

AN ORDINANCE AMENDING SECTION 405.595 SPECIAL REGULATIONS D. OUTDOOR STORAGE AND MERCHANDISE DISPLAY OF THE CODE OF ORDINANCES OF THE CITY OF KEARNEY, MISSOURI.

WHEREAS, on October 15, 2025, the Planning & Zoning Commission of Kearney, Missouri, held a public hearing related to a proposed ordinance to amend the zoning regulations pertaining to merchandise display in the CBD – Central Business District overlay district;

WHEREAS, on November 3, 2025, the Board of Aldermen of Kearney, Missouri, held a public hearing relative to said ordinance amendment;

WHEREAS, on October 8 and 29, 2025, public notices were posted in the Courier-Tribune, a newspaper of general circulation in Kearney, relative to both public hearings; and

WHEREAS, the Kearney Board of Aldermen deems it to be in the best interest of the City to amend the municipal code pertaining to merchandise display in the CBD district.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF KEARNEY MISSOURI, AS FOLLOWS:

Section 1. Section 405.595.D is hereby amended to the following:

D. Outdoor Storage and Merchandise Display

1. No article or material stored or offered for sale in connection with uses permitted in this District shall be stored or displayed outside the confines of a building unless it is screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.
2. Notwithstanding subsection A, Retailers located within the district may display merchandise on sidewalks subject to the following conditions:
 - a. Merchandise shall not reduce the clear pedestrian access route to less than five (5) feet in width, or such greater width as may be required by ADA accessibility standards.
 - b. Merchandise shall not be placed within three (3) feet of either side of a working doorway, nor within five (5) feet directly in front of a working doorway.
 - c. Merchandise shall not be placed in a designated sight triangle or in any location which would impair pedestrian or driver visibility.
 - d. Merchandise shall be displayed and maintained in a neat, clean, and orderly manner.
 - e. No merchandise may be left on sidewalks or public rights-of-way during non-operating hours of the business.

- f. Outdoor display shall be considered an accessory activity to the principal use and shall not exceed ten percent (10%) of the indoor gross floor area of the business.

Section 2. This ordinance shall be in full force and effect on after passage by the Board of Aldermen and approval by the Mayor.

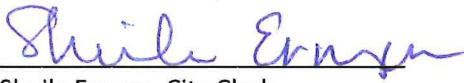
**ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN, CITY OF KEARNEY, MISSOURI,
THIS 3rd DAY OF NOVEMBER, 2025.**

APPROVED:



Randy Pogue, Mayor

ATTEST:



Sheila Ernzen, City Clerk



Proposed:

