



THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION

AGENDA
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
FEBRUARY 15, 2024
6:00 PM

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Planning & Zoning Commission - Regular Meeting - Jan 18, 2024 6:00 PM**
- 3. Agenda Items**
 - A. CIP Presentation - Patty Hilderbrand**
 - B. Code Amendments - PUBLIC HEARING**
 - C. Code Amendments - CONSIDERATION**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 8th day of February, 2024.

Daniel Barnett, City Clerk



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DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
JANUARY 18, 2024
6:00 PM

1. Call to Order

The meeting was called to order at 6:01 PM by Kevin Wood

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

Also in attendance were, Jeff Skidmore, P.E, Schlagel and Associates; Jason Rohe (via Zoom), Donaldson Company, Inc.; Dave Doerhoff, Aldermen Liaison; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Nov 16, 2023 6:00 PM

With no additions or corrections, the minutes from the November 16, 2023, meeting were unanimously accepted.

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

3. Agenda Items

A. Appl. #PREDEV-23-002--PRELIM. DEVEL. PLAN for iFIL Expansion on property located at 1801 W. Vine St. - PUBLIC HEARING

Director Stanton presented the Preliminary Development Plan application. She said that the applicant is seeking approval, on behalf of the Donaldson Company, Inc., of a preliminary development plan for an expansion of the existing iFIL facility on property located at 1801 W. Vine Street. The proposed project includes a 34,800 square foot addition for the production facility, a new ingress/egress from Plaza Drive, 36 additional parking spaces, and the required site landscaping. Director Stanton said that the property is currently zoned Light Industrial, M-1, District. The proposed expansion and continued use of the facility are appropriate for the District. The Preliminary Development Plan process is triggered due to the size of the proposed increase. Under Section 405.635.A.9.c, an increase of more than 25% for non-residential is considered a substantial change and triggers the Preliminary Development Plan process and the proposed increase is nearly 98%. She said the proposed expansion meets all the setbacks and the building height is less than the maximum height allowed; however, the lot coverage requirement is slightly exceeded as the total percentage of lot coverage, which is building coverage and pavement coverage, is 60.98%. The maximum lot coverage allowed in the M-1 District is 60%. The applicant should be able to make minor adjustments to their plans to meet this requirement. Director Stanton said that in Section 405.565.E, the Minimum Parking Required by Use Table, states that 1 space is required for each 1,000 square feet of gross floor area for manufacturing/warehouse uses and 4 spaces for each 1,000 square feet of office space. If it were assumed that the facility was 100% manufacturing/warehouse the required parking would be 71 spaces. It is not 100% manufacturing/warehouse; however the development plan indicates that the maximum number of employees per shift is 40 and calculates a 150% "shift change-overlap" for a total of 60 employees on site at any given time. Based on this data there are an adequate number of parking spaces. Director Stanton said that the 2040 Comprehensive Plan shows this area as "Employment-Light". This place type is intended to support employment formats that are not appropriately integrated into a downtown or mixed-use setting, such as office parks, institutional campuses, or light manufacturing hubs in the community. Given the existing nearby manufacturing uses, the continued use of the property as a light manufacturing facility is compatible with the City's vision of the area being "Employment-Light".

Director Stanton said that Staff recommended approval of the proposed Preliminary Development Plan for the proposed 34,800 square foot expansion to the existing facility with the condition that the proposed pavement on the site shall be reduced slightly so that the maximum lot coverage requirement is not exceeded.

With no comments from the public, Chairman Wood closed the Public Hearing at 6:07 PM.

B. Appl. #PREDEV-23-002--PRELIM. DEVEL. PLAN for iFIL Expansion on property located at 1801 W. Vine St. - CONSIDERATION

Jeff Skidmore, P.E., with Schlagel and Associates, spoke to the Commission. He first thanked Christina and her staff for all of their hard work over the past year. He did say that the main condition of shaving off 2000 square feet of impervious coverage is something they are working on. He also said that they have an employee amenity area that is approximately 1000 square feet and that would probably be the first thing they would have to cut.

Kevin Wood said that he would hate for the employees to lose that area and asked Director Stanton if a non impervious block system or paver stone would work for that area. Director Stanton said that something like that is not clarified in the regulations. She asked Vice Chair Chiodini if he had any knowledge on them. He did explain a couple of options like what Chairman Wood had described and said that would be a good option for the development. Mr. Skidmore said that is something they could consider.

With nothing further, Chris Chiodini made a motion to recommend approval to the Board of Aldermen of the Preliminary Development Plan as presented. Brian Pulliam seconded. The motion passed unanimously.

Chairman Wood told the applicants that he had toured the facility and encouraged the other Commission members to do the same after the expansion. He said that what is done at the facility is fascinating. Jason Rohe said that he appreciated the suggestion and they would definitely consider it.

RESULT:	RECOMMENDED [UNANIMOUS]
	Next: 2/5/2024 6:00 PM
MOVER:	Chris Chiodini, Vice Chair
SECONDER:	Brian Pulliam
AYES:	Wood, Chiodini, Bush, Crawford, Pulliam, Siegenthaler, Zaring
ABSENT:	Scott Milner

4. Discussion Items

Director Stanton said that she would be bringing some clean up items to the Commission possibly in February. Chairman Wood suggested that Staff look into the impervious surfaces.

