animal control officer finding such animal may take its license number, if such animal is wearing a collar with an identification tag as is required in section 7-265, and may take any other information the animal is wearing which may identify its owner. This section does not apply to unowned ear-tipped feral cats.

(b) The officer who finds an animal running at large may sign a complaint against the person identified as the animal's owner, keeper or harborer pursuant to subsection (a) of this section. If a complaint is signed, then a notice to appear shall be served upon such identified owner in accordance with section 23-17. If the owner fails to appear as required in the notice to appear, a warrant shall be
issued for that person's arrest. In any prosecution charging a violation of section 7-215(c), proof that the animal described in the complaint was in violation of such section, together with proof that the defendant named in the complaint was at the time of such violation the owner of such animal, shall constitute prima facie evidence that the owner of the dog violated section 7-215(c). The foregoing stated presumption shall apply only when the procedure as prescribed in this section has been followed.

Sec. 7-13. Wild or exotic animals prohibited.

(a) No person shall keep or permit to be kept on such person's premises any wild or exotic animals for exhibition purposes, whether gratuitously or for a fee, or as a pet. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the state or the federal government. In no case, however, shall such wild or exotic animals be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animals. A wild or exotic animal is a nondomesticated animal or any animal which can normally be found in the wild state, excluding unowned ear-tipped feral cats, rabbits, ferrets, gerbils, hamsters, mice, guinea pigs, small amphibians, laboratory rats which have been bred in captivity and which have never known the wild, birds and fish normally kept as pets, raptors for the purpose of falconry in accordance with the state department of wildlife and parks regulations, K.A.R. 115-1-1 and K.A.R. 115-14-10. In addition, those monkeys that were kept as pets within the city as of December 31, 1992, or any monkeys that are currently being used as service animals, as defined by the Americans with Disabilities Act of 1990, may be kept by their current owners; provided that the monkeys are kept in proper living facilities and pass a health examination. The term "monkey," as used in this section, is defined as Old World and New World monkeys, as distinguished from those animals commonly referred to as apes or baboons. The owner of a monkey must obtain a health certificate for such monkey that states that the animal is disease-free and in good health. These animal owners, including those with service animals, must have their facilities certified by the animal control department. Monkeys must be kept in these facilities at all times.

(b) Any person who keeps a wild, exotic, or vicious animal in contravention of this section may dispose of the animal by removal of the animal from the city by giving or selling the animal to a zoological park or by releasing the animal to the supervisor of animal control. The director of animal control may release the animal to the wild or to a zoological park.

ARTICLE II. IMPOUNDMENT

Sec. 7-46. Generally.

(a) Any animal determined by Animal Control to be in violation of Chapter 7 may be impounded.

(b) If an owner or keeper is present and able to take control of such animal in lieu of impoundment, a notice to appear may be issued to that person, and the person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

Sec. 7-48. Registration of persons delivering animals to shelter.

(a) The director of animal control shall not receive an animal into the shelter from any person unless:

1. Such person shall submit proof of identification; and

2. Such person shall give full name and place of residence, which shall be registered in a proper book kept by the director of animal control.
(b) It shall be unlawful for any person delivering to or receiving any animal from the shelter to give any false information concerning the same.

Sec. 7-50. Impoundment fee; release from pound.

(a) An animal impounded with no identification and which is not living evidence in a pending case or subject of an open investigation of a violation of Article III, shall not be disposed of by Animal Control until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, Animal Control shall attempt to notify the owner or custodian of any animal maintained or impounded if such owner or custodian is known or reasonably ascertainable.

(b) Such an animal may be released to the legal owner, moved to a veterinary hospital for treatment or observation, or euthanized if it appears to the Director of Animal Control or its veterinarian that the animal is suffering, diseased or disabled beyond recovery. The owner, keeper, or harboring shall remain responsible for all penalties for violation of any of the provisions of this Chapter. The animal shall not be released without the payment of an impoundment fee in the amount established by the city administrator, or any other fee established by the city administrator or animal control. After the expiration of the holding period established in subsection (a), the governing body of a political subdivision regulating the operation of a pound shall have ownership of such animal and shall determine the method of disposition of any animal.

Sec. 7-51. Adoption of animals.

An animal held at the animal shelter for three working days and not redeemed by its owner, or five working days if the animal is found with tags which identify its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption or transfer to a Kansas licensed animal shelter or rescue organization, subject to the following conditions:

1. The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter.

2. In the case of an animal capable of sexual reproduction, such person shall deposit a prepaid neutering or spaying fee as established by the county administrator redeemable for neutering or spaying of the animal at any local veterinary clinic with a current cooperative agreement with the unified government for such services. As an alternative to the prepaid neutering or spaying fee, the adoptive owner may make a deposit equal to the prepaid neutering or spaying fee, refundable upon furnishing evidence that such animal has been rendered sexually unreproductive by any veterinarian of the adoptive owner's choice.

ARTICLE III. ANIMAL PROTECTION

Sec. 7-78. Municipal court hearing on complaints.

(a) An animal control officer may, if a complaint has been signed against an individual pursuant to any provision of section 7-79, precedent to or after the individual has been convicted of violation of such section, sign an affidavit petitioning the municipal court judge to immediately take custody and control of such animal if it appears to the director of animal control that it would be in the best interest of such animal to be seized by the municipal court.

(b) The municipal court judge, upon receiving such affidavit and petition, shall set the matter involving the custody or control of an animal for hearing within ten days from the date that the petition and
affidavit are filed. If it appears from the affidavit that the life of the animal is in immediate jeopardy, then the court may set the hearing as soon as practical. The owner or person having control or custody of such animal shall be provided notice of the hearing by serving such persons with a summons to appear; such summons shall be served in the same manner as is required for serving notice to appear pursuant to section 23-17.

(c) The municipal court judge, after a hearing has been held, may order that an animal be seized and placed in the custody of the director of animal control if the following findings are made:

1. The person summoned to appear is the owner or person having possession or custody of the animal in question.

2. That there is probable cause to believe that a violation of any provision of section 7-79 has occurred or is occurring and, based upon the violation, it appears that it would be in the best interest of the animal to remove that animal from the possession and custody of the owner of the animal or the person having possession or custody of the animal.

(d) If an order is issued by the municipal court judge ordering that such animal be seized and brought into custody, then the director of animal control shall take such animal into custody and shall inspect such animal, care for or treat such animal or place such animal under the care of a licensed veterinarian for treatment, boarding or other care. If it appears, as determined by the director of animal control or by a licensed veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, then such animal may be destroyed humanely as soon thereafter as is conveniently possible in accordance with K.S.A. 21-6412(e) et seq.

(e) Unless the animal obtained pursuant to this Section is required to be kept as evidence for a pending prosecution, or is being held for the protection of the animal during the pendency of a pending prosecution, the owner or keeper of an impounded animal shall have a maximum of ten (10) days after the animal is taken into custody to obtain the animal from the veterinarian or the animal control facility having custody of the animal. The veterinarian or the Director of Animal Control shall provide written notice to the owner or keeper of the animal, if known or reasonably ascertainable, when time will expire to retrieve the animal. The failure of the owner or keeper to obtain custody of the animal, or an owner that is unknown or not reasonably ascertainable, in the time provided shall provide the authority of the Director of Animal Control to dispose of the animal by adoption or euthanasia.

(f) If the owner, keeper, or harborer is charged with a violation of this section, and the animal is being kept past the ten (10) days allowed in subsection (e) as evidence for the pending prosecution or for the protection of the animal from the owner, keeper, or harborer, the City may petition the Municipal Court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified that a renewable case or performance bond must be filed with the city clerk in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the Municipal Court shall determine whether the animal may be placed for adoption or euthanized. (K.S.A. 21-6412(e).

(g) If the owner or person having control or custody of such an animal is convicted of violating any provision of section 7-79, the municipal court judge may order that such animal shall not be returned to or remain with such person. Such animal may be turned over to the director of animal control or licensed veterinarian for sale or other disposition.

(h) Expenses incurred for the care, treatment or boarding of any animal taken into custody pursuant to section 7-79 may be assessed to the owner or keeper as a cost of the case if the owner or keeper is adjudicated guilty of such crime.

(i) If the owner or person having control or custody of such animal is adjudicated not guilty or if the municipal court judge, after an adjudication of guilty is made, finds that such animal should be returned, such person may redeem such animal within 72 hours. If such animal is not redeemed within 72 hours, then such animal may be disposed of in accordance with K.S.A. 47-1710 et seq.
(j) An order issued by the municipal court judge under this section may be appealed to the district court pursuant to the provisions contained in K.S.A. 60-2101(d).

Sec. 7-79. Cruelty to and neglect of animals.

(a) It is unlawful for any person to intentionally kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, or overdrive any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with adequate care, food, health care, shelter, and water.

(d) It is unlawful for any owner or keeper to abandon any animal. For purpose of this section, “to abandon” means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or resume custody or to leave an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence.

(e) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with a harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin that pose a threat to the public health.

(f) It is unlawful for any person to carry any animal or cause any animal to be carried in or upon any vehicle in a dangerous or careless manner.

