

Council Bill No. 2024-07

Ordinance No. 3685

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING ARTICLES I, II, III, VI, VII, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, AND XX UNDER CHAPTER 405—ZONING REGULATIONS, CHAPTER 435—SIGN REGULATIONS, ARTICLE IV UNDER CHAPTER 410—SUBDIVISION REGULATIONS, CHAPTER 515—STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, CHAPTER 530—RIGHTS-OF-WAY MANAGEMENT, AND CHAPTER 700--UTILITIES OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville desires to amend various municipal code regulations under Titles IV – Land Use, V—Building and Construction, and VII—Utilities; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on February 15, 2024, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 6-0 to recommend approval to the Board of Aldermen; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on February 20, 2024, and rendered a decision to approve as the Board believes that it is in the best interest for the citizens of Harrisonville.

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

Section 1: Section 405.030 is hereby amended by removing “Exception: Swimming pools shall be computed as one-half (1/2) their area toward the maximum building coverage.”

Section 2: Section 405.030 is hereby amended to add the following definitions:

“IMPERVIOUS SURFACE

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

LOT COVERAGE

The total ground area covered by all buildings, roofed or covered spaces, paved surfaces, walkways and driveways and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.”

Section 3: Section 405.140.A.7 is hereby amended to read as follows: “Lot Coverage.

The lot coverage shall not exceed thirty-five percent (35%).”

Section 4: Section 405.147.C.8 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed thirty-five percent (35%).”

Section 5: Section 405.170.A.7 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed thirty-five percent (35%).”

Section 6: Section 405.177.C.7 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed thirty-five percent (35%).”

Section 7: Section 405.225.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed eighty-five percent (85%).”

Section 8: Section 405.255.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed eighty-five percent (85%).”

Section 9: Section 405.285.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed ninety-five percent (95%).”

Section 10: Section 405.305.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed ninety-five percent (95%).”

Section 11: Section 405.325.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed eighty-five percent (85%).”

Section 12: Section 405.495.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed sixty percent (60%).”

Section 13: Section 405.515.A.5 is hereby amended to read as follows: “Lot Coverage. The lot coverage shall not exceed eighty percent (80%).”

Section 14: Section 405.050.C.1 is hereby amended to read as follows: “Repairs. Ordinary repairs may be made to a non-conforming building or structure. Ordinary repairs shall be determined by the Building Official and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.”

Section 15: Section 405.095 is hereby amend to read as follows: “The location and boundaries of the districts established by this Chapter are set forth on the "Zoning District Map" which is hereby made a part of this Chapter. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein. The said map shall be filed with the office of the City Clerk and copies thereof in the office of the Director of Community Development and shall be open to public reference at all times during which those offices are open.”

Section 16: Section 405.420 is hereby amended to read as follows: “The Board of Aldermen shall within forty-five (45) days after receiving the recommendation of the Planning and Zoning Commission concerning the nominated landmark or historic district either accept or reject the recommendation of the Planning and Zoning Commission. If the Board wishes to designate a landmark or district, it shall do so by ordinance. The Board of Aldermen shall hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in the Harrisonville Zoning Ordinance. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action by the Board of Aldermen. The City Clerk shall provide written notification of the action of the Board of Aldermen by regular mail to the nominator and the owners of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the Board of Aldermen and shall be sent within seven (7) days of the Board of Aldermen action. A copy of each designation ordinance shall be sent to the Historic Preservation Commission, the Planning and Zoning Commission and the Community Development Department of the City of Harrisonville. A determination by the Board of Aldermen shall be a final and administrative decision as that term is defined in Chapter 536, RSMo.”

Section 17: Section 405.435 is hereby amended to read as follows: “No application for a building or demolition permit affecting the exterior or architectural appearance of a designated landmark or property within a designated historical district shall be granted by the City until approved by the Preservation Commission. An applicant may request a meeting with the Preservation Commission before or during the review of the application. Application for review of construction, demolition or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Community Development Department of the City of Harrisonville and available at the office of the Community Development Department of the City of Harrisonville. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be requested by the Preservation Commission. The Preservation Commission shall consider the completed application at its next regular meeting. The Preservation Commission may call a specific meeting to review routine application for certificate of appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant.”

