



LEE'S SUMMIT
MISSOURI
Development Services Department

To: Community and Economic Development Committee (CEDC)
Meeting Date: December 13, 2023
From: Aimee Nassif, AICP, Deputy Director of Development Services
RE: Temporary Signs Discussion and Proposed Updates

At the September 13, 2023 CEDC Meeting, Staff provided an overview of the existing requirements for temporary signs found in Article 9 of the Unified Development Ordinance (UDO) and discussed several opportunities for updates. The primary reason for this UDO update is to clarify existing requirements, establish a time duration for temporary signs, and to update our requirements so the focus is on the sign design type as opposed to focusing on the sign content.

Background

Article 9 provides the standards and requirements for all temporary sign. The definition of a temporary sign is any sign that is displayed for an activity having a specific duration, or the end of which is related to a specific action, usually lasting for less than 12 months at a time. (Article 9, Div. III Section 9.070). These signs may include but are not limited to real-estate signs, garage sale signs, political signs, and grand opening signs. Currently, the UDO does not set a specific time limit for temporary signs and in some instances allows temporary signs to remain permanently. In addition, the permitted temporary signs table is not located within the code with the other temporary sign regulations making it difficult for the public to understand the requirements.

Another area for updating is how the UDO classifies or categorizes temporary signs. Article 9 currently regulates many temporary signs by classifying them according to their message or content instead of by sign style or type. Recent US Supreme Court case decisions have affirmed that municipalities' sign regulations must be *content neutral* meaning a municipality cannot treat certain types of signs differently than others based on their content, message, or subject matter. Sign codes can regulate location, height, duration, size, and number of signs provided these regulations are not tied to the message of the sign. (*Reed v Town of Gilbert* (2015) and *City of Austin v Reagan National Advertising of Austin LLC* (2022))

Recommendations

Staff has prepared recommended updates based on the discussion and direction from the CEDC at the September 13, 2023 meeting. A summary of these updates is provided below and a redline mark up for each UDO section is included in this meeting packet. All updates involved Article 9 of the UDO.

1. Division III, Section 9.070 Definitions and Measurement Standards

To move towards a more content neutral sign code, the definition for temporary signs has been updated to remove language calling out content-based references and regulations. In addition, a definition for "banner" has been added.

2. Division V, Section 9.220 Requirements for Sign Categories

This section contains the requirements such as height, size, and number allowed for temporary signs. Draft language has been prepared which updates this chapter so that sign requirements are based on sign type instead of sign content. For instance, instead of separate regulations for political signs or garage sale signs; regulations are now categorized by sign type such as banners, flag signs, or stake signs. Regulations are also re-organized to improve readability and a time period is established so that temporary signs are not erected permanently. At the September 13 meeting, the CEDC recommended a time period be established but also had concerns if a sign was tied to an event. In response, Staff has prepared language establishing a time period for signs of 30-90 days depending upon the sign type or at the end of a specific event if the sign is associated with an event.

3. Division IX, Section 9.260 Permitted Permanent Signs

This section pertains to permanent signs not temporary signs; however, a table providing information on temporary signs is located here. Staff has removed this table to improve readability and understanding for the public. This table will be consolidated and included in the section with all other temporary sign regulations (Division V, Section 9.220).

Included with this report are red-lined mark ups showing the updates to each of these three (3) areas of the UDO. Due to the amount of changes to Section 9.220, both a red-lined mark up and a clean draft of the new language are provided. In addition, below is a link to the existing sections of code under discussion for updating.

[DIVISION III. - DEFINITIONS AND MEASUREMENT STANDARDS | Unified Development Ordinance | Lee's Summit, MO | Municode Library](#)

[Sec. 9.220. - Temporary signs. | Unified Development Ordinance | Lee's Summit, MO | Municode Library](#)

[DIVISION IX. - PERMITTED PERMANENT SIGNS | Unified Development Ordinance | Lee's Summit, MO | Municode Library](#)

Conclusion

Draft language has been prepared in response to discussion and direction from the CEDC as well as research of other municipalities, APA, and best practices Upon completion of discussion with CEDC, draft language recommended by the CEDC would advance to Planning Commission for public hearing and public input with the Planning Commission's recommendation then forwarded to the City Council for consideration and adoption.