



**THE CITY OF
HARRISONVILLE**
WHERE TRADITION MEETS INNOVATION

**AGENDA
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
JUNE 20, 2024
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Planning & Zoning Commission - Regular Meeting - May 16, 2024 6:00 PM**
- 3. Agenda Items**
 - A. Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St - PUBLIC HEARING**
 - B. Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St - CONSIDERATION**
 - C. Code Amendments--Obstructions/Encroachments - PUBLIC HEARING**
 - D. Code Amendments--Obstructions/Encroachments - CONSIDERATION**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 13th day of June, 2024.

Daniel Barnett

Daniel Barnett, City Clerk



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
MAY 16, 2024
6:00 PM

1. Call to Order

The meeting was called to order at 6:00 PM by Chair Kevin Wood

Attendee Name	Organization	Title	Status	Arrived
Kevin Wood	Harrisonville	Chair	Present	
Chris Chiodini	Harrisonville	Vice Chair	Present	
Scott Milner	Harrisonville		Present	
Cheryl Bush	Harrisonville		Present	
Wilbert Crawford	Harrisonville		Present	
Brian Pulliam	Harrisonville		Absent	
Milton Siegenthaler	Harrisonville		Present	
Mike Zaring	Harrisonville	Mayor	Present	

Also in attendance were Paul Conner and daughter Aerial Conner, observing; Alderman Doerhoff, Board Liaison; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Mar 21, 2024 6:00 PM

With no additions or corrections, the minutes from the March 21, 2024, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Chris Chiodini, Vice Chair
SECONDER:	Scott Milner
AYES:	Wood, Chiodini, Milner, Bush, Crawford, Siegenthaler, Zaring
ABSENT:	Brian Pulliam

3. Agenda Items

A. City-Initiated Rezoning of "G" Designated Parcels - PUBLIC HEARING

Minutes Acceptance: Minutes of May 16, 2024 6:00 PM (Approval of Minutes)

Director Stanton presented the Staff Report for the City-Initiated Rezoning of "G" designation properties. She said that Staff learned that the "G" designation was an error created whenever the City transitioned from paper zoning maps to digital in the early 2000's. The "G" designation, which stands for Government, is not an established zoning district and as such does not have any standards or regulations. Staff has noticed that this can become problematic when any of the entities sell their property because the property essentially does not have any zoning. Staff is proposing re-establishing zoning on all parcels that are currently shown with the "G" designation. Director Stanton said that the key issues are that the "G" designation is not an official zoning district and these properties currently do not have any zoning. Some of these properties have been sold to other individuals and without established zoning, there are no standards to apply to these properties. Staff is proposing to re-establish zoning based upon the zoning that was shown on the 1978 Zoning Map, the zoning of abutting properties, the actual use/uses of the property, and the size of the property. She said that should any of these properties not conform to current standards for the district staff is proposing said property to be rezoned to, current structures shall be considered legal non-conforming. Staff recommended approval of these Rezoning from the currently designated Government Designation to established zoning districts as identified in the Table of Properties with "G" Designation and Proposed Zoning.

The Public Hearing was closed at 6:07 PM.

B. City-Initiated Rezoning of "G" Designated Parcels - CONSIDERATION

Cheryl Bush made a motion to recommend approval of the City Initiated Rezoning to the Board of Alderman as presented. Mayor Zaring seconded the motion. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Cheryl Bush
SECONDER:	Mike Zaring, Mayor
AYES:	Wood, Chiodini, Milner, Bush, Crawford, Siegenthaler, Zaring
ABSENT:	Brian Pulliam

C. Code Amendments--Chapter 435: Sign Regulations - PUBLIC HEARING

Director Stanton presented the Staff Report for Code Amendments in Chapter 435. Staff is proposing various Code Amendments to Chapter 435 : Sign Regulations to address the following items, adding definitions for landscape wall sign and subdivision monument sign; correcting "Governing Body" to "Community Development Director or their designee"; updating "Director of Codes" to "Building Official" removing "Bus Park" from Appendix A, as there is no zoning district identifies as a "Business Park" and replacing with a category to recognize "Non-Residential Uses in Residential Districts" such as schools and churches; removing "C-3" from Appendix A, as the C-3 District was repealed and replaced by the current C-2 District in 1993; removing the "H-1" column within Appendix B, as the "H-1" is an overlay district and not a stand-alone zoning district; adding "P*" for "Ground Sign" and "Monument Sign" in residential districts in Appendix B so that residential subdivisions and non-residential uses in residential districts are allowed to have either a ground or monument sign; and adding "P*" to the R-1 District for "Electronic message Board" in Appendix B so that Non-residential uses such as churches, institutional uses and schools, that are in the R-1 District are able to obtain a permit for a ground or monument sign that has a message board. Staff recommended approval of the proposed Code changes.

D. Code Amendments--Chapter 435: Sign Regulations - CONSIDERATION

Chris Chiodini made a motion to recommend approval of the Code Amendments to the Board of Alderman as presented. Mayor Zaring seconded. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Chris Chiodini, Vice Chair
SECONDER:	Mike Zaring, Mayor
AYES:	Wood, Chiodini, Milner, Bush, Crawford, Siegenthaler, Zaring
ABSENT:	Brian Pulliam

4. Discussion Items

5. Adjourn

With nothing further to come before the Commission, Chris Chiodini made a motion to adjourn. Mayor Zaring seconded. The meeting was adjourned at 6:20 PM.

Respectfully submitted,

Jamie Martin, Secretary

Minutes Acceptance: Minutes of May 16, 2024 6:00 PM (Approval of Minutes)

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: June 13, 2024
SUBJECT: Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St

Type of Item: *Public Hearing*

A. Action Item (ID # 4864)

Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St - PUBLIC HEARING

Attachments:

Staff Rpt - Brownsberger Event Venue SUP 6-20-2024 P&Z (PDF)

Application (PDF)

Site Plan (PDF)

A3 Elevations_0401024 (PDF)

1226023_bro_0308024_Perspective (PDF)

Zoning Map (PDF)

Aerial Map (PDF)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

3.A.a

To: Planning and Zoning Commission

From: Christina Stanton, AICP, Community Development Director

Date: June 20, 2024

Re: Appl. #SUP-24-002 – SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial Street

GENERAL INFORMATION

Applicant: Jesse Brownsberger, Aspects Homes, LLC

Requested Actions: Approval of Requested Special Use Permit for an Event Venue

Date of Application: April 26, 2024

PROPOSAL

Jesse Brownsberger, with Aspects Homes, LLC is seeking approval of a Special Use Permit for an event venue to be located at 301 N. Commercial Street. The property is zoned Service Business (C-2) District.

Please see the attached zoning and aerial maps.

The surrounding properties are currently zoned as follows:

North: Service Business (C-2) District—Oakland Cemetery

East: Service Business (C-2) District—Vacant Undeveloped Land

South: Service Business (C-2) District—Old Town Creek Mill

West (across N. Commercial St.): Service Business (C-2) District—Oakland Cemetery

PREVIOUS ACTIONS

- November 6, 2000—The Board of Aldermen approved the Final Plat of *Wall Street Commercial Park, Lots 1 thru 7* by Ordinance #2675.
- December 8, 2000—The Final Plat of *Wall Street Commercial Park, Lots 1 thru 7* was recorded with the Cass County Recorder of Deeds' Office.
- July 6, 2015—The Board of Aldermen approved a Special Use Permit (#SUP-1503) for the purpose of establishing an event space located at 210 S. Independence Street by Ordinance #3317. The SUP was approved for a period of 20 years, expiring July 6, 2035. The use was required to go through the Special Use Permit process due to the number of required parking for the use, as the CBD-1 District does not require off-street parking.
- March 23, 2023—Staff held an initial Pre-Application Meeting with Mr. Brownsberger about his proposed project for a 100' x 50' (5,000 square foot) wedding/event venue with approximately 50 parking spaces. At that time a Special Use Permit was not being required for this use as the specific use was not identified within the Land Use Table and the C-2 District is the heaviest commercial district within Harrisonville. It was stated that a "No Rise" certificate would be

Attachment: Staff Rpt - Brownsberger Event Venue SUP 6-20-2024 P&Z (Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on

required, the lowest floor opening elevation would need to be at least one (1) foot above the floodplain elevation, and requirements pertaining to pavement were discussed.

