



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

**AGENDA  
CITY OF HARRISONVILLE  
BOARD OF ALDERMEN  
REGULAR MEETING  
CITY HALL  
MARCH 20, 2023  
6:00 PM**

- 1. Call to Order**
  - A. Pledge of Allegiance**
  - B. Roll Call**
- 2. Ceremonial Matters**
- 3. Public Participation**
- 4. Approval of Minutes**
  - A. Board of Aldermen - Regular Meeting - Mar 6, 2023 6:00 PM**
  - B. Board of Aldermen - Work Session - Mar 6, 2023 6:30 PM**
- 5. Agenda Items**
  - A. Council Bill 26: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE AMENDING THE ADOPTED 2023 BUDGET FOR THE CITY OF HARRISONVILLE, MISSOURI TO ADJUST MONIES IN THE GENERAL AND EMS FUNDS**
  - B. PUBLIC HEARING: Code Changes for Chapters 405, 410, 415 and 420**
  - C. Council Bill 27: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 410.020, 410.050, 410.090, ARTICLE III TITLE, 410.180, 410.190, 410.220, 410.270, 410.560, 410.620, 410.670, 415.050, 415.140, 415.150, 415.170, 415.190, 415.260, 420.030, 420.130, 420.140, 420.160, 420.180, 420.190, AND 420.230 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.**
  - D. Council Bill 28: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 405.030, 405.585, 405.595, 410.060, 410.070, 410.080, 410.160, 410.260.B, 410.280.A, 410.290, 410.300, 410.490.J.7.d(1), 410.540.B, 410.460.B.8, 490.J.7.d, and 420.250.B.5 and 6 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.**

- E. Council Bill 29: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING ARTICLE XXIII UNDER CHAPTER 405—ZONING REGULATIONS, SECTION 405.630, AND CREATING SECTION 635 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.**
  - F. Council Bill 30: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING BUSINESS LICENSE REGULATIONS AND PENALTIES**
  - G. Council Bill 31: AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING THE DUTIES OF THE MAYOR AND CITY ADMINISTRATOR**
- 6. Aldermen and Committee Reports**
- 7. Report from the City Administrator**
  - A. February 2023 Municipal Court Report**
- 8. Questions from the Media**
- 9. Adjourn from Regular Session**

**Posted on City Hall Bulletin Board this 17th day of March, 2023.**

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**Daniel Barnett, City Clerk**

**Public participation during regular meetings of the Board of Aldermen shall be limited to those who have submitted a completed agenda request form. 2 Each person wishing to address the Board during regular meetings of the Board of Aldermen on a topic not on the agenda shall submit a completed agenda request form five (5) business days prior to the meeting the person wishes to address the Board. If the agenda request concerns a complex issue requiring staff research time, the opportunity to address the Board may be moved to a future meeting instead of the meeting immediately following the submission of the agenda request form. 3. Those that have submitted a completed agenda request form shall be limited to three (3) minutes to address the Board, this time cannot be yielded to another person and this time may be extended in three (3) minutes increments only upon a majority vote of the members of the Board of Aldermen, with each additional three (3) minute increment requiring an additional majority vote of the members of the Board of Aldermen.**



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

**DRAFT**  
**MINUTES**  
**CITY OF HARRISONVILLE**  
**BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**CITY HALL**  
**MARCH 6, 2023**  
**6:00 PM**

## 1. Call to Order

The meeting was called to order at 6:00 PM by Mayor Judy Bowman.

### A. Pledge of Allegiance

| Attendee Name  | Organization  | Title        | Status  | Arrived |
|----------------|---------------|--------------|---------|---------|
| Bill Mills     | Harrisonville | Board Member | Present |         |
| Mike Zaring    | Harrisonville | Board Member | Present |         |
| Sandy Franklin | Harrisonville | Board Member | Present |         |
| Dave Doerhoff  | Harrisonville | Board Member | Present |         |
| Marcia Milner  | Harrisonville | Board Member | Present |         |
| Judy Reece     | Harrisonville | Board Member | Present |         |
| Gary Davidson  | Harrisonville | Board Member | Present |         |
| Matt Turner    | Harrisonville | Board Member | Excused |         |
| Judy Bowman    | Harrisonville | Mayor        | Present |         |

*Others present: City Administrator Brad Ratliff, City Attorney Steve Mauer, Director of Administrative Services Jeremy Smith, Parks and Recreation Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Electric Superintendent Andy Pollard, Police Chief John Hofer, Fire Chief Rusty Sullivan, Public Works Director/City Engineer Carl Brooks, Police Lieutenant Darla Harris, Executive Secretary to the City Administrator Theresa West, Mr. Craig Eastin and City Clerk Daniel Barnett - recording.*

## 2. Ceremonial Matters

### A. Craig Eastin Day Proclamation

*Mayor Bowman invited Mr. Craig Eastin and Alderman Mike Zaring to join her at the podium.*

*Bowman spoke about the continued efforts of Mr. Eastin to pick up trash and other waste that has been dropped or thrown on the ground throughout the Harrisonville community.*

*Bowman said Mr. Eastin is a wonderful example to the entire community for valuing ones home and possessing a service-above-self attitude.*

*Bowman read the proclamation and thanked Mr. Eastin for all he has done for the Harrisonville community.*

*Bowman also presented Mr. Eastin with one of the City's challenge coins.*

**RESULT: PRESENTED**

### 3. Public Participation

None.

### 4. Approval of Minutes

#### A. Board of Aldermen - Regular Meeting - Feb 21, 2023 6:00 PM

**RESULT: ACCEPTED [UNANIMOUS]**  
**MOVER:** Mike Zaring, Board Member  
**SECONDER:** Sandy Franklin, Board Member  
**AYES:** Mills, Zaring, Franklin, Doerhoff, Milner, Reece, Davidson  
**EXCUSED:** Matt Turner

### 5. Agenda Items

#### A. A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AUTHORIZING THE MAYOR TO APPROVE THE SUBMITTAL OF THE GRANT APPLICATION FOR THE MISSOURI DEPARTMENT OF NATURAL RESOURCES (MDNR) CLEAN WATER REGIONALIZATION INCENTIVE GRANT.

*Staff report presented by Public Works Director/City Engineer Brooks.*

*Brooks said City staff would like to submit the approved resolution as part of the Missouri Department of Natural Resources' Clean Water Regionalization Incentive Grant Application for the South Service Area Sanitary Sewer Project*

*Brooks said the approved grant would help eliminate four current and existing wastewater operating permits.*

*Brooks said the grant is able to be submitted and approved at no cost to the City.*

*Alderwoman Franklin asked how much money could be awarded if the grant was approved.*

*Brooks said the grant does not list a value, but that he submitted the entire construction cost.*

*Upon passage, Mayor Bowman designated the resolution to be Resolution number 2023-09.*

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Sandy Franklin, Board Member  
**SECONDER:** Marcia Milner, Board Member  
**AYES:** Mills, Zaring, Franklin, Doerhoff, Milner, Reece, Davidson  
**EXCUSED:** Matt Turner

Minutes Acceptance: Minutes of Mar 6, 2023 6:00 PM (Approval of Minutes)

**B. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI APPROVING A MODOT COMMISSION AMENDMENT TO STATE BLOCK GRANT AGREEMENT AMENDMENT #1 AND ESTABLISHING AN EFFECTIVE DATE**

*Staff report presented by Public Works Director/City Engineer Brooks.*

*Brooks explained that the ordinance currently before the Board was a correction to an ordinance that had been previously approved on January 3, 2023, after the name of the project was incorrectly printed on the ordinance.*

*Brooks said the amended agreement grants the city an additional \$94,000 for an engineering environmental assessment for the Reconstruction of Runway 17-35 project.*

*Brooks said the agreement must be fully executed by the City no later than April 3, 2023. Brooks informed the Board that there would be no local cost to the City for the services.*

*Upon passage, Mayor Bowman designated the ordinance to be Ordinance number 3634.*

|                  |                                                            |
|------------------|------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                |
| <b>MOVER:</b>    | Dave Doerhoff, Board Member                                |
| <b>SECONDER:</b> | Judy Reece, Board Member                                   |
| <b>AYES:</b>     | Mills, Zaring, Franklin, Doerhoff, Milner, Reece, Davidson |
| <b>EXCUSED:</b>  | Matt Turner                                                |

**C. AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTION 210.020 OF THE CITY OF HARRISONVILLE MUNICIPAL CODE**

*Staff report presented by Police Chief Hofer.*

*Hofer said the proposed changes would recover additional costs related to providing Animal Control services.*

*Hofer said the proposed changes would also allow the City to be consistent with neighboring communities.*

*Hofer said staff recommend approval.*

*Alderwoman Milner asked for clarification regarding the fees for owners reclaiming their pets.*

*Upon passage, Mayor Bowman designated the ordinance to be Ordinance number 3635.*

|                  |                                                            |
|------------------|------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                |
| <b>MOVER:</b>    | Gary Davidson, Board Member                                |
| <b>SECONDER:</b> | Marcia Milner, Board Member                                |
| <b>AYES:</b>     | Mills, Zaring, Franklin, Doerhoff, Milner, Reece, Davidson |
| <b>EXCUSED:</b>  | Matt Turner                                                |

**D. City Administrator's State of the City Address**

*City Administrator Ratliff spoke to the value of knowledge and the ability it can provide to assist elected officials in answering questions from residents and those in the community.*

*Ratliff presented a slideshow to the Board of Aldermen, providing an in-depth look at all aspects of the City. Ratliff discussed the breakdown of City-wide funds, general, and enterprise funds and the percentages of salaries and debt that come from each of those funds. Ratliff spoke about budget improvements made in 2022 and how they will impact future City budgets. Ratliff then discussed the ten-year outlook of outstanding debt and expenditures by type. Ratliff went on to review 2022 tax levy's, provided by the Cass County Collector's Office, to include levy's set forth in City's located within Cass County,*

*the breakdown of the City of Harrisonville Tax Levy on a market value home of \$143,620, and where resident tax dollars go. Ratliff commended the Board for their courage and willingness to pursue hard conversations and decisions that will continue to move Harrisonville forward as a place that people want to live and work in. Ratliff then went over each department and their statistics for the 2022 fiscal year. Ratliff also spoke about specific achievements and challenges seen by each department over the past year.*

*Ratliff discussed the accomplishments of various departments and some of the goals that have been set for the 2022-2023 fiscal years. Ratliff outlined the statistics, as seen in the City's SeeClickFix program, for issues and complaints within the community.*

*Ratliff spoke about several items completed by both the Board of Aldermen and City staff.*

*Ratliff finished by saying that 2022 was a year spent continuing the growth of the Harrisonville community, and said he hopes we will see even more in 2023.*

*Mayor Bowman thanked Mr. Ratliff for his time and effort in putting his presentation together and thanked him for recognizing the City's Department Heads.*

|                |                   |
|----------------|-------------------|
| <b>RESULT:</b> | <b>DISCUSSION</b> |
|----------------|-------------------|

## 6. Aldermen and Committee Reports

*Alderman Doerhoff said he was excited for better weather, now that spring is approaching.*

*Alderwoman Reece spoke about a constituent in Ward 2 who was recently in a car crash. Reece said the both the police and fire department responded to the scene and said the constituent was very impressed with how professionally City staff handled the crash and her care.*

*Alderwoman Franklin reminded all in attendance about the upcoming Adult Prom event supporting Bright Futures.*

*Alderwoman Milner echoed the words of Alderwoman Franklin and spoke to the growing number of students needing additional food.*

*Alderman Mills spoke about the upcoming TDD meeting on Wednesday. Mills thanked the Electric Department for their continued work to install street lights on Missouri-291 Highway. Mills announced that the Family Center team recently won the Rotary Club's volleyball tournament.*

*Alderman Davidson thanked City staff for all of their hard work.*

## 7. Report from the City Administrator

*City Administrator Ratliff reminded the Board that the City will be participating in the annual Missouri Statewide Tornado Drill at 10 a.m. on Tuesday, March 7.*

*Ratliff spoke to the Board about a series of upcoming events that will be taking place in and around the community.*

*Ratliff informed the Board that 13 permanent and temporary easement tracts have been signed and obtained for the South Service Area Sanitary Sewer Project. Ratliff said a 14<sup>th</sup> easement should be coming soon.*

*Ratliff informed the Board that the old Cass Regional Medical Center building and property are officially under a real estate contract. Ratliff said he and City staff will be working with the buyers to move the project forward.*

*Ratliff spoke to rumors that a Buc-ee's convenience store is planning to be built in Harrisonville, and said they are not true.*

**8. Questions from the Media**

None.

**9. Adjourn from Regular Session**

*Mayor Bowman shared a thank you note with the Board of Aldermen from Cass Career Center Future Farmers of America sponsor Jason Deikhoff.*

*Bowman also again commended Mr. Craig Eastin for his continued efforts to keep Harrisonville beautiful, and encouraged all to follow his example.*

*A motion was made by Alderman Davidson to adjourn, with a second by Alderwoman Franklin. Motion carried with all ayes. Meeting adjourned at 7:02 p.m.*

\_\_\_\_\_  
Judy Bowman, Mayor & Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

\_\_\_\_\_  
Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Mar 6, 2023 6:00 PM (Approval of Minutes)



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

**DRAFT**  
**MINUTES**  
**CITY OF HARRISONVILLE**  
**BOARD OF ALDERMEN**  
**WORK SESSION**  
**CITY HALL**  
**MARCH 6, 2023**  
**6:30 PM**

## 1. Call to Order

The meeting was called to order at 7:13 PM by Mayor Judy Bowman.

## 2. Present

| Attendee Name  | Organization  | Title        | Status  | Arrived |
|----------------|---------------|--------------|---------|---------|
| Bill Mills     | Harrisonville | Board Member | Present |         |
| Mike Zaring    | Harrisonville | Board Member | Present |         |
| Sandy Franklin | Harrisonville | Board Member | Present |         |
| Dave Doerhoff  | Harrisonville | Board Member | Present |         |
| Marcia Milner  | Harrisonville | Board Member | Present |         |
| Judy Reece     | Harrisonville | Board Member | Present |         |
| Gary Davidson  | Harrisonville | Board Member | Present |         |
| Matt Turner    | Harrisonville | Board Member | Excused |         |
| Judy Bowman    | Harrisonville | Mayor        | Present |         |

*Others present: City Administrator Brad Ratliff, Director of Administrative Services Jeremy Smith, Public Works Director/City Engineer Carl Brooks, Police Chief John Hofer, Fire Chief Rusty Sullivan, Electric Superintendent Andy Pollard, Parks Director Grant Purkey, Community Development Director Christina Stanton, Economic Development Director Jim Clarke, Executive Secretary to the City Administrator Theresa West and City Clerk Daniel Barnett - recording.*

## 3. Discussion Items

### A. Various Code Changes - Chapters 405, 410, 415, and 420

*Community Development Director Stanton proposed a series of corrections to various sections of the City's zoning regulations.*

*Stanton said she would like to correct pieces of the code that do not follow proper outline rules and that use improper wording.*

*Stanton said she would like to propose changes to various zoning regulations and land use, including changes to exemptions. Stanton said both the zoning regulations and subdivision regulations do not contain clear processes or contain too many processes.*

*Stanton said she would like to propose changes to various applications and procedures, focusing on clarification of the various land use applications and procedures.*

*Stanton said Community Development staff initially sought to only make minor changes, but it quickly became clear that part of the existing problems are due to a lack of detail for the process and what is required.*

|                |                  |
|----------------|------------------|
| <b>RESULT:</b> | <b>PRESENTED</b> |
|----------------|------------------|

**B. Code Updates Defining Clearer Responsibilities**

*City Administrator Ratliff spoke to the Board about a series of proposed changes to the City's Municipal Code in regards to the powers and duties of the Mayor and City Administrator, given the City's use of the City Administrator and Board of Aldermen form of government.*

*Director of Administrative Services Smith spoke to the Board about a series of proposed changes to the City's procurement policy.*

*Smith said the desire of the changes are to make the policy more efficient and more modern.*

*Smith spoke about changes to 'sole source purchasing', bid extensions and to the processes for purchasing items or entering contracts at various level of cost.*

*Smith said the proposed changes have been reviewed by the City Attorney.*

*A motion to adjourn from the Work Session was made by Alderman Doerhoff to adjourn, with a second by Alderwoman Reece. Motion carried with all ayes. Meeting adjourned at 7:37 p.m.*

|                |                  |
|----------------|------------------|
| <b>RESULT:</b> | <b>PRESENTED</b> |
|----------------|------------------|

\_\_\_\_\_  
Judy Bowman, Mayor & Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

\_\_\_\_\_  
Daniel Barnett, City Clerk

Minutes Acceptance: Minutes of Mar 6, 2023 6:30 PM (Approval of Minutes)

STAFF REPORT

**TO: Board of Aldermen**  
**FROM: Kim Hubbard, Finance Manager**  
**DATE: March 14, 2023**  
**SUBJECT: BUDGET AMENDMENT**

**Type of Item:** *Budget*

TO: Mayor & Board of Aldermen  
FROM: Jeremy Smith, Director of Administrative Services  
DATE: March 20, 2023  
SUBJECT: Budget Amendments

**EMS Ground Emergency Medical Transportation (GEMT) Budget Amendment**

At the time the 2023 budget document was prepared staff did not know the amount that would come from the GEMT program. The original budget was \$50,000 the actual amount will be \$97,944.38. A budget amendment to the GEMT revenue account 16-5366 of \$47,944.38 is needed. Part of the GEMT program, the city is obligated to expense to MO State Treasurer a Non-Federal Share Reduction and this year the amount is \$50,462.60 which needs to be part of this budget amendment and will be reflected in account 16-0103-0216-00.

Staff recommends approval.

**Computer Supplies Budget Amendment**

During the 2023 budget preparation, funding line item 01-0203-0313-00 Computer Supplies was deleted to be moved into the IT line item 01-0240-0313-00 Computer Supplies. Unfortunately, the account was created but it was not funded. This allows for the IT department to purchase supplies for servers, battery backups, etc. Staff requests \$10,000, reserves is the funding.

Staff recommends approval.

**Council Bill No.**

**Ordinance No.**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF  
HARRISONVILLE AMENDING THE ADOPTED 2023 BUDGET FOR THE  
CITY OF HARRISONVILLE, MISSOURI TO ADJUST MONIES IN THE  
GENERAL AND EMS FUNDS**

## Council Bill No. 2023-XX

## Ordinance No. XXXX

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF  
HARRISONVILLE AMENDING THE ADOPTED 2023 BUDGET FOR THE CITY OF  
HARRISONVILLE, MISSOURI TO ADJUST MONIES IN THE GENERAL AND EMS  
FUNDS**

**WHEREAS**, the City of Harrisonville (“City”) staff has reviewed the Fiscal Year January 1, 2023 to December 31, 2023 (“Fiscal Year”) revenues and expenditures; and

**WHEREAS**, it is necessary to adjust monies in the EMS Fund to increase the 16-5366 revenue account and an increase to expense line item 16-0103-0216-00; and

**WHEREAS**, it is necessary to adjust monies in the General Fund to increase the expense line item 01-0240-0313-00; and

**WHEREAS**, this is a standard accounting practice to do budget amendments throughout the year; and

**WHEREAS**, The Board of Aldermen feel it is in the best interest of the City to approve the budget amendment presented for Fiscal Year 2023;

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

**Section 1:** The Board of Aldermen hereby approves the additional expense and revenues with the 2023 budget for the EMS Fund-Revenue Account 16-5366 and Expense Line Item 16-0103-0216-00 and for the General Fund Expense Line Item 01-0240-0313-00:

| <b><u>EMS FUND-LINE ITEM DESCRIPTION</u></b> |                                   | <b>INCREASE</b>    |
|----------------------------------------------|-----------------------------------|--------------------|
| <b>16-5366</b>                               | <b>GEMT REVENUE ACCOUNT</b>       | <b>\$47,944.38</b> |
| <b>16-0103-0216-00</b>                       | <b>OTHER CONTRACTUAL SERVICES</b> | <b>\$50,462.60</b> |

| <b><u>GENERAL FUND-LINE ITEM DESCRIPTION</u></b> |                          |                 |
|--------------------------------------------------|--------------------------|-----------------|
| <b>01-0240-0313-00</b>                           | <b>COMPUTER SUPPLIES</b> | <b>\$10,000</b> |

**Section 2:** That the City Administrator is hereby authorized to amend the line items of the budget as needed, but in no event shall more funds be expended for any particular fund than that authorized by this budget without prior approval of the Board of Aldermen. In addition, any monies set aside for capital outlays shall not be used for any other purposes without prior approval of the Board of Aldermen.

**Section 3:** That this ordinance shall become effective immediately upon its passage and approval.

Attachment: Budget amendment March 20 (BUDGET AMENDMENT)

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 20TH DAY OF MARCH 2023 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 20TH DAY OF MARCH 2023 AND PASSED BY THE BOARD OF ALDERMEN THIS 20TH DAY OF MARCH 2023.

**VOTE TAKEN AS FOLLOWS:**

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**EXCUSED:**

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Judy Bowman, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Daniel Barnett, City Clerk

WITNESS my hand and seal this 20th day of March 2023.

Attachment: Budget amendment March 20 (BUDGET AMENDMENT)

STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Christina Stanton,  
**DATE:** March 17, 2023  
**SUBJECT:** Code Changes for Chapters 405, 410, 415 and 420

**Type of Item:** *Public Hearing*

**B. Action Item (ID # 4468)**

PUBLIC HEARING: Code Changes for Chapters 405, 410, 415 and 420

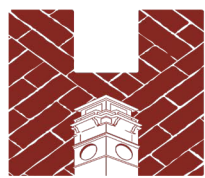
Attachments:

Various Code Changes 3-20-23 BOA(PDF)

Outline Corrections markup (PDF)

Subdivision Changes markup (PDF)

Applications and Procedures markup (PDF)



**To:** Board of Aldermen

**From:** Christina Stanton, AICP, Community Development Director

**Date:** March 20, 2023

**Re:** Various Code Amendments: Sections 405.030, 405.585, 405.595, 405.630, 410.020, 410.050 - 090, 410.160, 410.180 - 190, 410.220, 410.260, 410.270, 410.280, 410.290, 410.300, 410.490.J.7.d, 410.540.B, 410.460.B.8, 410.560, 410.620, 410.670, 415.050, 415.140 - 150, 415.170, 415.190, 415.260, 420.030, 420.130 - 140, 420.160, 420.180 - 190, 420.230, 420.250.B

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#### GENERAL INFORMATION

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**Applicant:** N/A

**Requested Actions:** Consideration of proposed Code changes

**Date of Application:** N/A

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#### PROPOSAL

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Staff is proposing various Municipal Code changes to address areas of the Code that would greatly benefit from clarification, simplification, and general clean-up. The proposed Code changes fall into three broad categories:

- **Outline Corrections**—Within the commentary and code mark-ups pertaining to these changes it is easy to see that these focus on minor clean-up that help to make the reading of the regulations flow better. These proposed changes within Chapters 410, 415, and 420 removed the “A” when there was no “B” or the “1” when there was no “2”. This set of changes includes some minimal word changes to add clarification and the movement of language within Section 415.050 to remove an existing internal conflict.
- **Subdivision Changes**—The proposed changes including moving definitions pertaining to development plans out of the Subdivision Chapter (410) and into the Zoning Regulations Chapter (405); removing vague references to a “Land Use Permit” to reduce confusion since all land uses are reviewed in the context of their zoning district and appropriate rezoning and/or development plan applications or special use permit; some additional outline clean-up and addition of two items to Section 410.060—Exemptions From Platting; adding language stating that it is the policy of the City not to approve a plat unless adequate public facilities are or will be available (as recommended from the 2040 Comprehensive Plan); removing the various minor platting processes (lot combination, lot splits, and small subdivision plats) and creating a single minor plat process that is much more clear and concise; moving and expanding upon the enforcement requirements for the subdivision and platting of property; addition/removal of various definitions within the Subdivision Chapter (410); reducing the number of copies required for a preliminary and final plat and removing out-dated language pertaining to the material on which final plats are to be submitted for signature and recordation; worked with Electric to provide additional clarity on electrical service lines; and various reference corrections to encompass previous and proposed code changes.

- **Applications and Procedures**—The proposed changes within this packet focus on clarification of the various land use applications and procedures. Initially, staff sought to only make minor changes but it quickly became clear that part of our existing problems are due to a lack of detail in terms of the process and what is required. Staff review the codes and processes for various other communities, including: Belton, Raymore, Grandview, Pleasant Hill, Peculiar, Oak Grove, Grain Valley, Blue Springs, and Lee's Summit.

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## PREVIOUS ACTIONS

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- **Amendments to Zoning Regulations Chapter (405):**
  - May 13, 1991—The Board of Aldermen approved Zoning Ordinance #1825, which established most of our current zoning districts.
  - June 8, 1998—The Board of Aldermen approved an amendment to the Zoning Regulations by Ordinance #2504.
  - June 2, 2008—The Board of Aldermen approved an amendment to Article XXIII of the Zoning Regulations by Ordinance #3038.
  - October 19, 2009—The Board of Aldermen approved an amendment to the Zoning Regulations by Ordinance #3107.
- **Amendments to Subdivision Regulations Chapter (410):**
  - April 1, 2002—The Board of Aldermen approved the Subdivision Regulations by Ordinance #2766.
  - July 15, 2002—The Board of Aldermen approved amendments to the definitions in the Subdivision Regulations by Ordinance #2777.
  - **Amendments to Section 410.540—Electrical Distribution System:**
    - August 15, 2005—The Board of Aldermen approved amendments to Section 410.540—Electrical Distribution System by Ordinance #2935.
    - December 17, 2007—The Board of Aldermen approved amendments to Section 410.540—Electrical Distribution System by Ordinance #3017.
    - June 21, 2010—The Board of Aldermen approved amendments to Section 410.540—Electrical Distribution System by Ordinance #3133.
    - September 7, 2021—The Board of Aldermen approved amendments to Section 410.540—Electrical Distribution System by Ordinance #3564.
- **Amendments to Storm Water Management Chapter (415):**
  - May 20, 2002—The Board of Aldermen approved the Storm Water Management Ordinance by Ordinance #2772.
- **Amendments to Floodplain Management Regulations Chapter (420):**
  - January 21, 2002—The Board of Aldermen approved the Floodplain Management Regulations by Ordinance #2751.
  - June 20, 2005—The Board of Aldermen approved an amendment to the Floodplain Management Regulations by Ordinance #2924.
- March 6, 2023—Proposed Code changes were presented to the Board of Aldermen for discussion in a work session.
- March 16, 2023—The Planning & Zoning Commission voted 7-0 to recommend approval to the Board of Aldermen of the code changes as proposed.

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## KEY ISSUES

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- Currently the Zoning Regulations do not contain clear easy to follow processes and procedures.
  - Currently the Subdivision Regulations contain too many different processes, each with slightly different requirements, for the minor platting process.
  - Currently there are several sections of the Code in need of outline clean-up and general clarification.
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**ATTACHMENTS**

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- 1. Staff Commentary and Mark-ups**
  - a. Outline Corrections**
  - b. Subdivision Changes**
  - c. Applications and Procedures**

**STAFF CONTACT:** Christina Stanton, AICP—Director of Community Development

Attachment: Various Code Changes 3-20-23 BOA (Code Changes for Chapters 405, 410, 415 and 420)



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

## Staff Commentary

These proposed changes are primarily to clean-up the outline format within Chapters 410, 415, and 420. The “A” was removed in Sections with no “B”, or the “1” when there was no “2”. Some words were removed or added to provide additional clarity. Section 415.050 - Exemptions, was revised to remove a contradiction and improve the flow and clarity.

## Outline Corrections:

Section 410.020. Purpose.

[Ord. No. 2766 §1(120.020), 4-1-2002]

**A.** Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. These regulations are adopted for the following purposes:

- A1.** To protect and provide for the public health, safety and general welfare of the City.
- B2.** To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- C3.** To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population.
- D4.** To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques.
- E5.** To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- F6.** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, recreation and other public facilities.



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**G7.** To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets and building lines.

**H8.** To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

**I9.** To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the City will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land or establish mitigation measure to ensure that the development provides its fair share of infrastructure needs generated by the development.

**J10.** To prevent the pollution of air, streams and ponds; assure the adequacy of drainage facilities; to safeguard the water table and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the City and the value of the land.

**K11.** To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.

**L12.** To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the City.

**M13.** To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.

**N14.** To remedy the problems associated with inappropriately subdivided land, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

## Section 410.050. Applicability.

[Ord. No. 2766 §1(120.050), 4-1-2002]

**A.** The requirements of these subdivision regulations shall apply to any owner or owners desiring to:

**A1.** Divide, further divide land; or

**B2.** Otherwise alter the boundaries of lots or parcels of land; or



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**C3.** Dedicate land for use as streets, alleys, sidewalks or for other public or private purposes.