(g) Legislative Findings. It is the purpose of this section to promote the health and safety of the residents of the city and protect dogs from neglect by reducing the number of improperly tethered dogs. The unified government recognizes that dogs that are continuously and improperly tethered have an increased potential to be poorly socialized, act aggressively toward humans, and be neglected by their owner. In order to better protect the safety of its citizens and the welfare of the animal, restraint by tethering must meet certain standards.

(h) Tethered animals must not:

1. be tethered unattended to any utility pole, parking meter, building, structure, fence, sign, tree, shrub, bench or other object on public property or on private property without the prior permission of the person or agency in charge thereof, and no pet animal shall be tethered within ten (10) feet of, or in such a manner as to permit it to intrude upon, neighboring property, a public sidewalk or street;

2. be tethered directly with chains or other tethers, restraints or implements without the proper use of a collar, harness or other device designed for tethering;

3. be tethered with a chain, leash, rope or tether that is shorter than (10) feet in length;

4. be tethered with a chain, leash, rope, collaring device, tether, or any assembly or attachments thereto that due to weight, inhibit the free movement of the animal within the area tethered;

5. tether a dog in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, posts or other man-made or natural obstacles.

(i) It is unlawful for any person to have, keep or harbor any animal that is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. A municipal court judge may order a person convicted under this section to turn the animal involved over to the animal control division. If, in the opinion of a licensed veterinarian, the animal appears to be diseased or disabled beyond recovery for any useful purpose, the animal may be humanely euthanized. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.
(j) It is unlawful for any person to cause, instigate, stage, train or torment any animal for or permit any fight between any animal and another animal or human.

(k) It is unlawful for any person to attend or solicit attendance at or be an umpire, judge, or other official at a fight staged between any animal and another animal or human.

(l) It is unlawful for any person to give or to offer to give a live animal as a prize, a business inducement, or any other form of gratuity, except purebred livestock given away as a part of a farm youth organization program.

(m) It is unlawful for any person to use as a toy or for display or decorative purposes, to sell or offer for sale, to expose for sale, to subject to any form of mistreatment or careless handling, or to dye any newly hatched fowl or newly born rabbit.

(n) It is unlawful for any person to confine calves, sheep or hogs by tying their legs, except during a properly licensed rodeo, or in any way confine them in closed boxes or otherwise, or have in his possession any calves, sheep or hogs so tied or confined, or load into any freight car or into any other conveyance, for the purpose of transportation, any animal in a cruel or inhumane manner.

(o) It is unlawful for any person to induce or encourage any animal in an animal exhibition, rodeo or circus to perform through the use of the chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(p) It is unlawful for any person to display for sale, sell, exchange, barter, or give away any animal except in the following places:
   1. A commercial animal establishment having a valid business license and licensed with the Kansas Department of Agriculture.
   2. A private kennel or cattery licensed with the Kansas Department of Agriculture.
   3. A private residence, provided that should the residence exceed the limit of animals sold under K.S.A. 47-1701(f), that residence is licensed with the Kansas Department of Agriculture.

(q) It is unlawful for any person to intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall for the purpose of sport or entertainment.

(r) The provisions of this section shall not apply to:
   1. Normal or accepted veterinary practices;
   2. Bona fide experiments carried on by commonly recognized research facilities;
   3. Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. 32-101 et seq. or K.S.A. 47-101 et seq.;
   4. Rodeo practices accepted by the Rodeo Cowboys' Association;
   5. The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control by the owner thereof, by the agent of such owner residing outside of a city, by the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, by a licensed veterinarian at the request of the owner thereof, by any officer or agent of an incorporated humane society, by the operator of an animal shelter or pound, by a local or state health officer, or by a licensed veterinarian five working days following the receipt of any such animal with tags identifying its owner at such society, shelter or pound;
   6. With respect to farm animals, normal or accepted practices of animal husbandry;
   7. The killing of any animal by any person at any time which may be found outside the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;
(8) An animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods; or

(9) Laying an equine down for medical or identification purposes.

(s) As used in this section, the term “equine” means a horse, pony, mule, jenny, donkey or hinny.

(t) Cruelty to animals is a Class A violation.

Sec. 7-80. Rescue from vehicles.

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by an animal control officer and/or law enforcement officer, law enforcement may, enter such vehicle and rescue such animal and impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.

ARTICLE IV. ANIMAL BITES AND DISEASE CONTROL

Sec. 7-107. Human exposure to zoonotic diseases by animals other than dogs or cats.

(a) Any bite wound by an animal other than a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as “incident”) shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harborer of the animal if the incident is known to such person. Any animal bite that requires medical treatment shall be reported within 24 hours to the director of health or the director of animal control by the treating physician or hospital caring for the patient. It is the duty of the health department to promptly notify the director of animal control of any such bite reported to the police.

(b) It is unlawful for the owner, keeper or person harboring the animal involved in such incident to release it from custody, to hide or conceal such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of animal control, until an observation period stipulated by the State of Kansas Department of Agriculture for the particular species of animal is over or such period is ruled unnecessary by the director of animal control.

(c) It is the duty of such owner or keeper, upon receiving notice of such incident, to immediately place the animal involved in a duly licensed veterinary medical facility, the address of which must be furnished to the director of animal control at once, or in the unified government animal shelter where such animal shall be isolated and confined for observation. The owner or keeper of an animal involved in a biting incident is liable for the cost of confinement and observation. (K.A.R. 28-1-13).

(d) The death or any suspicious change in health or behavior of any such animal undergoing observation shall be reported immediately by the observing authority to the director of health or the director's designee representative. In the event that a proper period of observation is undetermined or undeterminable for the species of animal involved in an incident, the director of health may order whatever laboratory examination of the animal or the animal's tissues is required by prudent medical practice for the protection of the victim, and no liability for damages shall arise from any injury to or the death of the animal occasioned by the laboratory examination.

(e) When an animal involved in an incident is outside the city, the director of health or the director of animal control shall forward information concerning the incident to the appropriate authority of the jurisdiction of residence of the owner, keeper or harborer or the appropriate state health department for coordinated disease prevention.
Sec. 7-108. Domestic dog and cat bites resulting in human exposure to rabies.

(a) Any bite wound by a dog or cat exposing an individual to the possibility of rabies or other zoonotic disease (hereinafter referred to as "incident") shall be immediately reported to the director of animal control by the victim and by the owner, keeper or harborer of the animal if the incident is known to such person.

(b) It is the duty of every owner or keeper of any dog or cat upon receiving notice or having knowledge of the involvement of his pet in a human exposure to the possibility of rabies or other zoonotic disease by biting (hereinafter referred to as "incident") to immediately contact the Director of Animal Control for instruction on quarantine for the biting animal. Quarantine location and period shall be regulated by the State of Kansas Department of Agriculture, through K.A.R. 28.1.13, and any amendments thereto. However, any city police department canine and/or any assisting police canine from other law enforcement agencies involved in an incident may continue on active duty.

(c) It is unlawful for the owner harboring the animal involved in such incident to release it from custody, to hide such animal, or to take or allow such animal to be taken beyond the limits of the city, unless so authorized by the director of animal control, until the period of confinement and observation here required is completed. The owner or keeper of such animal involved in an incident shall be liable for the cost of confinement and observation.

(d) The death or any suspicious change in the health or behavior of any such dog or cat undergoing observation shall be reported as soon as possible by the observing authority to the director of animal control and the director of health or the director's designee.

ARTICLE VI. DOGS AND CATS

DIVISION 1. GENERALLY

Sec. 7-212. Maximum number.

It shall be unlawful for any person in charge of a residence to keep or to allow to be kept more than three dogs or three cats over 120 days of age or any combination of such animals exceeding six in number, unless one or more of the following conditions are met:

(1) The residence is licensed as a commercial animal establishment in accordance with K.S.A. 47-1701 and meets local criteria set forth by the unified government.

(2) If the individual in charge of the residence is not engaged in the commercial sale of dogs and has a current permit to exceed the pet limit issued by the unified government board of commissioners.

(3) Animals in residences that are owned by a Kansas licensed animal shelter, pound, or rescue, and are being fostered under the supervision of a Kansas licensed animal shelter, pound, or rescue, and the residence is registered with the Department of Agriculture for the State of Kansas, those animals shall be exempt from being counted toward the pet limit, provided the number of foster dogs does not exceed more than five adult dogs over six months of age.

DIVISION 2. REGISTRATION

Sec. 7-265. Tag—Generally.

At the time of the issuance of the registration certificate provided for in this division, the director of animal control shall deliver to the owner or keeper of the dog or cat a metallic tag with the registration
number marked or stamped thereon. The metallic tag or registration shall be issued once and renewed on an annual basis as provided by section 7-263.

Sec. 7-267. Spaying and neutering.

(a) Legislative findings. It is the purpose of this section to promote the health, safety and general welfare of the residents of the city by reducing the number of stray dogs and cats. The unified government board of commissioners finds that each year, thousands of dogs and cats are euthanized in the city because they are not wanted. It is the purpose of this section to eliminate the excessive number of unwanted animals and thereby stop the needless killing of these animals by restricting the breeding practices of pet owners and breeders through legislation that is both reasonable and enforceable.

