



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceplanning.org

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

To: File
From: Planning Staff
Date: October 30, 2008
Re: Removal of nonconforming pole signs upon changes in use
Document: Lawrence Development Code
Sections: [5-1841.5\(A\)](#); 20-1305(b); 20-109(b)

This interpretation serves to clarify that an existing nonconforming pole sign is required to be removed when a change in use, contemporaneous with altering the sign, is requested for a given property.

Applicable code sections

[City of Lawrence Code Section 5-1841.5\(A\):](#)

5-1841.5 **New pole signs** prohibited in commercial and industrial districts; Repair/Replacement for existing signs.

(A) From and after March 14, 1995, the installation of a ground sign/pole mounted shall not be permitted on a commercial or industrially zoned lot. Provided, that the replacement or repair of a ground sign/pole mounted in existence on March 14, 1995 shall be allowed if the existing pole for the sign is not moved from its location on March 14, 1995 and the square footage of the sign surface area is not altered from that present on March 14, 1995. **Provided, that any ground sign/pole mounted located on a tract of property with a site plan approved after June 12, 1995 that would be moved or altered, contemporaneous with site plan approval, in any manner, including the alteration of lettering, logo, or insignia on the surface area or configuration of the sign, shall be required to be removed within ninety (90) days of the approval of the site plan.** (Bold added to emphasize text)

City of Lawrence Code Section 20-1305(b):

City of Lawrence Code Section 20-1305(b) states when a site plan is required. In all circumstances a change in use, whether more or less intensive, requires site plan approval. Varying degrees of code compliance are required for improvements depending on whether the project is classified as a Minor, Standard, or Major development project. Review is intended, at the very least,



to verify use and parking compliance with the zoning district standards for the new use. In certain instances, a development is not required to comply with all of the standards of the development code unless the Planning Director deems it necessary to ensure the public's health, safety and welfare.

City of Lawrence Code Section 20-109(b):

City of Lawrence Code Section 20-109(b) states that, "If the provisions of this Development Code are inconsistent with one another, or if they conflict with other City Regulations, the more restrictive provision will control. The more restrictive provision is the one that imposes greater development restrictions or more stringent controls."

Analysis

The code requires two elements to be present to require the removal of nonconforming pole signs – (1) site plan approval and (2) moving or altering, contemporaneous with the site plan approval, in any manner, including the alteration of lettering, logo, or insignia on the surface area or configuration of the sign. If these two conditions are present, then the pole sign shall be removed within 90 days of site plan approval. While the Development Code permits, in certain instances of Minor and Standard site plans, existing elements of a site to remain, the more restrictive provision of [Section 5-1841.5\(A\)](#) controls signs requiring them to be removed.

Changing the use in circumstances where a nonconforming sign exists will require compliance with the sign code. There appears to be a clear intention to amortize nonconforming pole signs as redevelopment, including changes in use, occurs in the community. Changes in use require, at a minimum, site plan approval and presumably the altering of the lettering of signs. These two actions together require the removal of an existing pole sign.

Certain instances of site plan approval will not require the removal of a pole sign. Those instances include projects where the two elements do not exist contemporaneously. Site plan approval alone will not trigger the removal of the pole sign as long as the sign is not being altered as described in the code.

Interpretation

1. Changes in use require site plan approval. If a property includes a nonconforming pole sign and the use is changing and the sign is being altered in any manner, including the alteration of lettering, logo, or insignia on the surface area or configuration of the sign, then the sign will need to be removed within 90 days of site plan approval.
2. An existing nonconforming pole sign's disposition shall be reviewed at the time of site plan processing. An owner may not avoid addressing any issue related to the sign during the site plan process.