## Section 410.090. Interpretation and Conflict.

[Ord. No. 2766 §1(120.090), 4-1-2002]

**A.** In their interpretation and application, the provisions of these subdivision regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

**B1.** *Conflict with public and private provisions.*

**1a. Public Provisions.** These regulations are not intended to interfere with, abrogate or annul any other City ordinance, rule or regulation, Statute or other provision of law. Where any provision of these subdivision regulations imposes restrictions different from those imposed by any other provision of these subdivision regulations or any other City ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**2b. Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these subdivision regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these subdivision regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of these subdivision regulations or the determinations of the Planning and Zoning Commission or the Board of Aldermen in approving a subdivision or in enforcing these subdivision regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these subdivision regulations and determination made thereunder.

## Article III. Administration and Enforcement

### Section 410.180. Duties of The Office of The Community Development Director.

[Ord. No. 2766 §1(120.180), 4-1-2002]

**A.** The Community Development Director, under the direction of the City Administrator, shall administer the provisions of the Subdivision Regulations and in furtherance of such authority shall:

**A1.** Maintain an up-to-date Subdivision Code, including amendments thereto and permanent and current records with respect to the land use regulations.



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**B2.** Receive, file and transmit development-related applications to the designated review groups as specified in these Subdivision Regulations.

**C3.** Inform applicants of the procedural requirements for subdivision approval, discuss and review preliminary development plans in regard to the type and density of use as proposed in the City Comprehensive Plan.

## Section 410.190. Duties of The Harrisonville Planning and Zoning Commission.

[Ord. No. 2766 §1(120.190), 4-1-2002]

**A.** The Harrisonville Planning and Zoning Commission shall:

**A1.** Review and recommend to approve, approve conditionally or disapprove preliminary plats.

**B2.** Review and recommend to approve, approve conditionally or disapprove final plats.

**C3.** Make such other determinations and decisions as may be required of the Planning and Zoning Commission from time to time by these Subdivision Regulations or the applicable Sections of the Missouri Statutes.

## Section 410.220. Enforcement.

[Ord. No. 2766 §1(120.220), 4-1-2002]

**No plat or subdivision shall be approved which does not comply with the provisions of these Subdivision Regulations.**

## Section 410.270. Contents of Preliminary Plat.

[Ord. No. 2766 §1(120.270), 4-1-2002]

**A.** The preliminary plat for a subdivision shall be a formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and shall meet the requirements outlined herein. The preliminary plat (or accompanying application material) shall contain the following information:

**A1.** *Proposed name of the subdivision and street names.* Names shall not duplicate nor closely resemble names of existing subdivisions and streets.

**B2.** Location of boundary lines in relation to section, quarter sections or quarter-quarter section lines and any adjacent corporate boundaries comprising a legal description of the property.

**C3.** The names and addresses of the owner, subdivider and engineer or surveyor.



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**D4.** The scale of the plat shall be sufficient to show the detail as outlined in this Section.

**E5.** The date, north point and legend.

**F6.** A vicinity or general location map showing section lines, the subdivision, adjacent subdivisions, corporate limits, main traffic arteries and other prominent features.

**G7.** The layout, number and approximate dimensions of lots, the number or letter of each block and the minimum lot size in square feet.

**H8.** *Existing conditions.*

**1a.** The location, width and name of each existing or platted street or other public way, utility rights-of-way, parks and other public open spaces, permanent buildings within or adjacent to the proposed subdivision and other important features such as section lines and corners, survey monuments and political subdivision boundaries.

**2b.** All existing sewers, water mains, gas mains, culverts or other utilities within the proposed subdivision or immediately adjacent thereto with pipe size, grade and locations shown.

**3c.** The names of adjacent subdivisions and property owners within two hundred (200) feet of proposed subdivision.

**4d.** Topography (unless specifically waived by the City Engineer) with contour intervals of not more than two (2) feet referenced to USGS datum; the location of watercourses, ravines, bridges, lakes, wooded areas, approximate acreage and such other existing features as may be pertinent to subdivision. In areas where grades are gentle, a lesser contour interval may be required.

**5e.** If a community sewage treatment plant or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the general plan for such community type sewage treatment or disposal system shall be shown and so identified on the preliminary plat.

**6f.** Areas subject to flooding by a storm having the probability of occurring once in fifty (50) years and areas in the official 100-year floodplain (as determined by the Federal Emergency Management Agency) shall be shown.

**7g.** Zoning on and adjacent to the tract.

**8h.** Location, elevation and description of the bench mark controlling the vertical survey which should, wherever possible, tie to USGS datum.



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**I9.** The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat.

**1a.** Streets, showing the location, width, names and approximate grades thereof; the preliminary plat shall show the relationship of all streets to any projected streets shown on any development plan adopted by the City. Where the plat submitted includes only a part of the tract owned by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider. No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are or would be logical extensions of existing streets, even though separated by undeveloped land. Street names shall be subject to the approval of the City.

**2b.** Location and size of proposed parks, playgrounds, church or school sites, or other special uses of land to be considered for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

**3c.** Easements showing width and purpose.

**4d.** Building setback lines with dimensions.

**5e.** Sites, if any, to be allocated for development with other than the principal use.

**6f.** Location and type of utilities to be installed.

**7g.** Location and width of proposed sidewalks.

**J10.** The following data and information shall be submitted with the preliminary plat. If practical, such data and information may be shown on the preliminary plat. Otherwise, separate statements and/or maps shall accompany the preliminary plat.

**1a.** Proposed deed restrictions, if any, in outline form.

**2b.** Stages of development sequence if the total area is not proposed to be developed as one (1) unit.

**3c.** A statement of the improvements that will be installed by the developer and the time when such improvements will be completed. This statement shall be of sufficient detail to permit determination of whether such improvements will comply with these Subdivision Regulations and other applicable statutes, ordinances and regulations. If the nature of the improvements is such that preparation and submittal of all necessary details prior to the approval of the preliminary plat is not practical, then the City may waive the submission of such details.



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**4d.** Preliminary plans and profiles of streets, sanitary sewers, storm sewers and water lines may be required. The location of bridges and culverts may also be required.

## Section 410.560. Content of Engineering Drawings.

[Ord. No. 2766 §1(120.550), 4-1-2002]

**A.** Engineering plans, drawings and other engineering information shall meet the requirements of the Kansas City APWA format and contain the following data and information.

**A1.** All plans, profiles and details of proposed improvements shall be on standard plan and profile sheets or other appropriate sheets. Each sheet of the drawings shall be on twenty-four (24) inches by thirty-six (36) inches sheets with an appropriate border and a title block in the lower right-hand corner. The title block shall contain the name of the subdivision, a brief description of the information shown on the individual sheet, the name and address of the developer, the name, address and professional seal of the engineer, the date of the original drawing and the date of any revisions to the drawing. A vicinity map shall be shown on the cover sheet. Plans and profiles shall be drawn at a scale sufficient to show the detail required by the City Engineer. The scale and north point shall be clearly indicated on each sheet. If the drawings consist of three (3) or more sheets, there shall also be an appropriate cover or title sheet showing the entire subdivision at a suitable scale, the subdivision name, a brief description of the nature of the drawings, an index to the drawings and other applicable information.

**B2.** Plans, profiles and details for roadway and sidewalk construction shall show profiles of the existing topography elevations, profiles of proposed sidewalk, curb and street centerline elevations, intersection control elevations, paving geometrics, typical cross sections and other data required for staking and construction. Construction specifications and cost estimates shall be submitted with the plans.

**C3.** Plans, profiles and details of storm sewer and storm drainage improvements shall show existing profiles, proposed flowline profiles, grades and elevations, manhole details, drainage structure details and inlet details, plus any other data necessary for staking and construction.

Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

**D4.** Plans and details of the proposed water distribution system and water supply facilities shall show all information necessary for review and construction of the systems, including line sizes, fire hydrant locations and valve locations. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.



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**E5.** Plans, profiles and details for sanitary sewer systems and sewage treatment facilities shall show line sizes, grades, flow line elevations and other information necessary for plan review and construction. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

**F6.** Grading plans for all lots and tracts in the subdivision requiring fill of more than thirty (30) inches showing the existing ground contours, proposed finish ground contours and drainage shall be submitted. Construction specifications and cost estimates shall be submitted with the plans.

**G7.** When unusual site conditions exist, the City Engineer may require additional plans, drawings and specifications as may be necessary for adequate review of the proposed improvements.

**H8.** All plans shall be based on USGS datum. Bench mark descriptions and elevations shall be shown on the plan sheets.

**I9.** All plans for underground wiring shall be prepared by the applicant and approved by the City.

## Section 410.620. Vacation of Undeveloped Subdivision.

[Ord. No. 2766 §1(120.610), 4-1-2002]

### **A.** Any plat may be vacated using the following procedures:

**A1.** The record owner or owners of all property in the addition shall submit a written instrument, to which a copy of such plat shall be attached, declaring all or part of the same to be vacated and the applicant for vacation shall set forth in additional form that all record owners of such interest in the property have joined in the application. When lots have been sold, the owners of all the lots in such plat must join in the execution of such written instrument.

**B2.** Such an instrument shall be approved by the Planning and Zoning Commission and Board of Aldermen in like manner as plats of subdivisions. The Board of Aldermen may reject any such instrument which abridges or destroys any public rights in any of its public uses, easements, improvements, streets or alleys or reserve such public rights in the vacation.

**C3.** Such an instrument shall be executed, acknowledged or approved and recorded or filed in like manner as plats of subdivisions; and, being duly recorded or filed, shall operate to destroy the force and effect of all recording of the plat so vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in such plat except those that are reserved in such vacation.



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## Section 410.670. Waivers.

[Ord. No. 2766 §1(120.660), 4-1-2002]

**A.** In cases in which there is unwarranted hardship in carrying out the literal provisions of these Subdivision Regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning and Zoning Commission may recommend a waiver from such provision. The Planning and Zoning Commission shall give the applicant or any other interested person an opportunity to be heard with respect to the request for a waiver.

**A1.** The Planning and Zoning Commission shall not recommend a waiver unless it shall find that the strict application of these Subdivision Regulations will create an unwarranted hardship and unless the proposed waiver is in harmony with the intended purpose of these Subdivision Regulations and that the public safety and welfare will be protected.

**B2.** Waivers permitted under the provisions of this Section shall not include waivers from the requirements of making improvements required in these regulations, the standards or specifications thereof, nor from the provisions of the Subdivision Code of the City, except as to waivers for minimum lot width and/or area requirements. Consideration of an application for a waiver pursuant to this Section does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the City relating to variances and waivers.

## Section 415.050. Exemptions.

[Ord. No. 2772 §1, 5-20-2002]

**A.** The following development activities are exempt from the provisions of the Storm Water Management Ordinance.

1. Land disturbing activities on agricultural land for production of plants and animals including, but not limited to: forages and sod crops, grains and feed crops; timber and timber products; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of these animals; bees; fur animals and aqua-culture. **The construction of an agricultural structures such as broiler houses, machine sheds, repair shops, feed lots and/or animal holding facilities, and other major buildings which require the issuance of a building permit, shall require the submittal and approval of a storm water management plan prior to the start of the land disturbing activity.**

2. Removing trees or clearing by an individual property owner.



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**B. The construction of an agricultural structures such as broiler houses, machine sheds, repair shops, feed lots and/or animal holding facilities, and other major buildings which require the issuance of a building permit, shall require the submittal and approval of a storm water management plan prior to the start of the land disturbing activity.**

## Section 415.140. Plan Requirements.

[Ord. No. 2772 §1, 5-20-2002]

### **A. Storm water management plans shall include, as a minimum, the following.**

**A1.** A vicinity map indicating a north arrow, scale, boundary lines of the site, existing and proposed easements, utilities, regulatory floodplains, and other information necessary to locate the development site.

**B2.** The existing and proposed topography of the development site except for individual lot grading plans in single-family subdivisions. Include available geotechnical data such as soil boring's location and soil/rock depth and classifications.

**C3.** Physical alterations of the site, including existing development and proposed development.

**D4.** Location, dimensions, elevations and capacities of all existing and proposed storm water management facilities including plan, profiles and construction details.

**E5.** All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated.

**F6.** The location of temporary and permanent vegetative and storm water management qualitative control measures.

**G7.** An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.

**H8.** A determination that no lowest floor elevation of any structure is below the 100-year plus one (1) foot flood elevation.

**I9.** Storm water management plans shall include designation of all easements needed for inspection and maintenance of the drainage system and storm water management facilities. As a minimum, easements shall have the following characteristics.

**1a.** Adequate access to all portions of the drainage system and structures.

**2b.** Sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of ten (10) feet along both sides of all drainage ways, streams, channels, etc., and around the perimeter of all detention basins, or sufficient land area for equipment



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access for maintenance of all storm water management facilities. This distance shall be measured from the top of the bank or toe of the dam, whichever is applicable.

**3c.** Restrictions on the easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.

**J10.** To improve the aesthetic aspects of the drainage system, a landscape plan for all portions of the drainage system shall be part of the storm water management plan. This landscape plan shall address the following:

**1a.** Tree saving and planting plan.

**2b.** Types of vegetation that will be used for stream bank stabilization, erosion control, sediment control, aesthetics and water quality improvement along with a time frame for applying the vegetation.

**3c.** Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system.

**K11.** Open detention basins visible to the public shall be incorporated into the design as an attractive amenity or focal point in the site design.

**L12.** To improve the water quality aspects of the drainage system, the storm water management plan shall include best management practices to control the water quality of the runoff during the land disturbing activities and during the life of the development. This requirement is in addition to the requirements of the MDNR NPDES.

**M13.** The storm water management plan shall include all engineering calculations needed to design the system and associated facilities, including hydrologic analysis, pre- and post-development velocities, peak rates of discharge, inlet sites and capacities, and inflow and outflow hydrographs of storm water runoff at all existing and proposed points of discharge from the site.

**N14.** Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity.

**O15.** Construction and design details of the storm water management facilities.

**Section 415.150. Minimum Runoff Control Requirements.**

[Ord. No. 2772 §1, 5-20-2002]



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**A. The minimum storm water control requirements shall provide measures necessary to accomplish the following:**

- 1. Install storm water management facilities to limit the 10- and 100-year developed peak discharge rates to pre-developed peak discharge rates. The design of these facilities shall be based on procedures contained in the Storm Water Management Design Manual or as approved by the City Engineer.**

## Section 415.170. Plan Water Quality Criteria.

[Ord. No. 2772 §1, 5-20-2002]

**A. Following are the criteria related to using storm water management facilities for water quality purposes.**

- A1. A storm water management plan will be required for the construction of all ponds, lakes or reservoirs.**
- B2. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the City Engineer.**
- C3. Storm water runoff and drainage to a single outlet from land disturbing activities which disturb ten (10) acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated sediment loading from the land-disturbing activity and meet a removal efficiency of eighty percent (80%) suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area draining to the basin.**
- D4. Other practices may be acceptable to the City Engineer if they achieve an equivalent removal efficiency of eighty percent (80%) for suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The efficiency shall be calculated for disturbed conditions for the 10-year twenty-four (24) hour design storm event.**

## Section 415.190. City Participation.

[Ord. No. 2772 §1, 5-20-2002]

**A. When the City Engineer determines that additional storage capacity beyond that required by the applicant for on-site storm water management is necessary in order to**



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enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions, or to provide protection in a more desirable fashion for future development, the City Engineer may:

- A1.** Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to, or drainage for, such a facility;
- B2.** Require that the applicant attempt to obtain from the owners of property over, through or under where the storm water management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the municipality may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, subject to Subparagraph (3) below, with any cost incurred thereby to be paid by the City); and/or
- C3.** Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site storm water management as determined by the City Engineer.

To implement this provision, both the City and developer must be in agreement with the proposed facility that includes the additional storage capacity and jointly develop a cost-sharing plan that is agreeable to all parties.

## Section 415.260. Petition To The City.

[Ord. No. 2772 §1, 5-20-2002]

**A.** Any person requesting the City to provide design and/or construction related services to address storm water management facility improvements shall:

- A1.** Verify the problem is located within a regional storm water management facility and not the result of a single lot drainage problem.
- B2.** Request the City Engineer or a professional engineer to prepare an evaluation of the storm water management facility in accordance with this Chapter.
- C3.** The evaluation will then be categorized in accordance with the public works storm water rating system for inclusion to the capital improvements plan.

## Section 420.030. Statement of Purpose.

[Ord. No. 2751 §1(170.030), 1-21-2002; Ord. No. 2924 §1(170.030), 6-20-2005]

**A.** It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 420.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:



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- A1.** Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
- B2.** Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- C3.** Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

## Section 420.130. Duties and Responsibilities of Floodplain Administrator.

[Ord. No. 2751 §1(170.130), 1-21-2002; Ord. No. 2924 §1(170.130), 6-20-2005]

### **A.** Duties of the City Engineer shall include, but not be limited to:

- A1.** Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
- B2.** Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
- C3.** Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- D4.** Issue floodplain development permits for all approved applications;
- E5.** Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- F6.** Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
- G7.** Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- H8.** Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
- I9.** When floodproofing techniques are utilized for a particular non-residential structure, the City Engineer shall require certification from a registered professional engineer or architect.



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## Section 420.140. Application For Floodplain Development Permit.

[Ord. No. 2751 §1(170.140), 1-21-2002; Ord. No. 2924 §1(170.140), 6-20-2005]

**A.** To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- A1.** Describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed structure or work;
- B2.** Identify and describe the work to be covered by the floodplain development permit;
- C3.** Indicate the use or occupancy for which the proposed work is intended;
- D4.** Indicate the assessed value of the structure and the fair market value of the improvement;
- E5.** Specify whether development is located in designated flood fringe or floodway;
- F6.** Identify the existing base flood elevation and the elevation of the proposed development;
- G7.** Give such other information as reasonably may be required by the City Engineer;
- H8.** Be accompanied by plans and specifications for proposed construction; and
- I9.** Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

## Section 420.160. Specific Standards.

[Ord. No. 2751 §1(170.160), 1-21-2002; Ord. No. 2924 §1(170.160), 6-20-2005]

**A.** In all areas identified as numbered and unnumbered A Zones and AE Zones where base flood elevation data have been provided as set forth in Article IV, Section 420.150(B), the following provisions are required:

- A1. Residential construction.** New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.
- B2. Non-residential construction.** New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and



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sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 420.130.**I(9)**.

**C3.** Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

**1a.** A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

**2b.** The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

## Section 420.180. Floodway.

[Ord. No. 2751 §1(170.190), 1-21-2002; Ord. No. 2924 §1(170.180), 6-20-2005]

**A.** Located within areas of special flood hazard established in Article II, Section 420.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

**A1.** The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

**B2.** The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.



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**C3.** If Subparagraph (2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

**D4.** In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in Article IV, Section 420.150(B).

## Section 420.190. Recreational Vehicles.

[Ord. No. 2751 §1(170.200), 1-21-2002; Ord. No. 2924 §1(170.190), 6-20-2005]

**A.** Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:

**A1.** Be on the site for fewer than one hundred eighty (180) consecutive days; or

**B2.** Be fully licensed and ready for highway use\*; or

**C3.** Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

\* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

## Section 420.230. Floodplain Management Variance Criteria.

[Ord. No. 2751 §1(170.240), 1-21-2002; Ord. No. 2924 §1(170.230), 6-20-2005]

**A.** In passing upon such applications for variances, the Board of Building and Engineering Appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:

**A1.** The danger to life and property due to flood damage;

**B2.** The danger that materials may be swept onto other lands to the injury of others;

**C3.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

**D4.** The importance of the services provided by the proposed facility to the community;

**E5.** The necessity to the facility of a waterfront location, where applicable;

**F6.** The availability of alternative locations, not subject to flood damage, for the proposed use;



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**G7.** The compatibility of the proposed use with existing and anticipated development;

**H8.** The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

**I9.** The safety of access to the property in times of flood for ordinary and emergency vehicles;

**J10.** The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and

**K11.** The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges.



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**Existing Municipal Code in black.**

**Removals in red.**

**Additions in green.**

**Highlights = Discussion.**

**CS commentary in blue.**

## Staff Commentary

The proposed changes include moving definitions pertaining to development plans out of the Subdivision Chapter (410) and into the Zoning Regulations Chapter (405) of Title IV – Land Use; removing references to a “Land Use Permit” to reduce confusion since all land uses are reviewed in the context of their zoning district and appropriate rezoning and/or development plan applications or special use permit; outline clean-up and addition of two items to Section 410.060 – Exemptions From Platting; adding language stating that it is the policy of the City not to approve a plat unless adequate public facilities are or will be available (this is a recommendation from the 2040 Comprehensive Plan); removing the various minor platting processes (lot combination, lot splits, and small subdivision plats) and creating a single minor plat process that is much more clear and concise; moving and expanding upon the enforcement requirements for the subdivision and platting of property; addition/removal of various definitions within the Subdivision Chapter (410); reducing the number of copies required for a preliminary and final plat and removing outdated language pertaining to the material on which final plats are to be submitted for signature and recordation; worked with Electric to provide additional clarity on electrical service lines; and various reference corrections to encompass previous and proposed code changes.

Add the following definitions into Section 405.030—Definitions and Rules of Construction, under Article I of the Zoning Regulations:

### ***GENERAL DEVELOPMENT PLAN***

A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

### ***PRELIMINARY APPROVAL***

The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the City and the applicant.

### ***PRELIMINARY DEVELOPMENT PLAN***



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An accurately scaled development site plan that illustrates the existing conditions on a parcel of land as well as depicting details of a proposed development, including topographic characteristics; the location and dimensions of buildings, yards, courts, landscaping, pedestrian and vehicular circulation and parking, fences and screening.

## Section 405.585. Land Use Permit.

[Ord. No. 1825, 5-13-1991]

A. No open, vacant or unimproved land shall be used for any purpose other than agricultural without first obtaining a land use permit. Land use permits shall be required for, but not limited to, the following uses:

1. Parking lots not included in a building permit;
2. Used car or auto storage lots;
3. Machinery, equipment or materials storage yards not included in a building permit;
4. Skeet shoots or target ranges;
5. Commercial, public or semi-public recreation areas, such as ball parks, golf courses, race tracks, fairs and similar temporary or permanent uses;
6. Refuse dumps or landfills;
7. Picnic groves;
8. Cemeteries;
9. Nurseries.

## Section 405.595. Fees For Land Use Permit.

[Ord. No. 1825, 5-13-1991]

The fee for a land use permit shall be twenty-five dollars (\$25.00) plus one dollar (\$1.00) for each one hundred dollars (\$100.00) of cost of improvements to the property other than buildings or structures for which building permits are issued, provided the cost of grading or grubbing and clearing shall not be included in this fee calculation.

## Section 410.060. Exemptions From Platting.

[Ord. No. 2766 §1(120.060), 4-1-2002]

A. Notwithstanding the requirements of Sections 410.030 through 410.050, these subdivision regulations shall not apply in the following instances or transactions:



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**A1.** The division or further division of land into lots or parcels, each of which contains more than forty (40) acres, where such subdivision does not involve the creation of any new streets, access easements or landlocked parcels.

**B2.** A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and does not create an additional lot or non-conformity.

**C3.** A conveyance of land or interest therein for use as right-of-way or other public utilities subject to State or Federal regulation, where no new street or easement of access is created.

**D4.** A conveyance made to correct a description in a prior conveyance.

**E5.** Any transfer by operation of law.

**F.** A division of property through inheritance, the probate of an estate, or by order of a court of law.

**G.** The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements.

#### **Section 410.070. Adequate Public Facilities Lot Combinations.**

In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of land in the particular area of the City, it shall be the policy of the City that no application for preliminary or final plat shall be approved unless public facilities and services, which are adequate to serve the development, are either:

- A.** Presently available, or
- B.** Are to be provided as a condition of approval of the application, or
- C.** Are planned to be available reasonably concurrent with the anticipated impacts of the proposed development as determined by the affected utility, agency or department.

[Ord. No. 2766 §1(120.070), 4-1-2002]

**A. Applications For Lot Combination.** Applications for lot combination shall be submitted by the landowner to the Community Development Department together with a two hundred dollar (\$200.00) application fee. The application shall be accompanied by three (3) copies of a drawing, by a licensed engineer or surveyor, to scale depicting the lots, structures and existing utility easements located on any part of the lots, together with the precise nature, location, dimensions and legal descriptions of the lots to be combined. In addition, prior to being submitted to the Community Development Department, applications for lot combination shall be signed by the various public or private utilities, the City Engineer and other City utility departments to establish the existence and location of public easements and facilities to serve the resulting combined lot. The Community



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**Development Director shall inform the Planning and Zoning Commission of the application and decision.**

[Ord. No. 3503, 8-3-2020]

**B. For those lot combinations which result in significant increases in service requirements (e.g., utilities, schools or traffic controls) or which will propose private easements for access or utilities, a formal review of the lot combination by the City Engineer and utility departments may be required.**

**C. The Director of Community Development may make such additional requirements as are deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policies where such requirements are reasonably related to the development of the properties. Such requirements may include, but are not limited to, installation of public facilities, dedication of right-of-way easements and submission of covenants for the protection of other landowners in the original subdivision.**

**D. Denial of an application for a lot combination may be appealed to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission may be appealed to the Board of Aldermen, which the Board of Aldermen decision shall be final.**

**E. Any approved lot combination need not comply with the procedures set out in this Chapter for platting. However, all lot combinations shall conform to all minimum standards of this Chapter and other applicable City codes.**

## **Section 410.080. Enforcement Lot Splits.**

**The Director shall be responsible for enforcing the following requirements regarding the subdivision and platting of property:**

- A. No subdivision (except a minor subdivision as defined herein) may be developed in the City until both a preliminary and a final plat have been submitted and approved and all applicable conditions of this chapter have been satisfied.**
- B. No person shall create a minor subdivision, plat amendment, resurvey or any other similar act within the City, except in conformance with the provisions of this chapter.**
- C. No lot, tract or parcel of land shall be divided by a metes and bounds description for the purpose of sale, transfer, or lease except in conformity with these regulations.**
- D. No subdivision shall contain a lot that is less than the minimum dimensional standards set out in the applicable zoning district regulations.**
- E. No lot, tract or parcel of land as part of any plat or replat of any subdivision shall be sold or offered for sale, traded or otherwise conveyed unless the plat or replat first shall have been approved in accordance with the provisions of this chapter and recorded in the Office of the Cass County Recorder of Deeds.**



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- F. No building permit shall be issued for the construction of any building or structure located on a lot, tract or parcel or plat divided or sold in violation of the provisions of this chapter.**
- G. No building permit shall be issued for a lot that is not platted as required by this chapter.**
- H. No person shall change any recorded subdivision plat if the change affects any street layout shown on the plat, or area reserved for public use, or any lot line, or if it affects any map legally recorded prior to the effective date of this chapter, unless the parcel shall be approved by the City under the procedures established by this chapter.**
- I. No changes, erasures, modifications or revisions shall be made to any plat after approval has been given by the Governing Body unless the plat is first resubmitted for review and approval as required by this chapter.**

[Ord. No. 2766 §1(120.080), 4-1-2002]

**A. *Applications For Lot Split.*** Applications for lot splits shall be submitted by the landowner to the Community Development Department together with a two hundred dollar (\$200.00) application fee. The application shall be accompanied by three (3) copies of a drawing, by a licensed engineer or surveyor, to scale depicting the lots, structures and existing utility easements located on any part of the lot being split, together with the precise nature, location, dimensions and legal descriptions of the new lots to be created. In addition, prior to being submitted to the Community Development Department, applications for lot split shall be signed by the various public or private utilities, the City Engineer and other City utility departments to establish the existence of adequate public easements and facilities to serve the resulting lots. The Community Development Director shall inform the Planning and Zoning Commission of the application and decision.

[Ord. No. 3503, 8-3-2020]

**B. *Consideration Of A Lot Split.*** The Community Development Department shall approve applications for lot split if it is determined that the lot has not been previously split, that the new lots so created conform to the requirements of this Chapter and that adequate street rights-of-way and easements exist to serve the properties. No lot split shall be approved if any of the following conditions exist.