- September 19, 2023—Lexington on the Square (111 S. Lexington St.) submitted their business license for an event space on the Square.
- October 16, 2023—The Board of Aldermen approved various Code Amendments, including the establishment of Section 405.565—Design Standards, by Ordinance #3669.
- November 27, 2023—Staff was contacted by the applicant to discuss questions from him and his architect/engineer. Staff follow-up the next day to inform him that due to the amount of time that had passed, Code Amendments that had occurred and others that were in the process, as well as changes in staff an additional Pre-Application Meeting was going to be required.
- December 4, 2023—The Board of Aldermen approved various Code Amendments by Ordinance #3677, which included establishing a definition for “event venue” and changes to the Land Use Table that specified that an “event venue” is an allowed use with an approved Special Use Permit in Districts CBD-1, CBD-2, and C-2.
- December 5, 2023—Staff held a 2nd Pre-Application Meeting with Mr. Brownsberger to discuss the various Code Amendments that had been approved and changes in staff, as well as any changes he had to his original plan. Staff made Mr. Brownsberger aware that the use of an “event venue” now requires a Special Use Permit in the CBD-1, CBD-2, and C-2 Districts. Staff discussed access further and stated that the preference was for shared access from the Oakland Cemetery property to the north, which would require an access easement. Parking and drive aisle dimensions were discussed. It was discussed that sprinklers were not required unless the occupancy was 300 or more. Pavement standards were discussed further.
- April 26, 2024—Formal application was submitted.
- May 13, 2024—Staff comments were sent to the applicant. Comments from the City Engineer were forwarded to the applicant the following day after receiving.
- May 30, 2024—Staff held an Applicant’s Meeting to discuss staff comments and go over questions from the applicant.

KEY ISSUES

- This property is currently zoned Service Business (C-2) District.
- The applicant is proposing to construct a new 4,500 square foot building for use as a wedding and event venue.
- The City’s 2040 Comprehensive Plan shows the property and surrounding area as “Preservation/Rural” and “Recreational Open Space”, which are places “that are not expected to substantially develop...These areas may include environmentally sensitive areas, such as floodways and woodlands.” and the recreational Open Space place type includes spaces that may potentially include “park facilities, trails, and leisure activities”.
- The use of an “event venue” is an allowed use, with an approved Special Use Permit, in the C-2 Zoning District.

ANALYSIS

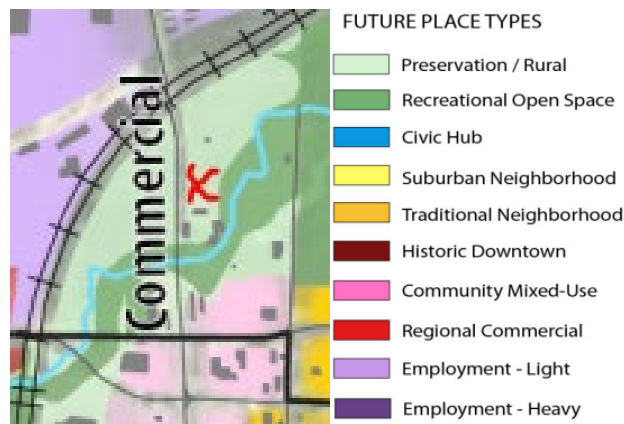
Zoning. The property is currently zoned Service Business (C-2) District. The use of an event venue is an allowed use in this District with an approved Special Use Permit (SUP). “Event Venue” is defined, in Section 405.030 of the City’s Municipal Code, as “a facility that is used primarily for the purpose of leasing or renting for private functions on a temporary basis, such as meetings, banquets, weddings, anniversaries and similar celebrations”. There are no additional requirements related to this type of SUP.

Site Design. The applicant has proposed circulation onto and out of the site to flow one-way, with the southern point of access being the entry and the northern point of access being the exit. Staff has recommended that the applicant obtain an access easement from Oakland Cemetery and share that access point to eliminate one of the proposed curb cuts onto Commercial Street. The applicant has stated that the parking lot will be concrete poured 6” thick, with no rebar; and that the sidewalks will be 5’-wide concrete poured 4” thick with rebar. The applicant has indicated that he intends to place exterior lighting

on the building and parking lot lighting for the parking located southeast of the proposed building. Landscaping is shown on the proposed site plan, but details are lacking at this point. Additional information will be required prior to final approval of the Final Development Plan. There is a massing of existing trees and shrubs within the floodplain that could potentially count towards some required landscaping. Additionally, staff will need to work with the applicant for any potential required street frontage trees due to the presence of the overhead electrical lines; these will likely either be ornamental or located elsewhere within the site.

Building Design. The proposed building is shown as utilizing metal panels. Staff has asked for specification sheets for the materials and has informed the applicant that “the use of metal siding is permitted only in industrial districts and only for side and rear facades” (405.565.D.6). Additionally, staff noted that “corrugated metal facades shall be complemented with masonry, whether brick, stone, stucco or split-face block” and “architectural metal panels may be an acceptable substitute for masonry” (405.565.D.9). Staff also discussed the requirement for four (4) sided architecture (405.565.C.4), specifically referring to the blank wall lacking any opening (windows or doors) on the south elevation. The applicant has requested a modification to this requirement for this side to allow for a blank wall for pictures and because this side is essentially screened from the right-of-way by the old mill located south of the property.

Comprehensive Plan. The City’s 2040 Comprehensive Plan shows this area as “Preservation/Rural” and “Recreational Open Space”, which are places “that are not expected to substantially develop...These areas may include environmentally sensitive areas, such as floodways and woodlands.” and the recreational Open Space place type includes spaces that may potentially include “park facilities, trails, and leisure activities”.



Given that the applicant intends to retain the existing riparian buffer, minimize any potential disturbance within the floodplain, and plant additional landscaping staff finds this to be an appropriate use for the property.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Special Use Permit for an event venue with the following conditions:

- 1) The applicant shall obtain a Floodplain Development Permit and an Elevation Certificate.
- 2) The applicant shall obtain an access easement from Oakland Cemetery to utilize their existing curb cut for their northern access point.
- 3) All exterior building and site lighting shall comply with the requirements specified in Section 405.565.G of the City’s Municipal Code.
- 4) The site shall meet or exceed all applicable landscaping and screening requirements contained in Section 405.565.F of the City’s Municipal Code.
- 5) A modification shall be granted to the four-sided architecture requirement of Section 405.565.C.4 of the City’s Municipal Code to allow for no openings (windows or doors) on the south façade.

Application
Site Plan
Elevations
Perspective
Zoning Map
Aerial Map



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

LAND USE – ZONING APPLICATION

Application Type

☐ Rezoning (Fee \$300.00 + \$65 Notice Fee) ☒ Preliminary Development Plan (Fee \$300.00 + \$65 Notice Fee)

☒ Special Use Permit (Fee \$300.00 + \$65 Notice Fee) ☐ *Final Development Plan (Fee \$200.00)

* Staff-only approval required

Applicant and Owner Information

Applicant (Print): Jesse Brownsberger Signature: [Signature]
 Company Name: Aspects Homes, LLC
 Street Address: 24301 E 219th St City: Harrisonville State: MO Zip: 64701
 Phone: 816-853-8682 Email: jessebrownsberger@gmail.com

Property Owner Authorization (Provide contact information and signatures of all property owners.)