(b) Prohibition. It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six months that has not been spayed or neutered, except as provided in subsection (c) of this section.

(c) Exceptions. The prohibition contained in subsection (b) of this section shall not apply:

(1) If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of risk to the animal’s health.

(2) If the owner of the animal annually obtains a permit from the animal shelter to possess an animal that is not neutered. The permit shall be issued or renewed only if the director of animal control determines that the following conditions have been met:
   a. The animal is examined regularly by a licensed veterinarian;
   b. The animal is vaccinated annually for rabies and other common diseases;
   c. The animal is housed properly;
   d. The owner has not had more than two violations of the provisions of this chapter in the preceding 24 months;
   e. The owner pays a permit fee established by the county administrator. The fee is intended to cover a portion of the cost that the unified government currently incurs for each unwanted animal impounded and euthanized;

(3) If an animal is temporarily in the city to participate in a show or event sponsored by a sanctioned animal organization;

(4) If an animal is owned, possessed or kept in the city for fewer than 30 days in a one-year period.

Section 2. That new sections 7-215, 7-216, and 7-217 be added to Chapter 7 Article VI, Division 1 of the Unified Government code as follows:

Sec. 7-215. Nuisance Animals.

(a) Excessive animal noise.

(1) No person shall own or keep any animal that, by making excessive noise, disturbs a neighborhood.

(2) The following definitions and conditions shall be specially applicable to enforcement of this section:
   (i) Excessive noise means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the sleep or peace of a neighbor.
(ii) **Neighbor** means an individual residing in a residential structure that is within 200 yards of the property on which the animal is kept or harbored.

(b) **Property damage.** It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(c) **Running at large—Prohibited; exceptions.**

(1) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow the animal to run at large within the city. For the purpose of this section, any animal shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harboree to run at large when found outside the residence structure of the owner, keeper or harboree and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(2) A person with a disability using an assistance dog as defined in K.S.A. 39-1113 shall be deemed to be in compliance with subsection (a) of this section.

(3) Official use of dogs by any governmental unit shall be deemed in compliance with subsection (a) of this section.

(4) An owner, while participating in or training for obedience classes or trials, shall be deemed to be in compliance with subsection (a) of this section. Evidence of this shall be shown by the fact that the dog and owner are going through standard obedience exercises, the owner has a leash on the owner's person, and the dog is under immediate control. The dog's tags must be readily available on the owner's person.

(5) A dog shall be considered effectively physically restrained behind a suitable fence if restrained by a properly functioning electronic fence and a properly functioning electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's keeper's, or harboree's property. Dogs confined to residential property of the owner, keeper, or harboree, by an electronic fence and an electronic collar, shall not be permitted to be nearer than ten feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence and an electronic collar in the front yard of an owner's, keeper's or harboree's property. No dog having been found a dangerous animal, as defined by section 7-216, shall be confined by an electronic fence and an electronic collar. All owners, keepers, or harborees of dogs who use an electronic fence shall clearly post their property to indicate to the public that a dog is confined to the property by an electronic fence and electronic collar.

(6) In order to comply with this section, any electronic fence and electronic collar must be approved by the unified government animal control division. In order to obtain approval, the owner, keeper, or harboree must submit for approval the following information:

(i) The name of the owner, keeper, or harboree;

(ii) Identification of all animals to be restrained by said electronic fence or electronic collar;

(iii) The owner, keeper or harboree shall be required to post signs or notices to clearly indicate to the public that a dog is confined to the property by an electronic fence or electronic collar. Said notices shall be posted in such a manner as to notify the public of the location and boundaries of any electronic fence.
(7) **Cat control.** All cats must be under the control of their owner, keeper or harborer at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:

(i) If a neighbor complains orally or in writing to the owner, keeper or harborer of a cat that the cat is entering upon the neighbor’s property, then the cat's presence on the neighbor's property at any time subsequent to the neighbor's complaint shall constitute a violation of this section;

(ii) If a cat causes injury to persons or animals;

(iii) If a cat causes damage to property other than its owner's, keeper's or harborer's property, including, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.

(iv) This section does not apply to unowned ear-tipped feral cats.

(d) **Animals putting person in fear.** No person shall own, keep or harbor any animal that jumps upon or threatens persons upon public streets; or without provocation, molests, chases or interferes with persons or vehicles in the public right-of-way by jumping upon, chasing, barking or biting at persons or vehicles. This section shall also apply to animals while being walked on leashes, or otherwise physically restrained.

(e) **Animal Injury.** No person shall own, keep, or harbor any animal that, without provocation, causes injury to another domestic dog or cat. This section shall not apply to animals injured while trespassing on the owner, keeper, or harborer of the offending animal’s premises.

(f) **Same—Violations.**

(1) Upon a person's conviction for a third time involving the same animal in any 24-month period of subsections (a), (b), or (c), and (e) in any combination thereof, or first conviction of section (d), shall constitute a “Nuisance Animal.”

(2) No animal may be declared a nuisance if, at the time of violations the person or animal was teasing, tormenting, abusing or assaulting the alleged nuisance animal. No animal may be declared a nuisance if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(3) No person owning, harboring or having the care or custody of a nuisance animal shall suffer or permit such animal to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.

(4) A nuisance animal is "unconfined" if while on the premises of its owner or harborer such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person. Such pen or dog run area must be adequate to ensure the confinement of such dog upon the premises.

(5) Failure to keep a nuisance animal according to the above requirements shall be a separate violation of this Chapter.

(6) The municipal court judge may revoke said person’s license for that individual nuisance animal.

(7) It is unlawful for a person to keep, harbor or maintain the animal involved in the violations within the corporate limits of the city when that person's license to keep the animal has been revoked pursuant to this section.
Sec. 7-216. Dangerous Animals

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a dangerous animal. A dangerous animal is any animal which has done any of the following:

1. Caused a bite injury, other than a bite that resulted in great bodily harm, disfigurement, or death, to any person, or
2. Killed another dog or cat.

(b) A “bite injury” is any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, abrasion, bruise or other piercing of the skin.

(c) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous if any injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was:

1. A member of the household, or;
2. Teasing, tormenting, abusing or assaulting the dog or committing or attempting to commit a crime, or;
3. Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
4. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(d) Notwithstanding the definition of a dangerous animal above, no animal may be declared dangerous based solely on size or breed, or mix of breed; or if death to a dog or cat occurred solely due to a size disparity between the animals and there was no sustained vicious attack on the dog or cat.

(e) Any dangerous animal which is in the custody of an Animal Control Officer and which in the judgment of the Director of Animal Control or Municipal Court judge, would constitute a menace to the health, safety or welfare of the public if released from custody, may be held pending a hearing on any charges or complaints filed in the municipal court to determine the disposition thereof. If not so determined, the animal may, after having been held pursuant to section 7-108, be returned to its owner, keeper, or harborer until final determination is made by the Municipal Court as to whether a violation of this section has occurred. If returned pending the final disposition of the case, the animal must be kept securely confined and must be muzzled while in public until final determination is made as to whether a violation of this section occurred.

(f) Any violation of this section shall be punishable pursuant to the provisions of section 7-2(f). Upon conviction, the court may order that the animal be humanely euthanized and direct the Director of Animal Control, or his or her designee, to ensure that the order is enforced.

(g) Upon conviction of keeping a dangerous animal, the Municipal Court Judge may order restitution be paid to the victim of the violation of (a).

(h) Upon conviction of keeping a dangerous animal, and the animal returning to its owner, the animal shall be kept subject to the following standards:

1. **Leash and Muzzle.** No person shall permit a dangerous animal to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate object such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

2. **Confinement.** All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel when not indoors, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to
confine dangerous animals must be locked with a key or structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house dangerous animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition, and must not be the primary enclosure for keeping of the animal. Animal Control Officers shall have the authority to monitor and inspect the keeping of all dangerous animals.

(3) Confinement Indoors. No dangerous animal may be kept on a porch, patio or in a part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when screen doors are the only obstacle preventing the animal from exiting the structure.

(4) Signs. All owners, keepers or harborers of dangerous animals within the city shall within 10 days of conviction, display in a prominent place on their premises a signs easily readable by the public using the words Beware of Dog or Beware of Dangerous Animal, whichever is applicable.

(5) Insurance. All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide proof to the Director of Animal Control of public liability insurance in a single incident amount of $1,000,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. The insurance policy will provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Director of Animal Control.

(6) Identification Photographs. All owners, keepers or harborers of dangerous animals must within 10 days of conviction provide to the Animal Control two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Microchip. All owners, keepers or harborers of dangerous animals must within 10 days of conviction microchip the animal and provide microchip information to the Animal Control to register the animal as dangerous.

(8) Spaying/Neutering. All owners, keepers or harborers of dangerous animals must within 10 days of conviction spay or neuter the animal and provide proof of sterilization to the Director of Animal Control.

(9) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a dangerous animal registered with the City to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such animal; provided that the registered owner of a dangerous animal may sell or otherwise dispose of a registered dog or the offspring or such dog to persons who do not reside within the city.