- 1. A vacation of streets, alleys, utility easements or other public reservations is required or proposed;**
- 2. The split will result in a lot or parcel without access to a street;**
- 3. Such action will result in a lot being split into more than two (2) tracts.**

**C. For those lot splits which result in significant increases in service requirements (e.g., utilities, schools or traffic controls) or which will propose private easements for access or utilities, a formal review of the lot split by the City Engineer and utility departments may be required.**



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**D. The Director of Community Development may make such additional requirements as are deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policies where such requirements are reasonably related to the development of the properties. Such requirements may include, but are not limited to, installation of public facilities, dedication of right-of-way easements and submission of covenants for the protection of other landowners in the original subdivision.**

**E. Denial of an application for a lot split may be appealed to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission may be appealed to the Board of Aldermen, which the Board of Aldermen decision shall be final.**

**F. Any approved lot split need not comply with the procedures set out in this Chapter for platting. However, all lots produced by lot split shall conform to all minimum standards of this Chapter and other applicable City codes.**

**Definitions to add/remove to/from Section 410.160:**

## **ADEQUATE PUBLIC FACILITIES**

*Sufficient quantities of water, adequate water pressure, adequate infrastructure to provide the service, including proper distribution pipe size, adequate reserve capacity present, traffic capacity to handle existing and proposed need and adequate police and fire protection, etc. as deemed adequate according to the City's standards.*

## **ALLEY**

**A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.**

## **CAPITAL IMPROVEMENTS PROGRAM**

*A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local governments operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.*

## **CONSTRUCTION**

*Any manmade change to improved or unimproved real estate including, but not limited to, the erection or placement of buildings or other structures, streets or other paving, the installation of utilities and any grading, filling, dredging or excavation.*

## **DEPOSIT**



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*A deposit of cash with the City in lieu of an amount required and still in force on a performance or maintenance bond or to ensure completion of work and installations on the plat. Such funds shall be deposited in a separate account.*

## **DRAINAGE FACILITY**

A manmade structure or natural watercourse for the conveyance of storm water runoff. Examples are open channels, pipes, ditches, swales, catch basins, street gutters, slopes, berms, dry detention basins, wet (retention) detention basins and other features affecting the flow of water **Any component of the drainage system.**

## **EYEBROW**

*A fifty-foot (50') radius, thirty-nine feet (39') to back of curb, eyebrow or bubble may be provided at the intersection of two (2) streets. The centerline radius point may be offset a maximum of twenty-five feet (25') toward the inside of the intersection on the incoming street. The said radius point may be offset toward the outside of the intersection until the eyebrow becomes a cul-de-sac and the intersection becomes a "T".*

## **GENERAL DEVELOPMENT PLAN**

**A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.**

## **GRADE**

The slope of a street or other public way specified in percentage **of vertical to horizontal measurements** **terms.**

## **LOT**

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. **The word "lot" shall include the word "plot", "tract", or "parcel". The derivations of lot shall maintain the following definitions:**

- A. **Lot Area.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.
- B. **Lot, Corner.** A lot situated at the intersection of two (2) streets.
- C. **Lot Depth.** *The mean horizontal distance between the front and rear lot lines.*
- D. **Lot, Double Frontage.** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. **This definition shall include through lots.**
- E. **Lot, Flag.** *A lot situated at the end of a cul-de-sac or which, because of special circumstances, has less than the required frontage abutting a street and is accessible only by a drive but which otherwise conforms to the definition of a lot.*
- F. **Lot Frontage.** That **part of a lot or tract of land which borders along any given access to a public street or public right-of-way. Such public street or right-of-way**



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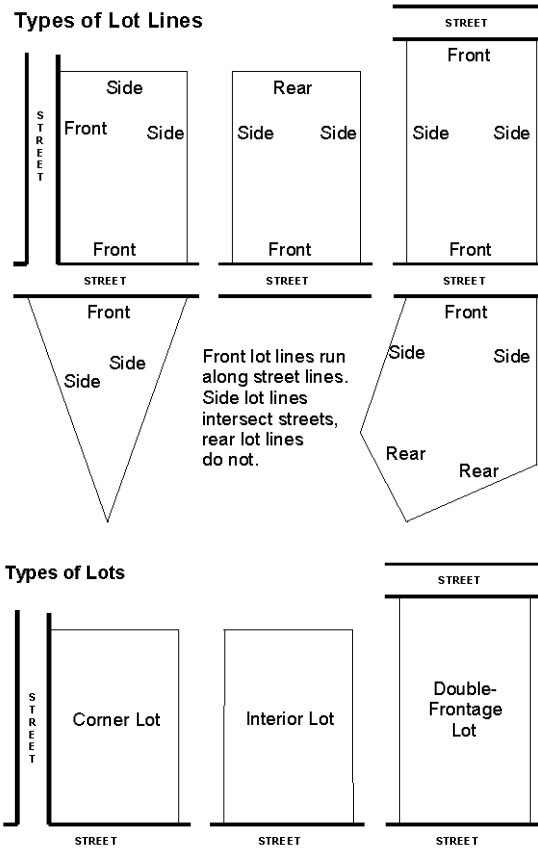
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shall not include any alley or access to the rear of such lot or tract **portion of a lot extending along a street line.**

**G. Lot, Interior.** *A lot other than a corner lot whose sides do not abut upon any street.*

**H. Lot Lines.** The boundary lines of a lot. The derivations or modifications lot lines shall maintain the following definitions:

- Lot Line, Front.** The lot line abutting a street or private drive. In the case of a corner lot, the front lot line shall normally be the lot line with the shortest length. In the case of double frontage lot, the front lot line shall be the lot line adjacent to the street that provides primary access to the lot or towards which the main building on the lot is oriented.
- Lot Line, Rear.** Any lot line that is not a front lot line or a side lot line.
- Lot Line, Side.** Any lot line that intersects the front lot line. A side lot line shall include any liked line segments or arcs that have a bearing which is within 45 degrees of a line drawn perpendicular to the front lot line. Where the application of the rules are ambiguous or where the property owner requests an alternative designation, the Director may specifically designate the various lot lines for a particular lot.



**I. Lot, Reversed Corner**



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*A corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first (1<sup>st</sup>) lot to its rear.*

**J. Lot, Through**

*An interior lot having frontage on two (2) streets.*

**K. Lot Width.** *The horizontal distance between the side lot lines, measured at the front building line.*

## **LOT OF RECORD**

*A lot with respect to which the plat or deed has been properly recorded prior to the effective date of this chapter.*

## **METES AND BOUNDS DESCRIPTION**

*A description of real property described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.*

## **NONCONFORMING LOT**

*A lot existing on the effective date of this chapter that does not meet the minimum area requirements of the zoning district in which the lot is located.*

## **PEDESTRIAN WAY**

*A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.*

## **PLAT, FINAL**

**A plat prepared, for official recording as required by these Regulations, by a registered land surveyor or registered professional engineer to describe the precise location and dimension of lots, established easements, dedicated street rights-of-way and otherwise describe property to be subdivided.**

## **PLAT, MINOR**

*Any subdivision containing not more than three (3) lots fronting on an existing street; not involving any new street, the extension of municipal facilities, or the creation of any public improvements; not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision of these Regulations.*

## **PLAT, PRELIMINARY**

**A formal plat map, drawn to scale, indicating the proposed layout of a development including prominent existing features of a tract and its surroundings and related information that is submitted for preliminary approval.**

## **PRELIMINARY APPROVAL**



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The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the City and the applicant.

## **PRELIMINARY DEVELOPMENT PLAN**

A rough plan of a proposed subdivision or other development.

## **RESIDENTIAL ACCESS STREET**

The lowest order of residential street (see Street Hierarchy). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed two hundred fifty (250) ADT at any point of traffic concentration. The maximum number of household units should front on this class of street.

## **RESIDENTIAL COLLECTOR**

The highest order of residential street (see Street Hierarchy). Conducts and distributes traffic between lower order residential streets and higher order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed three thousand (3,000) ADT.

## **RIGHT-OF-WAY**

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, **shade trees** or for another special use.

## **SETBACK LINE OR BUILDING LINE**

A line parallel to the respective lot line and internal to the lot that defines the required building setback as specified in the zoning district regulations. The derivations of setback line shall maintain the following definitions:

- A. **Setback Line, Front.** The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps. **This shall extend from side lot line to side lot line;**
- B. **Setback Line, Rear.** A line parallel to all rear lot lines and shall extend from side lot line to side lot line. If there is no rear lot line, a semicircular rear setback line shall be drawn with a radius equal to the rear setback requirement and a center at the intersection of the side lines; and
- C. **Setback Lines, Side.** Lines parallel to any side lot line and extended from the front setback line to the rear setback line or another side setback line.

## **SHADE TREE**

A tree in a public place, street, special easement or right-of-way adjoining a street.



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## ***SIDEWALK (AREA)***

A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

## ***SITE PLAN***

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

## ***SMALL SUBDIVISION***

A subdivision of land of not more than four (4) lots and five (5) acres, provided that such subdivision does not involve a planned development, any new street or the extension of a utility or other municipal facility.

## ***STREET***

An **improved** right-of-way dedicated to the public use which provides vehicular and pedestrian access to adjacent properties. **Terms related to street shall mean as follows:**

- A. **Alley**. A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- B. **Arterial**. A street or road that is designated in the Comprehensive Plan for large volumes of traffic to move quickly and safely and which provides service and access to abutting properties only as a secondary function.
- C. **Collector**. A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.
- D. **Local**. Any public street or road designed primarily to provide access to more than one (1) property.

## ***STREET, ARTERIAL***

A street or road that is designated in the Comprehensive Plan for large volumes of traffic to move quickly and safely and which provides service and access to abutting properties only as a secondary function.

## ***STREET, COLLECTOR***

A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.

## ***STREET HIERARCHY***

The conceptual arrangement of streets based upon **their** function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use and residential quality. **At the most basic level**



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the hierarchy moves down from arterial streets to collector streets and then down to local streets. The derivations of street hierarchy shall maintain the following definitions:

**A. Residential Access Street.** The lowest order of residential street (see Street Hierarchy). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed two hundred fifty (250) ADT at any point of traffic concentration. The maximum number of household units should front on this class of street.

**B. Residential Collector.** The highest order of residential street (see Street Hierarchy). Conducts and distributes traffic between lower order residential streets and higher order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed three thousand (3,000) ADT.

## ***STREET, LOCAL***

**Any public street or road designed primarily to provide access to more than one (1) property.**

**A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.**

### **Number of Copies:**

In Section 410.260.B: *Filing Of Preliminary Plat.* **FourTen (410)** copies of the preliminary plat, and additional information as required by Section 410.270, shall be filed with the office of the Community Development Director thirty (30) days prior to the date of the Commission meeting on which the plat is to be heard. The copies of the preliminary plat and all appropriate information shall then be transmitted to the Planning and Zoning Commission for a recommendation to the Board of Aldermen.

In Section 410.280.A: *Filing Of The Final Plat.* **FourTen (410)** copies of the final plat and three (3) copies of final improvement plans shall be filed with the office of the Community Development Director and City Engineer thirty (30) days prior to the date of the meeting on which the plat is to be heard. The copies of the final plat and all appropriate information shall then be transmitted to the Planning and Zoning Commission for a recommendation and then forwarded to the Board of Aldermen for approval.

In Section 410.290:

**A. The final plat shall be a complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries, proposed streets and dedications.**

**B. The final plat shall be prepared by a registered land surveyor or engineer in the State of Missouri and bear his/her official seal.**

**C. Five (5) paper print copies of the final plat shall be submitted for review.**



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**CD.** After the final plat has been approved by the City and rights-of-way and easements have been accepted by the Board of Aldermen, a minimum of four (4) copies of the final plat, of which two (2) will be paper prints and two (2) will be opaque linen or mylar prints, shall be submitted to the City of Harrisonville.

**DE.** The final plat prepared for recording purposes shall be drawn at a scale of no less than one (1) inch equals one hundred (100) feet. The size of the sheets on which final plats are submitted shall be at least sixteen and one-quarter (16¼) inches by nineteen (19) inches and shall not exceed twenty-four (24) inches by thirty-six (36) inches. Each sheet shall have a one and one-quarter (1¼) inch binding edge along the left side (narrow dimension) and a one-quarter (¼) inch border along all other sides. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire development at a smaller scale.

**EF.** The final plat shall show and contain the following information:

1. The name of the subdivision (not to duplicate or closely approximate the name of any existing subdivision).
2. The location by section, township, range, County and State and including legal descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions, which must mathematically close. The allowable error of closure on any portion of a final plat shall be not more than one (1) in three thousand (3,000) for residential subdivisions and one (1) in ten thousand (10,000) for commercial subdivisions. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.
3. The location of the boundary shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.
4. The location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet with the length of radii and/or arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
5. Lots shall be clearly numbered. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
6. The exact locations, right-of-way widths and names of all streets to be dedicated and the right-of-way width and name of any existing streets.
7. The location and width of all easements to be dedicated. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certification of dedication.
8. Boundary lines and description of boundary lines of any areas, other than streets and alleys, which are to be dedicated or reserved for public use.
9. Building setback lines on front and side streets with dimensions.



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**10. The location and type of all monuments required to be installed by the provisions of these Subdivision Regulations. All monuments set shall be of the prescribed and approved type as set forth by the "Minimum Standards for Property Boundary Surveys", the Missouri Department of Natural Resources, Division of Geology and Land Survey and must be set by a licensed Missouri professional land surveyor.**

**11. The names of adjoining subdivisions.**

**12. The names and addresses of the developer, surveyor and/or professional engineer making the plat.**

**13. The regulatory flood elevation.**

**14. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.**

**15. The following certificates, which may be combined where appropriate:**

a. A certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided and consenting to the preparation and recording of said subdivision map.

b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use, including easements and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.

c. 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 \_\_\_\_\_, to me, personally 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 hereur set my hand and affixed my notarial seal the day and year above written.

(SEAL) Notary Public

My Commission Expires: \_\_\_\_\_

d. The certificate of the Planning and Zoning Commission in the following form:

This plat of \_\_\_\_\_ addition has been submitted to and approved by the Harrisonville Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Attachment: Subdivision Changes markup (Code Changes for Chapters 405, 410, 415 and 420)



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## Planning and Zoning Commission Chairman

e. 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

City Engineer

Community Development Director

f. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Deputy County Recorder of Deeds

**FG. Supplemental Information To Be Submitted With Final Plat.** The following additional data shall be submitted with the final plat if requested by staff, the Planning and Zoning Commission or the Board of Aldermen:

1. A title report by an abstract or a title insurance company or an attorney's opinion of title showing the name of the owner of the land and all other persons who have an interest in or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
2. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld may be placed on the deposit with such officials or governing bodies to meet this requirement.
3. A copy of any deed restrictions applicable to the subdivision.

## Section 410.300. **Minor Subdivisions (Minor Plats)** **Small Subdivision Plats.**

### A. Applicability. Minor plats may include:

1. A division of land into no more than three (3) lots.
2. An adjustment in boundaries between the owners of adjoining platted lots.
3. An adjustment of building lines.
4. A resurvey to combine two (2) or more lots or tracts into no more than three (3) new lots.

### B. General Requirements.



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1. **Lot Size.** Lots created or resulting from a minor plat shall meet or exceed the minimum lot size requirements of the individual zoning district in which located; and
2. **Public Improvements.** No building permit shall be issued for a lot or tract resulting from a minor plat unless all required public improvements for the minor plat have been substantially completed; and
3. **Dedication Requirements.** A minor plat may not include a new street to be dedicated to the City. A minor plat may include the dedication of additional right-of-way on an existing dedicated street, subject to the approval of the City Engineer. A minor plat may include the dedication of utility easements.

[Ord. No. 2766 §1(120.300), 4-1-2002]

**A. Authorization For Approval Of Plats For Small Tracts.** If a proposed plat of subdivision or re-subdivision complies with the requirements of these Subdivision Regulations, then the Planning and Zoning Commission may recommend approval and the Board of Aldermen may approve the final plat of such subdivision or resubdivision when a preliminary plat has not been submitted to or approved by the Planning and Zoning Commission.

**B. Requirements For Approval Of Plats For Small Tracts.** In order to qualify for approval for a small subdivision plat, a proposed plat of subdivision shall comply with the following requirements:

1. The proposed plat of subdivision shall include not more than five (5) acres;
2. The proposed plat of subdivision shall create not more than four (4) lots, tracts or parcels of land;
3. No public street or easement of access is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or re-subdivided; and
4. The proposed plat of subdivision shall be in the form required by these Subdivision Regulations and shall contain all the data, information and certifications required on final plats by these regulations.
5. The proposed plat of subdivision shall accompany a two hundred dollar (\$200.00) application fee.

[Ord. No. 3503, 8-3-2020]

**C. Procedure For Approval Of Plats For Small Tracts.**

1. Final plats submitted for approval shall be filed with the Director of Community Development thirty (30) days prior to the date on which the plat is to be heard. The Planning and Zoning Commission may require topographic information whenever the property to be subdivided or resubdivided is traversed by or is adjacent to a known watercourse, including intermittent streams.



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**2. The recommendation for approval of final plats by the Planning and Zoning Commission and approval by the Board of Aldermen shall be subject to the provisions of these Subdivision Regulations, except insofar as the Sections requiring prior approval of or compliance with an approved preliminary plat.**

Under Section 410.490.J.7.d(1): A subdivision that is a portion of a larger area planned as a phased and related development and for which a master development plan (preliminary development plan) must be submitted with the preliminary plat of the area first to be subdivided, pursuant to Section ~~405.635~~**410.240** of this Chapter, and

**Under Section 410.540. Electrical Distribution System:**

**B. All new construction electrical service lines shall be placed underground. Existing overhead lines can remain overhead lines; however, if an upgrade is being pursued it shall be reviewed on a case-by-case basis.**

**Reference corrections:**

- Correct Section 410.460.B.8 from referencing Section 410.530 to referencing Section 410.540.
- Correct Section 410.490.J.7.d from referencing Section 410.480.E to referencing Section 410.490.E.
- **Under Section 420.250.B:**

**5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 420.160.~~C~~**(3)** of this Chapter.**

**6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 420.180.~~B~~**(2)** of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.**



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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

## Staff Commentary

The proposed changes are to remove inconsistencies, clarify and streamline the regulations pertaining to the various processes within the Zoning Regulations. Initially, staff sought to only make minor changes but it quickly became clear that part of our existing problems are due to a lack of detail in terms of the process and what is required. These amendments seek to rectify these and related issues by creating clear, easy to follow processes.

## Chapter 405. Zoning Regulations

### ARTICLE XXIII. Land Use Applications and Procedures Rules of Procedures Governing Amendments and Special Use Permits

#### Section 405.630. Generally Rules of Procedures Governing Amendments and Special Use Permits.

- A. *Applicability.* The following application types are subject to the requirements of this Article: Rezoning, Preliminary Development Plan, Special Use Permit, and Code Amendments to Code under Title IV – Land Use.
  1. Amendments to the Land Use Code may only be initiated by the Planning & Zoning Commission, Board of Aldermen, or the Director.
  2. All other applications may only be filed by the property owner or the property owner's agent, with exception to City-Initiated Rezoning.
- B. *Process.* The following steps are required for all development applications (Rezoning, Preliminary Development Plan, and Special Use Permit):
  1. *Pre-Application Meeting.* Prior to submitting a formal application, the prospective applicant shall contact the Community Development Department to schedule a Pre-Application Meeting. The Pre-Application Meeting shall include appropriate City staff. The purpose of the Pre-Application Meeting is to discuss the proposed application, appropriate requirements and procedures, the Comprehensive Plan, and provide the potential applicant with direction and make aware any potential concerns.
  2. *Formal Submittal.* The applicant shall submit a formal application, appropriate fee, and all applicable required information as described in the Contents Subsection.



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3. **Completeness Review.** Once the formal application and fee has been submitted staff will perform a high-level review of the submittal to confirm that it appears to be complete. No application shall be deemed complete until all items required to be submitted in support of the application have been submitted to the Department in the form and containing the information required by Code. Upon receipt of a complete application, the Department shall note the filing date on the application and shall make a permanent record thereof. If the applicant fails to submit any portion of the required information, the application will not be considered complete, the application shall not be processed. The filing, formal review, notification and advertising processes will not begin until all required information has been submitted in the format required.
4. **Formal Review.** City staff shall review all applications, plans, information and data submitted in support of an application by the applicant. City staff shall have two (2) weeks from the date the application was considered complete to review and provide any comments back to the applicant. If there are no corrections the item may be scheduled and noticed for public hearings before the Planning & Zoning Commission and the Board of Aldermen. However, if there are correction items these items must be addressed to staff's satisfaction prior to be heard. Staff shall have up to two (2) weeks to review subsequent resubmittals.
5. **Notices.** Notification of public hearing items (Rezoning, Preliminary Development Plan, and Special Use Permit) shall be completed via three methods:
  - i. **Newspaper Publication.** Notice of such hearing shall be published in one (1) issue of the official newspaper of the City, such notice to be published not less than fifteen (15) days prior to the date of said hearing before the Planning and Zoning Commission and shall contain dates and times for both the Planning and Zoning Commission as well as the Board of Aldermen hearings.
  - ii. **Mailed Notice.** Mailed notice shall be sent via certified mail to the last known owner of record of all property within 185 feet from the boundaries of the property for which the application is being considered. The notice shall state the time and place of the hearings, and include a general description of the proposal, a location map of the property, the general street location of the property subject to the proposed change, and a statement explaining that the public will have an opportunity to be heard at the public hearing. Failure to receive mailed notice shall not invalidate any action taken on the application.
  - iii. **Posting of Notice Sign(s).** All public hearing items shall have a sign posted on their premises, by either the applicant or staff at least 15 days prior to the date of the hearing informing the general public of the time and place of the public hearings. The City shall furnish the



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sign to the applicant for posting. The applicant shall make a good faith effort to place and maintain the sign on the property for at least 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within five (5) feet of the street right-of-way/property line, or as close thereto as possible, in a central location on the property that is the subject of the hearings. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearings and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

6. **Public Hearings.** Each development application (Rezoning, Preliminary Development Plan, and Special Use Permit) shall be first heard before the Planning & Zoning Commission before being heard by the Board of Aldermen.
  - i. **Planning & Zoning Commission.** The Planning & Zoning Commission shall review the application as presented in staff's report, based upon the criteria contained within the applicable zoning and subdivision regulations and the comprehensive plan. The recommendation of the Planning & Zoning Commission is advisory. The Planning & Zoning Commission shall act upon the item before them in one of the following ways:
    1. Recommend approval to the Board of Aldermen;
    2. Ask that the item be continued and additional information provided; or
    3. Recommend denial to the Board of Aldermen.
  - ii. **Board of Aldermen.** The recommendation of the Planning & Zoning Commission is forwarded to the Board of Aldermen. The Board shall hear the item and take such action as it deems appropriate, including: (1) approval, (2) approval with conditions, or (3) denial.
  - iii. **Rules Pertaining to Continuances.** Any applicant or authorized agent shall have the right to one continuance of a public hearing before the Planning & Zoning Commission, or Board of Aldermen, provided that a written request for continuance is filed with the Director prior to opening the public hearing. Additionally, the Planning & Zoning Commission or Board of Aldermen may grant a continuance. A majority vote of those members of the official body present at the meeting shall be required to grant a continuance. The record shall indicate the reason for the continuance and any stipulations or conditions placed upon the continuance. If a continuance provides the date on which the matter will be heard, re-publication of notice is not required. If a continuance does not specify a date on which the matter



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will be heard, public notice pursuant to this article shall be provided prior to the date on which the matter is heard.

**iv. Protest Petitions. Rezoning, Special Use Permit and Preliminary Development Plan applications are subject to protest petitions in accordance with the following:**

1. A protest petition may be filed with the City Clerk at any time prior to the commencement of the public hearing by the Board of Aldermen. To be considered a valid protest, a protest petition must be timely filed and duly signed and acknowledged by the owners of 30 percent or more either of the areas of the land (exclusive of streets and alleys) included in such application or within an area determined by lines drawn parallel to and 185 feet distance from the boundaries of the property included in the application.
2. Once a valid protest petition has been filed with the City Clerk, it may only be withdrawn if those requesting the withdrawal reduce the land area requirement to less than 30 percent.
3. Where a valid protest petition has been filed, an ordinance approving the application shall not become effective except by the favorable vote of two-thirds of all members of the Board of Aldermen.

**C. Plan Submittal Contents. All development plans (Rezoning, Preliminary Development Plan, and Special Use Permit) shall contain:**

1. A development plan showing the property to be included in the proposed development, plus the area within one hundred eighty-five (185) feet thereof.
2. The following items shall be included on the property to be developed:
  - a. Existing topography with contours at five (5) foot intervals provided that where natural slopes are sufficiently flat, the **Director City Administrator** may require contours at lesser intervals.
  - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.
  - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
  - d. General extent and character of proposed landscaping.
3. The following items shall be shown on the same drawing within the one hundred eighty-five (185) foot adjacent area:
  - a. Any public streets which are of record.
  - b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City except those serving single-family houses.
  - c. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single- and



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two-family residential buildings may be shown in approximate location and general size and shape.

d. The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm water sewer and inlets.

4. **Architectural drawings** **Preliminary sketches** depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical **sketch** may be submitted. In case several building types, such as apartments and business buildings, are proposed on the plan, a separate **typical sketch** shall be prepared for each type. **Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.**

5. A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with ordinance requirements can be determined.

## D. Review Criteria.

1. In considering any application for Rezoning or Special Use Permit, the Planning & Zoning Commission and Board of Aldermen may give consideration to the criteria stated below, to the extent they are pertinent to the particular application. The Planning & Zoning Commission and Board of Aldermen may also consider other factors that may be relevant to a particular application.

a. The character of the neighborhood.

b. The existing and any proposed zoning and uses of adjacent properties, and the extent to which the proposed use is compatible with the adjacent zoning and uses.

c. The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

d. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

e. The length of time, if any, the property has remained vacant as zoned.

f. The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.

g. The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use, or present parking problems in the vicinity of the property.

h. The extent to which the proposed use will create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.



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- i. The extent to which the proposed use will negatively affect the values of the property or neighboring properties.
- j. The extent to which there is a need for the use in the community.
- k. The economic impact of the proposed use on the community.
- l. The ability of the applicant to satisfy any requirements applicable to the specific uses imposed pursuant to this chapter.
- m. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.
- n. The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- o. The conformance of the proposed use to the Comprehensive Plan, the Capital Improvements Plan, and other adopted planning policies.
- p. The recommendation of professional staff.
- q. The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district in which the proposed rezoning or special use is located.

2. The Planning & Zoning Commission and Board of Aldermen shall use the applicable zoning district regulations as a guide for review of the Preliminary Development Plan. If the Planning & Zoning Commission and/or Board of Aldermen imposes conditions or restrictions on a Preliminary Development Plan, it may designate specific requirements that must be met before an applicant may submit a Final Development Plan application. The Board of Aldermen, in establishing conditions of approval, may require the applicant to execute a “development agreement” that is acceptable to both the applicant and the City. Such “development agreement” shall become part and parcel to the ordinance approving the Rezoning of the property for which the development plan represents. In considering any Preliminary Development Plan application, the Planning & Zoning Commission and Board of Aldermen may give consideration to the following criteria:

- a. Conformance with the Comprehensive Plan, the Capital Improvements Plan, and other adopted planning policies.
- b. Development will not impede the normal and orderly development and improvement of the surrounding property; and
- c. Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.

[Ord. No. 1825, 5-13-1991; Ord. No. 3038 §5, 6-2-2008]

**A. Applications for amendment, revision or change of the Zoning District Map or for a special use permit may be made by any person or his/her agent who owns the land sought to be rezoned or specially used. If such application is made by the owner's agent, the agent shall enter upon the application the name and current mailing address of the owner. Application for amendment, revisions or change of any portion of the Zoning Ordinance may be made by any interested persons. All applications shall be made on forms prescribed by the Planning and Zoning Commission and duly filed with the City Administrator.**

**B. Fees — Sketch Of Land In Question.** A deposit fee of two hundred fifty dollars (\$250.00) shall accompany each application for amendment, revision or change or for a special use permit. An accurate sketch of the land in question, drawn to scale on a sheet eight and one-half (8 1/2) inches by eleven (11) inches, showing adjacent tracts within one hundred eighty-five (185) feet and the current ownership thereof shall accompany the application. The City Administrator may waive or vary from these sketch requirements in cases where such information would be of no value in making the decision relative to zoning change or conditional use permit.

[Ord. No. 3438, 5-7-2018; Ord. No. 3503, 8-3-2020]

**C. Rezoning Property To A Planned District.** A tract of land may be zoned "E" through "MP-2", inclusive, only upon application by the owner or his/her agent and only upon approval of a development plan. The proponents of a planned district shall prepare and submit to the City Administrator:

1. A development plan showing the property to be included in the proposed development, plus the area within one hundred eighty-five (185) feet thereof.
2. The following items shall be included on the property to be developed:
  - a. Existing topography with contours at five (5) foot intervals provided that where natural slopes are sufficiently flat, the City Administrator may require contours at lesser intervals.
  - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.
  - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
  - d. General extent and character of proposed landscaping.
3. The following items shall be shown on the same drawing within the one hundred eighty-five (185) foot adjacent area:



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**a. Any public streets which are of record.**

**b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City except those serving single-family houses.**

**c. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single- and two-family residential buildings may be shown in approximate location and general size and shape.**

**d. The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm water sewer and inlets.**

**4. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In case several building types, such as apartments and business buildings, are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.**

**5. A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with ordinance requirements can be determined.**

**D. The Planning and Zoning Commission shall hold a public hearing on the plan as provided by law. At such time as the development as planned meets with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Board of Aldermen for action. Upon final approval of the plan and the rezoning of the tract, construction may proceed and conformance with the plan and all supporting documentation is mandatory, however, all final plans shall be submitted to the Planning Commission and approved as to compliance with the development plan prior to the issuance of a building permit. The final plans submitted shall include a landscape and screening plan showing species and size of all plant materials, areas to be seeded, etc., all to be in keeping with the development plan as approved.**

**E. If, in the judgment of the Commission, the concept of development, as depicted on the final plans, deviates substantially from the concept of the development plan submitted for zoning, the Commission shall deny the request for final plan approval.**

**F. The applicant, in case of denial, may apply for a new hearing with publication as required in this Section and the Commission and Board of Aldermen may approve or deny the final plans after said hearing. All decisions of the Planning Commission may be appealed to the Board of Aldermen who may reverse or affirm the same.**

**G. Procedure Upon Receipt Of Application And Fee For Change.** Immediately upon receipt of such application and fee the City Administrator shall note thereon the date of filing and



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make a permanent record thereof. All such applications shall be set down for hearing not later than the second (2nd) regular monthly meeting of the Planning Commission from the date of termination of the earliest publication period available thereafter required by law. Any such hearing may, for good cause, in the discretion of the Planning Commission, be continued for a definite time to be specified in the record of the Planning Commission. Notice of such hearing shall be published in one (1) issue of the official newspaper of the City, such notice to be published not less than fifteen (15) days prior to the date of said hearing before the Planning and Zoning Commission.