Property Owner Name (print): Jesse Brownsberger Signature: [Signature]
 Street Address: 24301 E 219th St City: Harrisonville State: MO Zip: 64701
 Phone: 816-853-8682 Email: _____

Firm Preparing Application:

Contact: _____
 Street Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____
 *All correspondence should be sent to: Applicant ☒ Property Owner _____ Firm _____

Project Information

General Location or Address: N Commercial St - next door to the cemetery
 Project Description: Wedding & Event Venue
 Acres or Sq. Ft. 4,500 sq. ft.
 Current Zoning: C2 Proposed Zoning: _____

Items to be Submitted 30 Days Before Planning Commission Meeting

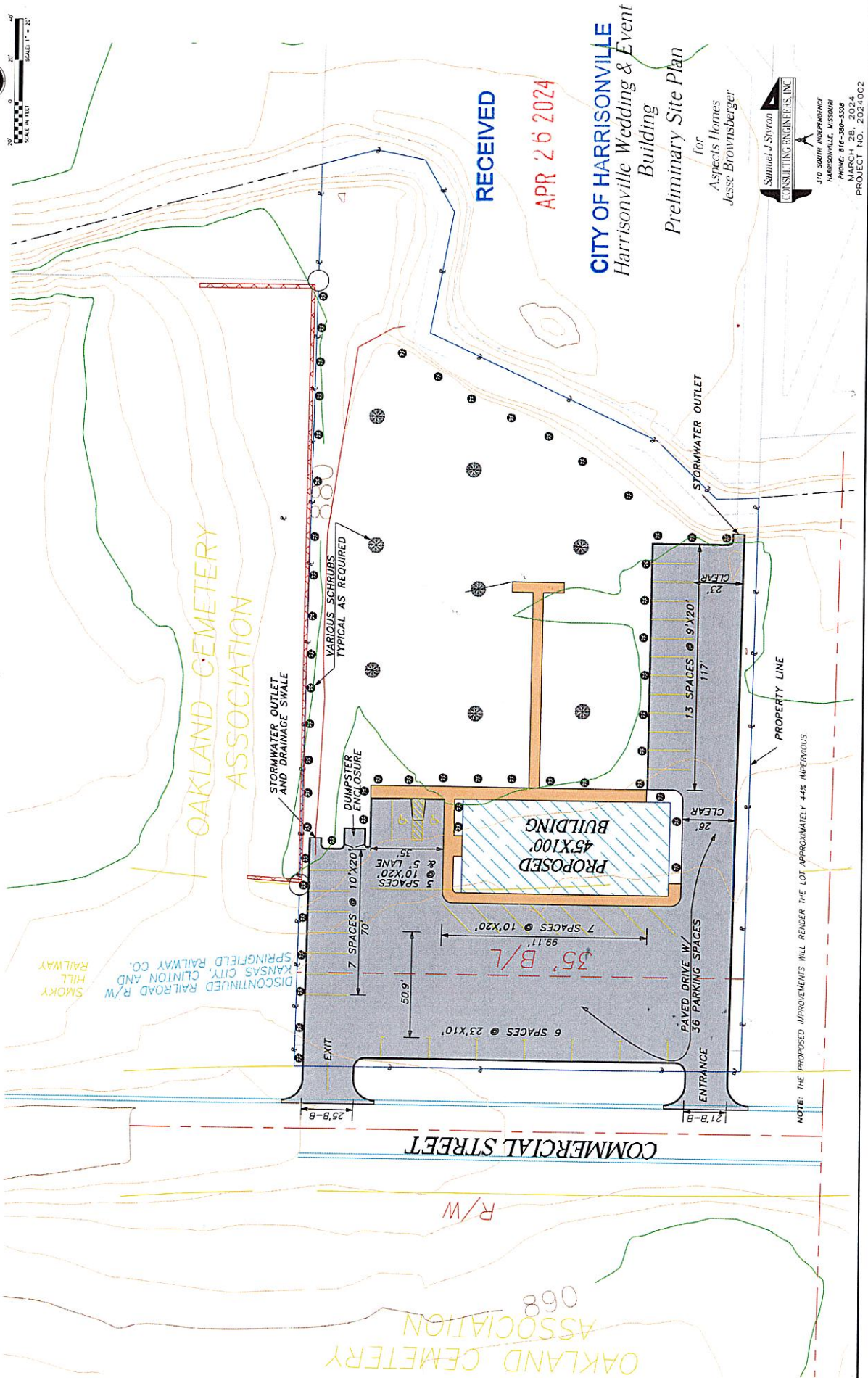
- ☒ 1) Application
- ☒ 2) Filing Fee – Payable to City of Harrisonville or contact the Community Development Office to pay by phone.
- ☒ 3) Site Plan drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Four (4) copies of at least 8 ½" x 11", and one (1) electronic copy emailed to the planner.
- ____ 4) Email full legal description in WORD to planner (not assessor's abbreviated description).

City Staff may modify submittal requirements as necessary.

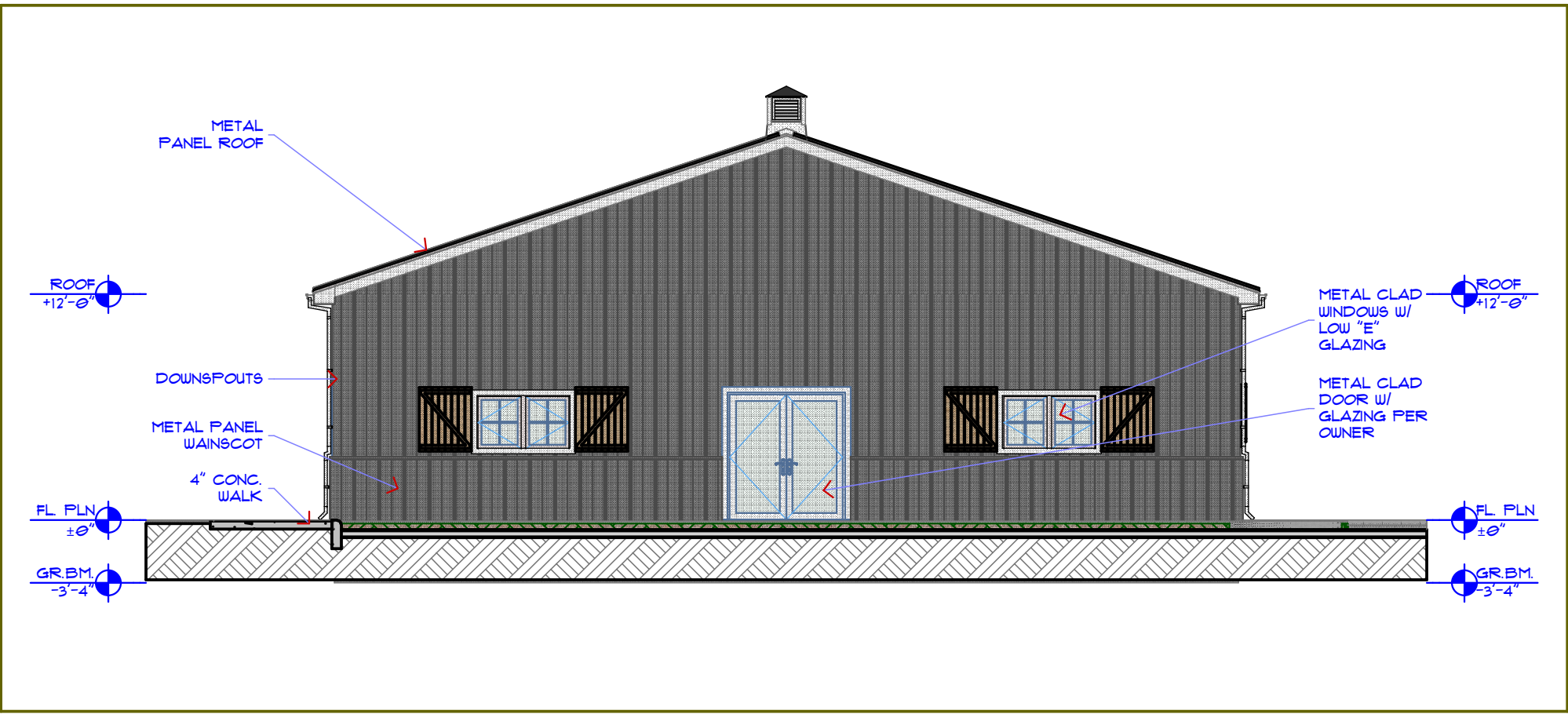
For Office Use Only

Case No: SUP 24-002 Filing Fee: Amount Paid \$ 345.00 Date Application Received: 4/26/24
 Staff-only approval: N/A P&Z meeting: 6/20/24 BOA Meeting: 7/1/24