Title IV – Land Use

Chapter 405 Zoning Regulations

Article XXI ‘CBD’ Central Business District Overlay District

405.595. Special Regulations.

D. Outdoor Storage and Merchandise Display

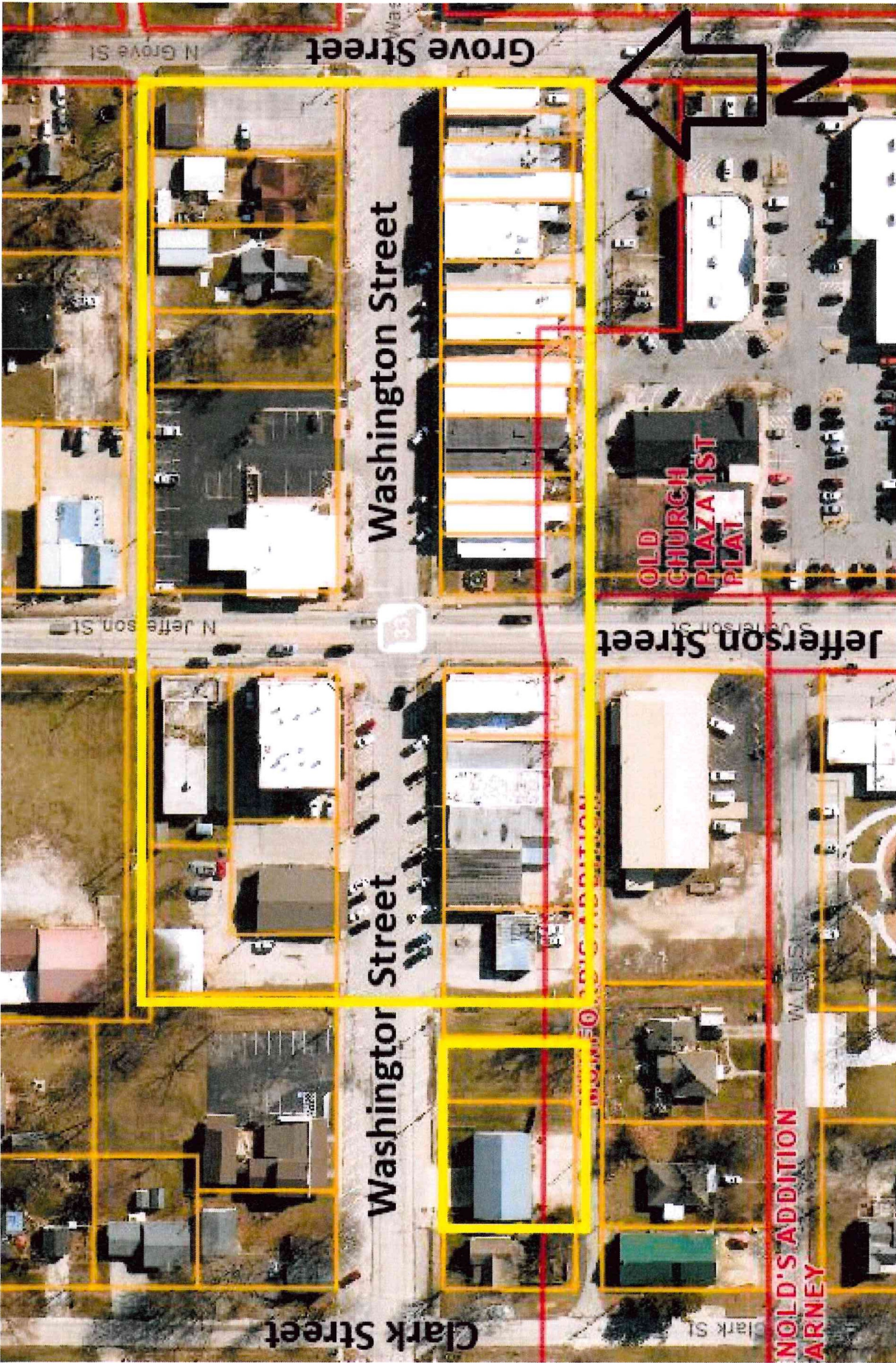
3. No article or material stored or offered for sale in connection with uses permitted in this District shall be stored or displayed outside the confines of a building unless it is screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.
4. Retailers located within the district may display merchandise on sidewalks subject to the following conditions:
 - g. Merchandise shall not reduce the clear pedestrian access route to less than five (5) feet in width, or such greater width as may be required by ADA accessibility standards.
 - h. Merchandise shall not be placed within three (3) feet of either side of a working doorway, nor within five (5) feet directly in front of a working doorway.
 - i. Merchandise shall not be placed in a designated sight triangle or in any location which would impair pedestrian or driver visibility.
 - j. Merchandise shall be displayed and maintained in a neat, clean, and orderly manner.
 - k. No merchandise may be left on sidewalks or public rights-of-way during non-operating hours of the business.
 - l. Outdoor display shall be considered an accessory activity to the principal use and shall not exceed ten percent (10%) of the indoor gross floor area of the business.