Section 18: Section 405.440 is hereby amended to read as follows: “Whenever the Historic Preservation Commission has a reason to believe an action for which a certificate of appropriateness is required has been initiated or is about to be initiated, it shall make every reasonable effort to contact the owners, occupants, contractors or subcontractors and inform them of the application for certificate of appropriateness process. If the Historic Preservation Commission determines that a stop work order is necessary to halt an action that requires a certificate of appropriateness, it shall deliver or send a copy of the stop work order by certified mail return receipt requested to the owners, occupants, contractors and subcontractors and notify them of the certificate of appropriateness process. A copy of the proper application form

shall be included in the notice. A copy of the stop work order shall be sent to the Building Official of the City of Harrisonville, who shall be responsible for monitoring said situation and citing those in violation of this Article.”

Section 19: Section 405.445.A is hereby amended to read as follows: “The Historic Preservation Commission shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the certificate of appropriateness within no more than forty-five (45) days of receipt of the application. Determination will be based on the standards and guidelines set forth in this Article. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant and the Community Development Department of the City of Harrisonville within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in case of approval.”

Section 20: Section 405.465.D is hereby amended to read as follows: “Public Safety Exclusion. None of the provisions of this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Codes Enforcement Division or Building Official of the City of Harrisonville and where the proposed measures have been declared necessary by such Division to correct the said condition; provided however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be damaged by fire or other calamity or by an act of God or by public enemy to such an extent that, in the opinion of the aforesaid Division, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.”

Section 21: Section 405.565.E.3(a) is hereby amended to read as follows: “All parking areas and drives, except as specifically provided for in this Subsection 3(a), shall be ready for use upon occupying a building and shall be surfaced with a minimum of two (2) inches of hot-mix asphaltic concrete on a minimum four (4) inch compacted stone base or Portland cement concrete paving of equal strength (the "Hard Surface Requirement"). All such drives and off-street areas used by vehicles, except those serving single- and two-family dwellings, shall have curbs. The Building Official may grant an extension by issuing a temporary certificate of occupancy when weather conditions are not satisfactory for placing paving materials. Exceptions to the Hard Surface Requirement are specified in Subsections 3(a)(1), (2), (3), and (4), below. None of these exceptions herein shall relieve the owner, occupant or developer from the requirements of the Americans with Disabilities Act regulations, including hard surfaced parking areas for those with disabilities.”

Section 22: Section 435.130.A.1 is hereby amended to read as follows: “Conformance To Building And Electrical Codes. In order to provide for the safety of the public all Signs shall be constructed and maintained in conformance with all Building Code and National Electrical Code requirements. Signs with electricity and per the City Code as to require a building or electrical permit shall obtain one from the Building Official prior to installation or placement.”

Section 23: Section 435.140.A.1 is hereby amended to read as follows: “Permit Required. In addition to the Sign permit required by this Chapter, a building permit shall be obtained from the Building Official prior to installation or placement of any Billboard. Billboards shall be constructed and maintained in conformance with all Building Code and National Electrical Code requirements. Plans required for issuance of a building permit for a Billboard shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a registered design professional in the State of Missouri.”

Section 24: Section 435.140.A.9.d is hereby amended to read as follows: “Billboards shall not be permitted before the applicant has submitted to the City financial security in the form of a bond, letter of credit or other financial security as approved by the Director of Community Development; a right of access; and any other measures necessary and sufficient to ensure removal of Billboards that are not validly permitted or that constitute a nuisance.”

Section 25: Section 435.155.A.3 is hereby amended to read as follows: “If the owner of the Sign disputes the determination that the Sign is abandoned, they may first appeal to the Director of Community Development for reconsideration. If the Director of Codes denies the appeal, then the Sign owner may appeal to the City Administrator.”

Section 26: Section 435.155.B.3 is hereby amended to read as follows: “Should any Sign become structurally unstable or in danger of falling or otherwise unsafe in the opinion of the Building Official, the owner or person or firm maintaining the Sign shall, upon written notice from the City, forthwith in the case of immediate danger and in any case within ten (10) days, remove such Sign or secure it in a manner approved by the City. Any Sign not removed or secured within ten (10) days from the written notice may be removed by the City and all costs ("Removal Costs") charged to the owner, agent, or person having beneficial interest of the building or Premises upon which the Sign was located, or in the Sign itself.”

