



Figure 1 - Downtown Smithville

City of Smithville, Missouri

Board of Aldermen - Work Session Agenda

6:00 p.m. Tuesday, October 21, 2025

City Hall Council Chambers

Meetings are live streamed on the [City's YouTube](#) page and will be posted to the City's website and FaceBook following the meeting.

- 1. Call to Order**
- 2. Sign Ordinance Discussion**
- 3. South Overlay District Discussion**
- 4. Adjourn**





Date:	October 16, 2025
Prepared By:	Jack Hendrix, Development Director
Subject:	Sign Ordinance Overview

This report is to describe the current sign ordinance, the options and limitations for temporary and permanent signs, as well as some Supreme Court limitations that have arisen since ours was enacted. The current version of our sign code was adopted on October 19, 2011 by Ordinance 2801-13. This version reduced the sign code from 37 pages to 14 pages. It was a wholesale readjustment and streamlining process to make the process easier to enforce and provide more options for users.

The sign ordinance distinguishes signs into two main categories – permanent signs and temporary signs. Permanent signs are defined as “a sign designed and constructed with the intent to be placed for a period in excess of sixty (60) days. A permanent sign may be either affixed to a structure from the ground such as a pole, or a monument base; or to a building in some form of cabinet or structure.”

Temporary Signs are defined as “a sign constructed of non-permanent materials, including, but not limited to, vinyl, cardboard, coroplast, plastic, sheet metal or wood, and placed on the ground with a pole without a footing to support such pole, or to a building with such materials as rope, string, or screws and not enclosed in some form of a permanent cabinet or structure.” Both permanent and temporary signs are further regulated by the character of the property zoning, with broader scopes in the business and industrial districts and more restrictive in the residential areas.

Permanent Signs

Permanent signs are further divided into the sign structures of “ground signs, pole signs, wall signs, projecting signs and roof signs.” Ground signs are those typically identified as monument signs with a defined base and the structure holding the display area of the sign is integrated into the sign as a whole. Pole signs are also generally located on the ground, but they are supported by pole(s) and the display area is generally supported by the pole. The definition is significant because pole sign permits are double that of ground signs. The exact definition was designed to eliminate trying to convert a pole sign into a ground sign by wrapping the base of the pole with a sheathing to make the sign appear like a ground or monument sign.

During the discussion phase of the ordinance, the planning commission focused on the desire to reduce sign clutter, and to discourage tall pole signs to help avoid driving distractions. Pole signs are limited to 25' in height in all districts, again, to avoid driving distractions. An example used during the discussion was the miracle mile in the

Independence, Missouri area where looking along the roadway showed a visual perspective of signs, with nearly zero perspective of any of the buildings and their architecture.

Ground, pole, roof and projecting signs have the most stringent construction standards due to wind load concerns. If strong winds were to take out or knock over a pole sign, it would likely be a hazard to the driving or walking public. As a result, these signs must have an architect or an engineer to stamp the plans, certifying that the sign and its' footing meet the same wind load requirements of houses or other buildings. Also, during the discussions, the commissioners sought to identify ways to ban or limit the large billboard signs that often are more significant than regular pole signs. Given courts longstanding issues with "bans" of sign types, the Commission settled on a "ban" that had recently been approved by the Western District Court of Appeals from Platte City's ordinance, which limited the sign size to zero (0) and the distance between such signs as twenty (20) miles.

This provision effectively eliminates future billboard signs, but does allow existing signs to maintain their presence, including upgrading or replacing the signs in accordance with our Non-Conforming Structures and Uses ordinance. The overall intent of the permanent sign portions of the ordinance was to balance the need for businesses to identify its' locations, with the travelling public's safety and the overall visual impact of signs. Any permanent sign can include Electronics, LED or digital signs, but there are additional regulations concerning the brightness, the time the sign may be illuminated, and there are additional fees associated with this additional option.

Temporary Signs

Temporary signs were the most problematic signs for the commission when dealing with the concerns of visual clutter and the ability to distract drivers. They also were the most difficult to address given the cost effectiveness of these signs for businesses. The compromise struck was that temporary signs would be divided into two types: flexible materials or rigid materials. The price for the flexible material sign permits would be \$25 for the first 30 days, and \$5 for each subsequent month. Rigid material sign permits would be \$10 for the first 30 days, and \$5 for each subsequent month. The price difference was based upon the amount of time inspectors spent collecting damaged flexible signs, whereas there were limited issues with rigid signs.