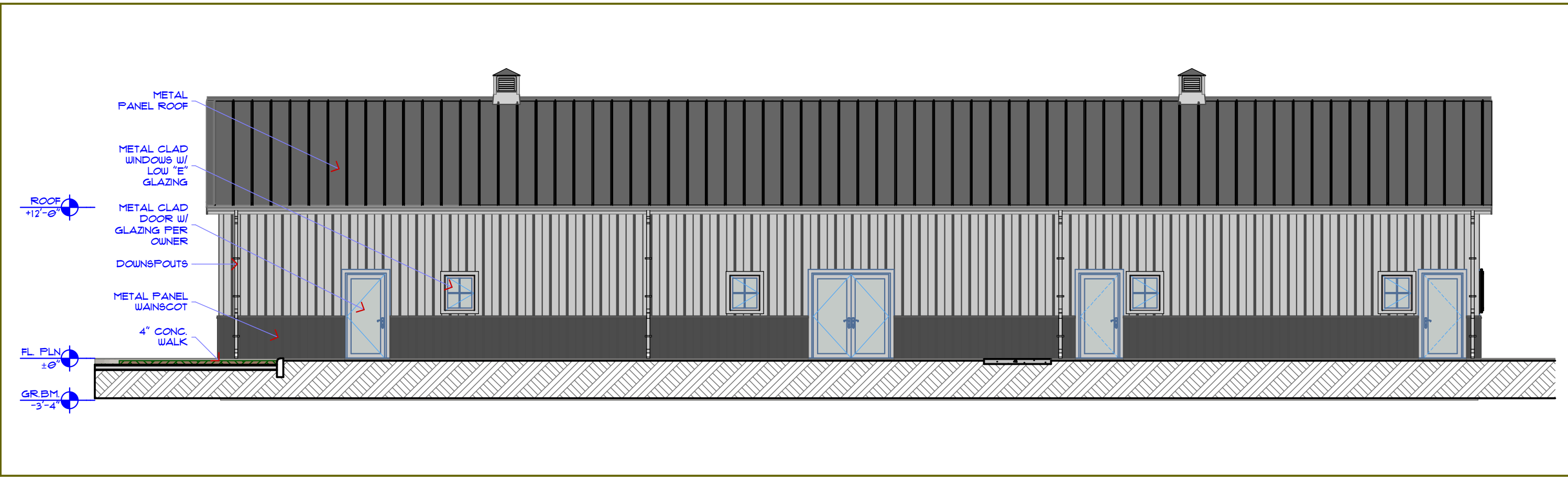
Preliminary Site Plan



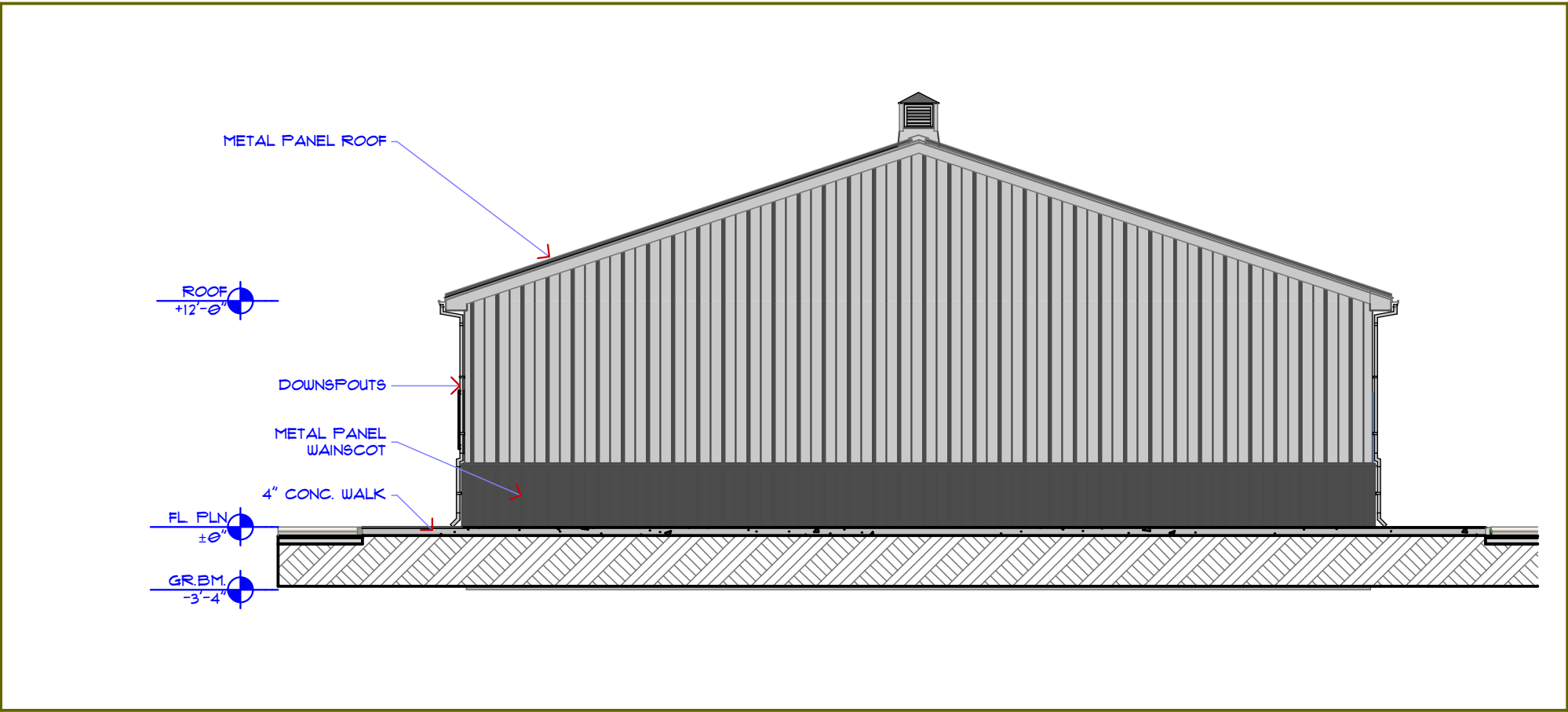
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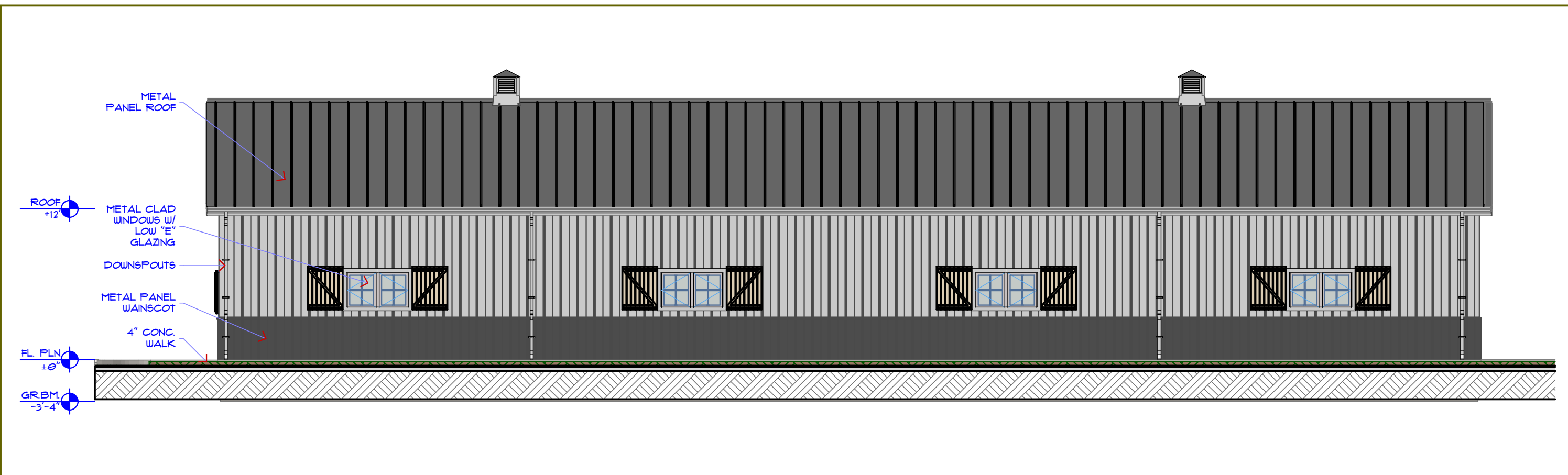
4 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