(10) Failure to Comply. It shall be unlawful for the owner, keeper or harbore of an animal deemed by the Municipal Court to be a dangerous animal to fail to comply with the keeping requirements and conditions set forth in this article. Any animal found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this article is deemed a separate offense. Upon conviction, the court shall order the revocation of the license of such animal resulting in the immediate removal of the animal from the city.
Sec. 7-217. Vicious Animals

It shall be unlawful to keep, possess, or harbor a vicious animal within the city limits. A vicious animal means any animal which has caused great bodily harm, disfigurement, or death to any person.

(a) A vicious animal does not include an animal that has caused great bodily harm to any person while a person was committing a criminal offense on the property of the owner, keeper, or harboring of the animal. The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity.

(b) Upon conviction, the court shall order that the animal be removed from the city or humanely euthanized, and direct the Director of Animal Control to insure that the order is enforced.

Section 3. That said original Sections 7-1, 7-2, 7-3, 7-5, 7-13, 7-16, 7-17, 7-18, 7-19, 7-20, 7-46, 7-48, 7-50, 7-51, 7-78, 7-79, 7-80, 7-107, 7-108, 7-109, 7-212, 7-215, 7-216, 7-217, 7-265, 7-267, Article VI, Division 3 and Division 4 of the Unified Government Code are hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF ___________________________ 2015.

______________________________________________
Mark Holland, Mayor/CEO

Attest:

______________________________________________
Unified Government Clerk

Approved As To Form:

______________________________________________
Unified Government Counsel
To: Unified Government Board of Commissioners  
From: City Staff  
Date: September 25, 2014  
Re: Sign Code and Digital Billboards Amendments (140279)

GENERAL INFORMATION

Applicant: Staff via Commissioner Walker

Requested Action: Amend the sign code to allow for digital billboard faces

Date of Application: N/A

Purpose: Allow digital billboards

Property Location: N/A

Existing Zoning: N/A

Advertisement: Property Owner Letters – N/A  
Wyandotte Echo – July 17, 2014

Public Hearing: August 11, 2014

Public Opposition: No one appeared in opposition at the August 11, 2014 City Planning Commission meeting or August 28, 2014 Board of Commissioners meeting.
**PROPOSAL**

*Detailed Outline of Requested Action:* The request of staff was to prepare an ordinance amendment that would allow the conversion of existing billboards to electronic faces that can change once every 8 seconds.

*City Ordinance Requirements: Article XXI Sections 27-722 – 27-761*

**PROPOSED AMENDMENT**

Provided under separate cover

**PREVIOUS ACTION**

The Planning Commission voted 8 to 0 to recommend approval of this ordinance amendment in August. The Board of Commissioners returned it to the Planning Commission to consider amendments requested by Commissioner Walker that require removal of twice the square footage of the new digital sign being placed and to amend the non-conformity section.

**UPDATE:**

The proposed amendments to Sections 27-722 to 27-739 would create the following changes:

- Allows for the conversion of existing static outdoor advertising signs to digital outdoor advertising signs by administrative approval of the Planning Director, rather than with a special use permit, as long as certain criteria are met. 27-724(b)(4)

- Changes the definition of “maintenance” to include the replacement of damaged or structurally unsound frame poles. 27-724

- Adds a new definition for “digital outdoor advertising sign”. 27-737(b)

- Adds a new definition for “electronic message center.” 27-722(2)

- Limits each billboard company to five digital outdoor advertising signs within the city limits. 27-737(g)

- Requires billboard companies to remove twice the square footage of existing outdoor advertising signs for every square foot of digital signs that they want to convert. 27-737(f)

- Establishes performance standards for digital outdoor advertising signs, including:
- The digital sign face cannot display any movement, flashing or other animated techniques.
- Message changes must occur instantaneously (no scrolling or slow dissolve effects).
- Messages must be displayed for a minimum of eight seconds.
- Sets maximum brightness levels for digital signs.
- Requires signs to turn off or go black if they malfunction.
- Requires sign owners to allow first responders to post emergency messages such as tornado warnings and Amber Alerts upon request.

27-737(j)

CITY PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend approval of this ordinance amendment.

REVIEW OF INFORMATION AND SCHEDULE

<table>
<thead>
<tr>
<th>Action</th>
<th>Planning Commission</th>
<th>Board of Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Hearing</td>
<td>August 11, 2014</td>
<td>August 28, 2014</td>
</tr>
<tr>
<td>Approval</td>
<td>September 8, 2014</td>
<td>Referred Back</td>
</tr>
<tr>
<td></td>
<td></td>
<td>September 25, 2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>December 4, 2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td>December 18, 2014</td>
</tr>
</tbody>
</table>

STAFF CONTACT: Robin H. Richardson rrichardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners APPROVE this ordinance amendment as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. ____________________________________________________________;

2. ____________________________________________________________; And

3. ____________________________________________________________.
I move the Unified Government Board of Commissioners DENY this ordinance amendment as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

AUGUST 11, 2014 CITY PLANNING COMMISSION MINUTES:

140279 Consideration of amendments to the Unified Government Code of Ordinances, Sections 27-722 through 27-739, regarding digital billboards and changes to the sign code

Planning Director Richardson stated the staff was asked by Commissioner Walker to prepare an amendment to the sign code that would allow highway billboards in the community to be converted to digital billboards. They would be able to change once every eight seconds under this proposal. He stated that there is one change on page 12 of the staff report as there is a sentence that is repeated and the second sentence should be stricken.

Planning Commissioner DeWitt asked if the change of ordinance expressly applies to larger interstates and thoroughfares or does it also affect inner-city. Director Richardson stated that it is only for highway billboards.

No one appeared in opposition to this amendment.

On motion by Ms. Huey, seconded by Mr. Carson, the Planning Commission voted as follows to recommend APPROVAL of this ordinance amendment:

Carson  Aye
Connelly  Not Present
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Aye
Walker  Not Present

Motion to recommend APPROVAL Passed: 8 to 0

SEPTEMBER 8, 2014 CITY PLANNING COMMISSION MINUTES:

140279 Consideration of amendments to the Unified Government Code of Ordinances, Sections 27-722 through 27-739, regarding digital billboards and changes to the sign code

Planning Director Richardson stated that the Commission reviewed this amendment last month (and recommended approval). The Board of Commissioners returned the matter to the Commission at the request of Commissioner Walker for provisions to be added to
require that if someone did obtain a permit for a digital billboard they would have to remove twice the square footage of the area of that billboard of smaller non-conforming urban signs. There are a lot of small boards (10’ by 12’ or 15’ by 20’) in the urban areas that are not well maintained and there is not a demand for those signs. They may have advertising for a not-for-profit but they are generally half torn off and in disrepair. They would have to remove those signs. If they had a 900 square foot board approved they would have to remove 1800 square foot of those signs somewhere in the city. The second point would be to make nonconforming signs conforming so they could maintain those signs. Right now if you have a nonconforming commercial building in a residential district, you could only rebuild under certain circumstances a residential structure there. This ordinance would make those billboards conforming structures as far as maintenance, repair and replacement.

Chairman Hurrelbrink asked if taking down a sign means removing the framework, etc. Director Richardson stated yes, the entire sign and frame will be removed.

Planning Commissioner Pauley asked who will be responsible for enforcing the removal of the signs. Planning Director Richardson stated that has not been established but he would assume that before Business License would issue the sign the applicant would have to show proof of removal of the other signs.

No one appeared in opposition to this amendment.

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend APPROVAL of this ordinance amendment:

Carson  Not Present
Connelly  Aye
DeWitt  Aye
Ernst  Aye
Escobar  Aye
Gonzalez  Aye
Huey  Aye
Hurrelbrink  Chairman
Pauley  Aye
Schwartzman  Aye
Walker  Not Present

Motion to recommend APPROVAL Passed: 8 to 0
ORDINANCE NO. ______________

AN ORDINANCE permitting digital outdoor advertising signs, subject to certain regulations, in Kansas City, Kansas; amending Chapter 27, Article VIII, Sections 27-722 through 27-739 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 27, Planning and Development, Article VIII, Division 11, “Signs”, Sections 27-722 through 27-739 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 27-722. - Definitions and classifications.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign means any outdoor announcement, device, design, figure, trade-mark or logo used for decoration, conveying information, identification, or to advertise or promote any business, product, activity, service or interest placed so as to be seen from outside a building or premises. The definition of "sign" shall include the following:

(1) Changeable message sign means a manually, mechanically or electronically activated sign on which copy is changed two times per day or less. This includes reader boards, gas price signs, and theater marquees, but is not limited to them. Outdoor advertising signs, billboards, poster panels, junior poster panels and painted boards are not changeable message signs.

(2) Electronic message center means a manually, mechanically or electronically activated sign on which copy is changed at a rate of not more than once every 8 seconds. This includes reader boards, gas price signs, and theater marquees, but is not limited to them. Outdoor advertising signs, billboards, poster panels, junior poster panels and painted boards are not changeable message signs.

(3) Detached sign means a single or double-faced sign placed upon or supported by the ground independent of any other structure, including pole or pylon signs and monument signs.