At the time of the discussions in 2011, "snipe" signs were prevalent. Snipe signs are small signs that are most often visualized as the type used during political season for candidates or issues. Given the small size, we were regularly seeing literally hundreds of the signs along the 169 Highway entrance to the city. They were all placed in the state right of way and were simply placed and forgotten by the business installing the sign. This became a safety issue. If these signs were destroyed following a rain, the

metal wires holding the sign would be all that was left. The wire bases were difficult, if not impossible to be seen, so they would get mowed over. This caused damage to the blades of the mowers as well as becoming dangerous as a projectile when they were hit by mowers.

The regulations adopted as a result of that review in 2011 were designed to limit the number of signs across the city. First, there were stepped up enforcement procedures for removing temporary signs located within any right of way. Second, temporary signs were limited to one sign per business or lot. For example, a strip center located on one lot was allowed one temporary sign per business tenant. However, a lot with just one business was limited to one sign on the lot. The Commission had difficulties on how to address situations where charitable or civic organizations would put out temporary signs for sign-ups or a special event. Ultimately, it was decided that these organizations would be able to place signs on other businesses lots, so long as they had written permission from that business. The business would not be able to have its' own temporary sign during the timeframe the organization's sign was allowed. It was also decided that if these organizations came the Board of Aldermen to request designation as a charitable organization, they would also be exempt from the required fee.

Another method used in regulating temporary signs is the material of the sign. Flexible material signs (Banners, paper, etc.) cost \$25 per permit and rigid material signs (plastic cellular, metal) cost \$10. The difference in cost is reflected in the amount of time needed for enforcement on the types of signs. Flexible signs are more subject to damage and dislodgement from winds, so staff time was significantly higher on those signs.

Additional Temporary Sign Issues

Temporary signs are generally the most confusing and contentious signs we regulate. This is, in part, due to the various definitions we use when we interpret the code. For example, a temporary directional sign is exempt from the permitting requirements so long as it is not also an advertising sign. This has been interpreted for over 20 years as any temporary sign with a logo and an arrow or one with a Brand name and an arrow is not a directional sign. To explain the difference, this example is used: a sign that says Candy with an arrow is directional; a sign that says Brach's Candy with an arrow or a logo and an arrow is specific to a brand and is not a directional sign. Having a compliant directional sign is permitted without a permit, but a logoed directional sign must have a temporary sign permit.

Temporary signs are also regulated by size. A standard temporary sign is limited to no more than 32 square feet (a 4' x 8' sheet of plywood, e.g.). Provisions for oversized temporary signs are allowed. An oversize sign no more than 64 square feet is allowed, but the time is reduced to a period of 14 days, and no more than four times per

calendar year. An oversized sign larger than 64 square feet is also permitted for the same time frame as a regular oversized sign with a couple of additional requirements. An over 64 square feet sign is also allowed, but the fee is doubled and that sign MUST be attached to the side of a building or side of a trailer so that wind can only impact the sign from its face.

Court/Legal Issues

The last issue with signs is dealing with the legal ramifications of sign codes. Signs are considered “speech” under the state and federal Constitutions and are such are subject to a higher standard by courts to regulate them. Generally, any speech, including signs, are subject to reasonable “time, place and manner” regulations. The US Supreme Court clarified the reasonableness standard in *Reed v. Town of Gilbert* (2015). The court gave very specific and clarifying rulings on “content-based restrictions”. The simplest example is that of if you have to read the sign to determine the restriction, it is content based. There are other more restrictive interpretations of the scope of the court’s judgment, and that is ultimately what is working its way through courts still today.

Recommended/Requested Action

Staff has presented this information for board review and direction as desired. As the City is preparing to change legal counsel in the coming weeks, it would be recommended that if any recommendation to consider changes is sent to the Planning Commission, it be delayed until the new attorneys can weigh in on the first amendment speech issues from the above-referenced court opinions.

Memorandum

To: Board of Aldermen

Date: 10/16/2024

From: Julie Kruse, Planner

CC: Shawn Duke, PE
Jack Hendrix

RE: 169 South Employment Overlay District

Purpose

The 2030 Comprehensive Plan identified the 169 South Employment Center Overlay as an area where future development should be deliberate in use and design. It could provide economic opportunities and housing choices not found elsewhere in Smithville. The Comprehensive Plan included extensive community engagement efforts to align with the overall goals of the Smithville community and the Strategic Plan.

The overlay district's purpose was identified as an area of future development that should consider and provide multi-family, commercial, and mixed-use developments. Businesses that do not otherwise exist in the city, like tech, research, or bio-science, given the proximity to KCI airport and adjacent development occurring in Kansas City. Development should rise to a higher level in site layout, building design, and materials, as well as connections to open space and the trail system, and other features that will appeal to a live-work lifestyle.