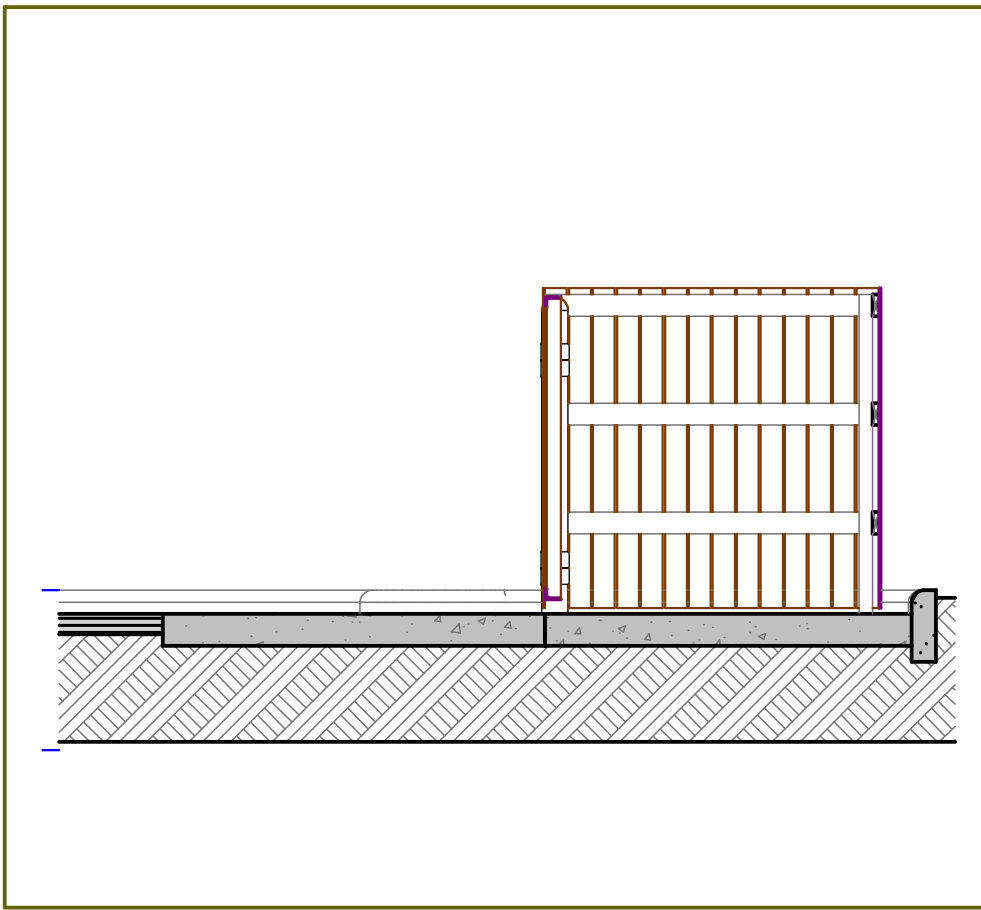
3 EAST ELEVATION
SCALE: 1/8" = 1'-0"



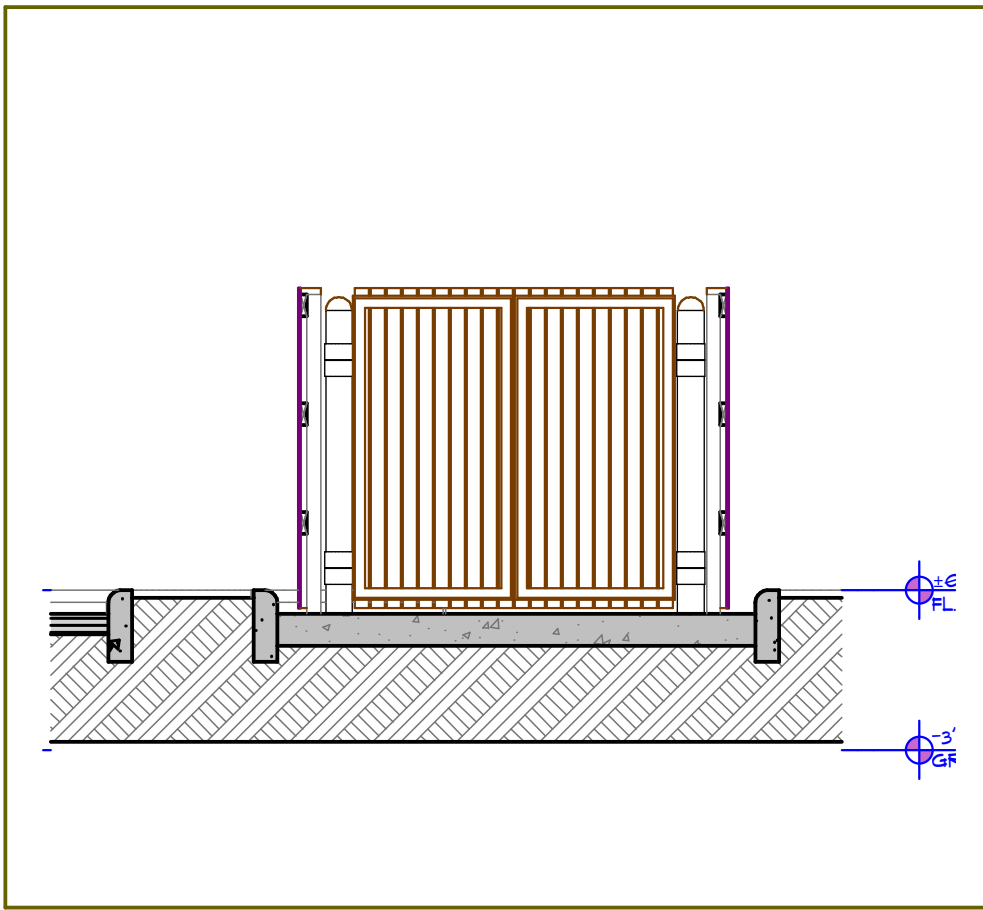
2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



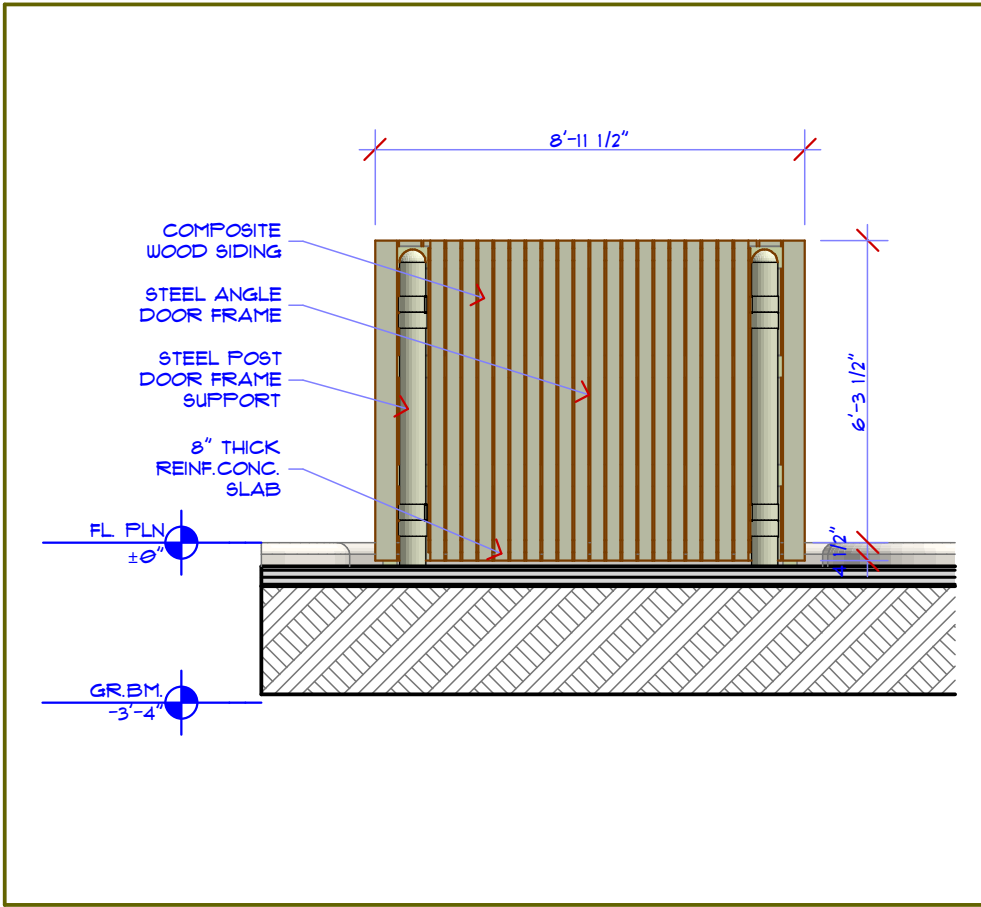
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