Section 27: Section 410.290.E.15.c is hereby amended to read as follows: “The acknowledgment of a notary in the following form:

State of

County of

Be it remembered that on this ____ day of _____, 20____, before me, a notary public in and for said County and State, came _____, known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL) Notary Public

My Commission Expires:”

Section 28: Section 410.290.E.15.e is hereby amended to read as follows: “The approval of the plat and acceptance of easements and rights-of-way by the Board of Aldermen in the following form:

This plat of _____ including easements and rights-of-way accepted by the Board of Aldermen has been submitted to and approved by the Harrisonville

Board of Aldermen by Ordinance No. _____, duly passed and approved by the Mayor of Harrisonville, Missouri, on the _____ day of _____, 20_____.

(SEAL)

Mayor

ATTEST:

City Clerk”

Section 29: Section 410.290.E.15.f is hereby amended to read as follows: “Signature blocks for the following certificates, with the corresponding name typed, printed or stamped beneath the signature:

- 1) Signatures of the owner(s) and notary public;
- 2) Certification by a registered land surveyor that the survey was executed in accordance with the current Missouri Minimum Standards for Property Boundary Surveys;
- 3) Certificate of approval to be signed and dated by Mayor, City Clerk, Planning Commission Chair, Director of Public Works, and Director of Community Development.”

Section 30: Section 515.100 is hereby amended to read as follows: “Construction or Repair By Property Owner.

A. The Director of Public Works or the Building Official Public Works Superintendent is hereby authorized to issue right-of-way work permits, upon request, to owners of private property, their representatives or contractors to grade, construct, repair or reconstruct pavements, curbs, gutters, driveways from curb to property line, sidewalks, sewers, street lighting systems and appurtenances, at their own expense, in the public streets or alleys adjacent to or running through their property when the same are, in his/her judgment, reasonably necessary. No person shall begin any such improvement until such permit shall have been issued.

1. Plan, Specifications. Prior to issuance of the permit, plans shall be prepared by such owners and submitted to the Director of Public Works or the Public Works Superintendent for his/her approval. Such plans shall indicate thereon the location, extent and character of the work proposed to be done with an estimate of the amount of the various materials, installation and services to be incorporated in the work. The plans shall have such cross sections, profiles and such other information as necessary for the Director of Public Works or the Public Works Superintendent to determine that the plan conforms with the specifications of the City. The plans shall conform and the work shall be done according to the standard specifications of the City for public work of like character.

All such work shall be done under the direction and supervision and to the satisfaction of the Director of Public Works or the Public Works Superintendent. Acceptance of the completed facility by the Director of Public Works or the Public Works Superintendent shall be made only after proper evidence that all bills for labor, materials and equipment have been paid.

2. Performance And Maintenance Bonds. The Director of Public Works or the Public Works Superintendent shall require the permittee to furnish an original surety bond, otherwise known as a performance and maintenance bond, equal to the estimated cost of

the work; except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the Public Works Superintendent within a time limit specified on said right-of-way work permit. The bond shall also guarantee maintenance of the work performed for two (2) years.

a. For projects with valuation of work to be constructed or repaired below five thousand dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance of said work, and maintenance of said work for a period of two (2) years.

b. The minimum amount for any bond, or deposit placed in escrow, shall be two thousand dollars (\$2,000.00), no matter what the work valuation.

3. Indemnification Of City During Construction.

The applicant shall be required to furnish the City evidence of general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) per project to insure and protect the City from all damage that may arise from such disturbance prior to acceptance by the City after backfilling.

The City of Harrisonville shall have no duty to pay damages unless the defenses of sovereign and governmental immunity are inapplicable. Nothing in this Section shall reflect an intent by the City of Harrisonville to waive any defenses of sovereign and governmental immunity.

4. Penalties. Any person, whether owner, representative, contractor, subcontractor or foreman, who shall grade, construct, repair, reconstruct or alter any public street, pavement, curb, gutter, driveway, sidewalk or sewer within any public way or any public sewer adjacent to or running through any private property within a public right-of-way without first securing a permit therefor issued by the Director of Public Works or the Public Works Superintendent, shall be deemed guilty of a violation of this Section and upon conviction thereof shall be fined as established in the City's Comprehensive Schedule of Fees.

5. Right-of-way work permits applicable to this Chapter shall have a fee collected, based on the dollar valuation of the work to be constructed or repaired as established in the City's Comprehensive Schedule of Fees, except where authorization for the construction or repair of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit.