What is a Zoning Overlay?

A zoning overlay district is a regulatory tool used to apply special development standards or incentives to a specific geographic area in addition to the underlying base zoning. Overlays are often used for many reasons. The intent of the 169 South Employment Overlay District to encourage investment in the targeted area, guide the character of new development, and implement Smithville's vision without rezoning each parcel individually.

Overlay zoning creates a zoning district that is placed over an existing base zone(s). The overlay regulations identify additional regulations in addition to those in the underlying base zone. The overlay does not replace the base zoning but modifies or supplements certain standards such as building height, setbacks, land uses, design guidelines, or parking requirements.

Overlay zoning districts may be applied in order to protect existing development or encourage specific types of development. This overlay will be used for the latter. Overlay districts can streamline the implementation of additional regulations in all applicable areas without having to amend codes for multiple districts, thereby maintaining consistency across multijurisdictional natural, historic, or infrastructural features.

Process

The Smithville Comprehensive Plan had a robust amount of public engagement, with many suggested priorities. The 169 South Employment Area was identified as a high-priority area and included a vision for its future development.

Public engagement discussions and topics emerged from there, further refining the vision and desired development expectations. In August 2024, a joint online work session involving the Planning and Zoning Commission and the Economic Development Committee.

A project website was created and made public to inform residents about what a zoning overlay is, as well as to allow them to provide feedback on the desired type of development and permitted uses. The project website went live in December 2024 and was open until March 2025. Furthermore, a work session was held with the Planning & Zoning Commission at the August 12, 2025. The draft overlay district was presented and a public hearing was held at the October 14, 2025 meeting

The proposed overlay zoning district is the result of discussions with City Staff, public engagement, and the Comprehensive Plan. The draft has been reviewed by staff and presented to the Planning & Zoning Commission and has accounted for feedback.

Conclusion

A zoning overlay is a strategic planning tool that allows the City to address unique development objectives while retaining the underlying zoning framework. The process involves careful drafting and public engagement to ensure the overlay aligns with the community's long-term vision. The proposed 169 South Employment District reflects those considerations and creates a path forward to execute the development vision for this area.



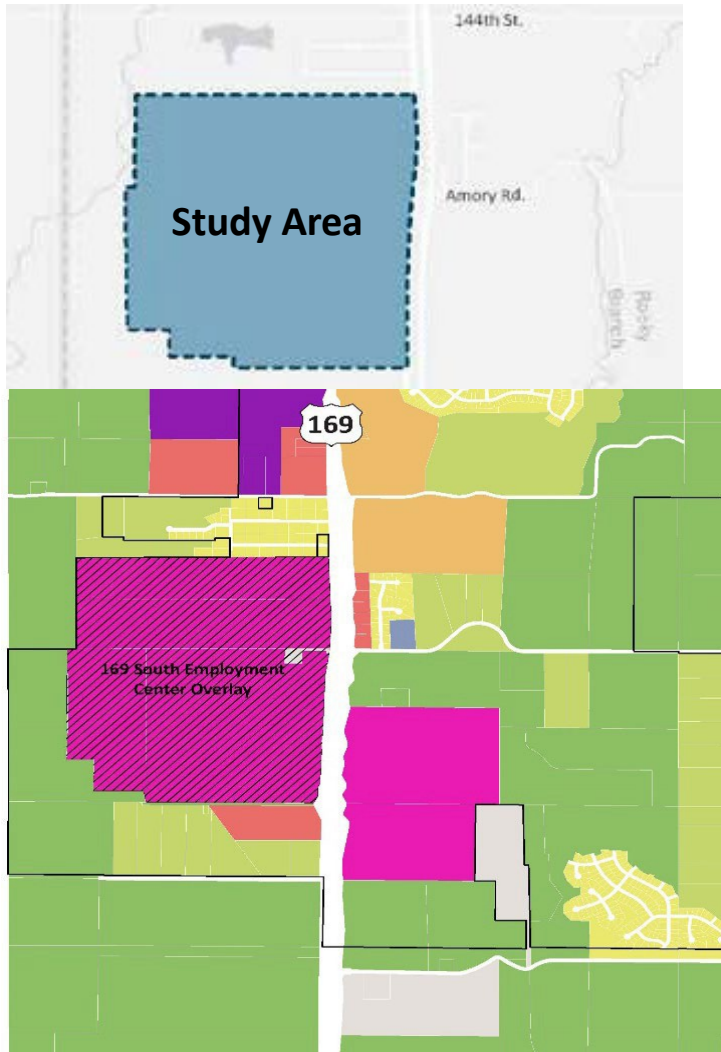
City of Smithville

Missouri

169 South Employment Overlay District

October 14, 2025

169 South Overlay District



169 South Employment Center Overlay

The 169 South Employment Center Overlay allows for residential and commercial growth in order to bring substantial community and economic benefits

Potential Future Uses in Overlay District include, but are not limited to:

- Multifamily Residential
- Commercial
- Flex developments like bioscience and tech users.
- Higher education facilities
- Mixed-use developments.