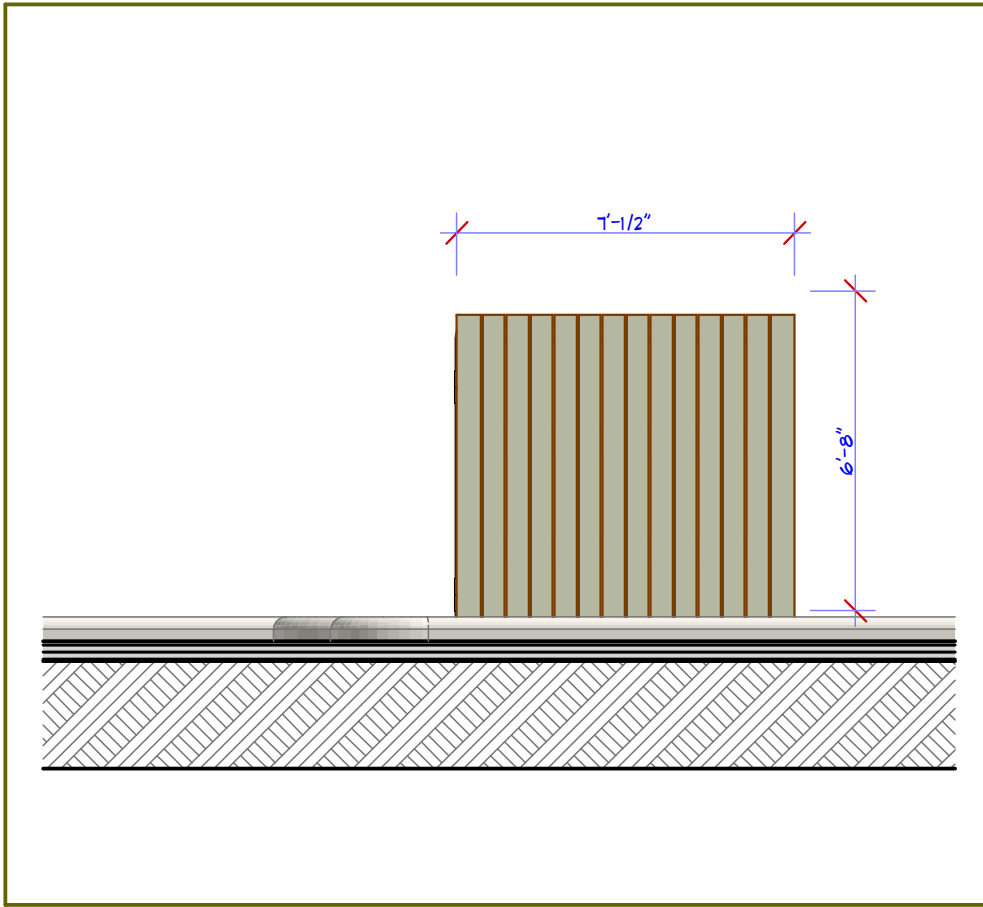
9 SECTION
SCALE: 1/4" = 1'-0"



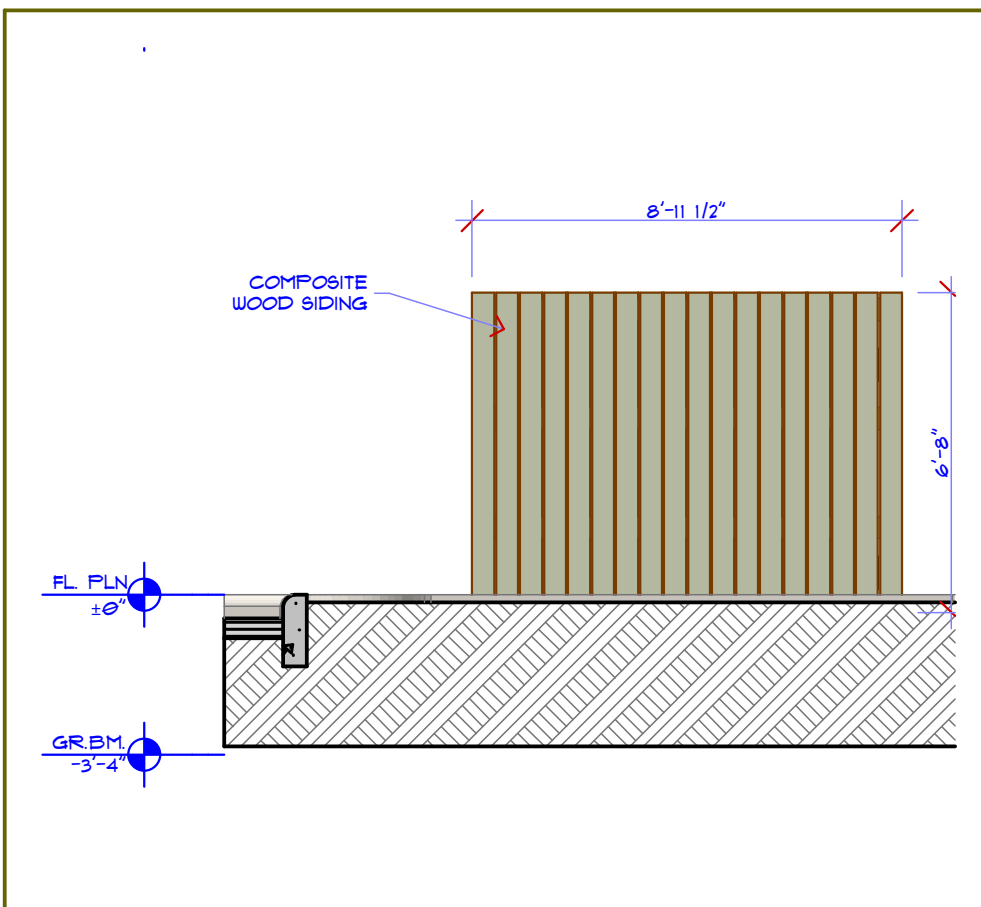
10 SECTION
SCALE: 1/4" = 1'-0"