6. Required ROW permit inspections shall be as determined by the Director of Public Works or the Public Works Superintendent and shall be listed on ROW permits issued. Required special inspections, by a City-approved 3rd party inspection service, shall be as determined by the Director of Public Works or the Public Works Superintendent, and shall be listed on ROW permits issued. Special inspections, may include, but not be limited to, fill compaction and concrete testing.”

Section 31: Section 530.030.A.4 is hereby amended to read as follows: “It is the intention of the City that disruption of the public rights-of-way should be minimized. Upon receipt of an application for a permit, the City shall do the following:

- a. Evaluate the degree of disturbance necessary to perform the facilities work. If the applicant can show to the Director of Public Works or the Public Works Superintendent, reasonable satisfaction that the facilities work involves any of the following:
 - (1) No significant disruption or disturbance to the public rights-of-way, or
 - (2) Is time sensitive maintenance;then the City shall grant the permit in accordance with departmental policies and procedures provided that if the permit is not issued within ten (10) business days, the applicant may appeal as provided in Subsection (A)(8); and
- b. For circumstances where the City determines that there will be significant excavation of the public rights-of-way and no exemption under Subsection (A)(4)(a) or any other provision of this Section applies, the City may, consistent with Subsection (A)(3), direct the permit holders performing the facilities work in the same area to consult on how they may schedule and coordinate their work to accomplish the goal of this Section.”

Section 32: Section 530.030.A.9.a is hereby amended to read as follows: “Performance And Maintenance Bonds. The Director of Public Works or the Public Works Superintendent shall require the permittee to furnish a surety bond, otherwise known as a performance and maintenance bond, equal to the estimated cost of the work, except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the Public Works Superintendent within a time limit specified on said special permit. The bond shall also guarantee maintenance of the work performed for two (2) years. The City may consider a lump sum biennial bond for multiple projects performed by utility companies or their contractors, the cost of which shall be determined by the number of projects and estimated total valuation of work.

For projects with valuation of work to be constructed or repaired below five thousand dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance and maintenance of said work for a period of two (2) years. The minimum amount for any bond, or deposit placed in escrow, shall be two thousand dollars (\$2,000.00), no matter what the work valuation is.”

Section 33: Section 530.030.A.10 is hereby amended to read as follows: “Required ROW permit inspections shall be as determined by the Director of Public Works or the Public Works Superintendent and shall be listed on ROW permits issued. Required special inspections, by a City-approved 3rd party inspection service, shall be as determined by the Director of Public Works or the Public Works Superintendent, and shall be listed on ROW permits issued. Special inspections, may include, but not be limited to, fill compaction and concrete testing.”

Section 34: Section 700.600.B is hereby amended to read as follows: “Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Official. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Building Official. A permit and inspection fee, as specified in Chapter

525 of the Code of Ordinances, shall be paid to the City at the time the application is filed.”

Section 35: Section 700.600.C is hereby amended to read as follows: “A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Official or their authorized agent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Official, or the City Building Division when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice.”

Section 36: Section 700.600.E is hereby amended to read as follows: “No permit shall be issued for the installation, alteration or repair of any private sewage disposal system or part thereof on any lot for which a connection with a public sewer is available. A public sewer shall be considered available when within four hundred (400) feet of a property line.

Exception 1.

Existing residential single-family and duplex dwelling units private sewerage disposal system properties, both conventional lateral soil absorption and professionally engineered systems, in which the lot has a property line greater than one hundred (100) feet from a City public sewer, may apply for a permit to repair, modify, or replace components of these systems provided all other requirements of this Article, including State and local regulations are complied with. Minor repairs not normally requiring a permit may be approved at the discretion of the Building Official, regardless of distance to City public sewer.”

Section 37: Section 700.600.G is hereby amended to read as follows: “No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Building Official.”

Section 38: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 20TH OF FEBRUARY 2024
AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 4TH DAY OF
MARCH 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 4TH DAY OF
MARCH 2024.

VOTE TAKEN AS FOLLOWS:


AYES: Chaney, Doerhoff, Franklin Milner, Pfautsch, Turner

NAYS:

ABSENT:

ABSTAIN:

EXCUSED: Davidson, Mills



Mike Zaring, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

A handwritten signature in black ink, appearing to read 'Daniel Barnett', written over a horizontal line.

Daniel Barnett, City Clerk

WITNESS my hand and seal this 4TH day of March 2024.