169 South Overlay District

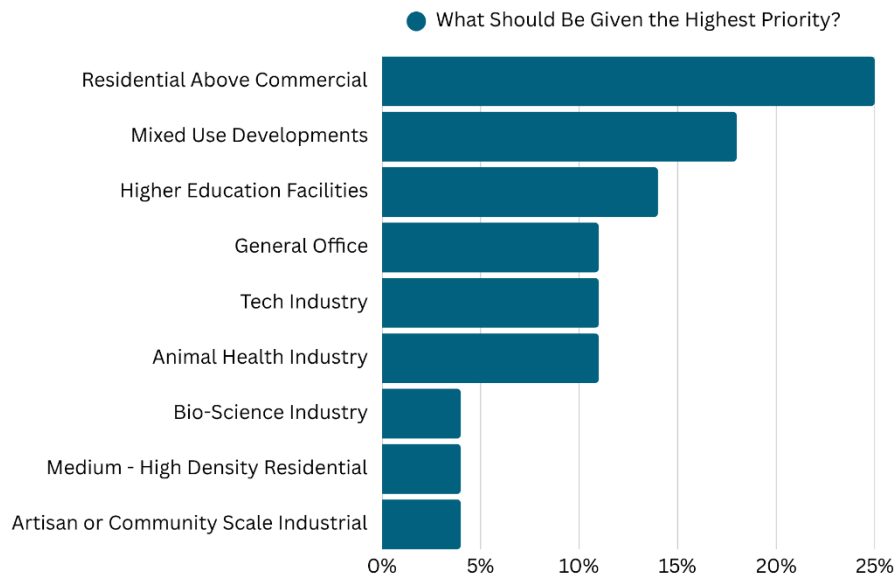
New Development will:

- Facilitate development of the area by creating **new employment areas, a mix of commercial and residential, and office uses that will draw new residents and businesses.**
- Each development within the overlay district shall require a separate development plan. **An approved concept plan and planned development standards for the property as a whole may be required** as part of site development approval.
- Any subdividing of land will **follow the established subdivision process.**



Public Engagement

What should be prioritized in terms of use?