(4) Pole or pylon sign means a detached sign supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the sign face is located three feet or more above the average finished grade at the base of the sign.
(5) **Monument sign** means a detached sign whose sign surface is attached to a proportionate base or structural frame, the width of which shall be a minimum of one-half the width of the widest part of the sign face. Said base shall not exceed a height of three feet above the average finished grade. An enclosed or solid sign base shall not be required if the sign face is within two feet of the average finished grade. The materials of the base of a monument sign shall be either masonry, wood, anodized metal, stone or concrete.

(6) **Portable sign** means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(7) **Projecting sign** means a sign supported by and projecting at a 90-degree angle from a building wall.

(7) **Roof sign** means a sign erected, constructed, or maintained upon or above the roof of a building, or which is wholly dependent upon a building for support and which projects above the cornice or parapet line of a building with a flat roof, or the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard. A mansard having a pitch not exceeding one foot horizontal and three feet vertical is a wall. A mansard having a less vertical slope is a roof.

(8) **Wall bulletin** means a sign painted on the surface of a building or structure or a painted sign or poster which is attached to but does not project more than 12 inches from such building or structure. A wall bulletin is not a bulletin under section 27-737.

(9) **Wall sign or building sign** means a sign attached to and erected parallel to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 12 inches from such building or structure. Signs on awnings, canopies or marquees shall be considered wall signs.

(10) **Flashing sign** means any sign that is internally or externally illuminated by flashing, flowing, alternating, or blinking lights.

(11) **Rotating sign** means any sign surface or sign structure or any portion thereof which rotates, moves, or is animated.

(12) **Sign structure** means the support, upright bracing and framework for any sign.

(13) **Sign surface** means the entire area within a single continuous rectangular, triangular, or trapezoidal shape which encloses all elements that form the display, including any background which is different from or in contrast with any building wall surface upon which it is mounted.

(14) **Signable wall area** means a continuous portion of a building facade below the roofline or major architectural feature as viewed by a person approaching the building consisting of a plane surface. A sign may not extend above the sill level of the second story unless the business establishment to which it pertains is located above the first floor.

(15) **Conversion** – A change in the face type of an outdoor advertising sign from a traditional static outdoor advertising sign face to a digital outdoor advertising sign face, or vice versa, which either maintains or reduces the length and width dimensions of the sign face. A conversion shall include any alterations to the sign structure which are necessary to support the weight of the digital technology as detailed in the requirements set forth in
Sec. 27-723. - Purpose.

The purpose of this division is to recognize the business community’s need for effective, individualized identity and public awareness, to guard regulate against and reduce what otherwise might be confusing and objectionable clutter, to promote traffic safety by reducing the visual distraction of motorists to determine placement consistent with traffic safety, to protect property values by enhancing the harmony between residential and commercial uses, and to preserve, protect and promote the public health, safety and general welfare.

Sec. 27-724. - Sign permits.

(a) Required. No sign shall be erected, installed, or altered until a sign permit has been issued by the unified government. No sign permit is required for maintenance. Maintenance includes all care and minor repair that is necessary to retain a safe, attractive and finished structure, frame pole, brackets or surface and which does not enlarge or materially alter any face or display portion of the sign. Replacing a damaged or structurally unsound frame pole with another frame pole of the same size and height shall be considered maintenance. Nothing herein shall prevent the maintenance, repainting, or posting of a legally established nonconforming outdoor advertising sign. With respect to on-premise signage, changing the copy on a sign without changing the sign dimensions shall be considered maintenance if the information, product or service depicted remains the same, if the graphic design is not substantially altered, and if the sign will serve the same business establishment after the change as before. All signs hereafter installed shall have permanently affixed thereto a label clearly visible at all times indicating the number of the permit issued therefor.

(b) Requirements for permits.

(1) For all wall signs, a building elevation drawing shall be required scaling both the size and placement of the sign as well as the dimensions of the wall elevation. The content, lettering, colors and materials of the sign shall be identified.

(2) For all freestanding pole or monument signs, a site plan is required identifying the setback from the property line and the proposed location on the site. The content, dimensions, lettering, colors and materials shall also be identified.

(3) Temporary signs do not require drawings or site plans.

(4) A special use permit shall not be required for the conversion of an existing off-premises outdoor advertising sign to a digital outdoor advertising sign. However, the sign owner/applicant shall apply for and must obtain a sign permit from the Planning Director prior to any conversion. The sign owner/applicant shall provide the following information
upon forms prescribed by the Planning Director, along with the applicable fee, and shall be accompanied by a written, detailed plan which sets forth:

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

b. The size in square footage of the existing outdoor advertising signs to be removed;

c. The locations of the signs to be removed;

d. The submission of stamped drawings from an engineer, showing required structural upgrades and alterations necessary to support the weight of the added digital technology necessary for the conversion; and

e. A statement that the signs being removed meet the removal criteria of section 27-737(f).

(5) Digital outdoor advertising signs shall be permitted on legally established, existing outdoor advertising sign structures, subject to the requirements of this code.

(Code 1988, § 27-1373; Ord. No. 64690, § 1(27-71.6(A)), 8-30-1984; Ord. No. 65814, § 17, 7-8-1993)

Sec. 27-725. - Maintenance.

All signs shall be of sound structural quality, be maintained in good repair, have a clean and neat appearance, and land adjacent shall be kept free from debris, weeds and trash. The light modules on digital outdoor advertising signs shall be repaired or replaced if they become broken, burned-out or substantially dimmed. If signs are not maintained as described and the building official deems them a public safety hazard or nuisance, such signs shall be removed. Similarly signs that have become obsolete through the closing of a business shall be removed within six months. The owner of the property shall be responsible for the removal.

Nothing herein shall prevent the maintenance, repainting, or posting of legally established nonconforming outdoor advertising signs.

Maintenance shall not include the conversion of an existing outdoor advertising sign to a digital outdoor advertising sign. All such conversions shall be subject to the permitting and fee requirements specified in this chapter and pertaining to sign permits generally.

(Code 1988, § 27-1374; Ord. No. 64690, § 1(27-71.6(B)), 8-30-1984; Ord. No. 65814, § 18, 7-8-1993)

Sec. 27-726. Prohibited signs.

The following types of signs shall be prohibited, except where specifically permitted under the provisions of this division:
Any sign that is not otherwise included under types of sign permitted in this division.

Any roof sign, wind or banner sign, portable signs, pennants, search lights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons and other gas filled objects.

Any sign mounted on a platform, trailer, or motor vehicle, whether operable or inoperable, which sign may be placed on or near the premises of the business being advertised. Such prohibition shall not extend to trucks or other legitimate carriers and delivery vehicles that may be parked on such premises in the course of their normal operations.

Any sign located in a public or private right-of-way, railroad rights-of-way or public and private utility easements, except those signs required by governmental authority.

Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency vehicle, or which hides from view any traffic or street sign or signal or device.

Any sign giving false statements concerning zoning or land use.

Electronic message centers except for time and temperature signs and except as otherwise may be permitted.

Sec. 27-727. District sign requirements.

No sign shall be erected, installed or altered except in conformance with the following chart and the provisions of this division:

<table>
<thead>
<tr>
<th>District (Includes Planned District Equivalent)</th>
<th>Wall Signs</th>
<th>Detached Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (Maximun of One)</td>
<td>Area (As Percentag)</td>
<td>Number</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Per Facade</th>
<th>e of Signable Wall Area</th>
<th>Sign Face</th>
<th>I Sign Height</th>
<th>(From All Property or Proposed Street Lines)</th>
<th>Sign Face</th>
<th>I Sign Height</th>
<th>(From All Property or Proposed Street Lines)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-G, R, R-1, R-1(B), R-2, R-2(B)</td>
<td>1</td>
<td>5 percent (Not to exceed 35 square feet)</td>
<td>(Signs permitted for nonresidential uses only, i.e., churches, orchards, etc.)</td>
<td>1</td>
<td>25 square feet</td>
<td>12 feet</td>
<td>15 feet</td>
<td>40 square feet</td>
</tr>
<tr>
<td>R-3, R-4, R-5, R-6, R-M</td>
<td>1</td>
<td>5 percent (Not to exceed 75 square feet)</td>
<td>1</td>
<td>25 square feet</td>
<td>12 feet</td>
<td>15 feet</td>
<td>50 square feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>C-O</td>
<td>3</td>
<td>5 percent (Not to exceed 75 square feet)</td>
<td>1 (in lieu of one permitted wall sign)</td>
<td>25 square feet</td>
<td>12 feet</td>
<td>15 feet</td>
<td>50 square feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>C-1</td>
<td>2</td>
<td>7 percent</td>
<td>1</td>
<td>50 square feet</td>
<td>12 feet</td>
<td>15 feet</td>
<td>40 square feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>C-D</td>
<td>3</td>
<td>7 percent</td>
<td>1 (in lieu of one permitted wall sign)</td>
<td>50 square feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>40 square feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>(Same as C-1 requirements)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-2, C-3, M-1</td>
<td>3</td>
<td>7 percent</td>
<td>1 (in lieu of one permitted wall sign)</td>
<td>75 square feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>40 square feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>For each one foot additional setback, one foot additional height and three square feet in area are permitted up to the maximums for pole or pylon signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
For each one foot additional setback, one foot additional height and five square feet in area are permitted up to the maximums for pole or pylon signs.