**H. Proof Of Ownership Or Option To Buy Questioned Land.** Applicant shall furnish proof that he/she is the owner or has an option to buy the land described in the application and that the sketch required to be filed at the time the application is filed covers the same property as the description in the application.

Following the final hearing of such application, the Planning and Zoning Commission shall approve or deny the same at the earliest reasonable time and shall transmit an accurate written summary of the proceedings to the City Clerk.

**I. Submission Of Planning Commission Action To Council.** Following the receipt of the summary of the action of the Planning and Zoning Commission, the City Clerk shall submit the same to the Board of Aldermen for action approving or disapproving the recommendation of the Planning and Zoning Commission, provided however, the Board of Aldermen may for good cause continue its action upon such application or take the same under advisement for final decision at a later date and in any case the record shall show the reason for such continuance or withholding of action.

**J. Continuances — Action Required Of Applicant.** Upon request of the applicant to the City Administrator one (1) continuance of the hearing before the Planning and Zoning Commission may be approved by the Planning and Zoning Commission and one (1) continuance may be granted by the Board of Aldermen on the Planning and Zoning Commission recommendation. Any such continuance, when requested by the applicant, shall be made to a day certain and shall be for not less than one (1) month.

**K. Lesser Change Than Requested — Table.** The Planning and Zoning Commission may recommend and the Board of Aldermen may approve a change in a zoning district which is more restrictive than that requested by the applicant, provided such change is in keeping with the following:

1. *Residential districts.* Most restrictive: District "E", District "R-1", District "R-1M", District "R-2", District "R-3" to District "R-4", which shall be the least restrictive district.
2. *Business districts.* Most restrictive: District "C-O" through District "C-1", Districts "CBD-1", "CBD-2" to District "C-2", which shall be the least restrictive.
3. *Industrial districts.* Most restrictive: District "M-1". Least restrictive: District "M-2".



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**L. Equal Or More Restrictive Change.** The Planning and Zoning Commission may recommend and the Board of Aldermen may adopt a change in zoning which is equal to or more restrictive than the one requested, provided the more restrictive district is the same "R", "C" or "M" category for which the change was requested. In no case may a change to an "R" District be approved if the application is for a "C" or "M" District and in no case may a "C" District be approved if the application is for an "M" District. A planned district shall be equally restrictive to its equivalent district.

Provided further, the Board of Aldermen may, if in its judgment deemed advisable for the best interest of the public and applicant, refer such application back to the Planning Commission for further consideration and public hearing. The applicant shall not be required to pay an additional filing fee in such rehearing proceedings.

**M. Action By Planning And Zoning Commission.** Recommendations for amendment, revisions, change or repeal of the Zoning Ordinance, Zoning District Map, rules or regulations may also be made by the Planning and Zoning Commission upon its own motion or by the City Administrator, providing the same are first submitted to the Planning and Zoning Commission for hearing and recommendation. In either case, final action by the Board of Aldermen shall be taken only after hearing upon publication notice and recommendation, whether favorable or otherwise, by the Planning and Zoning Commission in the manner hereinbefore provided. In case of an adverse report by the Planning and Zoning Commission or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets and alleys) including within such proposed amendment, supplement, change, modification or repeal or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

## Section 405.635. Preliminary Development Plans.

### A. Preliminary Development Plans.

**1. Applicability.** A Preliminary Development Plan shall be required for the following situations:

- a. Rezoning of a property to any planned district. A Preliminary Development Plan shall be submitted and review by staff, the Planning & Zoning Commission, and the Board of Aldermen simultaneously with the rezoning of the property;
- b. The development of any vacant property in a planned district;
- c. The redevelopment of any property in a planned district;



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d. A substantial change, as defined in this chapter, to an approved Preliminary Development Plan; and

e. A change in the primary use of property that negatively impacts traffic circulation or significantly intensifies traffic generation necessitating the formation and approval of a development agreement for identified traffic improvements.

2. A Preliminary Development Plan is not required for the following situations:

a. The Rezoning to any of the standard districts (A through M-2);

b. A building addition onto an existing building that did not require a Preliminary Development Plan, provided that a substantial change would not be created per this article; and

c. A Rezoning to a planned district if the property to be rezoned is fully developed and no substantial changes to the existing building(s) or site improvements are planned.

**3A. Pre-Application Meeting.** Before submitting a preliminary plat, the owner or his/her agent and the owner's engineer or land planning consultant shall confer with the Community Development Director and other applicable City staff to determine what ordinances and regulations are applicable to the proposed development and suitability of the proposed development. The purpose of the inquiry is for the owner to become familiar with procedures and requirements of the City of Harrisonville including: procedure for filing plats, availability of City electricity, sewer and water, subdivision design requirements, requirements for improvements, land use, parks, schools and public open spaces, zoning requirements for the property in question and any setback requirements.

**4B. Preliminary Development Plan.** Prior to the submission of a preliminary plat and together with the submission of any request for rezoning, the owner shall be required to submit a preliminary development plan. The plan shall contain the information set out in Section 405.630.

**5C. Review Of The Preliminary Development Plan.** The Community Development Director and applicable staff shall review the preliminary development plan and shall be available to meet with the applicant to discuss any findings or recommendations. The purpose of the review shall be to inform the applicant of the requirements of development regulations as they apply to the property in question and to alert the applicant to potential problems with the location or design of the subdivision.

**6. Contents of Preliminary Development Plan.** Prior to the filing of a preliminary plat, the subdivider should submit to the office of the Community Development Director plans and data showing the subdivider's ideas and intentions in the platting



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of the proposed subdivision. The subdivider should outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required below. The preliminary development plan should contain the following:

- a1. A general location map of the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of subdivision(s), existing main traffic arteries, schools, parks and playgrounds.
- b2. The proposed layout of streets, right-of-way width, lots and other features in relation to existing utilities and other conditions. Proposed land use, parks, playgrounds and other public areas shall be shown on the preliminary development plan.
- c3. The subdivider may be required to submit the following with the preliminary development plan:
  - ia. A statement describing the existing and proposed community facilities and utilities on and adjacent to the property to be subdivided.
  - iib. A statement of proposed protective covenants.
  - iiic. A statement of the approximate number of lots the proposed subdivision will contain, together with typical proposed lot widths and depths.
  - ivd. Aerial or ground photographs which show the character and topographic features of the land.
- d. A legal description which accurately describes the limits of the property.
- e. Approximate total acreage and square feet of the site.
- f. The plan shall include the following information on the existing conditions for the proposed site and within 185 feet of the property:
  - i. Location and limits of the one percent annual change flood, as set forth on the current FEMA maps with reference to the panel number. Elevations shall be provided if shown on the FEMA map.
  - ii. Existing streams, bodies of water, and surface drainage channels.
  - iii. Location, massing and pattern of existing vegetation.
  - iv. Topography with contours at two-foot intervals. In areas where grades are gentle, the Director may require a lesser contour interval.



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v. Location of all oil and gas wells, whether active, inactive, or capped.

vi. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former landfills, fill area or lagoons) must be identified by the applicant. The applicant, at the Director's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.

vii. The location and size of retention basins, detention basins and drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.

viii. Location, width and name of any existing or platted street, alley or any other dedicated rights-of-way.

ix. Location, width and dimensions of existing utility easements, with document reference if dedicated by separate document.

x. Existing and proposed buildings, which exist on plans on file with the City. Single- and two-family buildings may be shown in approximate location and general size and shape.

xi. Location and size of all existing utility lines and storm water management/detention facilities.

xii. Names of abutting subdivisions and owners of abutting parcels of unsubdivided land.

xiii. Surrounding land uses and zoning districts of adjacent properties.

g. The plan shall include the following information on the proposed development:

i. Layout, number and approximate dimensions of lots and approximate lot areas.

ii. Name, location, width, radii, centerline, and grade of proposed streets and alleys, both public and private.

iii. Location and width of proposed sidewalks and public walkways.

iv. Building setback lines from streets with dimensions.

v. Location and approximate dimensions of culverts and bridges.

vi. Location of driveways, curb cuts, median breaks and turn lanes.



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vii. The general location and approximate size of all the proposed utility lines, including water, storm water, and sanitary sewers.

viii. A sanitary sewer impact statement that will address the proposed discharge into the existing sanitary sewer receiving system, if required by the City Engineer.

ix. Appropriate water service demand data (including, but not limited to, planned land usage, densities of proposed development, pipe sizes, contours and fire hydrant layout) to allow for the preliminary analysis of the demand for water service if required by the City Engineer.

x. Information (proposed size, nature and general location) on all proposed storm water management and detention facilities. A preliminary storm water report shall be submitted unless the requirement is waived by the City Engineer. All preliminary storm water reports shall include:

- (1) Current and proposed land use assumptions;
- (2) Identification of the watershed in which the project is located;
- (3) Identification of offsite drainage areas;
- (4) Surrounding property information;
- (5) Any other pertinent information about the site which may influence storm water runoff;
- (6) Proposed storm water facilities;
- (7) The downstream effects of the development,
- (8) Calculations for the 100 percent, ten (10) percent and one (1) percent storms. All calculations must be submitted with the report (a summary table is not acceptable);
- (9) If the storm water report indicates that detention is not required, supporting calculations evaluating the downstream effects must be provided;
- (10) All reports shall be signed and sealed by a professional engineer registered in the State of Missouri.

xi. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.



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**xii. Location, dimensions and area in square feet of all proposed buildings and structures.**

**xiii. Location and dimensions of all parking spaces, accessible spaces, drive aisles, driveways, and curbs.**

**xiv. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.**

**xv. General extent and character of proposed landscaping to include general species and size information.**

**xvi. Proposed topography at two foot (2') intervals, including general drainage patterns.**

**xvii. Proposed exterior lighting, including parking lot lights and wall-mounted fixtures, including fixture type, location, height and intensity. Manufacturer's specification sheets shall be submitted.**

**xviii. Phasing of development.**

**xix. Sight triangles**

**h. Exterior building elevations. Depicting the general style, size, height, construction materials and color schedule of the building proposed.**

**i. Land use schedule. A land use schedule shall be provided which includes:**

**i. Total floor area;**

**ii. Number of dwelling units;**

**iii. Land area;**

**iv. Number of required and proposed parking spaces;**

**v. Impervious coverage;**

**vi. Floor Area Ratio (FAR);**

**vii. Dwelling units per acre (with and without common area); and**

**viii. The range of land uses to be permitted in each designated are of the development.**

**j. Statement of the need for any requested modification(s) from district regulations. A narrative statement that explains the need for any requested modification(s) of the applicable zoning district regulations shall be submitted in support of the application for the Preliminary Development Plan approval.**

**k. Common Property Maintenance Plan. A written plan in such form as may be prescribed by the Director that demonstrates that all common**



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property, if any, will be owned and maintained. Such statement shall be submitted with the application for Preliminary Development Plan approval.

**7. Consideration of Preliminary Development Plans.** Preliminary Development Plans are reviewed and follow the process established above. Any Preliminary Development Plan submitted with a rezoning application shall become part of the ordinance that establishes the zoning.

**8. Duration of Validity.** Preliminary Development Plan approval by the Board of Aldermen shall not be valid for a period longer than 24 months from the date of such approval, unless within such period a Final Development Plan application is submitted. The Board of Aldermen may grant one extension not exceeding 12 months upon a written request.

**9. Definition of Substantial Changes.** For purposes of this section, “substantial changes” to the approved Preliminary Development Plan shall mean any of the following:

- a. A change in the phases as originally specified in the Preliminary Development Plan that would have a negative impact on the traffic circulation.
- b. Increases in the density or intensity of residential uses of more than ten (10) percent.
- c. Increases in the total floor area of all non-residential buildings covered by the plan of more than 25 percent.
- d. Increases of lot coverage of more than ten (10) percent.
- e. Increases in the height of any building of more than 25 percent.
- f. Changes of architectural style that will make the project less compatible with neighboring uses.
- g. Changes in ownership patterns or stages of construction that will lead to a different development concept.
- h. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
- i. Decreases of any setback of more than ten (10) percent.
- j. Decreases of areas devoted to open space of more than ten (10) percent of such open space, or the substantial relocation of such areas.
- k. Changes of traffic circulation patterns that will negatively affect on-site and/or off-site traffic.
- l. Changes of existing and/or proposed pedestrian walkways that will negatively affect pedestrian traffic.



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**m. Modification or removal of conditions to the Preliminary Development Plan approval.**

**n. Changes to the water or sanitary sewer plans that impact these utilities outside the project boundaries.**

**10. Definition of Minor Changes.** For purposes of this section, “minor changes” to the approved Preliminary Development Plan shall include, but not be limited to the following:

- a. Increases in the density of residential uses up to and including ten (10) percent.**
- b. Increases in the total floor area of all non-residential buildings covered by the plan up to and including 25 percent.**
- c. Increases of lot coverage up to and including ten (10) percent.**
- d. Increases in the height of any building up to and including 25 percent.**
- e. Decreases of any peripheral setback up to and including ten (10) percent.**
- f. Decreases of areas devoted to open space up to and including ten (10) percent.**
- g. Reconfiguration of buildings provided that no required setbacks are violated.**
- h. Revised phasing plan that has no substantial impact upon traffic circulation or required street construction.**

## **B. Final Development Plans.**

**1. Applicability.** A Final Development Plan application shall be required in the following situations:

- a. The development of any property for which a Preliminary Development Plan has been approved and no substantial changes, as defined in this article, are proposed;**
- b. A building addition onto an existing building that did not require a Preliminary Development Plan, provided that a substantial change would not be created per this article;**
- c. An addition to an existing parking lot or change in configuration of an existing parking lot provided no modifications of this chapter are requested;**
- d. The construction of any new parking lot provided no modifications of this chapter are requested;**
- e. The development of any vacant property in districts other than A, E, R-1, R-1B, R-2, or R-2B provided no modifications of this chapter are requested.**



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**2. Final Development Plans shall contain the same basic items required for a Preliminary Development Plan as well as the following items:**

- a. Final analysis of the capacity of the existing sanitary sewer receiving system.
- b. Final water and sanitary sewer plans.
- c. Final storm water collection, detention and erosion control plans.
- d. Location, height, intensity and type of outside lighting fixtures for buildings and parking lots.
- e. Photometric diagram indicating the foot candle levels throughout the site and at the property lines.
- f. Location, size and type of material to be used in all screening of ground mounted mechanical equipment and trash enclosure(s).
- g. The manufacturer's specification sheets for proposed mechanical equipment to be utilized.
- h. Landscaping Plans.

**3. Process. The following steps are required for all Final Development Applications:**

a. **Pre-Application Meeting.** Prior to submitting a formal application, the prospective applicant shall contact the Community Development Department to schedule a Pre-Application Meeting. The Pre-Application Meeting shall include appropriate City staff. The purpose of the Pre-Application Meeting is to discuss the proposed application, appropriate requirements and procedures, the Comprehensive Plan, and provide the potential applicant with direction and make aware any potential concerns.

b. **Formal Submittal.** The applicant shall submit a formal application, appropriate fee, and all applicable required information as described above.

c. **Completeness Review.** Once the formal application and fee has been submitted staff will perform a high-level review of the submittal to confirm that it appears to be complete. No application shall be deemed complete until all items required to be submitted in support of the application have been submitted to the Department in the form and containing the information required by Code. Upon receipt of a complete application, the Department shall note the filing date on the application and shall make a permanent record thereof. If the applicant fails to submit any portion of the required information, the application will not be considered complete, the application shall not be processed. The filing and formal review will not begin until all required information has been submitted in the format required.



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d. **Formal Review.** City staff shall review all applications, plans, information and data submitted in support of an application by the applicant. City staff shall have two (2) weeks from the date the application is considered complete to review and provide any comments back to the applicant. If there are corrections, staff shall have up to two (2) weeks to review subsequent resubmittals. Once all items have been satisfactorily addressed the Final Development Plan shall be approved.

e. **Review Criteria.** Final Development Plans shall be reviewed against the appropriate Zoning Regulations for the district that the project is located in. Additionally, if there is an approved Preliminary Development Plan for the project the Final Development Plan shall be reviewed against that document and any related conditions of approval.

f. **Duration of Validity.** Final Development Plan approval shall not be valid for a period longer than 12 months from the date of such approval, unless within the period a building permit is obtained and substantial construction is commenced and all additional building permits necessary to complete the project as approved in the Final Development Plan schedule are obtained in a timely manner, as determined by the Building Official. The Board of Aldermen may grant one (1) extension of no more than 12 months upon written request of the original applicant. This request must be submitted to the Community Development Department prior to the expiration of the approved Final Development Plan. Upon granting an extension, the Board of Aldermen has the authority to attach new conditions to the Final Development Plan, as it deems appropriate.

g. **Abandonment of Final Development Plans.** A Final Development Plan or a section thereof shall terminate and be deemed null and void if:

i. The property owner shall fail to commence development by failing to receive a building permit or failing to undertake substantial construction on the property after receiving a building permit within 12 months after receiving Final Development Plan approval, or a longer period of time if an extension of the Final Development Plan has been granted by the Board of Aldermen; or

ii. The property owner abandons the final plan or a section thereof and notifies the Director in writing of the abandonment. When this occurs, no development shall take place on the property until a new Final Development Plan has been submitted and approved.

## **Section 410.240. Preliminary Development Plan.**

[Ord. No. 2766 §1(120.240), 4-1-2002]

**A. Pre-Submittal Conference.** Before submitting a preliminary plat, the owner or his/her agent and the owner's engineer or land planning consultant shall confer with the Community Development Director and other applicable City staff to determine what



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ordinances and regulations are applicable to the proposed development and suitability of the proposed development. The purpose of the inquiry is for the owner to become familiar with procedures and requirements of the City of Harrisonville including: procedure for filing plats, availability of City electricity, sewer and water, subdivision design requirements, requirements for improvements, land use, parks, schools and public open spaces, zoning requirements for the property in question and special setback requirements.

**B. Preliminary Development Plan.** Prior to the submission of a preliminary plat and together with the submission of any request for rezoning, the owner may be required to submit a preliminary development plan. The plan shall contain the information set out in Section 410.250 of these Subdivision Regulations. There shall be no fee for submitting a preliminary development plan.

**C. Review Of The Preliminary Development Plan.** The Community Development Director and applicable staff shall review the preliminary development plan and shall be available to meet with the subdivider to discuss any findings or recommendations. The purpose of the review shall be to inform the applicant of the requirements of development regulations as they apply to the property in question and to alert the applicant to potential problems with the location or design of the subdivision. A copy of the preliminary development plan shall be retained by the Community Development Director for his/her records.

## Section 410.250. Contents of Preliminary Development Plan.

[Ord. No. 2766 §1(120.250), 4-1-2002]

**A.** Prior to the filing of a preliminary plat, the subdivider should submit to the office of the Community Development Director plans and data showing the subdivider's ideas and intentions in the platting of the proposed subdivision. The subdivider should outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required below. The preliminary development plan should contain the following:

1. A general location map of the proposed subdivision and its relationship to existing community facilities. Such location maps shall show the location and name of subdivision, existing main traffic arteries, schools, parks and playgrounds.
2. The proposed layout of streets, right-of-way width, lots and other features in relation to existing utilities and other conditions. Proposed land use, parks, playgrounds and other public areas shall be shown on the preliminary development plan. This plan may be submitted in the form of a freehand sketch map drawn to scale.
3. The subdivider may be required to submit the following with the preliminary development plan:



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- a. A statement describing the existing and proposed community facilities and utilities on and adjacent to the property to be subdivided.**
- b. A statement of proposed protective covenants.**
- c. A statement of the approximate number of lots the proposed subdivision will contain, together with typical proposed lot widths and depths.**
- d. Aerial or ground photographs which show the character and topographic features of the land.**

## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Daniel Barnett,  
**DATE:** March 17, 2023  
**SUBJECT:** Ordinance Amending Municipal Code - Outline Corrections

**Type of Item:** *Approval*

**C. Action Item (ID # 4469)**

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 410.020, 410.050, 410.090, ARTICLE III TITLE, 410.180, 410.190, 410.220, 410.270, 410.560, 410.620, 410.670, 415.050, 415.140, 415.150, 415.170, 415.190, 415.260, 420.030, 420.130, 420.140, 420.160, 420.180, 420.190, AND 420.230 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

Ordinance-Municipal Code Outline Corrections (DOCX)

Council Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 410.020, 410.050, 410.090, ARTICLE III TITLE, 410.180, 410.190, 410.220, 410.270, 410.560, 410.620, 410.670, 415.050, 415.140, 415.150, 415.170, 415.190, 415.260, 420.030, 420.130, 420.140, 420.160, 420.180, 420.190, AND 420.230 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Harrisonville desires to amend various municipal code regulations under Title IV – Land Use; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on March 16, 2023, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 7-0 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 March 20, 2023, 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 410.020 is hereby amended to read as follows:

“Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of the City.
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- C. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques.
- E. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, recreation and other public facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the City will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land or establish mitigation measure to ensure that the development provides its fair share of infrastructure needs generated by the development.

J. To prevent the pollution of air, streams and ponds; assure the adequacy of drainage facilities; to safeguard the water table and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the City and the value of the land.

K. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.

L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the City.

M. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.

N. To remedy the problems associated with inappropriately subdivided land, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.”

**Section 2:** Section 410.050 is hereby amended to read as follows:

“The requirements of these subdivision regulations shall apply to any owner or owners desiring to:

A. Divide, further divide land; or

B. Otherwise alter the boundaries of lots or parcels of land; or

C. Dedicate land for use as streets, alleys, sidewalks or for other public or private purposes.”

**Section 3:** Section 410.090 is hereby amended to read as follows:

“A. In their interpretation and application, the provisions of these subdivision regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

*B. Conflict with public and private provisions.*

1. Public Provisions. These regulations are not intended to interfere with, abrogate or annul any other City ordinance, rule or regulation, Statute or other provision of law. Where any provision of these subdivision regulations imposes restrictions different from those imposed by any other provision of these subdivision regulations or any other City ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these subdivision regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these subdivision regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of these subdivision regulations or the determinations of the Planning and Zoning Commission or the Board of Aldermen in approving a subdivision or in enforcing these subdivision regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these subdivision regulations and determination made thereunder.”

**Section 4:** The title to Article III of Chapter 410—Subdivision Regulations, is hereby amended to read:

“Administration”.

**Section 5:** Section 410.180 is hereby amended to read as follows:

“The Community Development Director, under the direction of the City Administrator, shall administer the provisions of the Subdivision Regulations and in furtherance of such authority shall:

A. Maintain an up-to-date Subdivision Code, including amendments thereto and permanent and current records with respect to the land use regulations.

B. Receive, file and transmit development-related applications to the designated review groups as specified in these Subdivision Regulations.

C. Inform applicants of the procedural requirements for subdivision approval, discuss and review preliminary development plans in regard to the type and density of use as proposed in the City Comprehensive Plan.”

**Section 6:** Section 410.190 is hereby amended to read as follows:

“The Harrisonville Planning and Zoning Commission shall:

A. Review and recommend to approve, approve conditionally or disapprove preliminary plats.

B. Review and recommend to approve, approve conditionally or disapprove final plats.

C. Make such other determinations and decisions as may be required of the Planning and Zoning Commission from time to time by these Subdivision Regulations or the applicable Sections of the Missouri Statutes.”

**Section 7:** Section 410.220 is hereby removed in its entity.

**Section 8:** Section 410.270 is hereby amended to read as follows:

“The preliminary plat for a subdivision shall be a formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and shall meet the requirements outlined herein. The preliminary plat (or accompanying application material) shall contain the following information:

A. *Proposed name of the subdivision and street names.* Names shall not duplicate nor closely resemble names of existing subdivisions and streets.

B. Location of boundary lines in relation to section, quarter sections or quarter-quarter section lines and any adjacent corporate boundaries comprising a legal description of the property.

C. The names and addresses of the owner, subdivider and engineer or surveyor.

D. The scale of the plat shall be sufficient to show the detail as outlined in this Section.

E. The date, north point and legend.

F. A vicinity or general location map showing section lines, the subdivision, adjacent subdivisions, corporate limits, main traffic arteries and other prominent features.

G. The layout, number and approximate dimensions of lots, the number or letter of each block and the minimum lot size in square feet.

H. *Existing conditions.*

1. The location, width and name of each existing or platted street or other public way, utility rights-of-way, parks and other public open spaces, permanent buildings within or adjacent to the proposed subdivision and other important

features such as section lines and corners, survey monuments and political subdivision boundaries.

2. All existing sewers, water mains, gas mains, culverts or other utilities within the proposed subdivision or immediately adjacent thereto with pipe size, grade and locations shown.
3. The names of adjacent subdivisions and property owners within two hundred (200) feet of proposed subdivision.
4. Topography (unless specifically waived by the City Engineer) with contour intervals of not more than two (2) feet referenced to USGS datum; the location of watercourses, ravines, bridges, lakes, wooded areas, approximate acreage and such other existing features as may be pertinent to subdivision. In areas where grades are gentle, a lesser contour interval may be required.
5. If a community sewage treatment plant or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the general plan for such community type sewage treatment or disposal system shall be shown and so identified on the preliminary plat.
6. Areas subject to flooding by a storm having the probability of occurring once in fifty (50) years and areas in the official 100-year floodplain (as determined by the Federal Emergency Management Agency) shall be shown.
7. Zoning on and adjacent to the tract.
8. Location, elevation and description of the bench mark controlling the vertical survey which should, wherever possible, tie to USGS datum.

I. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat.

1. Streets, showing the location, width, names and approximate grades thereof; the preliminary plat shall show the relationship of all streets to any projected streets shown on any development plan adopted by the City. Where the plat submitted includes only a part of the tract owned by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider. No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are or would be logical extensions of existing streets, even though separated by undeveloped land. Street names shall be subject to the approval of the City.
2. Location and size of proposed parks, playgrounds, church or school sites, or other special uses of land to be considered for dedication to public use or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
3. Easements showing width and purpose.
4. Building setback lines with dimensions.

5. Sites, if any, to be allocated for development with other than the principal use.
6. Location and type of utilities to be installed.
7. Location and width of proposed sidewalks.

J. The following data and information shall be submitted with the preliminary plat. If practical, such data and information may be shown on the preliminary plat. Otherwise, separate statements and/or maps shall accompany the preliminary plat.

1. Proposed deed restrictions, if any, in outline form.
2. Stages of development sequence if the total area is not proposed to be developed as one (1) unit.
3. A statement of the improvements that will be installed by the developer and the time when such improvements will be completed. This statement shall be of sufficient detail to permit determination of whether such improvements will comply with these Subdivision Regulations and other applicable statutes, ordinances and regulations. If the nature of the improvements is such that preparation and submittal of all necessary details prior to the approval of the preliminary plat is not practical, then the City may waive the submission of such details.
4. Preliminary plans and profiles of streets, sanitary sewers, storm sewers and water lines may be required. The location of bridges and culverts may also be required.”

**Section 9:** Section 410.560 is hereby amended to read as follows:

“Engineering plans, drawings and other engineering information shall meet the requirements of the Kansas City APWA format and contain the following data and information.

A. All plans, profiles and details of proposed improvements shall be on standard plan and profile sheets or other appropriate sheets. Each sheet of the drawings shall be on twenty-four (24) inches by thirty-six (36) inches sheets with an appropriate border and a title block in the lower right-hand corner. The title block shall contain the name of the subdivision, a brief description of the information shown on the individual sheet, the name and address of the developer, the name, address and professional seal of the engineer, the date of the original drawing and the date of any revisions to the drawing. A vicinity map shall be shown on the cover sheet. Plans and profiles shall be drawn at a scale sufficient to show the detail required by the City Engineer. The scale and north point shall be clearly indicated on each sheet. If the drawings consist of three (3) or more sheets, there shall also be an appropriate cover or title sheet showing the entire subdivision at a suitable scale, the subdivision name, a brief description of the nature of the drawings, an index to the drawings and other applicable information.

B. Plans, profiles and details for roadway and sidewalk construction shall show profiles of the existing topography elevations, profiles of proposed sidewalk, curb and street centerline elevations, intersection control elevations, paving geometrics, typical cross

sections and other data required for staking and construction. Construction specifications and cost estimates shall be submitted with the plans.

C. Plans, profiles and details of storm sewer and storm drainage improvements shall show existing profiles, proposed flowline profiles, grades and elevations, manhole details, drainage structure details and inlet details, plus any other data necessary for staking and construction.

Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

D. Plans and details of the proposed water distribution system and water supply facilities shall show all information necessary for review and construction of the systems, including line sizes, fire hydrant locations and valve locations. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

E. Plans, profiles and details for sanitary sewer systems and sewage treatment facilities shall show line sizes, grades, flow line elevations and other information necessary for plan review and construction. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

F. Grading plans for all lots and tracts in the subdivision requiring fill of more than thirty (30) inches showing the existing ground contours, proposed finish ground contours and drainage shall be submitted. Construction specifications and cost estimates shall be submitted with the plans.

G. When unusual site conditions exist, the City Engineer may require additional plans, drawings and specifications as may be necessary for adequate review of the proposed improvements.

H. All plans shall be based on USGS datum. Bench mark descriptions and elevations shall be shown on the plan sheets.

I. All plans for underground wiring shall be prepared by the applicant and approved by the City.”

**Section 10:** Section 410.620 is hereby amended to read as follows:

“Any plat may be vacated using the following procedures:

A. The record owner or owners of all property in the addition shall submit a written instrument, to which a copy of such plat shall be attached, declaring all or part of the same to be vacated and the applicant for vacation shall set forth in additional form that all record owners of such interest in the property have joined in the application. When lots have been sold, the owners of all the lots in such plat must join in the execution of such written instrument.

B. Such an instrument shall be approved by the Planning and Zoning Commission and Board of Aldermen in like manner as plats of subdivisions. The Board of Aldermen may reject any such instrument which abridges or destroys any public rights in any of its public uses, easements, improvements, streets or alleys or reserve such public rights in the vacation.

C. Such an instrument shall be executed, acknowledged or approved and recorded or filed in like manner as plats of subdivisions; and, being duly recorded or filed, shall operate to destroy the force and effect of all recording of the plat so vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in such plat except those that are reserved in such vacation.”

**Section 11:** Section 410.670 is hereby amended to read as follows:

“In cases in which there is unwarranted hardship in carrying out the literal provisions of these Subdivision Regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning and Zoning Commission may recommend a waiver from such provision. The Planning and Zoning Commission shall give the applicant or any other interested person an opportunity to be heard with respect to the request for a waiver.

A. The Planning and Zoning Commission shall not recommend a waiver unless it shall find that the strict application of these Subdivision Regulations will create an unwarranted hardship and unless the proposed waiver is in harmony with the intended purpose of these Subdivision Regulations and that the public safety and welfare will be protected.

B. Waivers permitted under the provisions of this Section shall not include waivers from the requirements of making improvements required in these regulations, the standards or specifications thereof, nor from the provisions of the Subdivision Code of the City, except as to waivers for minimum lot width and/or area requirements. Consideration of an application for a waiver pursuant to this Section does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the City relating to variances and waivers.”

**Section 12:** Section 415.050 is hereby amended to read as follows:

“A. The following development activities are exempt from the provisions of the Storm Water Management Ordinance.

1. Land disturbing activities on agricultural land for production of plants and animals including, but not limited to: forages and sod crops, grains and feed crops; timber and timber products; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of these animals; bees; fur animals and aqua-culture.
2. Removing trees or clearing by an individual property owner.

B. The construction of an agricultural structures such as broiler houses, machine sheds, repair shops, feed lots and/or animal holding facilities, and other major buildings which require the issuance of a building permit, shall require the submittal and approval of a storm water management plan prior to the start of the land disturbing activity.”

**Section 13:** Section 415.140 is hereby amended to read as follows:

“Storm water management plans shall include, as a minimum, the following.

- A. A vicinity map indicating a north arrow, scale, boundary lines of the site, existing and proposed easements, utilities, regulatory floodplains, and other information necessary to locate the development site.
- B. The existing and proposed topography of the development site except for individual lot grading plans in single-family subdivisions. Include available geotechnical data such as soil boring's location and soil/rock depth and classifications.
- C. Physical alterations of the site, including existing development and proposed development.
- D. Location, dimensions, elevations and capacities of all existing and proposed storm water management facilities including plan, profiles and construction details.
- E. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated.
- F. The location of temporary and permanent vegetative and storm water management qualitative control measures.
- G. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
- H. A determination that no lowest floor elevation of any structure is below the 100-year plus one (1) foot flood elevation.
- I. Storm water management plans shall include designation of all easements needed for inspection and maintenance of the drainage system and storm water management facilities. As a minimum, easements shall have the following characteristics.
  - 1. Adequate access to all portions of the drainage system and structures.
  - 2. Sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of ten (10) feet along both sides of all drainage ways, streams, channels, etc., and around the perimeter of all detention basins, or sufficient land area for equipment access for maintenance of all storm water management facilities. This distance shall be measured from the top of the bank or toe of the dam, whichever is applicable.
  - 3. Restrictions on the easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.

J. To improve the aesthetic aspects of the drainage system, a landscape plan for all portions of the drainage system shall be part of the storm water management plan. This landscape plan shall address the following:

1. Tree saving and planting plan.
2. Types of vegetation that will be used for stream bank stabilization, erosion control, sediment control, aesthetics and water quality improvement along with a time frame for applying the vegetation.
3. Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system.

K. Open detention basins visible to the public shall be incorporated into the design as an attractive amenity or focal point in the site design.

L. To improve the water quality aspects of the drainage system, the storm water management plan shall include best management practices to control the water quality of the runoff during the land disturbing activities and during the life of the development. This requirement is in addition to the requirements of the MDNR NPDES.

M. The storm water management plan shall include all engineering calculations needed to design the system and associated facilities, including hydrologic analysis, pre- and post-development velocities, peak rates of discharge, inlet sites and capacities, and inflow and outflow hydrographs of storm water runoff at all existing and proposed points of discharge from the site.

N. Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity.

O. Construction and design details of the storm water management facilities.”

**Section 14:** Section 415.150 is hereby amended to read as follows:

“A. The minimum storm water control requirements shall provide measures necessary to accomplish the following:

Install storm water management facilities to limit the 10- and 100-year developed peak discharge rates to pre-developed peak discharge rates. The design of these facilities shall be based on procedures contained in the Storm Water Management Design Manual or as approved by the City Engineer.”

**Section 15:** Section 415.170 is hereby amended to read as follows:

“Following are the criteria related to using storm water management facilities for water quality purposes.

A. A storm water management plan will be required for the construction of all ponds, lakes or reservoirs.

B. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated

considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the City Engineer.

C. Storm water runoff and drainage to a single outlet from land disturbing activities which disturb ten (10) acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated sediment loading from the land-disturbing activity and meet a removal efficiency of eighty percent (80%) suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area draining to the basin.

D. Other practices may be acceptable to the City Engineer if they achieve an equivalent removal efficiency of eighty percent (80%) for suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The efficiency shall be calculated for disturbed conditions for the 10-year twenty-four (24) hour design storm event.”

**Section 16:** Section 415.190 is hereby amended to read as follows:

“When the City Engineer determines that additional storage capacity beyond that required by the applicant for on-site storm water management is necessary in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions, or to provide protection in a more desirable fashion for future development, the City Engineer may:

- A. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to, or drainage for, such a facility;
- B. Require that the applicant attempt to obtain from the owners of property over, through or under where the storm water management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the municipality may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, subject to Subparagraph (3) below, with any cost incurred thereby to be paid by the City); and/or
- C. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site storm water management as determined by the City Engineer.

To implement this provision, both the City and developer must be in agreement with the proposed facility that includes the additional storage capacity and jointly develop a cost-sharing plan that is agreeable to all parties.”

**Section 17:** Section 415.260 is hereby amended to read as follows:

“Any person requesting the City to provide design and/or construction related services to address storm water management facility improvements shall:

- A. Verify the problem is located within a regional storm water management facility and not the result of a single lot drainage problem.
- B. Request the City Engineer or a professional engineer to prepare an evaluation of the storm water management facility in accordance with this Chapter.
- C. The evaluation will then be categorized in accordance with the public works storm water rating system for inclusion to the capital improvements plan.”

**Section 18:** Section 420.030 is hereby amended to read as follows:

“It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 420.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
- B. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- C. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.”

**Section 19:** Section 420.130 is hereby amended to read as follows:

“Duties of the City Engineer shall include, but not be limited to:

- A. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
- B. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
- C. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- D. Issue floodplain development permits for all approved applications;
- E. Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- F. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;

- G. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- H. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed; and
- I. When floodproofing techniques are utilized for a particular non-residential structure, the City Engineer shall require certification from a registered professional engineer or architect.”

**Section 20:** Section 420.140 is hereby amended to read as follows:

“To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- A. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed structure or work;
- B. Identify and describe the work to be covered by the floodplain development permit;
- C. Indicate the use or occupancy for which the proposed work is intended;
- D. Indicate the assessed value of the structure and the fair market value of the improvement;
- E. Specify whether development is located in designated flood fringe or floodway;
- F. Identify the existing base flood elevation and the elevation of the proposed development;
- G. Give such other information as reasonably may be required by the City Engineer;
- H. Be accompanied by plans and specifications for proposed construction; and
- I. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.”

**Section 21:** Section 420.160 is hereby amended to read as follows:

“In all areas identified as numbered and unnumbered A Zones and AE Zones where base flood elevation data have been provided as set forth in Article IV, Section 420.150(B), the following provisions are required:

- A. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.
- B. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base

flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 420.130.I.

C. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
2. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.”

**Section 22:** Section 420.180 is hereby amended to read as follows:

“Located within areas of special flood hazard established in Article II, Section 420.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

A. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

B. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. If Subparagraph (2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

D. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in Article IV, Section 420.150(B).”

**Section 23:** Section 420.190 is hereby amended to read as follows:

“Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:

- A. Be on the site for fewer than one hundred eighty (180) consecutive days; or
- B. Be fully licensed and ready for highway use\*; or
- C. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

\* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.”

**Section 24:** Section 420.230 is hereby amended to read as follows:

“In passing upon such applications for variances, the Board of Building and Engineering Appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:

- A. The danger to life and property due to flood damage;
- B. The danger that materials may be swept onto other lands to the injury of others;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations, not subject to flood damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges.”

**Section 25:** That this Ordinance shall be in effect immediately upon its passage and approval.

Read for the first time by title only on the 20th day of March 2023. Read for the second time by title only on the 20th day of March 2023.

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Judy Bowman, Mayor

ATTEST:

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Daniel Barnett, City Clerk

**APPROVED** by the Mayor this 20th day of March 2023.

STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Daniel Barnett,  
**DATE:** March 17, 2023  
**SUBJECT:** Ordinance Amending Municipal Code - Subdivision Changes

**Type of Item:** *Approval*

**D. Action Item (ID # 4470)**

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 405.030, 405.585, 405.595, 410.060, 410.070, 410.080, 410.160, 410.260.B, 410.280.A, 410.290, 410.300, 410.490.J.7.d(1), 410.540.B, 410.460.B.8, 490.J.7.d, and 420.250.B.5 and 6 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

Ordinance-Municipal Code Subdivision Changes (DOCX)

Council Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 405.030, 405.585, 405.595, 410.060, 410.070, 410.080, 410.160, 410.260.B, 410.280.A, 410.290, 410.300, 410.490.J.7.d(1), 410.540.B, 410.460.B.8, 490.J.7.d, and 420.250.B.5 and 6 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Harrisonville desires to amend various municipal code regulations under Title IV – Land Use; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on March 16, 2023, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 7-0 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 March 20, 2023, 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:** The following definitions are hereby added to Section 405.030:

**“GENERAL DEVELOPMENT PLAN**

A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

**PRELIMINARY APPROVAL**

The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the City and the applicant.

**PRELIMINARY DEVELOPMENT PLAN**

An accurately scaled development site plan that illustrates the existing conditions on a parcel of land as well as depicting details of a proposed development, including topographic characteristics; the location and dimensions of buildings, yards, courts, landscaping, pedestrian and vehicular circulation and parking, fences and screening.”

**Section 2:** Section 405.585 and 405.595 are hereby removed in their entirety.

**Section 3:** Section 410.060 is hereby amended to read as follows:

“Notwithstanding the requirements of Sections 410.030 through 410.050, these subdivision regulations shall not apply in the following instances or transactions:

- A. The division or further division of land into lots or parcels, each of which contains more than forty (40) acres, where such subdivision does not involve the creation of any new streets, access easements or landlocked parcels.
- B. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and does not create an additional lot or non-conformity.
- C. A conveyance of land or interest therein for use as right-of-way or other public utilities subject to State or Federal regulation, where no new street or easement of access is created.
- D. A conveyance made to correct a description in a prior conveyance.
- E. Any transfer by operation of law.
- F. A division of property through inheritance, the probate of an estate, or by order of a court of law.
- G. The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements.”

**Section 4:** Section 410.070 is hereby amended to read as follows:

“Section 410.070. Adequate Public Facilities.

In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of land in the particular area of the City, it shall be the policy of the City that no application for preliminary or final plat shall be approved unless public facilities and services, which are adequate to serve the development, are either:

- A. Presently available, or
- B. Are to be provided as a condition of approval of the application, or
- C. Are planned to be available reasonably concurrent with the anticipated impacts of the proposed development as determined by the affected utility, agency or department.”

**Section 5:** Section 410.080 is hereby amended to read as follows:

“Section 410.080. Enforcement.

The Director shall be responsible for enforcing the following requirements regarding the subdivision and platting of property:

- A. No subdivision (except a minor subdivision as defined herein) may be developed in the City until both a preliminary and a final plat have been submitted and approved and all applicable conditions of this chapter have been satisfied.
- B. No person shall create a minor subdivision, plat amendment, resurvey or any other similar act within the City, except in conformance with the provisions of this chapter.
- C. No lot, tract or parcel of land shall be divided by a metes and bounds description for the purpose of sale, transfer, or lease except in conformity with these regulations.
- D. No subdivision shall contain a lot that is less than the minimum dimensional standards set out in the applicable zoning district regulations.
- E. No lot, tract or parcel of land as part of any plat or replat of any subdivision shall be sold or offered for sale, traded or otherwise conveyed unless the plat or replat first shall have been approved in accordance with the provisions of this chapter and recorded in the Office of the Cass County Recorder of Deeds.
- F. No building permit shall be issued for the construction of any building or structure located on a lot, tract or parcel or plat divided or sold in violation of the provisions of this chapter.
- G. No building permit shall be issued for a lot that is not platted as required by this chapter.
- H. No person shall change any recorded subdivision plat if the change affects any street layout shown on the plat, or area reserved for public use, or any lot line, or if it affects any map legally recorded prior to the effective date of this chapter, unless the parcel shall be approved by the City under the procedures established by this chapter.
- I. No changes, erasures, modifications or revisions shall be made to any plat after approval has been given by the Governing Body unless the plat is first resubmitted for review and approval as required by this chapter.”

**Section 6:** The following definitions are hereby added to Section 410.160:

#### “ADEQUATE PUBLIC FACILITIES

Sufficient quantities of water, adequate water pressure, adequate infrastructure to provide the service, including proper distribution pipe size, adequate reserve capacity present, traffic capacity to handle existing and proposed need and adequate police and fire protection, etc. as deemed adequate according to the City’s standards.

#### CAPITAL IMPROVEMENTS PROGRAM

A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local governments operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

#### CONSTRUCTION

Any manmade change to improved or unimproved real estate including, but not limited to, the erection or placement of buildings or other structures, streets or other paving, the installation of utilities and any grading, filing, dredging or excavation.

## DEPOSIT

A deposit of cash with the City in lieu of an amount required and still in force on a performance or maintenance bond or to ensure completion of work and installations on the plat. Such funds shall be deposited in a separate account.

## DRAINAGE FACILITY

A manmade structure or natural watercourse for the conveyance of storm water runoff. Examples are open channels, pipes, ditches, swales, catch basins, street gutters, slopes, berms, dry detention basins, wet (retention) detention basins and other features affecting the flow of water.

## EYEBROW

A fifty-foot (50') radius, thirty-nine feet (39') to back of curb, eyebrow or bubble may be provided at the intersection of two (2) streets. The centerline radius point may be offset a maximum of twenty-five feet (25') toward the inside of the intersection on the incoming street. The said radius point may be offset toward the outside of the intersection until the eyebrow becomes a cul-de-sac and the intersection becomes a "T".

## GRADE

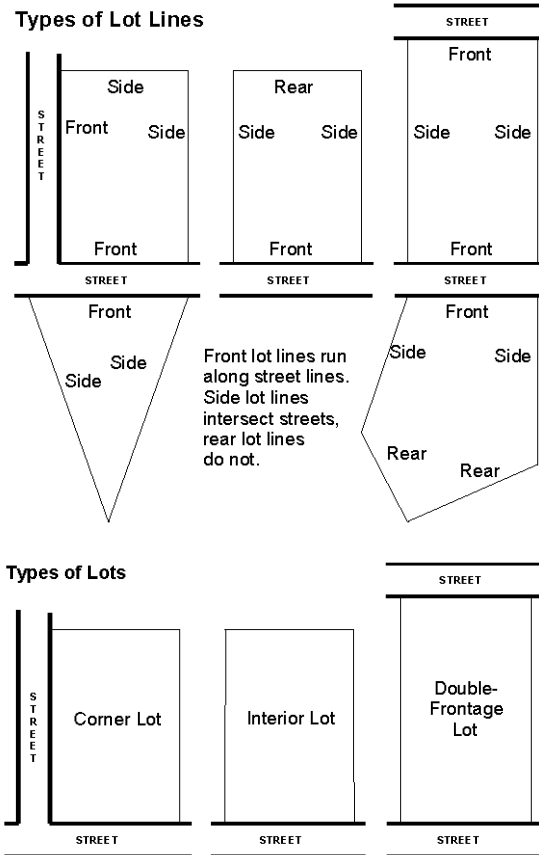
The slope of a street or other public way specified in percentage of vertical to horizontal measurements.

## LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The word "lot" shall include the word "plot", "tract", or "parcel". The derivations of lot shall maintain the following definitions:

- A. Lot Area. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.
- B. Lot, Corner. A lot situated at the intersection of two (2) streets.
- C. Lot Depth. The mean horizontal distance between the front and rear lot lines.
- D. Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. This definition shall include through lots.
- E. Lot, Flag. A lot situated at the end of a cul-de-sac or which, because of special circumstances, has less than the required frontage abutting a street and is accessible only by a drive but which otherwise conforms to the definition of a lot.
- F. Lot Frontage. That part of a lot or tract of land which borders along any given access to a public street or public right-of-way. Such public street or right-of-way shall not include any alley or access to the rear of such lot or tract.
- G. Lot, Interior. A lot other than a corner lot whose sides do not abut upon any street.
- H. Lot Lines. The boundary lines of a lot. The derivations or modifications lot lines shall maintain the following definitions:
  1. Lot Line, Front. The lot line abutting a street or private drive. In the case of a corner lot, the front lot line shall normally be the lot line with the shortest length. In the case of double frontage lot, the front lot line shall be the lot line adjacent to the street that provides primary access to the lot or towards which the main building on the lot is oriented.

2. Lot Line, Rear. Any lot line that is not a front lot line or a side lot line.
3. Lot Line, Side. Any lot line that intersects the front lot line. A side lot line shall include any liked line segments or arcs that have a bearing which is within 45 degrees of a line drawn perpendicular to the front lot line. Where the application of the rules are ambiguous or where the property owner requests an alternative designation, the Director may specifically designate the various lot lines for a particular lot.



- I. Lot, Reversed Corner  
A corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first (1<sup>st</sup>) lot to its rear.
- J. Lot, Through  
An interior lot having frontage on two (2) streets.
- K. Lot Width. The horizontal distance between the side lot lines, measured at the front building line.

## LOT OF RECORD

A lot with respect to which the plat or deed has been properly recorded prior to the effective date of this chapter.

## METES AND BOUNDS DESCRIPTION

A description of real property described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.

#### NONCONFORMING LOT

A lot existing on the effective date of this chapter that does not meet the minimum area requirements of the zoning district in which the lot is located.

#### PEDESTRIAN WAY

A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

#### PLAT, FINAL

A plat prepared, for official recording as required by these Regulations, by a registered land surveyor or registered professional engineer to describe the precise location and dimension of lots, established easements, dedicated street rights-of-way and otherwise describe property to be subdivided.

#### PLAT, MINOR

Any subdivision containing not more than three (3) lots fronting on an existing street; not involving any new street, the extension of municipal facilities, or the creation of any public improvements; not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision of these Regulations.

#### PLAT, PRELIMINARY

A formal plat map, drawn to scale, indicating the proposed layout of a development including prominent existing features of a tract and its surroundings and related information that is submitted for preliminary approval.

#### RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, or for another special use.

#### SETBACK LINE OR BUILDING LINE

A line parallel to the respective lot line and internal to the lot that defines the required building setback as specified in the zoning district regulations. The derivations of setback line shall maintain the following definitions:

- A. Setback Line, Front. The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps. This shall extend from side lot line to side lot line;
- B. Setback Line, Rear. A line parallel to all rear lot lines and shall extend from side lot line to side lot line. If there is no rear lot line, a semicircular rear setback line shall be drawn

with a radius equal to the rear setback requirement and a center at the intersection of the side lines; and

- C. Setback Lines, Side. Lines parallel to any side lot line and extended from the front setback line to the rear setback line or another side setback line.

## SIDEWALK

A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

## STREET

An improved right-of-way dedicated to the public use which provides vehicular and pedestrian access to adjacent properties. Terms related to street shall mean as follows:

- A. Alley. A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- B. Arterial. A street or road that is designated in the Comprehensive Plan for large volumes of traffic to move quickly and safely and which provides service and access to abutting properties only as a secondary function.
- C. Collector. A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.
- D. Local. Any public street or road designed primarily to provide access to more than one (1) property.

## STREET HIERARCHY

The conceptual arrangement of streets based upon their function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use and residential quality. At the most basic level the hierarchy moves down from arterial streets to collector streets and then down to local streets. The derivations of street hierarchy shall maintain the following definitions:

- A. Residential Access Street. The lowest order of residential street (see Street Hierarchy). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed two hundred fifty (250) ADT at any point of traffic concentration. The maximum number of household units should front on this class of street.
- B. Residential Collector. The highest order of residential street (see Street Hierarchy). Conducts and distributes traffic between lower order residential streets and higher order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed three thousand (3,000) ADT."

**Section 7:** The following definitions are hereby removed from Section 410.160, except as formatted in the Section above:

“ALLEY

A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

#### GENERAL DEVELOPMENT PLAN

A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

#### PRELIMINARY APPROVAL

The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the City and the applicant.

#### PRELIMINARY DEVELOPMENT PLAN

A rough plan of a proposed subdivision or other development.

#### RESIDENTIAL ACCESS STREET

The lowest order of residential street (see Street Hierarchy). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed two hundred fifty (250) ADT at any point of traffic concentration. The maximum number of household units should front on this class of street.

#### RESIDENTIAL COLLECTOR

The highest order of residential street (see Street Hierarchy). Conducts and distributes traffic between lower order residential streets and higher order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed three thousand (3,000) ADT.

#### SHADE TREE

A tree in a public place, street, special easement or right-of-way adjoining a street.

#### SITE PLAN

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

#### SMALL SUBDIVISION

A subdivision of land of not more than four (4) lots and five (5) acres, provided that such subdivision does not involve a planned development, any new street or the extension of a utility or other municipal facility.

#### STREET, ARTERIAL

A street or road that is designated in the Comprehensive Plan for large volumes of traffic to move quickly and safely and which provides service and access to abutting properties only as a secondary function.

## STREET, COLLECTOR

A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.

## STREET, LOCAL

Any public street or road designed primarily to provide access to more than one (1) property.

A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.”

**Section 8:** Section 410.260.B is hereby amended to read as follows:

“Filing Of Preliminary Plat. Four (4) copies of the preliminary plat, and additional information as required by Section 410.270, shall be filed with the office of the Community Development Director thirty (30) days prior to the date of the Commission meeting on which the plat is to be heard. The copies of the preliminary plat and all appropriate information shall then be transmitted to the Planning and Zoning Commission for a recommendation to the Board of Aldermen.”

**Section 9:** Section 410.280.A is hereby amended to read as follows:

“Filing Of The Final Plat. Four (4) copies of the final plat and three (3) copies of final improvement plans shall be filed with the office of the Community Development Director and City Engineer thirty (30) days prior to the date of the meeting on which the plat is to be heard. The copies of the final plat and all appropriate information shall then be transmitted to the Planning and Zoning Commission for a recommendation and then forwarded to the Board of Aldermen for approval.”

**Section 10:** Section 410.290 is hereby amended to read as follows:

“A. The final plat shall be a complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries, proposed streets and dedications.

B. The final plat shall be prepared by a registered land surveyor or engineer in the State of Missouri and bear his/her official seal.

C. After the final plat has been approved by the City and rights-of-way and easements have been accepted by the Board of Aldermen, a minimum of four (4) copies of the final plat shall be submitted to the City of Harrisonville.

D. The final plat prepared for recording purposes shall be drawn at a scale of no less than one (1) inch equals one hundred (100) feet. The size of the sheets on which final plats are submitted shall be at least sixteen and one-quarter (16¼) inches by nineteen (19) inches and shall not exceed twenty-four (24) inches by thirty-six (36) inches. Each sheet shall have a one and one-quarter (1¼) inch binding edge along the left side (narrow dimension) and a one-quarter (¼) inch border along all other sides. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an

index sheet of the same dimensions shall be filed showing the entire development at a smaller scale.

E. The final plat shall show and contain the following information:

1. The name of the subdivision (not to duplicate or closely approximate the name of any existing subdivision).
2. The location by section, township, range, County and State and including legal descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions, which must mathematically close. The allowable error of closure on any portion of a final plat shall be not more than one (1) in three thousand (3,000) for residential subdivisions and one (1) in ten thousand (10,000) for commercial subdivisions. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.
3. The location of the boundary shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.
4. The location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet with the length of radii and/or arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
5. Lots shall be clearly numbered. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
6. The exact locations, right-of-way widths and names of all streets to be dedicated and the right-of-way width and name of any existing streets.
7. The location and width of all easements to be dedicated. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certification of dedication.
8. Boundary lines and description of boundary lines of any areas, other than streets and alleys, which are to be dedicated or reserved for public use.
9. Building setback lines on front and side streets with dimensions.
10. The location and type of all monuments required to be installed by the provisions of these Subdivision Regulations. All monuments set shall be of the prescribed and approved type as set forth by the "Minimum Standards for Property Boundary Surveys", the Missouri Department of Natural Resources, Division of Geology and Land Survey and must be set by a licensed Missouri professional land surveyor.
11. The names of adjoining subdivisions.
12. The names and addresses of the developer, surveyor and/or professional engineer making the plat.
13. The regulatory flood elevation.

14. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.

15. The following certificates, which may be combined where appropriate:

a. A certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided and consenting to the preparation and recording of said subdivision map.

b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use, including easements and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.

c. 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 \_\_\_\_\_, to me, personally 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: \_\_\_\_\_

d. The certificate of the Planning and Zoning Commission in the following form:

This plat of \_\_\_\_\_ addition has been submitted to and approved by the Harrisonville Planning and Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Planning and Zoning Commission Chairman

e. 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

City Engineer

Community Development Director

f. A blank space for noting entry on the transfer record in the following form:  
Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

Deputy County Recorder of Deeds

F. Supplemental Information To Be Submitted With Final Plat. The following additional data shall be submitted with the final plat if requested by staff, the Planning and Zoning Commission or the Board of Aldermen:

1. A title report by an abstract or a title insurance company or an attorney's opinion of title showing the name of the owner of the land and all other persons who have an interest in or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
2. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld may be placed on the deposit with such officials or governing bodies to meet this requirement.
3. A copy of any deed restrictions applicable to the subdivision.”

**Section 11:** Section 410.300 is hereby amended to read as follows:

“Section 410.300. Minor Subdivisions (Minor Plats).

- A. Applicability. Minor plats may include:
  1. A division of land into no more than three (3) lots.
  2. An adjustment in boundaries between the owners of adjoining platted lots.
  3. An adjustment of building lines.
  4. A resurvey to combine two (2) or more lots or tracts into no more than three (3) new lots.
- B. General Requirements.
  1. Lot Size. Lots created or resulting from a minor plat shall meet or exceed the minimum lot size requirements of the individual zoning district in which located; and
  2. Public Improvements. No building permit shall be issued for a lot or tract resulting from a minor plat unless all required public improvements for the minor plat have been substantially completed; and
  3. Dedication Requirements. A minor plat may not include a new street to be dedicated to the City. A minor plat may include the dedication of additional right-of-way on an existing dedicated street, subject to the approval of the City Engineer. A minor plat may include the dedication of utility easements.”

**Section 12:** Section 410.490.J.7.d(1) is hereby amended to read as follows:

“A subdivision that is a portion of a larger area planned as a phased and related development and for which a master development plan (preliminary development plan) must be submitted with the preliminary plat of the area first to be subdivided, pursuant to Section 405.635, and”

**Section 13:** Section 410.540.B is hereby amended to read as follows:

“B. All new construction electrical service lines shall be placed underground. Existing overhead lines can remain overhead lines; however, if an upgrade is being pursued it shall be reviewed on a case-by-case basis.”