Growth Potential

KCI Airport – 15-minute drive

Downtown K.C. – 20 - 30 minute drive

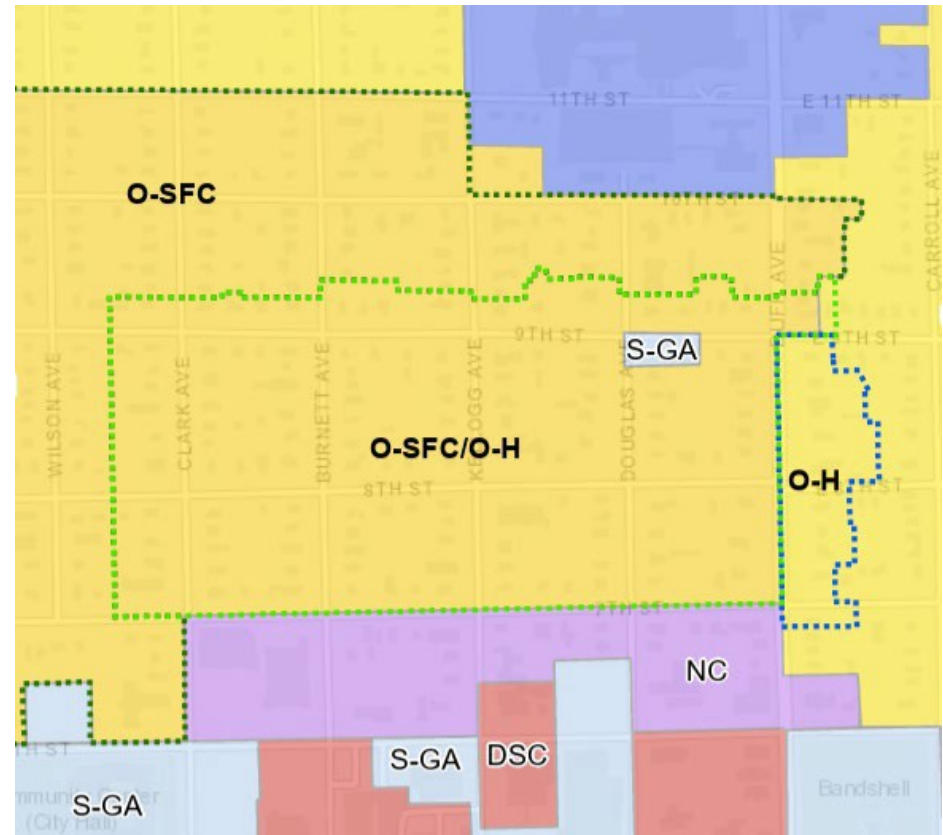
169 South Overlay District

What is an Overlay Zoning District?

Superimposes an additional set of regulations over an existing zoning district, or multiple zoning districts.

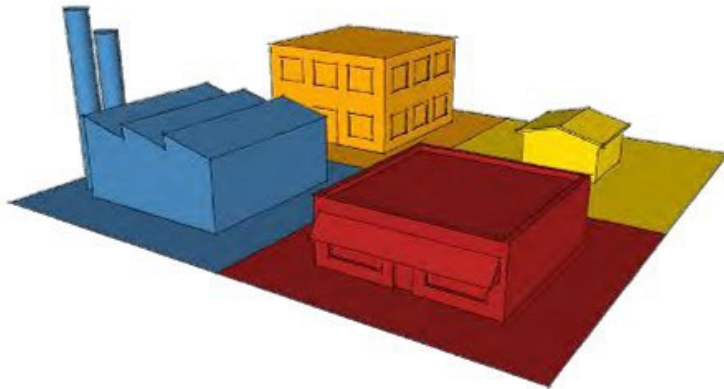
Used in zoning codes to protect sensitive environmental features, preserve historic buildings, prevent development on vulnerable land features, or promote specific types of development.

Like other zoning regulations, overlay districts can regulate building codes, urban design, permitted land use, density, and other factors.



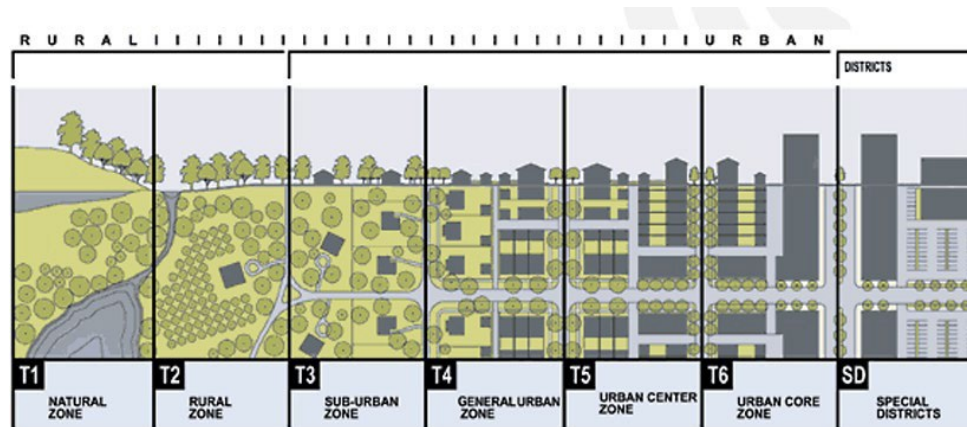
169 South Overlay District

What type of zoning code should be created?



Standard

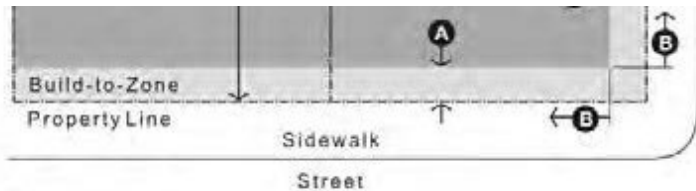
Use > Building Form



Form Based

Use < Building Form

169 South Overlay District



Key

Property Line	Setback Line
Build-to-Zone	Building Area

Building Placement		
Build-to-Zone (Distance from Property Line)		
Front	0' min., 15' max.	A
Building Facade at Build-to-zone	80% min.	B
On corner lots, both yards abutting streets shall be considered front yards.		
Setback (Distance from Property Line)		
	5 Stories max.	G
Ancillary Building	3 Stories max.	
Ground Floor Commercial Ceiling	14' min. clear	H
Upper Floor Ceiling	9' min. clear	I
Transparency		
First Floor ¹ (Clear windows that allow views into the interior of the building)	60%	J
Second Floor (Clear windows that allow views into the interior of the building)	20%	K
Allowed Uses		
Ground Floor	Commercial, Service, Retail,	L
Upper Floor(s)	Residential or Office	M