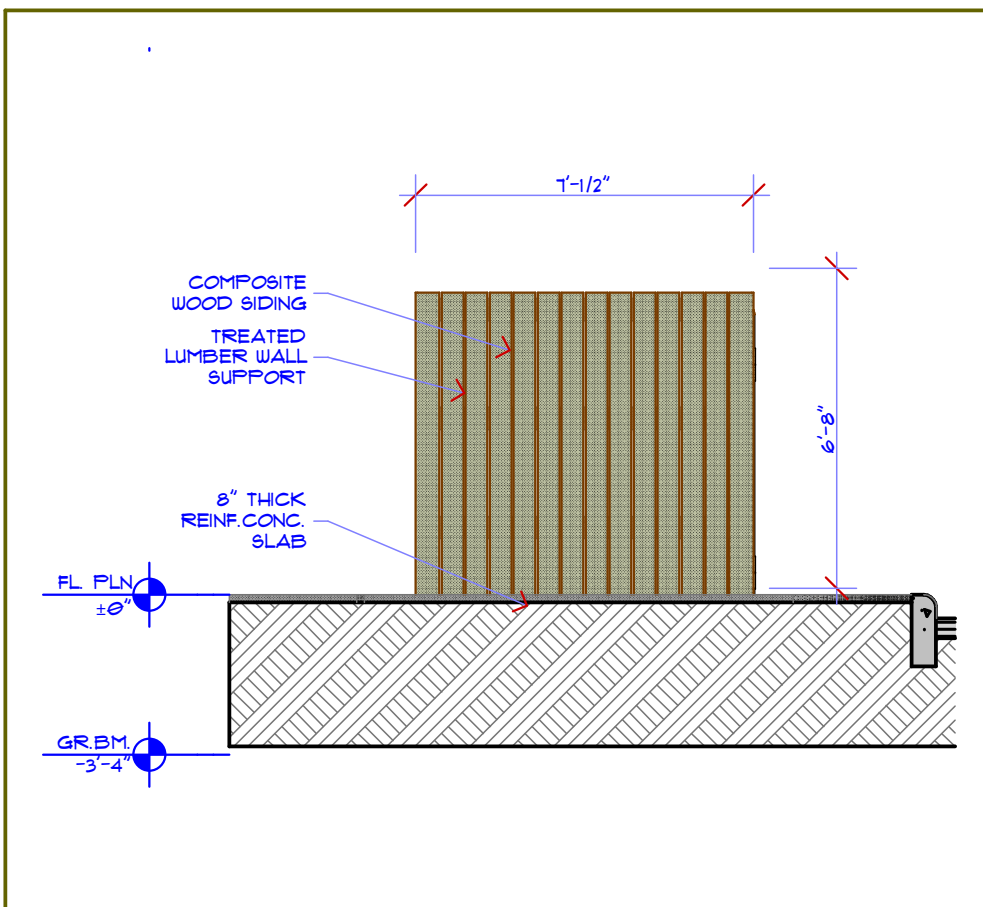
6 WEST ELEV. DUMPSTER
SCALE: 1/4" = 1'-0"



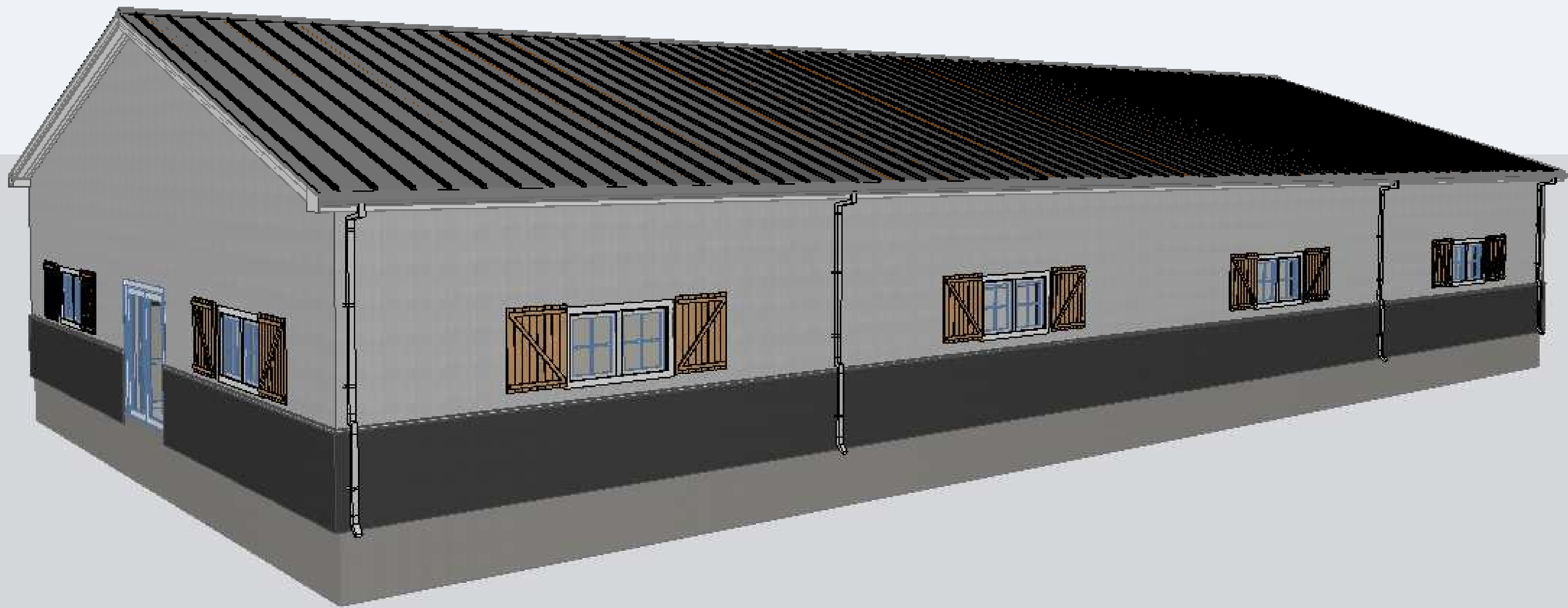
8 SOUTH ELEV. DUMPSTER
SCALE: 1/4" = 1'-0"



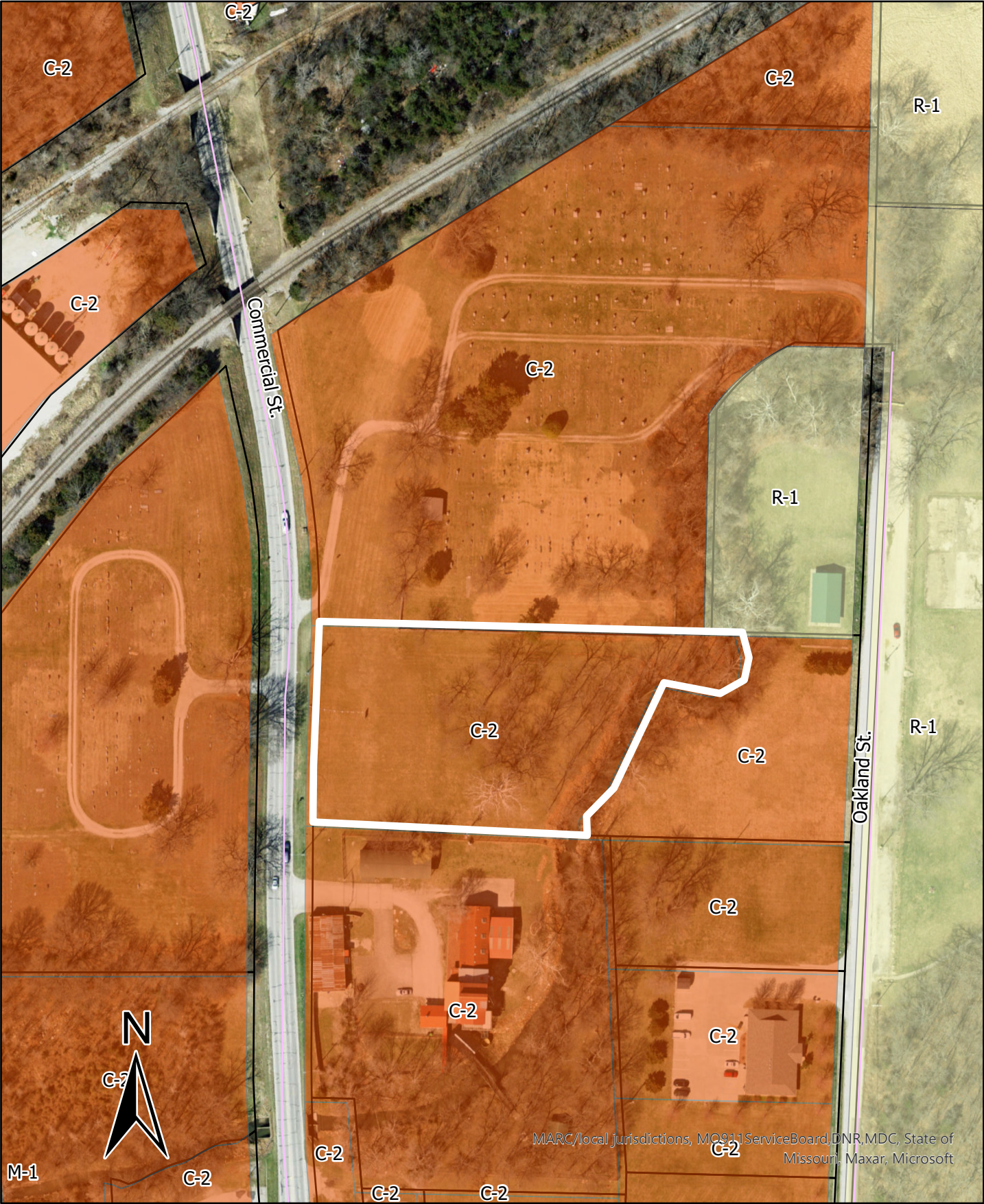
5 EAST ELEV. DUMPSTER
SCALE: 1/4" = 1'-0"