**Section 14:** Section 410.460.B.8 is hereby amended to read as follows:

“Installation of electric distribution facilities and components as outlined in Section 410.540.”

**Section 15:** Section 410.490.J.7.d is hereby amended to read as follows:

“Access to major street. The proposed subdivision or each section of the proposed subdivision with fifty (50) or more lots shall have direct access to a major street (i.e., collector or arterial) within or abutting the proposed subdivision; provided that, as provided in Section 410.490(E), access to individual lots shall not be allowed from an arterial or a limited-access collector in a residential development, if access from an interior street is available.”

**Section 16:** Section 420.250.B.5 and 6 is hereby amended to read as follows:

“5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 420.160.C of this Chapter.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 420.180.B of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.”

**Section 17:** That this Ordinance shall be in effect immediately upon its passage and approval.

Read for the first time by title only on the 20th day of March 2023. Read for the second time by title only on the 20th day of March 2023.

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Judy Bowman, Mayor

ATTEST:

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Daniel Barnett, City Clerk

**APPROVED** by the Mayor this 20th day of March 2023.

STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Daniel Barnett,  
**DATE:** March 17, 2023  
**SUBJECT:** Ordinance Amending Municipal Code - Applications and Procedures

**Type of Item:** *Approval*

**E. Action Item (ID # 4471)**

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING ARTICLE XXIII UNDER CHAPTER 405—ZONING REGULATIONS, SECTION 405.630, AND CREATING SECTION 635 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

Attachments:

Ordinance-Municipal Code Applications and Procedures (DOCX)

Council Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF  
HARRISONVILLE, MISSOURI AMENDING ARTICLE XXIII UNDER CHAPTER  
405—ZONING REGULATIONS, SECTION 405.630, AND CREATING SECTION 635  
OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, the City of Harrisonville desires to amend various municipal code regulations under Title IV – Land Use; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on March 16, 2023, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 7-0 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 March 20, 2023, 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:** Article XXIII is hereby amended to read as follows:

“ARTICLE XXIII. Land Use Applications and Procedures

Section 405.630. Generally.

- A. *Applicability.* The following application types are subject to the requirements of this Article: Rezoning, Preliminary Development Plan, Special Use Permit, and Code Amendments to Code under Title IV – Land Use.
  - 1. Amendments to the Land Use Code may only be initiated by the Planning & Zoning Commission, Board of Aldermen, or the Director.
  - 2. All other applications may only be filed by the property owner or the property owner’s agent, with exception to City-Initiated Rezoning.
- B. *Process.* The following steps are required for all development applications (Rezoning, Preliminary Development Plan, and Special Use Permit):
  - 1. *Pre-Application Meeting.* Prior to submitting a formal application, the prospective applicant shall contact the Community Development Department to schedule a Pre-Application Meeting. The Pre-Application Meeting shall include appropriate City staff. The purpose of the Pre-Application Meeting is to discuss the proposed application, appropriate requirements and procedures, the

Comprehensive Plan, and provide the potential applicant with direction and make aware any potential concerns.

2. Formal Submittal. The applicant shall submit a formal application, appropriate fee, and all applicable required information as described in the Contents Subsection.
3. Completeness Review. Once the formal application and fee has been submitted staff will perform a high-level review of the submittal to confirm that it appears to be complete. No application shall be deemed complete until all items required to be submitted in support of the application have been submitted to the Department in the form and containing the information required by Code. Upon receipt of a complete application, the Department shall note the filing date on the application and shall make a permanent record thereof. If the applicant fails to submit any portion of the required information, the application will not be considered complete, the application shall not be processed. The filing, formal review, notification and advertising processes will not begin until all required information has been submitted in the format required.
4. Formal Review. City staff shall review all applications, plans, information and data submitted in support of an application by the applicant. City staff shall have two (2) weeks from the date the application was considered complete to review and provide any comments back to the applicant. If there are no corrections the item may be scheduled and noticed for public hearings before the Planning & Zoning Commission and the Board of Aldermen. However, if there are correction items these items must be addressed to staff's satisfaction prior to be heard. Staff shall have up to two (2) weeks to review subsequent resubmittals.
5. Notices. Notification of public hearing items (Rezoning, Preliminary Development Plan, and Special Use Permit) shall be completed via three methods:
  - i. Newspaper Publication. Notice of such hearing shall be published in one (1) issue of the official newspaper of the City, such notice to be published not less than fifteen (15) days prior to the date of said hearing before the Planning and Zoning Commission and shall contain dates and times for both the Planning and Zoning Commission as well as the Board of Aldermen hearings.
  - ii. Mailed Notice. Mailed notice shall be sent via certified mail to the last known owner of record of all property within 185 feet from the boundaries of the property for which the application is being considered. The notice shall state the time and place of the hearings, and include a general description of the proposal, a location map of the property, the general street location of the property subject to the proposed change, and a statement explaining that the public will have an opportunity to be heard at the public hearing. Failure to receive mailed notice shall not invalidate any action taken on the application.
  - iii. Posting of Notice Sign(s). All public hearing items shall have a sign posted on their premises, by either the applicant or staff at least 15 days prior to the date of the hearing informing the general public of the time and place of the public hearings. The City shall furnish the sign to the applicant for posting. The applicant shall make a good faith effort to

place and maintain the sign on the property for at least 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within five (5) feet of the street right-of-way/property line, or as close thereto as possible, in a central location on the property that is the subject of the hearings. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearings and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

6. Public Hearings. Each development application (Rezoning, Preliminary Development Plan, and Special Use Permit) shall be first heard before the Planning & Zoning Commission before being heard by the Board of Aldermen.
  - i. Planning & Zoning Commission. The Planning & Zoning Commission shall review the application as presented in staff's report, based upon the criteria contained within the applicable zoning and subdivision regulations and the comprehensive plan. The recommendation of the Planning & Zoning Commission is advisory. The Planning & Zoning Commission shall act upon the item before them in one of the following ways:
    1. Recommend approval to the Board of Aldermen;
    2. Ask that the item be continued and additional information provided; or
    3. Recommend denial to the Board of Aldermen.
  - ii. Board of Aldermen. The recommendation of the Planning & Zoning Commission is forwarded to the Board of Aldermen. The Board shall hear the item and take such action as it deems appropriate, including: (1) approval, (2) approval with conditions, or (3) denial.
  - iii. Rules Pertaining to Continuances. Any applicant or authorized agent shall have the right to one continuance of a public hearing before the Planning & Zoning Commission, or Board of Aldermen, provided that a written request for continuance is filed with the Director prior to opening the public hearing. Additionally, the Planning & Zoning Commission or Board of Aldermen may grant a continuance. A majority vote of those members of the official body present at the meeting shall be required to grant a continuance. The record shall indicate the reason for the continuance and any stipulations or conditions placed upon the continuance. If a continuance provides the date on which the matter will be heard, re-publication of notice is not required. If a continuance does not specify a date on which the matter will be heard, public notice pursuant to this article shall be provided prior to the date on which the matter is heard.
  - iv. Protest Petitions. Rezoning, Special Use Permit and Preliminary Development Plan applications are subject to protest petitions in accordance with the following:

1. A protest petition may be filed with the City Clerk at any time prior to the commencement of the public hearing by the Board of Aldermen. To be considered a valid protest, a protest petition must be timely filed and duly signed and acknowledged by the owners of 30 percent or more either of the areas of the land (exclusive of streets and alleys) included in such application or within an area determined by lines drawn parallel to and 185 feet distance from the boundaries of the property included in the application.
  2. Once a valid protest petition has been filed with the City Clerk, it may only be withdrawn if those requesting the withdrawal reduce the land area requirement to less than 30 percent.
  3. Where a valid protest petition has been filed, an ordinance approving the application shall not become effective except by the favorable vote of two-thirds of all members of the Board of Aldermen.
- C. Plan Submittal Contents. All development plans (Rezoning, Preliminary Development Plan, and Special Use Permit) shall contain:
1. A development plan showing the property to be included in the proposed development, plus the area within one hundred eighty-five (185) feet thereof.
  2. The following items shall be included on the property to be developed:
    - a. Existing topography with contours at five (5) foot intervals provided that where natural slopes are sufficiently flat, the Director may require contours at lesser intervals.
    - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.
    - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
    - d. General extent and character of proposed landscaping.
  3. The following items shall be shown on the same drawing within the one hundred eighty-five (185) foot adjacent area:
    - a. Any public streets which are of record.
    - b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City except those serving single-family houses.
    - c. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single- and two-family residential buildings may be shown in approximate location and general size and shape.
    - d. The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm water sewer and inlets.
  4. Architectural drawings depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical may be submitted. In case several building types, such as apartments and

business buildings, are proposed on the plan, a separate typical shall be prepared for each type.

5. A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with ordinance requirements can be determined.

D. Review Criteria.

1. In considering any application for Rezoning or Special Use Permit, the Planning & Zoning Commission and Board of Aldermen may give consideration to the criteria stated below, to the extent they are pertinent to the particular application. The Planning & Zoning Commission and Board of Aldermen may also consider other factors that may be relevant to a particular application.

- a. The character of the neighborhood.
- b. The existing and any proposed zoning and uses of adjacent properties, and the extent to which the proposed use is compatible with the adjacent zoning and uses.
- c. The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- d. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
- e. The length of time, if any, the property has remained vacant as zoned.
- f. The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.
- g. The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use, or present parking problems in the vicinity of the property.
- h. The extent to which the proposed use will create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.
- i. The extent to which the proposed use will negatively affect the values of the property or neighboring properties.
- j. The extent to which there is a need for the use in the community.
- k. The economic impact of the proposed use on the community.
- l. The ability of the applicant to satisfy any requirements applicable to the specific uses imposed pursuant to this chapter.
- m. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.

- n. The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- o. The conformance of the proposed use to the Comprehensive Plan, the Capital Improvements Plan, and other adopted planning policies.
- p. The recommendation of professional staff.
- q. The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district in which the proposed rezoning or special use is located.

2. The Planning & Zoning Commission and Board of Aldermen shall use the applicable zoning district regulations as a guide for review of the Preliminary Development Plan. If the Planning & Zoning Commission and/or Board of Aldermen imposes conditions or restrictions on a Preliminary Development Plan, it may designate specific requirements that must be met before an applicant may submit a Final Development Plan application. The Board of Aldermen, in establishing conditions of approval, may require the applicant to execute a “development agreement” that is acceptable to both the applicant and the City. Such “development agreement” shall become part and parcel to the ordinance approving the Rezoning of the property for which the development plan represents. In considering any Preliminary Development Plan application, the Planning & Zoning Commission and Board of Aldermen may give consideration to the following criteria:

- a. Conformance with the Comprehensive Plan, the Capital Improvements Plan, and other adopted planning policies.
- b. Development will not impede the normal and orderly development and improvement of the surrounding property; and
- c. Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.”

**Section 2:** Section 405.635 is hereby established as follows:

“Section 405.635. Development Plans.

A. Preliminary Development Plans.

1. *Applicability.* A Preliminary Development Plan shall be required for the following situations:
  - a. Rezoning of a property to any planned district. A Preliminary Development Plan shall be submitted and review by staff, the Planning & Zoning Commission, and the Board of Aldermen simultaneously with the rezoning of the property;
  - b. The development of any vacant property in a planned district;

- c. The redevelopment of any property in a planned district;
  - d. A substantial change, as defined in this chapter, to an approved Preliminary Development Plan; and
  - e. A change in the primary use of property that negatively impacts traffic circulation or significantly intensifies traffic generation necessitating the formation and approval of a development agreement for identified traffic improvements.
2. A Preliminary Development Plan is not required for the following situations:
- a. The Rezoning to any of the standard districts (A through M-2);
  - b. A building addition onto an existing building that did not require a Preliminary Development Plan, provided that a substantial change would not be created per this article; and
  - c. A Rezoning to a planned district if the property to be rezoned is fully developed and no substantial changes to the existing building(s) or site improvements are planned.
3. *Pre-Application Meeting.* Before submitting a preliminary plat, the owner or his/her agent and the owner's engineer or land planning consultant shall confer with the Community Development Director and other applicable City staff to determine what ordinances and regulations are applicable to the proposed development and suitability of the proposed development. The purpose of the inquiry is for the owner to become familiar with procedures and requirements of the City of Harrisonville including: procedure for filing plats, availability of City electricity, sewer and water, subdivision design requirements, requirements for improvements, land use, parks, schools and public open spaces, zoning requirements for the property in question and any setback requirements.
4. *Preliminary Development Plan.* Prior to the submission of a preliminary plat and together with the submission of any request for rezoning, the owner shall be required to submit a preliminary development plan. The plan shall contain the information set out in Section 405.630.
5. *Review Of The Preliminary Development Plan.* The Community Development Director and applicable staff shall review the preliminary development plan and shall be available to meet with the applicant to discuss any recommendations. The purpose of the review shall be to inform the applicant of the requirements of development regulations as they apply to the property in question and to alert the applicant to potential problems with the location or design of the subdivision.
6. *Contents of Preliminary Development Plan.* Prior to the filing of a preliminary plat, the subdivider should submit to the office of the Community Development Director plans and data showing the subdivider's ideas and intentions in the platting of the proposed subdivision. The subdivider should outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required below. The preliminary development plan should contain the following:

- a. A general location map of the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of subdivision(s), existing main traffic arteries, schools, parks and playgrounds.
- b. The proposed layout of streets, right-of-way width, lots and other features in relation to existing utilities and other conditions. Proposed land use, parks, playgrounds and other public areas shall be shown on the preliminary development plan.
- c. The subdivider may be required to submit the following with the preliminary development plan:
  - i. A statement describing the existing and proposed community facilities and utilities on and adjacent to the property to be subdivided.
  - ii. A statement of proposed protective covenants.
  - iii. A statement of the approximate number of lots the proposed subdivision will contain, together with typical proposed lot widths and depths.
  - iv. Aerial or ground photographs which show the character and topographic features of the land.
- d. A legal description which accurately describes the limits of the property.
- e. Approximate total acreage and square feet of the site.
- f. The plan shall include the following information on the existing conditions for the proposed site and within 185 feet of the property:
  - i. Location and limits of the one percent annual change flood, as set forth on the current FEMA maps with reference to the panel number. Elevations shall be provided if shown on the FEMA map.
  - ii. Existing streams, bodies of water, and surface drainage channels.
  - iii. Location, massing and pattern of existing vegetation.
  - iv. Topography with contours at two-foot intervals. In areas where grades are gentle, the Director may require a lesser contour interval.
  - v. Location of all oil and gas wells, whether active, inactive, or capped.
  - vi. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former landfills, fill area or lagoons) must be identified by the applicant. The applicant, at the Director's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.

vii. The location and size of retention basins, detention basins and drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.

viii. Location, width and name of any existing or platted street, alley or any other dedicated rights-of-way.

ix. Location, width and dimensions of existing utility easements, with document reference if dedicated by separate document.

x. Existing and proposed buildings, which exist on plans on file with the City. Single- and two-family buildings may be shown in approximate location and general size and shape.

xi. Location and size of all existing utility lines and storm water management/detention facilities.

xii. Names of abutting subdivisions and owners of abutting parcels of unsubdivided land.

xiii. Surrounding land uses and zoning districts of adjacent properties.

g. The plan shall include the following information on the proposed development:

i. Layout, number and approximate dimensions of lots and approximate lot areas.

ii. Name, location, width, radii, centerline, and grade of proposed streets and alleys, both public and private.

iii. Location and width of proposed sidewalks and public walkways.

iv. Building setback lines from streets with dimensions.

v. Location and approximate dimensions of culverts and bridges.

vi. Location of driveways, curb cuts, median breaks and turn lanes.

vii. The general location and approximate size of all the proposed utility lines, including water, storm water, and sanitary sewers.

viii. A sanitary sewer impact statement that will address the proposed discharge into the existing sanitary sewer receiving system, if required by the City Engineer.

ix. Appropriate water service demand data (including, but not limited to, planned land usage, densities of proposed development, pipe sizes, contours and fire hydrant layout) to allow for the preliminary analysis of the demand for water service if required by the City Engineer.

x. Information (proposed size, nature and general location) on all proposed storm water management and detention facilities. A preliminary storm

water report shall be submitted unless the requirement is waived by the City Engineer. All preliminary storm water reports shall include:

- (1) Current and proposed land use assumptions;
  - (2) Identification of the watershed in which the project is located;
  - (3) Identification of offsite drainage areas;
  - (4) Surrounding property information;
  - (5) Any other pertinent information about the site which may influence storm water runoff;
  - (6) Proposed storm water facilities;
  - (7) The downstream effects of the development,
  - (8) Calculations for the 100 percent, ten (10) percent and one (1) percent storms. All calculations must be submitted with the report (a summary table is not acceptable);
  - (9) If the storm water report indicates that detention is not required, supporting calculations evaluating the downstream effects must be provided;
  - (10) All reports shall be signed and sealed by a professional engineer registered in the State of Missouri.
- xi. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.
  - xii. Location, dimensions and area in square feet of all proposed buildings and structures.
  - xiii. Location and dimensions of all parking spaces, accessible spaces, drive aisles, driveways, and curbs.
  - xiv. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.
  - xv. General extent and character of proposed landscaping to include general species and size information.
  - xvi. Proposed topography at two foot (2') intervals, including general drainage patterns.
  - xvii. Proposed exterior lighting, including parking lot lights and wall-mounted fixtures, including fixture type, location, height and intensity. Manufacturer's specification sheets shall be submitted.
  - xviii. Phasing of development.
  - xix. Sight triangles

h. Exterior building elevations. Depicting the general style, size, height, construction materials and color schedule of the building proposed.

i. Land use schedule. A land use schedule shall be provided which includes:

- i. Total floor area;
- ii. Number of dwelling units;
- iii. Land area;
- iv. Number of required and proposed parking spaces;
- v. Impervious coverage;
- vi. Floor Area Ratio (FAR);
- vii. Dwelling units per acre (with and without common area); and
- viii. The range of land uses to be permitted in each designated are of the development.

j. Statement of the need for any requested modification(s) from district regulations. A narrative statement that explains the need for any requested modification(s) of the applicable zoning district regulations shall be submitted in support of the application for the Preliminary Development Plan approval.

k. Common Property Maintenance Plan. A written plan in such form as may be prescribed by the Director that demonstrates that all common property, if any, will be owned and maintained. Such statement shall be submitted with the application for Preliminary Development Plan approval.

7. Consideration of Preliminary Development Plans. Preliminary Development Plans are reviewed and follow the process established above. Any Preliminary Development Plan submitted with a rezoning application shall become part of the ordinance that establishes the zoning.

8. Duration of Validity. Preliminary Development Plan approval by the Board of Aldermen shall not be valid for a period longer than 24 months from the date of such approval, unless within such period a Final Development Plan application is submitted. The Board of Aldermen may grant one extension not exceeding 12 months upon a written request.

9. Definition of Substantial Changes. For purposes of this section, “substantial changes” to the approved Preliminary Development Plan shall mean any of the following:

- a. A change in the phases as originally specified in the Preliminary Development Plan that would have a negative impact on the traffic circulation.
- b. Increases in the density or intensity of residential uses of more than ten (10) percent.
- c. Increases in the total floor area of all non-residential buildings covered by the plan of more than 25 percent.

- d. Increases of lot coverage of more than ten (10) percent.
- e. Increases in the height of any building of more than 25 percent.
- f. Changes of architectural style that will make the project less compatible with neighboring uses.
- g. Changes in ownership patterns or stages of construction that will lead to a different development concept.
- h. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
- i. Decreases of any setback of more than ten (10) percent.
- j. Decreases of areas devoted to open space of more than ten (10) percent of such open space, or the substantial relocation of such areas.
- k. Changes of traffic circulation patterns that will negatively affect on-site and/or off-site traffic.
- l. Changes of existing and/or proposed pedestrian walkways that will negatively affect pedestrian traffic.
- m. Modification or removal of conditions to the Preliminary Development Plan approval.
- n. Changes to the water or sanitary sewer plans that impact these utilities outside the project boundaries.

10. Definition of Minor Changes. For purposes of this section, “minor changes” to the approved Preliminary Development Plan shall include, but not be limited to the following:

- a. Increases in the density of residential uses up to and including ten (10) percent.
- b. Increases in the total floor area of all non-residential buildings covered by the plan up to and including 25 percent.
- c. Increases of lot coverage up to and including ten (10) percent.
- d. Increases in the height of any building up to and including 25 percent.
- e. Decreases of any peripheral setback up to and including ten (10) percent.
- f. Decreases of areas devoted to open space up to and including ten (10) percent.
- g. Reconfiguration of buildings provided that no required setbacks are violated.
- h. Revised phasing plan that has no substantial impact upon traffic circulation or required street construction.

#### B. Final Development Plans.

1. Applicability. A Final Development Plan application shall be required in the following situations:

- a. The development of any property for which a Preliminary Development Plan has been approved and no substantial changes, as defined in this article, are proposed;
- b. A building addition onto an existing building that did not require a Preliminary Development Plan, provided that a substantial change would not be created per this article;
- c. An addition to an existing parking lot or change in configuration of an existing parking lot provided no modifications of this chapter are requested;
- d. The construction of any new parking lot provided no modifications of this chapter are requested;
- e. The development of any vacant property in districts other than A, E, R-1, R-1B, R-2, or R-2B provided no modifications of this chapter are requested.

2. Final Development Plans shall contain the same basic items required for a Preliminary Development Plan as well as the following items:

- a. Final analysis of the capacity of the existing sanitary sewer receiving system.
- b. Final water and sanitary sewer plans.
- c. Final storm water collection, detention and erosion control plans.
- d. Location, height, intensity and type of outside lighting fixtures for buildings and parking lots.
- e. Photometric diagram indicating the foot candle levels throughout the site and at the property lines.
- f. Location, size and type of material to be used in all screening of ground mounted mechanical equipment and trash enclosure(s).
- g. The manufacturer's specification sheets for proposed mechanical equipment to be utilized.
- h. Landscaping Plans.

3. Process. The following steps are required for all Final Development Applications:

a. Pre-Application Meeting. Prior to submitting a formal application, the prospective applicant shall contact the Community Development Department to schedule a Pre-Application Meeting. The Pre-Application Meeting shall include appropriate City staff. The purpose of the Pre-Application Meeting is to discuss the proposed application, appropriate requirements and procedures, the Comprehensive Plan, and provide the potential applicant with direction and make aware any potential concerns.

b. Formal Submittal. The applicant shall submit a formal application, appropriate fee, and all applicable required information as described above.

c. **Completeness Review.** Once the formal application and fee has been submitted staff will perform a high-level review of the submittal to confirm that it appears to be complete. No application shall be deemed complete until all items required to be submitted in support of the application have been submitted to the Department in the form and containing the information required by Code. Upon receipt of a complete application, the Department shall note the filing date on the application and shall make a permanent record thereof. If the applicant fails to submit any portion of the required information, the application will not be considered complete, the application shall not be processed. The filing and formal review will not begin until all required information has been submitted in the format required.

d. **Formal Review.** City staff shall review all applications, plans, information and data submitted in support of an application by the applicant. City staff shall have two (2) weeks from the date the application is considered complete to review and provide any comments back to the applicant. If there are corrections, staff shall have up to two (2) weeks to review subsequent resubmittals. Once all items have been satisfactorily addressed the Final Development Plan shall be approved.

e. **Review Criteria.** Final Development Plans shall be reviewed against the appropriate Zoning Regulations for the district that the project is located in. Additionally, if there is an approved Preliminary Development Plan for the project the Final Development Plan shall be reviewed against that document and any related conditions of approval.

f. **Duration of Validity.** Final Development Plan approval shall not be valid for a period longer than 12 months from the date of such approval, unless within the period a building permit is obtained and substantial construction is commenced and all additional building permits necessary to complete the project as approved in the Final Development Plan schedule are obtained in a timely manner, as determined by the Building Official. The Board of Aldermen may grant one (1) extension of no more than 12 months upon written request of the original applicant. This request must be submitted to the Community Development Department prior to the expiration of the approved Final Development Plan. Upon granting an extension, the Board of Aldermen has the authority to attach new conditions to the Final Development Plan, as it deems appropriate.

g. **Abandonment of Final Development Plans.** A Final Development Plan or a section thereof shall terminate and be deemed null and void if:

i. The property owner shall fail to commence development by failing to receive a building permit or failing to undertake substantial construction on the property after receiving a building permit within 12 months after receiving Final Development Plan approval, or a longer period of time if an extension of the Final Development Plan has been granted by the Board of Aldermen; or

ii. The property owner abandons the final plan or a section thereof and notifies the Director in writing of the abandonment. When this occurs, no development shall take place on the property until a new Final Development Plan has been submitted and approved.”

**Section 3:** That this Ordinance shall be in effect immediately upon its passage and approval.

Read for the first time by title only on the 20th day of March 2023. Read for the second time by title only on the 20th day of March 2023.

\_\_\_\_\_  
Judy Bowman, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Barnett, City Clerk

**APPROVED** by the Mayor this 20th day of March 2023.

STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Daniel Barnett,  
**DATE:** March 16, 2023  
**SUBJECT:** Amending Business License Regulations

**Type of Item:** *Approval*

**F. Action Item (ID # 4466)**

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE,  
MISSOURI AMENDING BUSINESS LICENSE REGULATIONS AND PENALTIES

Attachments:

business license staff report (DOCX)

Ordinance on Business License Regulations 2023 (DOCX)



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

5.F.a

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

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**To:** Board of Aldermen  
**From:** Jeremy Smith  
**Date:** 3/20/23  
**Re:** Business license enforcement adjustments

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## GENERAL INFORMATION

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**Applicant:**

**Requested Actions:**

**Date of Application:**

## PROPOSAL

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## PREVIOUS ACTIONS

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## KEY ISSUES

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Businesses renewal delinquency.  
Closing one LLC and opening another to avoid business license requirements and tax issues.  
Enforcement of Business license issues

## STAFF COMMENTS AND SUGGESTIONS

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This year, the municipal court was engaged by tickets being generated from the Codes department for businesses that are out of compliance. We have seen good success in motivating businesses to compliance through the court process.

The state sends us revocation letters for businesses that are in tax trouble and by having their sales tax revoked, we are expected to revoke their business license.

Business licensing is an effort to protect the citizens and employees of businesses that may unfortunately not comply with all state and federal laws.

The process for revocation of a license is to come before the Board of Alderman. We are recommending that this is a process that can be handled by the Municipal court.

Attachment: business license staff report (Amending Business License Regulations)

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**STAFF RECOMMENDATION**

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Staff recommends approval.

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**ATTACHMENTS**

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**STAFF CONTACT:**

Council Bill No. \_\_\_\_

Ordinance No. \_\_\_\_

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF  
HARRISONVILLE, MISSOURI AMENDING BUSINESS LICENSE REGULATIONS  
AND PENALTIES**

**WHEREAS**, the City of Harrisonville desires to amend various sections of the Harrisonville Municipal Code (the “Code”) in regards to the effective management of business license management, administration, and fee collection; and

**WHEREAS**, the City desires for the Municipal Court to handle the suspension and revocation of business licenses in order for apolitical and impartial actions regarding the suspension or revocation of licenses to occur.

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

**Section 1:** Section 605.090 of the Code is hereby amended to read as follows:

“**A.** Non-Compliance Or Violation A Misdemeanor. In addition to any other penalties prescribed under this Chapter or any related Chapters, any failure to comply with or any violation of any provision of this Chapter shall be a misdemeanor and shall be punishable, upon conviction thereof, by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. Each day such failure or non-compliance shall continue shall constitute a separate offense.

**B.** Suspension Or Revocation. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension or revocation of such license. The suspension or revocation as provided under this Section shall be in addition to any other penalties prescribed under this Chapter.

1. Suspension.

a. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension by the Municipal Court.

b. Notice of the hearing for suspension of a license shall be given, in writing, by the City Prosecutor setting forth specifically the grounds of the complaint and the time and place of the hearing. Said notice shall be mailed to the licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be made by the Municipal Court with respect to said suspension. All decisions of the Municipal Court following the hearing shall be final.

c. The City can toll the suspension of a business license, upon the licensee or applicant's request and in the event the licensee or applicant makes a good faith showing that he/she is disputing the taxes at issue or is actively attempting to negotiate an agreement resolving the delinquent sales tax payments with the

Department of Revenue. The decision to toll the suspension or revocation of a business license is in the sole discretion of the Municipal Court.

d. No suspension shall last for longer than ninety (90) days.

## 2. Revocation.

a. After any sixty-day consecutive period that a licensee or applicant's business license has been suspended as a result of a violation of this Chapter, may be cause for revocation of such license by the Municipal Court.

b. Any failure to comply with or any violation of any provision of this Chapter may be cause for revocation of such license by the Board of Aldermen upon its own recommendation or the recommendation of the City Administrator for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license;

(2) Fraud, misrepresentation or false statement made in the course of carrying on his/her business within the City of Harrisonville;

(3) Any violation of this Chapter;

(4) Failure to pay sales tax or in any way allowing the sales tax for the business to become delinquent;

(5) Conviction of any crime or misdemeanor involving moral turpitude; or

(6) Conducting of business in an unlawful manner so as to constitute a breach of the peace or menace to health, safety or general welfare of the public.

c. Notice of the hearing for revocation of a license shall be given, in writing, by the City Prosecutor setting forth specifically the grounds of the complaint and the time and place of the hearing. Said notice shall be mailed to the licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be made by the Municipal Court with respect to said revocation. All decisions of the Municipal Court following the hearing shall be final.