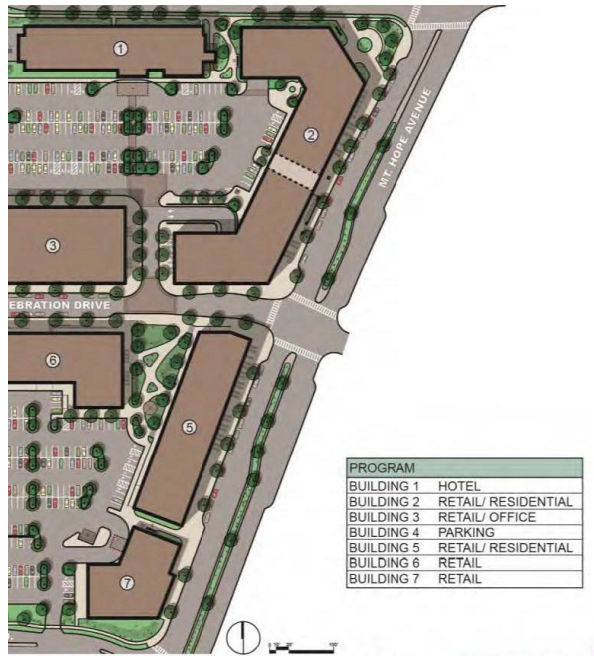


Form-Based Code

Allows for building form controls and enhanced street/public design aesthetic

- Increased density
- Transparency requirements
- Building Materials

169 South Overlay District



Hybrid Zoning Code

Combination of both.

- Mixing of uses – horizontal & vertical
- Site Standards
- Building Standards
- Landscaping Standards

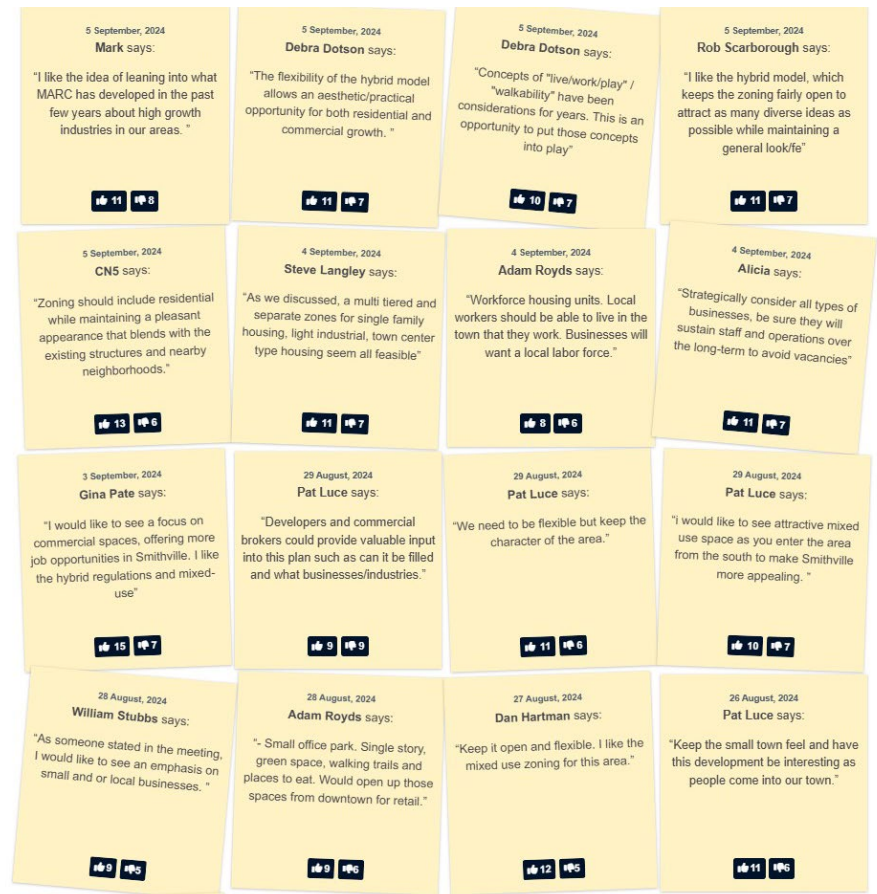
Redevelopment intensification site /area	None Kellogg Avenue/ All other sites minimum of one (1.0) net acre
Redevelopment Intensification Site, Minimum Street Frontage along at least one of the following streets: Lincoln Way, Clark Avenue, Kellogg Avenue, South Kellogg Avenue, Duff Avenue.	100 feet
Building Design	Building design and material standards described below.
Minimum Street Building Setbacks*:	
Lincoln Way	15 feet ground floor/10 feet other floors
Kellogg/ S Kellogg	5 feet
Clark/Walnut	5 feet
Sherman	10 feet
Gilchrist	10 feet
Washington	10 feet
Duff	15 feet ground floor/10 feet other floors
Commerce and Market	5 feet
Grand Avenue	10 feet
	*Properties on Kellogg and corner properties along Lincoln Way may have reduced setbacks approved with design review of a Major Site Development Plan when buildings include high levels of quality materials, architectural interest, glazing, and a pedestrian oriented design. Redevelopment intensification sites may be approved with reduced setbacks from any street.
Minimum Side and Rear Setbacks	No minimum setbacks required except for utility service separation and access requirements, typically 10 feet or less along a rear property line.
Maximum Building Coverage	No maximum
Minimum Landscaped Area Percentage	No minimum, determined through Site Development Plan review.
Maximum Building Height	10 Stories/Redevelopment Intensification Site no limit
Minimum Building Height	Kellogg Avenue- two (2) stories No minimum other streets

