



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2024-072
File Name	Unified Development Ordinance (UDO) Amendments – Updates for temporary signage standards to Article 9 Signs and Article 15 Definitions
Applicant	City of Lee's Summit
Property Address	Citywide
Planning Commission Date	May 9, 2024
Heard by	Planning Commission and City Council
Analyst	Aimee Nassif, AICP, Deputy Director of Development Services Hector Soto, Jr., AICP, Senior Planner

Public Notification

Community and Economic Development Committee Meeting: September 13, 2023, and December 13, 2023

Newspaper notification published on: April 20, 2024

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Attachments

Article 9, Division III, Section 9.070 Sign Definitions, dated (mark-up version)

Article 9, Division V, Section 9.220 Temporary Signs (mark-up version)

Article 9, Division V, Section 9.220 Temporary Signs (clean version)

Article 9, Division IX, Section 9.260 Permitted Permanent Signs (mark-up version)

1. Project Summary

The intent of the proposed UDO amendment is to clarify existing temporary sign requirements, establish a time duration for temporary signs and to update the City's requirements so the focus of the temporary sign regulations is on the sign design type as opposed to sign content.

Article 9 provides the standards and requirements for all temporary signs. The UDO defines a temporary sign as "a sign 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.B.86)." These signs may include, but are not limited to, real estate signs, garage sale signs, political signs and grand opening signs. The UDO currently does not provide a uniform 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)).

A summary of each UDO Article update is provided in the following table.

	UDO Article, Division	Section	Description
A	Article 9, Division III	9.070	The definition for temporary signs has been updated to remove language calling out content-based references and regulations. In addition, definitions for "banner" and "stake signs" have been added.
B	Article 9, Division V	9.220	This section pertains to requirements such as height, size, and number of allowed temporary signs. Proposed language bases these regulations on sign type instead of sign content. Regulations are also re-organized and time period is established for all temporary signs.
C	Article 9, Division IX	9.260	This section pertains to permanent signs, not temporary signs. A table providing information on temporary signs is located here and will be re-located to the appropriate temporary sign section under Div. V, Section 9.220.

2. Project History and Collaboration

This section provides information on the background research conducted by staff and direction from the Community and Economic Development Committee.

A. Community and Economic Development Committee Meetings

Discussion of areas of improvement in the City's temporary sign regulations occurred with the Community and Economic Development Committee (CEDC) on September 13, 2023, and December 13, 2023.

Agenda packet items including meeting minutes, research presented to the CEDC, and meeting videos are available at: [The City of Lee's Summit - Community and Economic Development Committee \(legistar.com\)](https://legistar.com). Below is a summary of the most recent meetings with the CEDC which focused on the series of updates before you this evening.

1. **September 13, 2023** – Staff identified areas for potential temporary sign regulation updates with the CEDC. This included a comparison of regulations from other communities and opportunities to update and clarify language to be more consistent and concise. CEDC directed staff to amend and update ordinance language and bring back to the CEDC for review.
2. **December 13, 2023** – CEDC recommended approval of temporary sign regulation updates presented by Staff that included improving readability, necessary table updates, establishment of allowable display periods for all temporary signs, and content neutrality.

B. Research

This series of UDO updates included a look at temporary sign regulations in other KC metro municipalities. The local municipalities which staff researched included Blue Springs, MO; Lenexa, KS; Olathe, KS; and Overland Park, KS. Staff also researched planning sources such as the American Planning Association. A summary of the research conducted is provided further below in Section 3. *UDO Updates*.

3. UDO Updates

Below is a description of each recommendation. A redline copy of all draft language is included as an attachment.

A. Article 9, Division III, Section 9.070 Sign Definitions

Existing Language

The definition of a temporary sign includes language calling out content-based references and regulations. For example, distinctions are made between temporary signs based on whether they contain commercial v. non-commercial messages.

Recommendation

The definition of a temporary sign has been updated to remove language calling out content-based references and regulations. In addition, definitions for “banner” and “stake sign” have been added.

B. Article 9, Division V, Section 9.220 Temporary Signs

Existing Language

This section contains the requirements such as height, size, number, and time periods for temporary signs, with variability of said regulations in part based on content (i.e. commercial v. non-commercial messages). Said table contains a total of 15 line items of regulations for different zoning/land use and content-based variables.

No time limit is established for the display of non-commercial temporary signs in any zoning district. In contrast, time limits for the display of commercial temporary signs are established in all zoning districts.

The tables below provide a comparison of different temporary sign regulations characteristics between KC metro communities, including number, size and time period:

Residential Temporary Sign Regulations			
	Number of Signs	Size	Time Limit
Lee's Summit	1 (in general)	6 sq. ft.	No limit
	2 more for real estate	6 sq. ft.	No limit
Blue Springs	Any amount provided not exceeding 60 sq. ft. for small lots or 80 sq. ft. for large lots.	8 sq. ft.; or 6 sq. ft. if more than 1	30 days
	<i>(Includes real estate signs)</i>		While listed for sale/rent
Lenexa	Not restricted	6 sq. ft.	90 days
	1 more for real estate	6-16 sq. ft. (larger/high density lots)	While listed for sale/rent
Olathe	2 in AG, R1, R2 3 in R3 or R4 districts	6 sq. ft. in AG, R1, R2 12 sq. ft. in R3, R4	60-120 days, or end of event
	3 more real estate (single-family)	6 sq. ft.	While listed for sale/rent
Overland Park	3 (in general)	9 sq. ft. for 1; or 3 sq. ft. for 3	15-60 days, or end of event
	1 more for real estate	9 sq. ft.	While listed for sale/rent

Non-residential Temporary Sign Regulations		
	Number of Signs	Time Limit
Lee's Summit	5	15 days to Unlimited
Blue Springs	4 (2 ground, 2 building) or 10 feather flags	30-90 days, or end of event. 12 months for semi-permanent
Lenexa	3 (in general)	90 days, or end of event
Olathe	1 per street frontage or building	60-120 days, or end of event
Overland Park	3 (in general)	15-60 days, or end of event

Recommendation

The table of temporary sign regulations will be consolidated from 15 line items to a total of 7 line items that are more simply divided by: 1) residential v. non-residential zoning/land use; and 2) sign type rather than sign content. For instance, instead of separate regulations for political signs or garage signs; regulations are now categorized by sign type such as stake signs, banner signs or feather signs (quill banners).

Finite time periods for the display of temporary signs in all zoning districts are established ranging from 30 to 90 days.

C. Article 9, Division IX, Section 9.260 Permitted Permanent Signs

Existing Language

This section pertains to permanent signs. Contained within this section is Table 9-2, which outlines the type, number, size and time period regulations for temporary signs in all zoning districts.

Recommendation

Consolidation of temporary sign regulation table and relocation of said table to the appropriate section with all other temporary sign regulations (Division V, Section 9.220).

Included with the staff report as attachments are both red-lined mark ups and clean versions showing the updates to each of the three (3) affected areas of the temporary sign regulations.

4. Summary

Attached is a redlined copy of each of the Article updates for your review. As stated earlier in this report, the draft language presented is a result of research of other communities, American Planning Association, and recent case law. Staff also shared these recommendations with the Community and Economic Development Committee (CEDC) on December 13, 2023, and a motion by the CEDC was made to advance these recommendations to the Planning Commission for public hearing.