C. Unlawful Continuation; Further Remedies Authorized. In the event any business, trade, occupation or service occupation which is required to obtain an annual license under this Chapter continues to operate after having received written notice of failure to obtain such license or in the event any business, trade, occupation or service occupation continues to operate following suspension or revocation of such license pursuant to Subsection 605.090(B) hereof, the City Administrator, the City Clerk, the Board of Aldermen, the Mayor, City Prosecutor or any other official authorized to enforce City license ordinances may seek injunctive relief from the Circuit Court or an order of the Municipal Court to restrain, correct, abate or prevent such continued operation. In the event of the issuance of an injunction or order by a court of competent jurisdiction,

costs of such enforcement proceedings may be taxed against the offending party. The remedies provided for by this Subsection (C) shall be in addition to all other costs and penalties prescribed under this Chapter.

**D.** Payment of Past-Due Fees; All individuals, firms, partnerships, corporations, or any other person shall be required to pay all past-due business fees owed to the City before obtaining a new business license. This Section 605.090 is to address the issue of owner(s) opening a new business within the City without first paying all past-due business license fees. If the City, in its reasonable discretion, believes an individual owes past-due business license fees to the City, the City reserves the right to deny any and all future business licenses until the past-due fees are paid in full.”

**Section 8:** That this Ordinance shall be in effect immediately upon its passage and approval.

Read for the first time by title only on the 20th day of March, 2023. Read for the second time by title only on the 20th day of March 2023.

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Judy Bowman, Mayor

ATTEST:

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Daniel Barnett, City Clerk

**APPROVED** by the Mayor this 20th day of March 2023.

STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Daniel Barnett,  
**DATE:** March 16, 2023  
**SUBJECT:** Amending Purchasing policy and Leadership Responsibility

**Type of Item:** *Approval*

**G. Action Item (ID # 4467)**

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING THE DUTIES OF THE MAYOR AND CITY ADMINISTRATOR AND THEIR ROLES WITHIN THE CITY'S PROCUREMENT POLICY

Attachments:

Purchasing policy staff report (DOCX)

Ordinance on Mayor - City Administrator Duties and Purchasing Policy Update (DOCX)



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

5.G.a

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

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**To:** Board of Aldermen

**From:** Jeremy Smith

**Date:** 3/20/23

**Re:** Purchasing policy

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## GENERAL INFORMATION

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**Applicant:**

**Requested Actions:**

**Date of Application:**

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## PROPOSAL

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## PREVIOUS ACTIONS

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## KEY ISSUES

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Purchasing policy represented a time when we had a purchasing department rather than distributed purchasing.

Approval requirements did not fit the way we need to do business today.

Language needed to be modernized for ease of understanding.

Formatting makes finding what is needed difficult.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff combined our existing policy along with two other municipals to create a more complete and modernized purchasing policy for our organization. Minor changes were made in areas of bid extensions, local buying, buying American. Stipulations for sole source and emergency purchase authority were amended with greater definition.

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## STAFF RECOMMENDATION

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Staff recommends approval

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Attachment: Purchasing policy staff report (Amending Purchasing policy and Leadership Responsibility)

STAFF CONTACT:

Council Bill No. \_\_\_\_

Ordinance No. \_\_\_\_

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF  
HARRISONVILLE, MISSOURI AMENDING THE DUTIES OF THE MAYOR AND  
CITY ADMINISTRATOR AND THEIR ROLES WITHIN THE CITY'S  
PROCUREMENT POLICY**

**WHEREAS**, the City of Harrisonville desires to amend various sections of the Harrisonville Municipal Code (the "Code") in regards to the powers and duties of the Mayor and City Administrator, given the City's use of the City Administrator / Board of Aldermen form of government; and

**WHEREAS**, the City of Harrisonville desires to update Code provisions regarding the purchasing policy better align with the Board of Aldermen's directions on purchases.

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

**Section 1:** Section 110.060 of the Code is hereby amended to read as follows:

**"Mayor and Board – Duties.** The Mayor and Board of Aldermen, through the City Administrator, shall have the care, management, and control of the City and its finances. The Mayor and Board of Aldermen shall have the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants therefor, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same."

**Section 2:** Section 110.070 of the Code is hereby amended to read as follows:

**"Mayor May Sit in Board.** The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she, through the City Administrator, shall exercise a general supervision over all the officers, employees, and agents of the City. The Mayor shall further exercise supervision over all affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with."

**Section 3:** Section 110.130 of the Code is hereby amended to read as follows:

**"Board May Compel Attendance of Witnesses – Mayor To Administer Oaths.** The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the

Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses, or allow the City Clerk to administer oaths.”

**Section 4:** Section 110.150 of the Code is hereby amended to read as follows:

**“Mayor Shall Have The Power To Enforce Laws.** The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall, through the City Administrator, cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.”

**Section 5:** Section 110.160 of the Code is hereby amended to read as follows:

**“Mayor – Communications To Board.** The Mayor may, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.”

**Section 6:** Section 115.090 of the Code is hereby amended to read as follows:

**“Qualifications.** The person appointed to the office of City Administrator shall be at least twenty-five (25) years of age and shall be a graduate of an accredited university or college majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.”

**Section 7:** Section 115.110 of the Code is hereby amended to read as follows:

**“Compensation.** The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen.”

**Section 8:** Section 135.010 of the Code is hereby amended to read as follows:

- A. “This purchasing policy provides guidelines to be followed in purchasing goods and services for the City of Harrisonville, Missouri. The City Administrator shall be responsible for enforcing this policy. These policies are intended to promote increased efficiency, standardization of purchasing procedures while obtaining supplies, equipment, and services as economically as possible. “This purchasing policy is established pursuant to the authority granted in Section 130.020, Purchasing, of the City of Harrisonville, Missouri (“City”) City Code.
- B. Each Department is responsible for the management of their budget and purchasing.
- C. All purchasing will demonstrate a reasonable and good faith effort to obtain goods and services at the lowest possible cost with the optimum quality needed. Competition among suppliers shall be encouraged.

- D. Accepting gratuities in exchange for preferential treatment is strictly prohibited. Any discounts, free merchandise or prizes given as the result of City purchases become the property of the City.
- E. The City considers its vendors to be valuable assets. Sales representatives and vendors shall be treated with respect and dignity. They will be helpful in obtaining product and pricing information.
- F. The City will attempt to save as much money as possible by combining orders for greater buying power and by standardizing and simplifying the products being purchased.
- G. Procurement and purchasing procedures and administrative practices developed shall be uniformly standardized but sufficiently flexible to care for isolated unique conditions. Items commonly used in the various departments therefore shall be standardized whenever consistent in the interest of efficiency and economy. The necessity for pre-planning supply and equipment needs by using departments cannot be overemphasized.
- H. No member of the Board of Aldermen of the City of Harrisonville shall:
  - 1. Perform any service for the City or an agency of the City for any consideration other than the compensation provided for the performance of his/her official duties, except as provided in the following paragraphs.
  - 2. Sell, rent or lease any property to the City or any agency of the City for consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum, unless the transaction is made pursuant to an award on a contract let or sales made after public notice and, in the case of property other than real property, competitive bid, provided that the bid or offer accepted is the lowest received.
  - 3. No sole proprietorship, partnership, joint venture, or corporation in which any member of the Board of Aldermen is the sole proprietor, a partner having more than a ten percent (10%), partnership interest, or a coparticipant or owner in excess of ten percent (10%) of the outstanding shares of any class of stock shall:
    - a. Perform any service for the City of Harrisonville or any agency of the City of Harrisonville for any consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum, unless the transaction is made pursuant to an award of contract let after public notice and competitive bidding, provided that the bid or offer accepted is lowest received.
    - b. Sell, rent or lease any property to the City of Harrisonville or any agency of the City where the consideration is in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and, in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest bid.

- c. The Board of Aldermen sets goals, priorities and standards for the City programs and services through adoption of the annual budget. The budget establishes expenditure levels for each department. No further Board of Aldermen action is required to initiate purchases with the budget limits.
  - d. Department heads are granted full responsibility and broad discretion by the City of Administrator to make purchases within the scope of their departmental appropriations. Budget appropriations do not mandate expenditures. Purchases are to be mandated by need, not an unspent budget appropriation. The City Administrator may establish spending levels below those budgeted if revenue collections are inadequate to fulfill budgetary needs. Expenditures more than the appropriated personnel services element require written approval from the City Administrator.
- I. Notwithstanding any requirements or provisions arising from Federal or State law, the Board of Aldermen may, by motion and affirmative vote of a majority of its members, suspend and waive any and all provisions and requirements imposed by Sections 135.020 through 135.030. Such motion shall clearly state the provisions and requirements to be suspended and waived, and either the duration of the suspension and waiver or the particular purchases for which the suspension and waiver applies.
  - J. The City shall endeavor to require all vendors to provide certificates of insurance and/or bonds such that the City is satisfied that it shall not be exposed to unwarranted or unnecessary liability arising from its purchases and contracts. It is the department heads to verify all applicable licenses, insurances and bonds are valid prior to agreement of services and goods.”

**Section 9:** Section 135.020 of the Code is hereby amended to read as follows:

- A. **“Specifications:** It is the responsibility of the departments to write specifications and establish the quality of the product or service required. Specifications should be written to foster competition.
- B. **Preference Policy:** All things being equal the City prefers to deal with local distributors or local sources. If an item is needed, local vendors need to be contacted to see if the items can be obtained from them as economically as out-of-town sources. The City shall have an agreement with the State of Missouri Cooperative Procurement Program for purchases of goods. Vendors shall be treated fair and businesslike manner with preference given to area vendors when all factors are reasonably comparable.
- C. **Domestic Product Policy:** The City of Harrisonville shall not enter any contract for the purchase or lease of manufactured commodities unless the contract contains a provision that any manufactured goods or commodities used or supplied in the performance of that contract or any subcontracts thereto shall be manufactured, assembled, or produced in the United States, except

1. Where the specified products are not manufactured, assembled, or produced in the United States in sufficient quantities to meet the requirement of the contract; or
2. The specific product cannot be manufactured, assembled, or produced in the United States within the necessary time in sufficient quantities to meet the contract requirements; or
3. Where the costs of buying United States manufactured products would be more than five percent (5%) over foreign made goods; or
4. Where the contract is for less than one thousand dollars (\$1,000.00)

**Purchases Supported by Grant Funds:** Departments shall review all requirements for grant funding to ensure the procurement process required as a condition to receiving said grant funds are complied with during the procurement of the item. Departments may have the CIP Analyst assist in the inclusion of all required procedures that are in addition to the requirements of this policy.

- To the extent that a grant contains a requirement related to mandatory procurement policies that are not contained in this Procurement Policy, the City Administrator shall have the authority to waive provisions of this policy in the form of a written memorandum for the limited purpose of ensuring compliance with the grant.

- D. **Product Testing/Demonstrations:** Product testing and demonstrations may be held as deemed appropriate by the Department and does not require prior approval. In no case shall the retention of a test item by the City be evidence of intent to purchase said item.

The Using Agencies under the authority of the City Administrator shall be responsible for ensuring that all Supplies and Contractual Services conform to the specifications set forth in the order or contract.

The City Administrator shall have the authority to require chemical tests of samples submitted with bids and samples of deliveries which are necessary to determine their conformance with the specifications. In the performance of such tests, the City Administrator shall have authority to make use of laboratory facilities of any agency of the City or any outside laboratory.

- E. **Computer Related Items:** Purchases of computer-related equipment/software must be made via the IT Department unless the Director of Administrative Services delegates certain purchases to certain departments. All purchases shall follow this procurement policy. Prior approval of the Director of Administrative Services or designee is required to purchase, transfer, or dispose of any computer software or related hardware.
- F. **Capital Asset Items:** Departments shall follow the City's Capital Asset Policy when accepting and receiving any item that meets the definition of a capital asset. An item is a capital asset if all the following criteria are met:

1. It is tangible in nature; and
  2. Has a useful life of two or more years; and
  3. Has a value exceeding \$5,000.00.
- G. **Sensitive Asset Items:** A sensitive asset is an asset with a value of \$5,000.00 or less which could easily be adopted for personal use or converted into cash, including property for which theft, loss, or misplacement could be dangerous to the public safety or community security. Sensitive asset property must be subject to physical security, protection, control, and accountability by the department assigned with responsibility of the asset. Examples of sensitive asset items include but not limited to, firearms and weapons; computers; cell phones; and audio-visual equipment.
- H. **Construction Projects:** Construction Projects should be procured through and coordinated with the Public Works Department. Projects of this type and size require specific construction documents, professional services, and management. Section 4 Approval Levels apply to Construction Projects.
- I. **Licenses:** It is the responsibility of the department doing the purchasing or construction of a project to confirm that a business has a valid City business license on file.
- J. **Insurance Requirements:** If applicable, vendors shall provide a certificate of insurance and endorsements in accordance with all contractual requirements.
- K. **Vendor Requirements:** To be placed in the City's ERP system as a vendor, vendors are required to provide a Federal W-9 which needs to be turned in to the Accounts Payable Office, prior to any purchase of goods or service.
- L. **Work Authorization and E-Verify:** For any contract for services greater than \$5,000, the successful bidder shall comply with Section 285.530, RSMo. as amended, and (1) provide by affidavit affirmation that it does not knowingly employ any person who is an unauthorized alien and (2) provide documentation affirming its enrollment and participation in a federal work authorization program with respect to the employees working in connection with this contract. The required documentation affirming enrollment must be from the federal work authorization program provider. Letter from respondent reciting compliance is not sufficient. When applicable, solicitations shall require the signed and notarized Work Authorization Affidavit and the electronic signature page from the E-Verify program prior to the issuance of a contract.
- M. **Prevailing Wage:** Contracts for construction or major repair projects that have an estimated or actual expenditure of \$75,000 or more shall comply with Section 290.210, RSMo. et seq, as amended. Missouri's prevailing wage law establishes a minimum wage for certain projects. For assistance determining if a project is prevailing wage, contact the Law Department.
- N. **Contract Total Cost:** When determining the total cost for a Contract, Departments shall include the annual cost of goods, services, maintenance, shipping, handling, travel expenses,

labor, installation, and any other ancillary costs (“Contract Total Cost”). The amount of the Contract Total Cost determines which approval level in Section 4 applies. The annual Lease amount for equipment or real property and associated ancillary costs shall be used as the total cost when applying approval levels in Section 4.

- O. **Funding:** Prior to initiating any procurement, staff shall ensure that sufficient budgeted funds are available for the acquisition of the goods and/or services.
  - 1. **Purchase Orders:** Absent extenuating circumstances, staff should create a Requisition for Purchase Order approval, prior to making a purchase of \$500 or more from an awarded Quote, Bid, RFP, RFQ, or other solicitation process to assure City and Vendor compliance to the contract or the City’s standard terms and conditions are incorporated. Examples of crucial times to process a Requisition are projects that have Prevailing Wage, cover multiple years, goods that may have a lead time, or when it is critical the City’s terms and conditions are included. Provide all necessary forms for purchasing and inventory.

**Section 10:** Section 135.030 of the Code is hereby amended to read as follows:

**“As used in this purchasing policy, the following terms shall have the meanings ascribed to them:**

**Bid Bond:** An insurance agreement, accompanied by a monetary commitment, by which a third party (the surety) accepts liability and guarantees that the bidder will not withdraw the bid. The bidder will furnish bonds in the required amount and if the contract is awarded to the bonded bidder, the bidder will accept the contract as bid, or else the surety will pay a specific amount.

**Board or Board of Aldermen:** The Board of Aldermen of the City, as set forth in the City Code.

**Change Order Authorization:** A form used on construction contracts when an amendment to the original contract is requested by the contractor and the work must proceed prior to processing a change order in order to prevent project delays.

**Change Order:** A written alteration that is issued to modify or amend a construction contract or construction project purchase order. A bilateral (agreed to by all parties) or unilateral (government orders a contract change without the consent of the contractor) request which directs the contractor to make changes to the contracted scope of work or specifications. In reference to construction contracts, it relates primarily to changes caused by unanticipated conditions encountered during construction not covered by the drawings, plans or specifications of the project.

**City:** The City of Harrisonville, Missouri.

**City Code:** The Code of Ordinances of the City.

**Contractual Services:** Personal services, all telephone, gas, water, electric light and power services, towel and cleaning services, leases for all grounds, buildings, offices, or other space required by the using agency and the rental, repair or maintenance of equipment, machinery and

other City-owned personal property. The term shall not include insurance, professional and other contractual services which are in their nature often unique and not subject to normal competitive bidding.

**Construction:** The process of utilizing labor to build, alter, improve, or demolish any structure, building or public improvement; generally, does not apply to routine maintenance, repair, or operation (MRO) of existing real property.

**Cooperating Agency:** Any department, agency, commission, bureau, or other unit in the City Government not under the direction and control of the Board of Aldermen or part of any other governmental unit whether school district, special authority, other municipality, County or otherwise which cooperates with the City in purchasing any items covered by this policy.

**Purchasing Emergency:** An unexpected and urgent situation where an immediate threat to public health and safety exists; where conservation of public resources is at risk; where an immediate response is necessary to prevent further damage to public property, machinery, or equipment; where delay would result in significant financial impact to the City as determined by the City Administrator; or an emergency as declared by the Board.

**Formal Bid:** A bid that must be submitted in a sealed envelope and in conformance with a prescribed format to be opened in public at a specified date and time. As it pertains to the City, formal bids must be solicited for all goods or services \$15,000 or more.

**Informal Bid/Proposal:** A competitive bid, price quotation or proposal for goods or services that is conveyed by a letter, e-mail or other written manner that does not require a formal sealed bid or proposal, public opening, or other formalities. Generally relegated to requirements that may be considered low value or fall under a stipulated price/cost threshold.

**Purchasing Policy or Policy:** All Articles, Sections, paragraphs, and language included herein and adopted by the Board of Aldermen by ordinance to be included in City Code Section 130.020 and Chapter 135, as amended from time to time.

**Supplies:** All supplies, materials, equipment, commodities, and capital outlays.

**Using Agency:** Any department, agency, commission, bureau, or other unit in the City Government using supplies or procuring contractual services as provided for in this policy and which shall be under the direction and control of the Board of Aldermen.”

**Section 11:** Section 135.200 of the Code is hereby amended to read as follows:

“Purchases – Level 1 – One Dollar to Four Hundred Ninety-Nine Dollars: Items in this range may be purchased by City departments, and the department head without prior approval from the Finance Department & City Administrator. Department heads must approve purchase, and funds must be available in the budget. All City employees shall perform reasonable due diligence to ensure that all products and services required by the City are purchased at reasonable costs, but purchases made pursuant to this Section shall not require a specified number of bids or quotes.”

**Section 12:** Section 135.210 of the Code is hereby amended to read as follows:

“Purchases – Level 2 – Five Hundred Dollars to Five Thousand Dollars: The department head, Director of Administrative Services and City Administrator must approve the purchase prior to order, and funds must be available in the budget. Competitive quotations, unless the City Administrator determines that they should not be required, shall be solicited in writing or by telephone from at least three (3) vendors. Failure of a vendor to respond to a solicitation shall not invalidate a legitimate solicitation by the City in calculating solicitations made. If the City Administrator determines that competitive quotations should not be required, the City Administrator shall document the reason giving rise to that determination. Acceptable reasons for not soliciting competitive bids include, but are not limited to, replacement of like for like products or services when the approximate cost is within the reasonable range of industry standard, availability of products or services through a qualified current or previous vendor, and the cost-benefit analysis of expediency in procurement relative to the cost of the products or services to be procured. Quote information received and solicitation attempts made will be tabulated and made part of the invoice records, as well as record of prior required City approvals.”

**Section 13:** Section 135.220 of the Code is hereby amended to read as follows:

“Purchases – Level 3 – Five Thousand One to Fifteen Thousand Dollars: The department head, Director of Administrative Services, and City Administrator must approve the purchase prior to order, and funds must be available in the budget. Competitive quotations are required and shall be obtained in writing or by telephone from at least three (3) vendors. If the City has not received three (3) competitive quotations for a given product or service after good faith solicitations for competitive quotations are made to as least ten (10) prospective vendors or good faith advertisement of a request for proposals, the City may proceed with the purchase despite receiving fewer than three (3) quotations. Quote information received and solicitation attempts made will be tabulated and made part of the invoice records, as well as record of prior required City approvals.”

**Section 14:** Section 135.230 of the Code is hereby amended to read as follows:

“Purchases – Level 4 – Fifteen Thousand One Dollars or More:

A. The award of contracts and purchases over fifteen thousand one dollars (\$15,001.00) must be approved by the Board of Aldermen unless such contract or purchase is already approved in the adopted budget for the current fiscal year. The City Administrator shall notify the Board of Aldermen of all contracts or purchases that meet these criteria monthly. In all cases, funds must be available in the budget, or necessary budget amendments must be presented in conjunction with approval of purchase.

B. The following procedures apply to Level 4 purchases:

1. Written notification to current supplier/vendor if services are being solicited.
2. Advertisement shall be placed:
  - a. In the City’s Newspaper of Record.

b. On Cooperative Purchase websites if applicable.

c. On the City website.

3. Bid solicitations shall state whether the request is for sealed bids or competitive proposals.

4. A specific due date and time shall be provided. Any bids/proposals received after such date and time will not be accepted.

5. All bids must be received sealed and upon receipt shall be date and time stamped and initialed by City staff.

6. All bids will be publicly opened with at least two (2) City staff members present.

7. After the opening, the City Clerk shall tabulate and certify all bids received. Any bid from the lowest and best responsible bidder that is for an amount equal to or under what the City's current budget allows for the item put out to bid can be approved solely by the City Administrator.

8. When deemed necessary by the City Administrator or when requested by a using agency or when directed by the City Attorney, bid deposits shall be prescribed in inviting bids. An unsuccessful bidder shall be entitled to return of any surety required. A successful bidder shall forfeit any surety required upon failure on the bidder's part to enter a contract within ten (10) days after the award, and the invitation to bid shall so state.

C. As a requirement to be considered for selection, all Level 4 bids shall include the following:

1. As applicable by State or Federal regulations, the current prevailing wage determination shall be included in the bid documents, whether prepared by City staff or a consultant and notation made of the wage determination's applicability to the project.

2. A bid bond for five percent (5%) of the base bid must be included with the bid.

3. A one hundred percent (100%) payment and performance bond shall be provided with the signed contract.

4. Proof of general liability insurance in the amount of two million dollars (\$2,000,000.00) and workers' compensation as required shall be provided. The City of Harrisonville shall be named as an "other insured" on the binder."

**Section 15:** Section 135.300 of the Code is hereby amended to read as follows:

"Local Buying.

A. Goods and services purchased by the City shall be purchased from merchants and businessmen located in the City of Harrisonville or Cass County, unless:

1. Such goods of like quality and services are not available in the City or County, or

2. The cost of such goods and services plus shipping and handling may be purchased outside the City or County if the savings are greater than five percent (5%).
3. An emergency exists and such goods or services are not immediately available in the City.
4. State/Federal requirements are such to require lowest bid.”

**Section 16:** Section 135.310 of the Code is hereby amended to read as follows:

“Sole Source Purchases.

- A. The Board acknowledges there are occasions when products/services must be purchased from one (1) specific source or manufacturer. If a request is made to purchase a product produced by only one (1) supplier, yet several sources can provide a similar product, the request will be subject to the normal bid process. Should a request that products/services be purchased on a sole source basis, it must meet one (1) of the criteria shown below. A written explanation must be provided, commonly referred to as a "sole source justification", to support the request. The four (4) most accepted sole source justifications are outlined below. Such justifications have been accepted with proper supporting documentation.
  1. The requested product is an integral part or accessory to existing equipment.
  2. The service requested is for existing equipment which can only be completed by the original manufacturer or manufacturer's designated service provider.
  3. The requested product or service has unique design, performance and/or quality specifications that are essential to a particular function and are not available in comparable products.
  4. The requested service or system requires a supplier with unique skills or experience.
- B. In rare cases, only one (1) supplier may exist to provide a particular product or service. When providing a justification based on the availability of one (1) supplier, the product or service must be defined in generic terms. Specifying patented products or processes, when not necessary to meet functional requirements, is not acceptable as a sole source justification. Justifications can be accepted more readily by providing information regarding attempts to locate other suppliers, such as letters, informal quotations, or telephone contacts.”

**Section 17:** Section 135.320 of the Code is hereby amended to read as follows:

“Collaborative Procurement.

The City shall give preference to opportunities for procurement where the City can utilize:

- A. Metropolitan and/or State contracts where such goods and services are available to the City.
- B. The contract of another municipality.”

**Section 18:** Section 135.330 of the Code is hereby amended to read as follows:

“Indefinite Quantity Procurement.

In any case where the City has awarded a contract, pursuant to receipt of competitive bids, for the procurement of any supply, service, or construction on a unit-price basis, the City Administrator may negotiate with the successful bidder for the purchase of additional quantities of the supply, units of service, or construction. In no instance shall the unit price of the additional quantities of supply, units of service, or construction procured in accordance with this Section 135.330 exceed the effective unit price of the original contract by more than fifteen percent (15%). The agreement for additional quantities of the supply, units of service, or construction shall be incorporated into the original contract by addendum. Any addendum entered into pursuant to this Section 135.330 for the purchase of additional quantities of supply, units of service, or construction valued at greater than fifteen thousand one dollars (\$15,001.00) shall be approved by the Board of Aldermen, unless such purchase is already approved in the adopted budget for the current fiscal year, in which the City Administrator will solely approve.”

**Section 19:** Section 135.400 of the Code is hereby amended to read as follows:

“Emergency Purchasing Procedures.

- A. Notwithstanding any other provision of this Chapter, in the case of an apparent emergency which threatens the public health, welfare, or safety, requiring the immediate purchase of supplies, service or construction, the City Administrator shall have the power to secure the necessary items in the open market, without competition, regardless of the amount of the expenditure. The City Administrator will advise the Mayor and Board of Aldermen as soon as is practical and advise of the apparent emergency. A report of the circumstances of an emergency purchase shall be reported by the City Administrator with the Board of Aldermen.
- B. In no event shall the contract price exceed commercially reasonable price.”

**Section 20:** Section 135.410 of the Code is hereby amended to read as follows:

“Competitive Bidding/Auction Required for Purchases or Sales of Property.

All purchases and contracts for supplies and contractual services, and all sales of personal property which has become obsolete and unusable shall, except as expressly provided in this policy or by the City Code, be based wherever possible on competitive bids/auctions.”

**Section 21:** Section 135.420 of the Code is hereby amended to read as follows:

“Subdivision or Change Order of Contract to Evade Requirements of This Policy Prohibited.

No contract or purchase shall be subdivided to avoid the requirements of this policy, nor shall change orders exceeding five percent (5%) of the total approved bid amount be allowed without following the same purchasing policy procedures as included in this policy or, in lieu of quotes or sealed bids where required, must be approved by the using department director, and the

City Administrator will send the explanation in a weekly report to the Mayor & Board of Aldermen.”

**Section 22:** Section 135.430 of the Code is hereby amended to read as follows:

“Factors for Determination of Lowest Responsible Bidder.

- A. In determining the lowest and best responsible bidder, the Board of Aldermen shall consider.
  1. The ability, capacity, and skill of the bidder to perform the contract or provide the services required.
  2. Whether the bidder can perform the contract or provide the services promptly or within the time specified without delay or interference.
  3. The character, integrity, responsibility, judgment, experience, and efficiency of the bidder.
  4. Whether the bidder is in default on the payment of taxes, licenses, or other monies due the City. This factor alone shall justify disqualification.
  5. The quality and performance of previous contracts or services.
  6. The previous and existing compliance by the bidder with laws, the provisions of this policy, City Code and other City ordinances relating to the contract or service.
  7. The sufficiency of the financial resources and ability of the bidder to perform a contract or provide the service.
  8. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
  9. The ability of the bidder to provide future maintenance and service of machines for the use of the subject of the contract.
  10. The number and scope of conditions attached to the bid.
  11. What is in the best interest of the City.

**Section 23:** Section 135.440 of the Code is hereby amended to read as follows:

“Award to Local Bidder – Tie Bids.

If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. If there shall be no local bidder or more than one (1) local bidder with a low equal bid, the City Administrator shall award the contract if the item put out to bid has been budgeted for in the City's current budget and the bid is equal to or under the amount budgeted for. When the item has not been budgeted for, or when the bid is above the amount budgeted for, Board of Aldermen shall award the contract to one (1) of the tie bidders by drawing lots in public.”

**Section 24:** Section 135.450 of the Code is hereby amended to read as follows:

“Bids – Award to Lowest and Best Responsible Bidder.