Public Engagement

**August 26, 2024 –
P&Z/EDC Meeting**

**Feb 7, 2025 – Public
website opened**

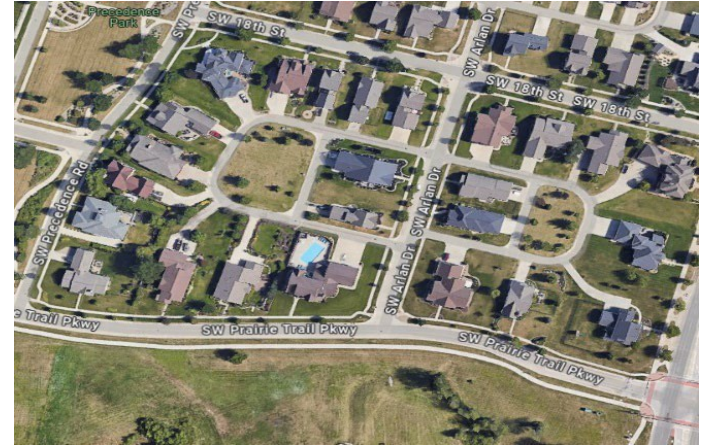
**August 12, 2026– Draft
Code**



Public Engagement

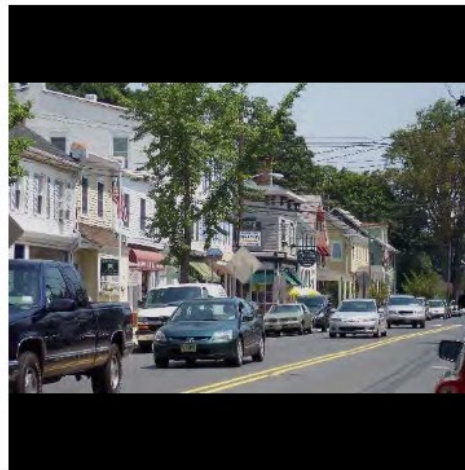
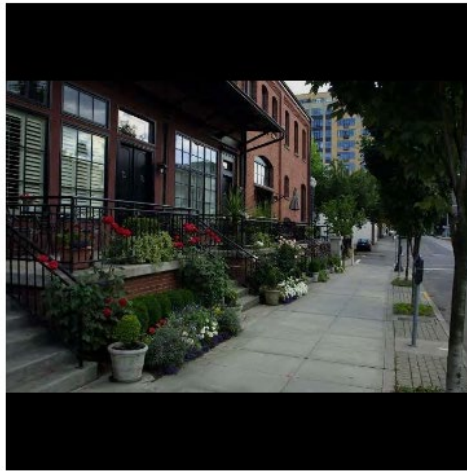
What might residential look like?

- What is an appropriate density?
- What unit types should be allowed?



Public Engagement

Does your vision include mixed use buildings?