Note: Setbacks from the public right-of-way may be reduced to two feet for a monument sign and five feet for a pole or pylon sign, if the sign is at least 25 feet from the curb line or 25 feet from the edge of the street including paved or graveled shoulders.


Sec. 27-728. Signs not requiring permits.

No permits are required for the following signs:

(1) *For sale/lease signs.* One nonilluminated "for sale" or "for rent" sign shall be allowed for each lot, not to exceed eight square feet in area in single-family or two-family zoning districts, and not to exceed 32 square feet in area in all other zoning districts.

(2) *Construction site signs.* One nonilluminated sign not more than 64 square feet in area shall be allowed on each street frontage of a construction site, showing names of architects, engineers, builders or contractors, funding sources, sales and/or leasing information of a building or development being constructed, provided such signs shall be removed upon completion of the project.

(3) *Directional signs.* Signs for the direction of automobile traffic may be permitted for parking lots and for businesses with drive-in or drive-through facilities. No directional sign shall exceed five square feet per sign face, nor three feet in overall height, and shall not advertise a business or product. No setback shall be required.

(4) *Flags.* Official flags of government jurisdiction, including flags indicating weather conditions and flags that are emblems of religious, charitable,
public and nonprofit organizations shall be allowed. A single corporate flag shall be permitted in conjunction with at least one governmental flag. No flag shall exceed 50 square feet in area.

(5) **Menu boards.** Signs listing the menu and prices may be permitted for restaurants with drive-in or drive-through facilities. A menu board shall not exceed 36 square feet in sign area.

(6) **Incidental signs.**

a. Signs not exceeding four square feet in area that are customarily associated with residential use and that do not advertise off-site activities, such as signs giving property identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to private parking, political signs or signs warning the public against trespassing or danger from animals shall be allowed.

b. Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and address of the occupant shall be allowed. Such signs shall not exceed four square feet. Where multiple tenants share the same rear door, the sign may display the names and address of each tenant.

c. In lieu of an otherwise permitted detached sign, a painted sign may be placed on a fence in the M2 general industrial or M3 heavy industrial districts so long as it does not exceed 16 square feet in area.

(7) **Window signs.** In all business and commercial districts, signs inside the building but clearly visible from outside the building are permitted, provided that not more than 25 percent of the total window area may be utilized.


Sec. 27-729. Multiple building complexes/large buildings.

(a)
In the case of an office park, hotel or motor hotel, shopping center, industrial park, or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance, or any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations as set out in the codes and shall be for the purpose of assuring harmony and visual quality throughout a project.

(b) In districts CO through M-3 and the planned district equivalents, multitenant centers, multiple buildings complexes, or projects of unified design or control are permitted one wall sign for each occupant with facade frontage meeting the area requirements as set out in section 27-727. Each such center or multitenant building will be allowed one detached sign meeting the area, height and setback requirements as set out in section 27-727, where such center, complex or building includes over 20,000 square feet of building area, the detached sign shall be permitted to be up to one-third larger than otherwise permitted in that district. Where such a center has more than one main building (as opposed to an accessory building), each additional main building is permitted one monument sign meeting area, height, and setback requirements for monument signs set out in the sign chart. In addition, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not more than five feet may be permitted for each additional street frontage.

(c) In planned commercial and industrial districts CPO through MP-3 one center identification sign shall be allowed in lieu of one allowable detached sign in projects having over 50,000 square feet of leasable area in a commercial district or over five acres of developable area in an industrial district. Such center identification sign shall meet the following requirements:

(1) No center identification sign shall exceed 100 square feet per sign face, nor 20 feet in overall height, nor be closer than 15 feet to any property line, measured from the leading sign edge; provided, however, that for every one foot of additional setback provided there shall be allowed one foot of additional height and 15 square feet of additional area, up to a maximum of 250 square feet per sign face and 30 feet in overall height with a setback of 25 feet to any property line, measured from the leading sign edge.

(2)
If not located within the landscaped setback, the sign base shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.

(3) A theater listing may be permitted with planning commission approval as part of a center identification sign.

(4) A major tenant listing may be permitted with planning commission approval as part of a center identification sign.

(5) In addition to the allowable center identification sign, a monument sign identifying the center with a sign face not exceeding 50 square feet with a sign height not exceeding eight feet and with a minimum setback of not less than five feet may be permitted for each additional street frontage. Two monument signs may be permitted in lieu of the center identification sign, but each must be no more than ten feet in height, have no more than 100 square feet of sign area, and be set back as required elsewhere.

(6) An additional sign may be incorporated into a water feature, sculpture, topiary, or other art form, but it may include only the name of the business or project and the plans must be approved by the planning commission. The planning commission will consider the visual attractiveness of the design feature, its compatibility with the scale and design of the project, and its compatibility with surrounding development.

(d) Individual businesses in multitenant buildings in the CI or CPI districts are permitted, in lieu of the basic seven percent maximum, to have a wall sign up to 25 square feet in area so long as the sign does not exceed ten percent of the wall area.

(e) In districts CP-O through MP-3, single tenant buildings of more than 100,000 square feet may have one wall sign on each building facade in addition to any permitted detached sign. Signage area shall be as allowed under section 27-612.


Sec. 27-730. - Surface restrictions.

(a) No sign shall flash or rotate, provided, however, that signs identifying time and temperature
may be permitted and electronic message centers may be permitted as set out in section 27-737. Manually and mechanically activated changeable message signs shall be allowed, but such signs shall have actual areas doubled in calculating permitted sign area. Only that portion of the sign face that is changeable will be subject to this limitation. In addition, the changeable message portion of pole or monument signs shall not include the entire area of the pole or monument sign. Portable signs shall not be converted directly for use as a pole or monument sign.

(b) Up to 25 percent of the surface of any face of any marquee, canopy, facia, or wall may be backlit so long as it is ornamental or decorative in purpose and does not employ any logo, trademarks, or patterns exclusive to the company and/or business in question. Similarly, awnings may be backlit to the extent of one quarter of the wall area to which they are attached. Such backlit area shall be in addition to signage areas allowed under section 27-612.


Sec. 27-731. Sight distance at intersections.

No sign that obstructs the view shall be allowed within the sight triangle of a street intersection, as provided in division 8 of this article.

(Code 1988, § 27-1381; Ord. No. 64690, § 1(27-71.6(E)), 8-30-1984)

Sec. 27-732. Flags.

Official flags of government jurisdiction, including flags indicating weather conditions and flags that are emblems of religious, charitable, public, and nonprofit organizations shall be allowed. A single corporate flag shall be permitted in conjunction with at least one governmental flag. No flag shall exceed 50 square feet in area.

(Code 1988, § 27-1384; Ord. No. 64690, § 1(27-71.6(G)), 8-30-1984; Ord. No. 65658, § 6, 9-5-1991)

Sec. 27-733. Projecting building signs.

(a) One projecting building sign shall be allowed in lieu of one allowable detached sign on any commercially zoned structure having a zero setback from the front property line.
Area and placement shall be as follows:

1. No projecting building sign shall exceed 20 square feet per sign face.

2. No projecting building sign shall project more than four feet or one-third of the sidewalk width from the wall of the supporting building, whichever is greater.

3. The lower edge of a projecting building sign shall be no closer than ten feet to any sidewalk nor 14 feet to any street or alley surface where vehicles may pass below. The upper edge of a projecting building sign shall not extend vertically above the eave line of a single-story structure nor above the second story line of a multistory structure.

4. All projecting building signs shall be attached at right angles to the supporting structure and may be anchored no more than six inches from the structure.

(Code 1988, § 27-1385; Ord. No. 64690, § 1(27-71.6(l)), 8-30-1984)

Sec. 27-734. Special event display.

Portable signs and banner signs may be erected on the premises of an establishment having a grand opening or special event, provided that such signs shall be displayed for a period not to exceed seven calendar days within any six-month period. Balloons and search lights shall be considered as portable signs for special event displays. Banner signs of up to 50 square feet may be displayed for such special events as wall signs for up to a 30 day period within any six-month period.


Sec. 27-735. Residential land development signs.

(a) Each residential land development shall be permitted two monument signs for each public street entrance into the development. Said signs shall not exceed five feet in height nor 40 square feet in area and shall identify the name and logo
of the development only. Where a permitted sign is proposed to be incorporated into a larger structure such as a wall, entrance gate, fence or other substantial structure, the structure shall not exceed more than eight feet in height and the area of copy shall not exceed 32 square feet in area.

(b) Any residential land development offering lots or dwellings for sale shall be allowed two off-site signs of no greater than 32 square feet in area. Such signs shall be located entirely on private property, have written permission from the landowner, and be located at least 660 feet from interstate highway right-of-way unless on commercially or industrially zoned land. Such a sign shall be removed within two years after issuance of a sign permit unless a special use permit is granted for an additional period.

(Code 1988, § 27-1387; Ord. No. 64690, § 1(27-71.6(K)), 8-30-1984; Ord. No. 65814, § 25, 7-8-1993)

Sec. 27-736. Wall bulletins.