All open market purchases shall, wherever possible, be based on at least three (3) competitive bids which may be either oral or written and shall be awarded to the lowest and best responsible bidder in accordance with the standards set forth in Sections 135.430 and 135.450.”

**Section 25:** Section 135.460 of the Code is hereby amended to read as follows:

“Solicitation of Bids.

The using department shall solicit bids by direct or electronic mail request to prospective suppliers or by telephone or by such other method as he/she shall deem appropriate to receive competitive proposals.”

**Section 26:** Section 135.500 of the Code is hereby amended to read as follows:

“Policy Established.

The City does adopt and establish a policy and procedure for the selection and procurement of professional services in accordance with the following provisions. The City Administrator is hereby directed to implement the provisions of the policy set forth in this Article. The following shall be the policy and procedures for selecting architectural, engineering, land surveying services and other professional services (hereinafter referred to as professional services) for the City of Harrisonville.”

**Section 27:** Section 135.510 of the Code is hereby established to read as follows:

“Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them:

**ARCHITECTURAL SERVICES:** Those services within the scope of practice of architecture as defined by the laws of the State of Missouri, Section 327.091, RSMo.

**ENGINEERING SERVICES:** Those services within the scope of practice of engineering as defined by the laws of the State of Missouri, Section 327.181, RSMo.

**FIRM:** Any individual, firm, partnership, corporation, limited liability company, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying or other professional services and provide said services.

**LAND SURVEYING SERVICES:** Those services within the scope of practice of land surveying services as defined by the laws of the State of Missouri, Section 327.272, RSMo.

**MAINTENANCE SERVICES:** The repair, but not replacement, of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased.

**OTHER PROFESSIONAL SERVICES:** Those services of a vocation requiring specialized knowledge and intensive academic or technical training in such fields as land appraisal, urban planning, finance, real estate, and others.”

**Section 28:** Section 135.520 of the Code is hereby established to read as follows:

“Types of Services.

- A. After reviewing the detailed proposals, the Department Director shall make a recommendation to the Board of Aldermen for approval or rejection of the proposal for budget. The City Administrator shall have the right to accept a proposal for professional services if the proposal is equal to or under the amount budgeted for in the City's current budget. The Board has the right to approve or reject all proposals if the City's current budget does not account for the professional service requested or if the proposal is over the amount budgeted for in the City's current budget. Projects will be divided into four (4) types as follows:
  1. Type 1. Services for projects where fees will exceed fifteen thousand dollars (\$15,000.00); the using agency shall select at least five (5) firms to be contacted for an "expression of interest." After the expressions of interest are received and reviewed, at least three (3) detailed proposals shall be requested. Request for the expressions of interest and detailed proposals may be combined into a single request.
  2. Type 2. Services for projects where fees are less than fifteen thousand dollars (\$15,000.00) but more than five thousand dollars (\$5,000.00); three (3) written proposals are required, when reasonable or as allowed in Section 135.270. Such written proposals may be solicited by mail or telephone. The City Administrator shall have the right to accept a proposal for professional services if the proposal is equal to or under the amount budgeted for in the City's current budget. If the proposal is unbudgeted for or for an amount over the amount budgeted for in the City's current budget, the Department Director then makes a recommendation to the Board of Aldermen for approval or rejection of the proposal.
  3. Type 3. Services for projects where fees are less than five thousand dollars (\$5,000.00) may be made by the Department Director of the using agency without soliciting competitive proposals upon approval of the City Administrator.
  4. Type 4. Maintenance service where the costs are less than five thousand dollars (\$5,000.00) may be made by the director of the using agency without soliciting competitive proposals upon approval of the City Administrator.”

**Section 29:** Section 135.530 of the Code is hereby established to read as follows:

“General Procedures and Responsibilities.

- A. Expressions Of Interest Type 1 Projects. For Type 1 service, the using agency shall solicit proposals from qualified firms approved. The request should invite comments as to the special experience in the project being considered and describe previous experience with

similar projects. The expressions of interest will be reviewed by the using agency requesting the services. Factors to be determined in the initial screening will include:

1. Specialized experience and technical competence with respect to the type of services required.
  2. Quality of services previously performed by the firm for the City.
  3. Past record of performance with respect to cost control, quality of services and ability to meet schedules.
  4. Community relations including evidence of sensitivity to citizen concerns.
  5. The firm's proximity to and familiarity with the area where the project is located.
- B. Detailed Proposals. Firms requested to submit detailed proposals will provide the information prescribed by the using agency. The information shall include:
1. Project name for which firm is filing.
  2. Name and address of firm.
  3. Previous related experience.
  4. Outside firms or outside personnel to be used on projects.
  5. Brief resume of key persons, specialists.
  6. Special experience in the project being considered.
  7. Any work previously or currently performing for City.
  8. Description of resources.”

**Section 30:** Section 135.540 of the Code is hereby established to read as follows:

“Selection.

- A. Upon receipt of the detailed proposals for Type 1 or 2 projects, the Department Director will review the proposals; interview the prospective firms, if necessary; and make a recommendation of two (2) firms best qualified and capable of performing the desired work.
- B. The using agency shall negotiate a contract with the top firm selected. If a satisfactory contract cannot be negotiated with the top firm, negotiations with that firm shall be terminated with the approval of the Department Director and City Administrator. Negotiations may then begin with the second (2nd) firm. If there is a failing of accord with the second (2nd) firm, negotiations with such firm may be terminated with the approval of the Department Director and City Administrator.
- C. If an agreement cannot be negotiated with the two (2) selected firms, the using agency shall re- evaluate the professional services, including scope and fee requirements, and proceed in accordance with this policy.”

**Section 31:** Section 135.550 of the Code is hereby reserved.

**Section 32:** Section 135.560 of the Code is hereby established to read as follows:

“Prohibition Against Contingent Fees.

- A. Each contract entered by the City for professional services shall contain a prohibition against contingent fees as follows:

"The architect, engineer or land surveyor (as applicable) warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer or land surveyor, to solicit or secure any person, company, corporation, limited liability company, individual or firm, other than a bona fide employee working solely for the architect, engineer or land surveyor, any fees, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this agreement."

- B. For the breach or violation of the foregoing provision, the Board of Aldermen shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration."

**Section 33:** Section 135.570 of the Code is hereby established to read as follows:

“Exceptions.

When, in the opinion of the City Administrator, the nature of other professional services is so specialized that there is only a sole reasonable supplier of a professional service that can meet the City's needs, the City Administrator may select such firm or recommend the Board of Aldermen select such firm. An exception shall be promptly reported to the Board of Aldermen with an explanation of the reasons, therefore.”

**Section 34:** Section 135.600 of the Code is hereby established to read as follows:

“Procurement/Purchasing Related to Grant Eligibility.

Should the City apply for funding through grant, contribution, endowment, donation or other similar award ("grant funding") for City supplies and contractual services, then the City shall comply with the individual procurement requirements of each grant funding ("grant procurement requirements") in lieu of the procurement policy requirements of this purchasing policy; provided, however, that grant procurement requirements shall achieve the minimum standards established by the procurement policy requirements of this purchasing policy.”

**Section 35:** Section 135.610 of the Code is hereby established to read as follows:

“Cooperative Purchasing Authority.

To the extent permitted by law, the City may engage in cooperative purchasing for supplies and contractual services with other Federal, State, and local public entities, municipalities, political subdivisions, cooperating agencies, and governmental units, agencies and other authorities

(collectively, "cooperative purchasing") when it serves the best interests of the City. Cooperative purchasing is not subject to the procurement provisions of this purchasing policy."

**Section 36:** Section 135.700 of the Code is hereby established to read as follows:

"Other Selection Methods.

Nothing in the purchasing policy of the City's Municipal Code shall be interpreted to preclude the use of selection methods, including, but not limited to, qualifications-based selection, design-build contracts, and/or negotiated contracts with architectural, engineering and construction services to the extent permitted by applicable law. In this purchasing policy, "*design-build*" means a project in which the design and construction services are furnished under one (1) contract with a contractor selected primarily based on qualifications and "*qualifications-based selection*" means a negotiated procurement process for the selection of professional architects, engineers and land surveying services using objective criteria looking for competence and experience relative to the work to be performed."

**Section 37:** Section 135.800 of the Code is hereby established to read as follows:

"Capitalization of Purchases – Procedures.

- A. In accordance with recommendations of the Government Financial Officers Association (GFOA), the following guidelines apply in determining a capital asset:
  - 1. The asset will be capitalized only if it has an estimated useful life of a least two (2) years following the date of acquisition; and
  - 2. The capitalization threshold will be applied to individual fixed assets rather than groups of fixed assets (e.g., desks, tables); and
  - 3. The capitalization threshold will be five thousand dollars (\$5,000.00); and
  - 4. Control of non-capitalized fixed assets will be exercised by establishing and maintaining adequate control procedures at the department level.

**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 day of March, 2023. Read for the second time by title only on the 20th day of March 2023.

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Judy Bowman, Mayor

ATTEST:

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Daniel Barnett, City Clerk

**APPROVED** by the Mayor this 20th day of MArch 2023.

STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Theresa West, Assistant  
**DATE:** March 10, 2023  
**SUBJECT:** February 2023 Municipal Court Report

**Type of Item:** *Discussion*

**A. Action Item (ID # 4464)**

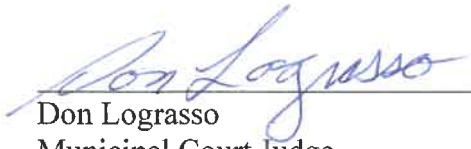
February 2023 Municipal Court Report

Attachments:

February 2023 Municipal Court Report (PDF)

IN THE MUNICIPAL COURT OF HARRISONVILLE, MISSOURI  
CASS COUNTY

I certify that the attached is a report on all cases heard or tried before the Judge of the Circuit Court of Cass County Missouri, Municipal Division at Harrisonville during the month of **February 2023** and that the information and statements contained in said report are true and correct according to my best information, knowledge and belief.

  
Don Lograsso  
Municipal Court Judge

3/1/23  
Date

Presented and reviewed as required by Court Operating Rule 4.29.

  
City Clerk

3-6-2023  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary

RECEIVED  
MAR 01 2023  
CITY OF HARRISONVILLE

Attachment: February 2023 Municipal Court Report (February 2023 Municipal Court Report)

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

|                                                                                                                             |     |                                                                       |                                                |                                              |             |
|-----------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|-------------|
| <b>I. COURT INFORMATION</b>                                                                                                 |     | Municipality: Harrisonville Municipal                                 |                                                | Reporting Period: Feb 1, 2023 - Feb 28, 2023 |             |
| Mailing Address: 300 E PEARL STREET, HARRISONVILLE, MO 64701                                                                |     |                                                                       |                                                |                                              |             |
| Physical Address: 300 E PEARL STREET, HARRISONVILLE, MO 64701                                                               |     |                                                                       |                                                | County: Cass County                          | Circuit: 17 |
| Telephone Number: (816)3808903                                                                                              |     |                                                                       | Fax Number:                                    |                                              |             |
| Prepared by: MICHELLE SHAFFER                                                                                               |     |                                                                       | E-mail Address: michelle.shaffer@courts.mo.gov |                                              |             |
| Municipal Judge: Don Lograsso                                                                                               |     |                                                                       |                                                |                                              |             |
| <b>II. MONTHLY CASELOAD INFORMATION</b>                                                                                     |     |                                                                       |                                                |                                              |             |
|                                                                                                                             |     | Alcohol & Drug<br>Related Traffic                                     | Other<br>Traffic                               | Non-Traffic<br>Ordinance                     |             |
| A. Cases (citations/informations) pending at start of month                                                                 |     | 40                                                                    | 467                                            | 443                                          |             |
| B. Cases (citations/informations) filed                                                                                     |     | 0                                                                     | 25                                             | 24                                           |             |
| C. Cases (citations/informations) disposed                                                                                  |     |                                                                       |                                                |                                              |             |
| 1. jury trial (Springfield, Jefferson County, and St. Louis County only)                                                    |     | 0                                                                     | 0                                              | 0                                            |             |
| 2. court/bench trial - GUILTY                                                                                               |     | 0                                                                     | 0                                              | 0                                            |             |
| 3. court/bench trial - NOT GUILTY                                                                                           |     | 0                                                                     | 0                                              | 0                                            |             |
| 4. plea of GUILTY in court                                                                                                  |     | 3                                                                     | 10                                             | 18                                           |             |
| 5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs) |     | 0                                                                     | 4                                              | 0                                            |             |
| 6. dismissed by court                                                                                                       |     | 0                                                                     | 0                                              | 0                                            |             |
| 7. <i>nolle prosequi</i>                                                                                                    |     | 0                                                                     | 2                                              | 11                                           |             |
| 8. certified for jury trial (not heard in Municipal Division)                                                               |     | 0                                                                     | 0                                              | 0                                            |             |
| <b>9. TOTAL CASE DISPOSITIONS</b>                                                                                           |     | 3                                                                     | 16                                             | 29                                           |             |
| D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]                                     |     | 37                                                                    | 476                                            | 438                                          |             |
| E. Trial de Novo and/or appeal applications filed                                                                           |     | 0                                                                     | 0                                              | 0                                            |             |
| <b>III. WARRANT INFORMATION (pre- &amp; post-disposition)</b>                                                               |     |                                                                       | <b>IV. PARKING TICKETS</b>                     |                                              |             |
| 1. # Issued during reporting period                                                                                         | 50  | 1. # Issued during period                                             |                                                | 0                                            |             |
| 2. # Served/withdrawn during reporting period                                                                               | 42  | <input type="checkbox"/> Court staff does not process parking tickets |                                                |                                              |             |
| 3. # Outstanding at end of reporting period                                                                                 | 682 |                                                                       |                                                |                                              |             |

Attachment: February 2023 Municipal Court Report (February 2023 Municipal Court Report)

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

**COURT INFORMATION**

Municipality: Harrisonville Municipal

Reporting Period: Feb 1, 2023 - Feb 28, 2023

**V. DISBURSEMENTS****Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)**

|                                                                               |                   |
|-------------------------------------------------------------------------------|-------------------|
| Fines - Excess Revenue                                                        | \$1,246.00        |
| Clerk Fee - Excess Revenue                                                    | \$156.00          |
| Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue | \$4.81            |
| Bond forfeitures (paid to city) - Excess Revenue                              | \$200.00          |
| <b>Total Excess Revenue</b>                                                   | <b>\$1,606.81</b> |

**Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)**

|                                                                                                          |                   |
|----------------------------------------------------------------------------------------------------------|-------------------|
| Fines - Other                                                                                            | \$3,265.19        |
| Clerk Fee - Other                                                                                        | \$276.00          |
| Judicial Education Fund (JEF)<br><input checked="" type="checkbox"/> Court does not retain funds for JEF | \$0.00            |
| Peace Officer Standards and Training (POST) Commission surcharge                                         | \$35.00           |
| Crime Victims Compensation (CVC) Fund surcharge - Paid to State                                          | \$254.78          |
| Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other                                     | \$8.41            |
| Law Enforcement Training (LET) Fund surcharge                                                            | \$72.00           |
| Domestic Violence Shelter surcharge                                                                      | \$72.00           |
| Inmate Prisoner Detainee Security Fund surcharge                                                         | \$72.00           |
| Restitution                                                                                              | \$0.00            |
| Parking ticket revenue (including penalties)                                                             | \$0.00            |
| Bond forfeitures (paid to city) - Other                                                                  | \$0.00            |
| <b>Total Other Revenue</b>                                                                               | <b>\$4,055.38</b> |

**Other Disbursements:** Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.

|                                                                           |                   |
|---------------------------------------------------------------------------|-------------------|
| Court Automation                                                          | \$238.00          |
| Law Enf Arrest-Local                                                      | \$427.50          |
| Overpayment                                                               | \$3.00            |
| <b>Total Other Disbursements</b>                                          | <b>\$668.50</b>   |
| <b>Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited</b> | <b>\$6,330.69</b> |
| <b>Bond Refunds</b>                                                       | <b>\$200.00</b>   |
| <b>Total Disbursements</b>                                                | <b>\$6,530.69</b> |

Attachment: February 2023 Municipal Court Report (February 2023 Municipal Court Report)

## Municipal Division Summary Reporting

## 17th Judicial Circuit - Cass County - Harrisonville Municipal Division

## I. COURT INFORMATION

|                                             |                                       |                                                           |
|---------------------------------------------|---------------------------------------|-----------------------------------------------------------|
| <b>Reporting Period:</b>                    |                                       |                                                           |
| February                                    | 2023                                  | <b>Court activity occurred in reporting period: Yes</b>   |
| <b>Clerk's Physical Address:</b>            | <b>Mailing Address:</b>               | <b>Vendor</b>                                             |
| 300 E. Pearl St.<br>Harrisonville, MO 64701 | PO Box 367<br>Harrisonville, MO 64701 | Incode (Tyler Technologies)                               |
| <b>Telephone Number:</b>                    | <b>Fax Number:</b>                    |                                                           |
| (816) 380-8903                              | (816) 380-8910                        |                                                           |
| <b>Prepared by:</b>                         | <b>Prepared by E-mail Address:</b>    | <b>Municipal Judge(s) Active During Reporting Period:</b> |
| Michelle Shaffer                            | michelle.shaffer@courts.mo.gov        | Don Lograsso                                              |

| II. MONTHLY CASELOAD INFORMATION                                                                     |                                                                                                                                 | Alcohol & Drug<br>Related Traffic | Other Traffic | Non-Traffic<br>Ordinance |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------|--------------------------|
| <b>A. Cases (citations / informations) pending at start of month</b>                                 |                                                                                                                                 | 14                                | 204           | 124                      |
| <b>B. Cases (citations / informations) filed</b>                                                     |                                                                                                                                 | 0                                 | 0             | 0                        |
| <b>C. Cases (citations / informations) disposed</b>                                                  |                                                                                                                                 |                                   |               |                          |
|                                                                                                      | 1. jury trial (Springfield, Jefferson County, and St. Louis County only)                                                        | 0                                 | 0             | 0                        |
|                                                                                                      | 2. court / bench trial - GUILTY                                                                                                 | 0                                 | 0             | 0                        |
|                                                                                                      | 3. court / bench trial - NOT GUILTY                                                                                             | 0                                 | 0             | 0                        |
|                                                                                                      | 4. plea of GUILTY in court                                                                                                      | 0                                 | 0             | 0                        |
|                                                                                                      | 5. violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs) | 0                                 | 0             | 0                        |
|                                                                                                      | 6. dismissed by court                                                                                                           | 0                                 | 0             | 0                        |
|                                                                                                      | 7. nolle prosequi                                                                                                               | 0                                 | 0             | 0                        |
|                                                                                                      | 8. certified for jury trial (not heard in the Municipal Division)                                                               | 0                                 | 0             | 0                        |
|                                                                                                      | 9. TOTAL CASE DISPOSITIONS                                                                                                      | 0                                 | 0             | 0                        |
| <b>D. Cases (citations / informations) pending at end of month [pending caseload = (A + B) – C9]</b> |                                                                                                                                 | 14                                | 204           | 124                      |
| <b>E. Trial de Novo and / or appeal applications filed</b>                                           |                                                                                                                                 | 0                                 | 0             | 0                        |

### Municipal Division Summary Reporting

|                          |                                                                                             |                                          |
|--------------------------|---------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Court Information</b> | <b>Municipality: 17th Judicial Circuit - Cass County - Harrisonville Municipal Division</b> | <b>Reporting Period: February - 2023</b> |
|--------------------------|---------------------------------------------------------------------------------------------|------------------------------------------|

| III. WARRANT INFORMATION (pre- & post-disposition) |     | IV. PARKING TICKETS                           |   |
|----------------------------------------------------|-----|-----------------------------------------------|---|
| 1. # Issued during reporting period:               | 0   | Does court staff process parking tickets? Yes |   |
| 2. # Served/withdrawn during reporting period:     | 1   | 1. # Issued during reporting period:          | 0 |
| 3. # Outstanding at end of reporting period:       | 407 |                                               |   |

| V. DISBURSEMENTS                                                                                                                                                                                                                       |               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)</b>                                                                                                          |               |
| Fines – Excess Revenue                                                                                                                                                                                                                 | \$0.00        |
| Clerk Fee – Excess Revenue                                                                                                                                                                                                             | \$0.00        |
| Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue                                                                                                                                                          | \$0.00        |
| Bond forfeitures (paid to city) – Excess Revenue                                                                                                                                                                                       | \$0.00        |
| <b>Total Excess Revenue</b>                                                                                                                                                                                                            | <b>\$0.00</b> |
| <b>Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)</b>                                                                                                             |               |
| Fines – Other                                                                                                                                                                                                                          | \$0.00        |
| Clerk Fee – Other                                                                                                                                                                                                                      | \$0.00        |
| Judicial Education Fund (JEF)<br>Court does not retain funds for JEF: Yes                                                                                                                                                              |               |
| Peace Officer Standards and Training (POST) Commission surcharge                                                                                                                                                                       | \$0.00        |
| Crime Victims Compensation (CVC) Fund surcharge – Paid to State                                                                                                                                                                        | \$0.00        |
| Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other                                                                                                                                                                   | \$0.00        |
| Law Enforcement Training (LET) Fund surcharge                                                                                                                                                                                          | \$0.00        |
| Domestic Violence Shelter surcharge                                                                                                                                                                                                    | \$0.00        |
| Inmate Prisoner Detainee Security Fund surcharge                                                                                                                                                                                       | \$0.00        |
| Restitution                                                                                                                                                                                                                            | \$0.00        |
| Parking ticket revenue (including penalties)                                                                                                                                                                                           | \$0.00        |
| Bond forfeitures (paid to city) – Other                                                                                                                                                                                                | \$0.00        |
| <b>Total Other Revenue</b>                                                                                                                                                                                                             | <b>\$0.00</b> |
| <b>Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.</b> |               |
| <b>Total Other Disbursements</b>                                                                                                                                                                                                       | <b>\$0.00</b> |
| <b>Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited</b>                                                                                                                                                              | <b>\$0.00</b> |
| Bond Refunds                                                                                                                                                                                                                           | \$0.00        |
| <b>Total Disbursements</b>                                                                                                                                                                                                             | <b>\$0.00</b> |

Incode Adjusted

7.A.a

**MUNICIPAL DIVISION SUMMARY REPORTING FORM**

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

|                                                                                                                                 |                                                |                                                                             |                       |
|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------------|-----------------------|
| <b>I. COURT INFORMATION</b>                                                                                                     |                                                | Contact information same as last report <input checked="" type="checkbox"/> |                       |
| Municipality: HARRISONVILLE                                                                                                     |                                                | Reporting Period: FEBRUARY 2023                                             |                       |
| Mailing Address: P.O. BOX 367                                                                                                   |                                                | Software Vendor: TYLER TECHNOLOGIES                                         |                       |
| Physical Address: 300 E PEARL ST                                                                                                |                                                | County: CASS                                                                | Circuit: 17           |
| Telephone Number: (816) 380-8903                                                                                                |                                                | Fax Number: (816) 380-8910                                                  |                       |
| Prepared by: MICHELLE SHAFFER                                                                                                   | E-mail Address: michelle.shaffer@courts.mo.gov | iNotes <input checked="" type="checkbox"/>                                  |                       |
| Municipal Judge(s): DON LOGRASSO                                                                                                |                                                | Prosecuting Attorney: JEFFREY DEANE                                         |                       |
| <b>II. MONTHLY CASELOAD INFORMATION</b>                                                                                         |                                                |                                                                             |                       |
|                                                                                                                                 | Alcohol & Drug related Traffic                 | Other Traffic                                                               | Non-Traffic Ordinance |
| A. Cases (citations / informations) pending at start of month                                                                   | 14                                             | 205                                                                         | 124                   |
| B. Cases (citations / informations) filed                                                                                       |                                                |                                                                             |                       |
| C. Cases converted to Show-Me Courts                                                                                            | 0                                              | 1                                                                           | 0                     |
| 1. jury trial (Springfield, Jefferson County, and St. Louis County only)                                                        |                                                |                                                                             |                       |
| 2. court / bench trial - GUILTY                                                                                                 |                                                |                                                                             |                       |
| 3. court / bench trial - NOT GUILTY                                                                                             |                                                |                                                                             |                       |
| 4. plea of GUILTY in court                                                                                                      |                                                |                                                                             |                       |
| 5. Violations Bureau Citations (i.e., written plea of guilty) and bond forfeitures by court order (as payment of fines / costs) |                                                |                                                                             |                       |
| 6. dismissed by court                                                                                                           |                                                |                                                                             |                       |
| 7. nolle prosequi                                                                                                               |                                                |                                                                             |                       |
| 8. certified for jury trial (not heard in the Municipal Division)                                                               |                                                |                                                                             |                       |
| <b>9. TOTAL CASE DISPOSITIONS</b>                                                                                               |                                                |                                                                             |                       |
| D. Cases (citations / informations) pending at end of month<br>[pending caseload = (A + B) – C9]                                | 14                                             | 204                                                                         | 124                   |
| E. Trial de Novo and / or appeal applications filed                                                                             |                                                |                                                                             |                       |
| <b>III. WARRANT INFORMATION (pre- &amp; post-disposition)</b>                                                                   |                                                | <b>IV. PARKING TICKETS</b>                                                  |                       |
| 1. # Issued during reporting period                                                                                             | 0                                              | # Issued during period                                                      | 0                     |
| 2. # Served/withdrawn during reporting period                                                                                   | 1                                              | <input type="checkbox"/> Court staff does not process parking tickets       |                       |
| 3. # Outstanding at end of reporting period                                                                                     | 407                                            |                                                                             |                       |

Attachment: February 2023 Municipal Court Report (February 2023 Municipal Court Report)

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

|                                                                                                                                                                                                                                        |    |               |                                                                           |                            |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------|---------------------------------------------------------------------------|----------------------------|----|
| <b>COURT INFORMATION</b>                                                                                                                                                                                                               |    | Municipality: |                                                                           | Reporting Period:          |    |
| <b>V. DISBURSEMENTS</b>                                                                                                                                                                                                                |    |               |                                                                           |                            |    |
| <b>Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)</b>                                                                                                          |    |               | <b>Other Disbursements cont.</b>                                          |                            |    |
| Fines – Excess Revenue                                                                                                                                                                                                                 | \$ |               |                                                                           | \$                         |    |
| Clerk Fee – Excess Revenue                                                                                                                                                                                                             | \$ |               |                                                                           | \$                         |    |
| Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Excess Revenue                                                                                                                                                          | \$ |               |                                                                           | \$                         |    |
| Bond forfeitures (paid to city) – Excess Revenue                                                                                                                                                                                       | \$ |               |                                                                           | \$                         |    |
| <b>Total Excess Revenue</b>                                                                                                                                                                                                            | \$ |               |                                                                           | \$                         |    |
| <b>Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)</b>                                                                                                             |    |               |                                                                           |                            |    |
| Fines – Other                                                                                                                                                                                                                          | \$ |               |                                                                           | \$                         |    |
| Clerk Fee – Other                                                                                                                                                                                                                      | \$ |               |                                                                           | \$                         |    |
| Judicial Education Fund (JEF)<br><input type="checkbox"/> Court does not retain funds for JEF                                                                                                                                          | \$ |               |                                                                           | \$                         |    |
| Peace Officer Standards and Training (POST) Commission surcharge                                                                                                                                                                       | \$ |               |                                                                           | \$                         |    |
| Crime Victims Compensation (CVC) Fund surcharge – Paid to State                                                                                                                                                                        | \$ |               |                                                                           | \$                         |    |
| Crime Victims Compensation (CVC) Fund surcharge – Paid to City/Other                                                                                                                                                                   | \$ |               |                                                                           | \$                         |    |
| Law Enforcement Training (LET) Fund surcharge                                                                                                                                                                                          | \$ |               |                                                                           | \$                         |    |
| Domestic Violence Shelter surcharge                                                                                                                                                                                                    | \$ |               |                                                                           | \$                         |    |
| Inmate Prisoner Detainee Security Fund surcharge                                                                                                                                                                                       | \$ |               |                                                                           | \$                         |    |
| Sheriffs' Retirement Fund (SRF) surcharge                                                                                                                                                                                              | \$ |               |                                                                           | \$                         |    |
| Restitution                                                                                                                                                                                                                            | \$ |               |                                                                           | \$                         |    |
| Parking ticket revenue (including penalties)                                                                                                                                                                                           | \$ |               |                                                                           | \$                         |    |
| Bond forfeitures (paid to city) – Other                                                                                                                                                                                                | \$ |               |                                                                           | \$                         |    |
| <b>Total Other Revenue</b>                                                                                                                                                                                                             | \$ |               |                                                                           | \$                         |    |
| <b>Other Disbursements:</b> Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees. |    |               | <b>Total Other Disbursements</b>                                          |                            | \$ |
|                                                                                                                                                                                                                                        |    |               | <b>Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited</b> |                            | \$ |
|                                                                                                                                                                                                                                        | \$ |               |                                                                           | <b>Bond Refunds</b>        | \$ |
|                                                                                                                                                                                                                                        | \$ |               |                                                                           | <b>Total Disbursements</b> | \$ |

Attachment: February 2023 Municipal Court Report (February 2023 Municipal Court Report)