7 NORTH ELEV. DUMPSTER
SCALE: 1/4" = 1'-0"



Zoning Map



Attachment: Zoning Map (Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St)

Aerial Map



Attachment: Aerial Map (Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St)

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: June 13, 2024
SUBJECT: Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St

Type of Item: *Approval*

B. Action Item (ID # 4866)

Appl. #SUP-24-002--SPECIAL USE PERMIT for an Event Venue on property located at 301 N. Commercial St - CONSIDERATION

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: June 13, 2024
SUBJECT: Code Amendments--Obstructions/Encroachments - PUBLIC HEARING

Type of Item: *Public Hearing*

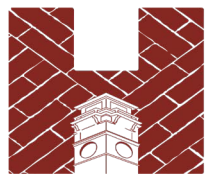
C. Action Item (ID # 4865)

Code Amendments--Obstructions/Encroachments - PUBLIC HEARING

Attachments:

Code Amendments-Encroachments 6-20-24 P&Z (PDF)

Encroachments Commentary and Mark-ups (PDF)



To: Planning & Zoning Commission

From: Christina Stanton, AICP, Community Development Director

Date: June 20, 2024

Re: Code Amendments—Obstructions/Encroachments

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Consideration of Proposed Code Amendments

Date of Application: N/A

PROPOSAL

The Code Amendments proposed include the following items:

- 1) Repealing current Section 515.030 and 040 in their entirety and replacing Section 515.030 with the proposed language with effectively allows for obstructions/encroachments into a public right-of-way with written approval of the Director of Public Works and an approved and executed encroachment agreement.
- 2) Changes that provide clarification on the process and applicable section of code in the CBD-1 and CBD-2 Zoning Districts.

PREVIOUS ACTIONS

- 1939—The Board of Aldermen approved the City of Harrisonville’s original Municipal Code, which included the language that is currently existing in Sections 515.030 and 040.
- May 13, 1991—The Board of Aldermen approved Zoning Ordinance #1825, which established most of our current zoning districts.
- October 20, 2014—The Board of Aldermen approved Ordinance #3284, which added: “A properly zoned and licensed food or beverage service establishment may temporarily utilize public sidewalks immediately adjacent to its establishment for outdoor dining purposes contingent upon compliance with City policy and ordinances.” This was added at the recommendation of the Historic Preservation Commission and Planning & Zoning Commission to aid in the dining establishments’, within the CBD-1 Zoning District, ability to increase foot traffic, enhance quality of life, expand business opportunities and allow for limited outdoor dining.

KEY ISSUES

- Clarifying process
- Removing ambiguities

ATTACHMENTS

Staff Commentary and Mark-ups

Attachment: Code Amendments-Encroachments 6-20-24 P&Z (Code Amendments--Obstructions/Encroachments - PUBLIC HEARING)



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

The following code amendments cover various items:

- 1) Repealing Sections 515.030 and 040 in their entirety and replacing Section 515.030 with the proposed language which effectively allows for obstructions/encroachments into a public right-of-way with written approval of the Director of Public Works and an approved and executed encroachment agreement.
- 2) Clarified the process and applicable section of code for a business in CBD-1 to be able to “store or display” merchandise or equipment outside a building.
- 3) Clarified the process and applicable section of code for a business in CBD-1 to be able to “utilize public sidewalks immediately adjacent to its establishment for outdoor dining purposes”.
- 4) Clarified the process and applicable section of code for a business in CBD-2 to be able to display or store merchandise “outside a building”.

1) Under Chapter 515--Streets, Sidewalks and Other Public Places

Section 515.030. **Encroachments.** **Obstructions, Encroachments generally.**

Any person who shall construct or cause to be constructed anything that extends upon or over any sidewalk, street, alley or public place within the City shall be guilty of a misdemeanor.

A. Unless otherwise permitted by law, it shall be unlawful for any person to:

1. Place, create or maintain any obstruction in or over any part of the City's right-of-way, including, but not limited to a street, alley or sidewalk, whether improved or unimproved, except by written approval of the Director of Public Works; or
2. Place, create or maintain any object, obstruction, or thing on private property that creates a threat to public health, safety or welfare in any part of the City's right-of-way, whether improved or unimproved, except by written approval of the Director of Public Works; or
3. Plow or push snow from private property onto any public road or street within the City of Harrisonville, except those persons acting within the scope of their employment for the City or those persons having written approval from the Director of Public Works. This subsection shall be construed to apply to the commercial plowing or pushing of snow from private property onto public streets and roads. Individual citizens plowing their residences are not in violation of this provision.



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

4. Push, throw, blow, deposit or dump any dirt, gravel, rubbish, leaves or other debris including, but not limited to, lumber, paper, trash, concrete or metal in any street, right-of-way, gutter, storm sewer, waterway or drainage way. Erosion of soil which flows onto any street, right-of-way, gutter, storm sewer, waterway or drainage way from property before or during construction shall be considered as depositing dirt, gravel or other construction debris.
5. The Director of Public Works may recommend to the Board of Alderman, the approval of a proposed temporary or permanent encroachment from a property owner through execution of an encroachment agreement.

B. Removal of obstructions by City:

1. When any obstruction exists in the City's right-of-way in violation of this section, the City may remove and dispose of such obstruction, provided the City has given ten (10) days' written notice of its intention to remove and dispose of the obstruction. Notice as required in this subsection shall be sufficient if mailed or delivered to the person owning or responsible for the obstruction or by affixing written notice to the obstruction itself.
2. Any obstruction within the right-of-way which the Director of Public Works deems to create immediate threat to the public health, safety or welfare may be immediately removed and disposed of by the City, without the need to give any notice to the person owning or responsible for the obstruction.
3. The property owner may file a written appeal to the removal of the obstruction, object or thing with the Director of Public Works. Upon receipt of such an appeal, the Director of Public Works shall determine if the obstruction, object or thing at issue violates any provisions of this Code section.

C. Any person who violates this Section shall be liable to the City for all actual costs and damages resulting from the obstruction, in accordance with Section 515.060.

Section 515.040. Obstructions Prohibited.

It shall be unlawful for any person to place an obstruction of any kind or character whatsoever upon any street, alley, sidewalk or parkway within the City.

- 2) Under the Performance Standards for the CBD-1 District, Section 405.280.B: No merchandise or equipment shall be stored or displayed outside a building, **except as allowed by written approval of the Director of Public Works and with an approved and executed encroachment agreement as specified in Section 515.030 of the City's Municipal Code.**
- 3) Under the Performance Standards for the CBD-1 District, Section 405.280.C: All products shall be sold and all services rendered inside a building, except that banks and saving-and-loan establishments may have drive-in or walk-up service. A properly zoned and licensed food or beverage service establishment may **obtain an encroachment agreement**



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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as specified in Section 515.030 of the City's Municipal Code to temporarily utilize public sidewalks immediately adjacent to its establishment for outdoor dining purposes contingent upon compliance with City policy and ordinances.

- 4) Under the Performance Standards for the CBD-2 District, Section 405.300.B: Other merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, except as allowed by written approval of the Director of Public Works and with an approved and executed encroachment agreement as specified in Section 515.030 of the City's Municipal Code. Said display or storage shall not reduce the capacity of a parking lot below that required by this Chapter and shall not occupy an area greater than twenty percent (20%) of the ground floor area of the building.

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: June 13, 2024
SUBJECT: Code Amendments--Obstructions/Encroachments - CONSIDERATION

Type of Item: *Approval*

D. Action Item (ID # 4867)

Code Amendments--Obstructions/Encroachments - CONSIDERATION