One wall bulletin shall be allowed in lieu of one allowable wall sign; provided, however, that no wall bulletin shall exceed 75 square feet in area.

(Code 1988, § 27-1389; Ord. No. 64690, § 1(27-71.6(M)), 8-30-1984)

Sec. 27-737. - Outdoor advertising signs.

(a) **Compliance.** No outdoor advertising sign shall be erected, installed or structurally altered except in conformance with the requirements of this section.

(b) **Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Bulletin* means an outdoor advertising sign between 300 and 925 square feet in sign surface.

*Digital outdoor advertising sign* means an outdoor advertising sign which has a computer controlled board that displays an image through the use of Light Emitting Diode Display (LED) or similar technology.

*Junior poster panel* means an outdoor advertising sign not exceeding 100 square feet in sign surface. Junior poster panels may not be digital outdoor advertising signs.

*Outdoor advertising sign* means a sign advertising or directing attention to a name, a business, product, development, or service which is offered, manufactured, or sold at a location other than the zoning lot upon which it is situated, commonly known as billboards. The use of the term “outdoor advertising sign” in this chapter shall include within its meaning digital outdoor
advertising signs, unless otherwise provided.

*Poster panel* means an outdoor advertising sign between 100 and 300 square feet in sign surface.

(c) **District sign requirements.** Outdoor advertising signs shall be allowed only in the M-2 and M-3 zoning districts. In addition:

1. In the M-2 zoning district, only junior poster panels and poster panels shall be allowed, not to exceed 300 square feet in sign surface area.
2. In the M-3 zoning district, junior poster panels and poster panels shall be allowed. A bulletin whose sign surface does not exceed 925 square feet shall be allowed when adjacent to freeways and expressways as defined by the unified government's major street plan.

(d) **Prohibited areas.** Regardless of zoning district, outdoor advertising signs shall be prohibited on the following streets:

1. Grandview Boulevard from 9th Street to Park Drive.
2. Hoel Parkway from Minnesota Avenue to Washington Boulevard.
3. Meadowlark Lane from State Avenue to Parallel Parkway.
4. Parallel Parkway from 3rd Street to the western city limits.
5. Park Drive from 18th Street to 38th Street.
6. Parkwood Boulevard from 10th Street to Brown Avenue.
7. Rainbow Boulevard from Southwest Boulevard to County Line Road.
8. Washington Boulevard from 3rd Street to Orville Avenue.
9. Wilson Boulevard from Grandview Boulevard to 23rd Street.
10. 57th Street from K-32 Highway to State Avenue.
11. 59th Street from Parallel Parkway to Leavenworth Road.
12. 77th Street from Parallel Parkway to Leavenworth Road.
13. 78th Street from K-32 Highway to Parallel Parkway.
14. 107th Street/110th Street/Hutton Road from I-70 Highway to Wolcott Drive/95th Street/K-5 Highway.

Outdoor advertising signs, except for digital outdoor advertising signs, shall be permitted on Argentine Boulevard, Southwest Boulevard, and Quindaro Boulevard, their boulevard designation notwithstanding.

(e) **Sign permits.** Prior to the issuance of a permit for an outdoor advertising sign, except for the issuance of a sign permit for a conversion from an outdoor advertising sign to a digital outdoor advertising sign, a development plan for any proposed sign shall be submitted
delineating the arrangement of improvements, landscaping and screening, including the topographical conditions within 200 feet of the proposed sign location. The plan shall be drawn to a suitable scale and shall include:

1. Limits of property ownership.
2. Location of existing outdoor advertising signs within a radius of 1,000 feet.
3. Outline of all structures within 500 feet of property in accompanied by their address numbers.
4. Zoning district for the property on which the sign is to be located, as well as the or districts of adjacent properties.
5. Location of sign on proposed property showing setbacks from all property lines.
6. Dimensioned elevation drawings delineating sign surface and structure.
7. Description of size and type of sign.
8. Relationship of proposed sign to existing and proposed streets and to other public ways.
9. Any additional information which may be required by the planning commission, including contour lines with intervals of not greater than five feet, which shows the applicant’s intention to comply with the provisions of this division.
10. Area locator map.
11. Site plan must indicate any flood zones and floodways.

(f) With respect to a digital outdoor advertising sign permit, as a condition of approval, the owner/applicant shall, at his or her sole expense, propose that no less than twice the square footage of existing conforming or nonconforming outdoor advertising signage in Kansas City, Kansas be removed contemporaneous with the conversion of the approved digital outdoor advertising sign.

1. Failure of the owner/applicant to remove the existing outdoor advertising signage within thirty (30) days of the completed conversion of any new digital outdoor advertising sign shall constitute non-compliance with this section and shall be grounds for revocation of the owner/applicant’s permit for the digital outdoor advertising sign. A conversion shall be deemed complete when all supporting structures, cabinets and electronic fixtures have been installed, even if messages have not yet begun displaying on the digital outdoor advertising sign. A written affidavit from the owner/applicant stating that removal has been completed shall be filed with the Planning Director within seven (7) business days after the thirty (30) day removal period. Failure to provide the affidavit within seven (7) business days after the thirty (30) day removal period shall result in a $1000.00 fine for every day that the applicant fails to provide the affidavit.

2. Any conforming or nonconforming outdoor advertising signs that are removed pursuant to this section shall continue to be counted for the purpose of future calculations regarding spacing between outdoor advertising signs and digital outdoor advertising signs, such
that the removal of one outdoor advertising sign does not allow for construction of a new outdoor advertising sign in the same general area.

(g) No owner/applicant shall be allowed to have more than five (5) permits for digital outdoor advertising signs in Kansas City, Kansas at any one time.

(h) Maintenance. In the event that an outdoor advertising sign is abandoned, or is not reasonably maintained for a period of three months, the building official shall proceed against the property owner or sign company of record by appropriate legal remedy to obtain compliance with the requirements hereof. The building official shall not approve subsequent sign permits by the owner of record of any sign that remains in violation of this section.

(i) Surface restrictions.

   (1) No portion of an outdoor advertising surface shall be more than 22 35 feet high. Where not located along a freeway or expressway, the vertical dimension shall be no more than 17 feet high.

   (2) No sign surface shall be more than 53 feet wide.

   (3) No sign surface shall be larger than 925 square feet in area.

   (4) Two sign surfaces located one above the other or side by side which have parallel sign surfaces visible from the same position, are located on the same sign structure, and collectively would not exceed the sign surface requirements for subsections (g)(1)—(g)(3) of this section for height, width, and area of a single sign surface, shall not be prohibited by this requirement.

   (5) Digital outdoor advertising signs shall be permitted to be installed on legally established, existing off-premise outdoor advertising structures, subject to the requirements set forth within this code.

   (6) Animated, flashing or rotating sign surface and beacons shall be prohibited.

   (7) Except for digital outdoor advertising signs, sign copy on outdoor advertising signs shall not be changed more than once every twelve hours.

(j) Performance standards for digital outdoor advertising signs. Digital outdoor advertising signs may be permitted on existing off-premise outdoor advertising sign structures and shall comply with the requirements set forth in this section in addition to all other applicable requirements of this chapter. A stacked or side-by-side sign is not allowed under this section. Digital outdoor advertising signs shall not be permitted on outdoor advertising sign structures newly erected after the effective date of this section.

   (1) Operational limitations. Digital outdoor advertising signs shall contain static messages only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static message shall not include any flashing or the varying of light intensity and the message shall not scroll.

   (2) Minimum display time. Each static message on the sign must be displayed for a minimum of (8) eight seconds duration. Message changes shall be completed instantaneously and shall be imperceptible. All transition effects are prohibited.
(3) Digital outdoor advertising signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter.

(4) Each digital outdoor advertising sign must have a light sensing device that will adjust the brightness as ambient light conditions change.

(5) The technology currently being deployed for digital outdoor advertising signs is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that complies with the Performance Standards for digital outdoor advertising signs including the maximum brightness levels as stated in paragraph 3 above shall be permitted.

(6) All digital outdoor advertising signs shall be operated with systems and monitoring in place to either turn the display off or show “full black” on the display in the event of a malfunction.

(7) All digital outdoor advertising signs shall be designed that in the event of a catastrophic power surge, the sign will go dark or will have maximum brightness limitations in place.

(8) Digital outdoor advertising sign operators shall provide for regional emergency announcement and alerts to be displayed on the digital outdoor advertising sign without charge and on an as-needed basis. Including but not limited to Amber Alerts, tornado warnings, flood warnings or such other alerts that may be issued by first responders.

(k) **Sign height.** No sign structure or surface shall project higher than 40 feet above the average finished grade measured at the base of the sign structure. If a street or highway surface to which the sign is oriented is higher than the average finished grade elevation at the base of the sign structure, the higher street elevation may be used in determining the permitted height. In no case shall the height exceed 80 feet above the average finished grade elevation at the base of the sign structure. There shall be an open space of at least ten feet between the bottom of the sign surface and the finished grade elevation at the base of the sign structure.

(l) **Sign setback.** No sign shall be closer than 25 feet to any property line. When a sign is located adjacent to residentially zoned property, the sign setback shall be equal to the overall sign height or the most restrictive setback, whichever is greater.