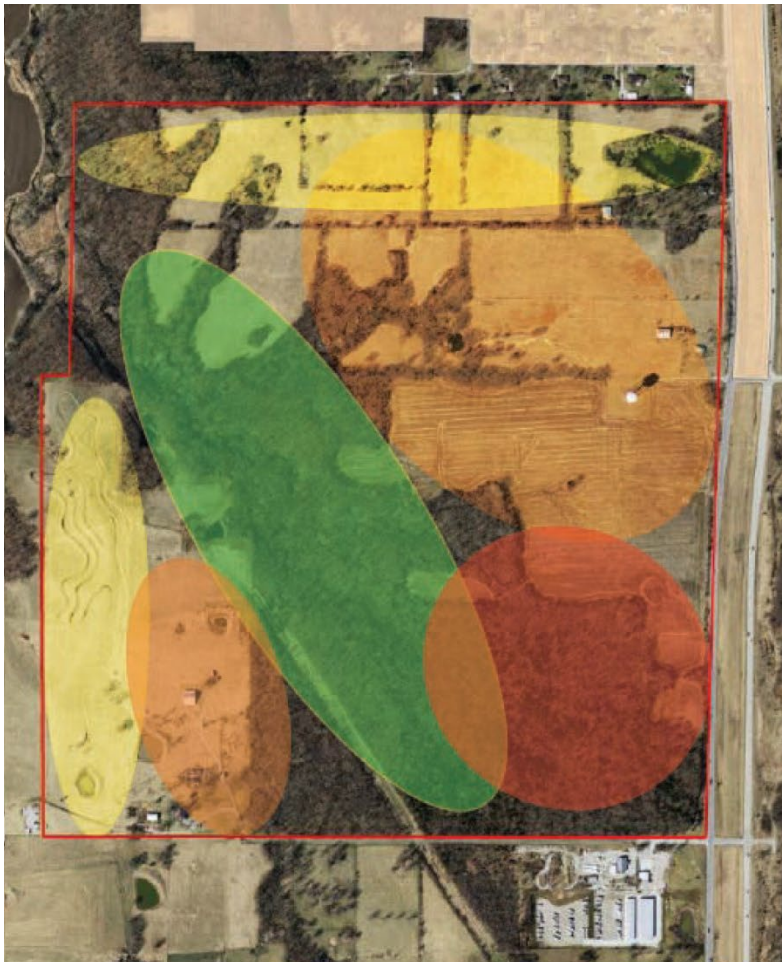


Public Engagement

- Thoughts on the density of buildings?
- Should open space be required throughout or in a few designated locations?
- Limits of floor area/use?
- Landscaping requirements? Dependent on density.



Draft Overlay Ordinance



Development Area Characteristics

Low-Density Residential

- Low- Medium Density
- 1-2 1/2 Stories
- One and Two Family



Mixed Use/Medium Density Residential

- Low- Medium Density
- 3 Stories or Less
- Two-Family and Multi-Family
- Live/Work Units
- Limited Office and Retail Uses



Mixed of Uses, Commercial/ Office

- High End of the Allowed Medium Density range (12-18 units/acres)
- 6 Stories Maximum
- Primary Uses Would be Office, Retail, and Limited Light Industrial
- Minimal Stand Alone Pad Sites
- May Include Multi-Family



Open Space

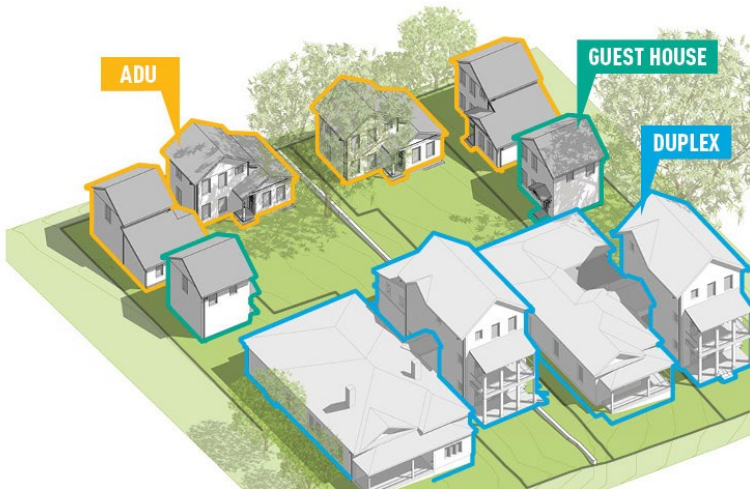
- Preserve Open Space and Green Corridors
- Cluster Development Patterns Adjacent to Open Space
- Passive and Active Design Amenities
- Include Trails That Align With Trails Master Plan



*Overlapping Areas Could Develop As a One Development Area



Draft Overlay Ordinance



Draft Overlay Ordinance