Proposed Changes with revisions in ~~strike through~~ and new in **bold**:

405.595. Special Regulations.

D. Outdoor Storage and Merchandise Display.

1. ~~If such land placed in this district is adjacent to a district in which a single family home is permitted,~~ No article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided however, no screening in excess of seven (7) feet in height shall be required. ~~However, automobile service stations engaged in the sale of gasoline and oil may permit open display of merchandise commonly sold by automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public rights-of-way.~~
2. **Retailers located within the district may display merchandise on sidewalks subject to the following conditions:**
 - a. **Merchandise shall not reduce the clear pedestrian access route to less than five (5) feet in width, or such greater width as may be required by ADA accessibility standards.**
 - b. **Merchandise shall not be placed within three (3) feet of either side of a working doorway, nor within five (5) feet directly in front of a working doorway.**
 - c. **Merchandise shall not be placed in a designated sight triangle or in any location which would impair pedestrian or driver visibility.**
 - d. **Merchandise shall be displayed and maintained in a neat, clean, and orderly manner.**
 - e. **No merchandise may be left on sidewalks or public rights-of-way during non-operating hours of the business.**
 - f. **Outdoor display shall be considered an accessory activity to the principal use and shall not exceed ten percent (10%) of the indoor gross floor area of the business.**



Clark Street

Washington Street

Washington Street

Washington Street

Washington Street

Grove Street

N Grove St

N Jefferson St

Jefferson Street

OLD CHURCH PLAZA 1ST PLAZA

NOLD'S ADDITION
ARNEY

1930-1950 ADDITION

W 1st St

Clark St

Memo

To: Planning & Zoning Commission
From: David Pavlich, Community Development Director
Date: October 15, 2025
Re: Code Amendment – Section 405.595 Special Regulations in the CBD – Central Business District Overlay District (Public Hearing)

An amendment to the Municipal Code Section 405.595 Special Regulations in the CBD District is proposed, pertaining to outdoor storage and merchandise display in the District.

Outdoor merchandise displays can help support business activity by attracting interest from passersby and adding to the inviting, walkable character of the downtown area. For several years, shops along Washington Street have placed small, well-maintained displays on the wider sidewalks outside their storefronts. However, the current zoning code—adopted in 2008—does not permit this existing practice by Central Business District merchants.

The proposed amendment would update the code to align with current conditions while establishing clear standards for safety and consistency. These standards include maintaining a minimum five-foot clear pedestrian path, limiting the size of displays, ensuring merchandise is arranged neatly, and requiring that items be brought indoors during non-business hours.

Attached is a clean version of proposed section 405.595, along with a version that tracks the proposed changes with additions in **bold** and deletions in ~~striketrough~~.

Also attached is a location map showing the approximate boundary of the CBD overlay district.

Staff recommends approval of the proposed Zoning Code Amendment to Section 405.595.

The Planning & Zoning Commission can move to recommend the Board of Aldermen approve, approve with changes, or deny the proposed zoning code amendment.

Sample Motion: “I move that the Planning & Zoning Commission recommend the Board of Aldermen approve the proposed amendment to Municipal Code Section 405.595, as recommended by staff.”

Proposed Update:

Title IV – Land Use

Chapter 405 Zoning Regulations

Article XXI "CBD" Central Business District Overlay District

405.595. Special Regulations.

D. Outdoor Storage and Merchandise Display

1. No article or material stored or offered for sale in connection with uses permitted in this District shall be stored or displayed outside the confines of a building unless it is screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.
2. Notwithstanding subsection A, Retailers located within the district may display merchandise on sidewalks subject to the following conditions:
 - a. Merchandise shall not reduce the clear pedestrian access route to less than five (5) feet in width, or such greater width as may be required by ADA accessibility standards.
 - b. Merchandise shall not be placed within three (3) feet of either side of a working doorway, nor within five (5) feet directly in front of a working doorway.
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 - f. Outdoor display shall be considered an accessory activity to the principal use and shall not exceed ten percent (10%) of the indoor gross floor area of the business.

Proposed Update Tracking showing additions in **Bold** and removals in ~~Strikethrough~~:

405.595. Special Regulations. (in the CBD – Central Business District)

D. Outdoor Storage and Merchandise Display.

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2. **Notwithstanding subsection A, Retailers located within the district may display merchandise on sidewalks subject to the following conditions:**
 - a. **Merchandise shall not reduce the clear pedestrian access route to less than five (5) feet in width, or such greater width as may be required by ADA accessibility standards.**
 - b. **Merchandise shall not be placed within three (3) feet of either side of a working doorway, nor within five (5) feet directly in front of a working doorway.**
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