(m) **Sign spacing.**

(1) No new sign shall be less than 250 feet from any existing outdoor advertising sign surface. When adjacent to a freeway or expressway or class A thoroughfare, the minimum distance shall not be less than 1,000 feet. The required distance shall be measured along the centerline of the frontage street or streets from a point opposite any edge of a sign surface and perpendicular to the street’s centerline. For the purpose of this division, frontage street or streets shall include exit and entrance ramps associated with the freeway or expressway or class A thoroughfare system as well as the main traveled roadway. Any sign that is farther than 660 feet from freeway, expressway or class A thoroughfare right-of-way shall not be considered adjacent. Double-faced sign structures having parallel sign surfaces and adjacent sign structures having touching sign surfaces with an angle no
greater than 90 degrees between sign surfaces, and not exceeding the sign surface requirements, shall not be prohibited by this requirements.

(2) No sign shall be located within 500 feet of a publicly owned park or publicly owned building.

(3) No sign shall obstruct clear vision of any road or railroad intersection.

(4) No sign shall be erected which obstructs any authorized traffic-control device.

(5) No sign shall be erected which blocks the surrounding view within 500 feet of a residential structure located in a residential zoning district. When determining if a sign would block the view from a residential structure, the planning commission shall consider topographical conditions, sign elevation, sign placement, sign dimensions, sign lighting, and amount of view that would be obstructed.

(n) Roof signs. No new outdoor advertising sign shall be located on or above the roof of any building.

(o) Landscaping. All yard areas not covered by sign structures or paved areas and within 15 feet of the sign shall be landscaped with such landscaping continuously maintained. If the grade at base of the sign is altered, proper drainage for surface water shall be provided by the sign company of record.

(p) The provisions of Section 27-737 are declared to be not severable and if any provision, word, phrase or clause of Section 27-737 or the application thereof to any person or other entity shall be held invalid, such invalidity shall cause the remaining portions of Section 27-737 to be invalid.


Sec. 27-738. Freeway and expressway signage.

(a)

Generally. On sites meeting all the location and other requirements set out in this section, larger and taller detached signs are allowed. This is in deference to the higher speeds and limited access on freeways and expressways. The provisions of this section do not allow for any additional signs nor does this section allow center identification signs to be larger or taller than allowed under the provisions of section 27-729(c).

(b)

Standards.

(1)

Minimum frontage. Two hundred feet continuous linear feet of property abutting freeway or expressway right-of-way.
Sign location. No more than 100 feet from the freeway or expressway right-of-way and where adjacent only to the entrance or exit ramps, no more than 250 feet from the nearest portion of the actual paved ramp.

Sign orientation. Sign face must be oriented toward the expressway or freeway.

Sign setback. As set out in section 27-727.

Sign height. The maximum sign height allowed shall be twice that set out in section 27-727, as measured from the finished grade at the edge of the freeway or expressway right-of-way nearest the sign to the top of the sign.

Sign area. The maximum sign area allowed shall be twice that set out in section 27-727.

(Code 1988, § 27-1396; Ord. No. 65567, § 5, 9-20-1990)

Sec. 27-739. – Special on-site signage

(a) This section is established in reference to the special signage needs of major community entertainment and recreational attractions. Under section 27-593(a)(7) a special use permit may be approved that supersedes the provisions of this article to the extent designated and may be more and/or less restrictive than the provisions of this article. Such special on-site signage may only be approved for entertainment and/or recreational attractions which have improvements capable of serving at least 1,000 patrons at a time, or entertainment, shopping and/or recreational facilities of regional significance and unique to the community.

(b) In addition to the factors to be considered for all special use permits, the planning commission and unified government board of commissioners shall consider the purposes set out under section 27-723 as well as the attractiveness, quality, and durability of the proposed signage.

(c) No such request shall be approved until an overall set of sign standards for all exterior signs within the development in question has been submitted. The size,
color, materials structures, styles of letters, appearance of any logo, type of illumination and locations shall be set out in such standards.


PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ______ DAY OF _________________________, 2014.

______________________________
Mark Holland, Mayor/CEO

Attest:

_________________________________________
Unified Government Clerk

Approved as to form:

__________________________________________
Patrick Waters
Legal Department
### Staff Request for Commission Action

**Tracking No. 140298**
- [ ] Revised
- [ ] On Going

**Type:** Standard  
**Committee:** Economic Development and Finance Committee

---

**Date of Standing Committee Action:** 9/8/2014

(If none, please explain):

**Proposed for the following Full Commission Meeting Date:** 9/25/2014

**Confirmed Date:** 9/25/2014

---

**Item Description:**
An ordinance adding ‘digital outdoor advertising services’ to the Occupation Tax list.

---

**Action Requested:**
To approve the ordinance.

---

**Publication Required**

- [ ] Publication Required

**Budget Impact: (if applicable)**

- **Amount:** $
- **Source:**
  - [ ] Included In Budget
  - [x] Other (explain) Policy action.

---

**Date:** 8/26/2014  
**Contact Name:** Patrick Waters  
**Contact Phone:** 5079  
**Contact Email:** patrickwaters@wycokck...

**Ref:**  
**Department / Division:** Legal

---

[File Attachment] [File Attachment] [File Attachment]
ORDINANCE NO. ____________

AN ORDINANCE relating to Digital Outdoor Advertising Services, Chapter 34 Taxation, amending Section 34-31 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 34, Taxation, Article III, Occupation Tax, Section 34-31 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Business** means any business, trade, occupation, profession, or enterprise, including those that furnish a service.

**Digital outdoor advertising services** means offering for rent or lease digital outdoor advertising signs as defined in chapter 27.

**Manufacturer or processor** means any person operating or conducting any business in which any materials or products in a raw, unfinished or incomplete condition are converted into new or improved form.

**North American Industry Classification System or NAICS Code** means the classification number assigned businesses by the executive office of the President of the United States, Office of Management and Budget. The NAICS Code replaces the Standard Industrial Classification or SIC Code.

**Outdoor advertising services** means offering for rent or lease outdoor advertising signs as defined in chapter 27.

**Person** means any individual, partnership, corporation, firm, organization, association, society, club, trust, joint stock company, joint venture or syndicate who or which is engaged in any business, trade, occupation, profession, enterprise, or furnishing any service for profit or livelihood, whether as an employer, independent contractor or subcontractor.
Retailer means any person other than a manufacturer, processor or wholesaler operating or conducting a business primarily for the purpose of selling tangible goods for use or consumption and not for resale. Retailer includes food service restaurants and eating places.

Wholesaler means any person whose primary business is the sale of merchandise to retailers.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _______________________, 2014.

________________________________________
Mark Holland, Mayor/CEO

Attest:

________________________________________
Unified Government Clerk

Approved as to form:

________________________________________
Patrick Waters
Legal Department
Staff Request for Commission Action

Type: Standard
Committee: Economic Development and Finance Committee

Date of Standing Committee Action: 9/8/2014
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 9/25/2014

Confirmed Date: 9/25/2014

☐ Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
<thead>
<tr>
<th>Date:</th>
<th>Contact Name:</th>
<th>Contact Phone:</th>
<th>Contact Email:</th>
<th>Ref:</th>
<th>Department / Division:</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/26/2014</td>
<td>Patrick Waters</td>
<td>5079</td>
<td>patrickwaters@wycokck...</td>
<td></td>
<td>Legal</td>
</tr>
</tbody>
</table>

Item Description:
An ordinance setting the Occupation Tax amount for digital outdoor advertising services.

Action Requested:
To approve the ordinance.

☐ Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☑ Other (explain) Policy action, revenue generator.

File Attachment
File Attachment
File Attachment
ORDINANCE NO. _____________

AN ORDINANCE levying and imposing taxes upon and for the privilege of engaging in the business or providing digital outdoor advertising services in Kansas City, Kansas; amending Chapter 34 Taxation, Section 34-77 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 34, Taxation, Article III, Occupation Tax, Section 34-77 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Enumerated occupations:

(a) All persons engaged in the following businesses shall pay the occupation tax set out below for the respective businesses, if no other period is specified, the tax stated in the annual amount.

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Description</th>
<th>Tax Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>54850</td>
<td>Digital outdoor advertising services</td>
<td></td>
</tr>
<tr>
<td>541853</td>
<td>Per digital outdoor advertising sign face of less than 300 square feet</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>541854</td>
<td>Per digital outdoor advertising sign face of 300 square feet or more</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

Section 2. This ordinance shall be published once each week for two (2) consecutive weeks in the Wyandotte Echo.

Section 3. This ordinance shall take effect January 1, 2015, but not less than sixty-one (61) days after the final publication, unless a sufficient petition for referendum is filed and a referendum held on the ordinance as provided by K.S.A. 12-137 and 12-
138, in which case the ordinance shall become effective of approved by a majority of the electors voting thereon.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, NOT LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS-ELECT VOTING IN FAVOR THEREOF.

THIS _____ DAY OF _________________________, 2014.

________________________________________
Mark Holland, Mayor/CEO

Attest:

________________________________________
Unified Government Clerk

Approved as to form:

________________________________________
Patrick Waters
Legal Department