5. Adjourn

With nothing further to come before the Commission, Chris Chiodini made a motion to adjourn. Brian Pulliam seconded. The meeting was adjourned at 6:18 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: February 8, 2024
SUBJECT: CIP Presentation - Patty Hilderbrand

Type of Item: *Presentation*

- A. Discussion Item (ID # 4752)**
CIP Presentation - Patty Hilderbrand

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: February 8, 2024
SUBJECT: Code Amendments - PUBLIC HEARING

Type of Item: *Public Hearing*

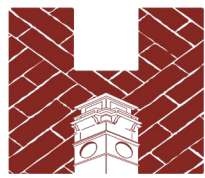
B. Action Item (ID # 4751)

Code Amendments - PUBLIC HEARING

Attachments:

Various Code Changes 2-15-24 P&Z (PDF)

Misc Code Amendments (February 2024) (PDF)



To: Planning & Zoning Commission
From: Christina Stanton, AICP, Community Development Director
Date: February 15, 2024
Re: Code Amendments

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Consideration of Proposed Code Amendments

Date of Application: N/A

PROPOSAL

The Code Amendments proposed are broken into five (5) categories:

- (1) Correcting “building” to “lot” coverage to eliminate inconsistencies and confusion between the district specific sections of the Code and Appendix B: Dimensional Standards Table;
- (2) Adding definitions for impervious surface and lot coverage, and amending the building coverage definition to provide greater clarity;
- (3) Updating “Director of Code Enforcement” and “Codes Enforcement Director” and references to “Code Enforcement” to “Building Official” or “Director of Community Development” as appropriate;
- (4) Clarifications regarding required signature blocks for final plats; and
- (5) Correcting references from “Building Official” to “Public Works Superintendent” regarding right-of-way permits and removing “the Superintendent” from sewer installation policies and procedures that would be under the purview of the Building Official as part of a building permit.

PREVIOUS ACTIONS

- December 4, 2023—The Board of Aldermen approved Ordinance #3677, which corrected the percentage of lot coverage for Districts R-3 and R-4 and corrected references within the Code for those specific districts from “building” to “lot” coverage.
- May 1, 2023—The Board of Aldermen approved Ordinance #3650, which removed specific fee, fine, and penalty amounts within various sections of Code.
- March 20, 2023—The Board of Aldermen approved Ordinance #3638, which amended various sections of Code pertaining to subdivisions.
- February 21, 2023—The Board of Aldermen approved Ordinance #3628, which made corrections to Section 405.205 (the R-4 District) and 405.305 (the CBD-2 District).
- February 21, 2023—The Board of Aldermen approved Ordinance #3627, which adopted the Dimensional Standards Table and established lot coverage percentages that aligned with the runoff coefficient identified by the APWA. The percentages were corrected under the individual zoning districts to align with the “Lot Coverage” percentages in the Dimensional Standards Table. However, the individual zoning districts still stated “building coverage”.

- September 20, 2021—The Board of Aldermen approved Ordinance #3568, which amended Sections 515.100 and 530.030 pertaining to work and permits for work done within the right-of-way.
- August 16, 2021—The Board of Aldermen approved Ordinance #3561, which amended sections of Code pertaining to maintaining residential septic systems.
- January 7, 2019—The Board of Aldermen approved Ordinance #3456, which repealed Chapter 435—Sign Regulations of the Code of Ordinances and enacted a new Chapter 435—Sign Regulations.
- November 16, 2015—The Board of Aldermen approved Ordinance #3341, which established the Near Downtown Single-Family Neighborhood (R-1B) and Near Downtown Two-Family Neighborhood (R-2B) Districts and regulations pertaining to said Districts.
- October 19, 2009—The Board of Aldermen approved Ordinance #3107, which amended various sections of Chapter 405 by adding the definition for “building coverage” and adding the original requirements for building coverage under each specific residential zoning district.
- February 21, 2006—The Board of Aldermen approved Ordinance #2958, which repealed Chapter 30, Article II, Excavations, Sections 30-21 through 30-32, and enacted Chapter 36—Rights-of-Way Management. This established procedures and requirements relating to construction of facilities in, along, across, under and over public rights-of-way.
- April 15, 2002—The Board of Aldermen approved Ordinance #2766, which repealed Ordinance #1831 and Ordinance #2587 in their entirety and adopted new Subdivision Regulations.
- January 15, 2001—The Board of Aldermen approved Ordinance #2692, which amended Chapters 11—Electricity, 35—Utilities, 16—Health & Sanitation and amended the Uniform Plumbing Code.
- May 13, 1991—The Board of Aldermen approved Zoning Ordinance #1825, which established most of our current zoning districts.
- January 5, 1983—The Board of Aldermen approved Ordinance #1344, which amended Chapter 30—Streets, Sidewalks, and Public Places to add several sections requiring all property owners to maintain their sidewalks in a safe and convenient condition.

KEY ISSUES

- Correcting inconsistencies
- Adding definitions to provide greater clarity
- Correcting references within the Code to the appropriate person or department
- Providing additional clarification regarding signature blocks for final plats

ATTACHMENTS

Staff Commentary and Mark-ups



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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

The following code amendments cover various items:

- 1) Correcting “building” to “lot” coverage to eliminate inconsistencies and confusion between the district specific sections and Appendix B: Dimensional Standards Table, which was created and adjusted to match the average percent impervious areas as established in the APWA Runoff Coefficients—This was supposed to be part of a previous amendment (Ordinance #3627), but apparently was missed. This corrects that oversight.
- 2) Definitions. Adding definitions for impervious surface and lot coverage, and amending the building coverage definition to provide greater clarity.
- 3) Updating “Director of Code Enforcement” and “Codes Enforcement Director” and references to “Code Enforcement” to “Building Official” or “Director of Community Development” as appropriate.
- 4) Clarifications regarding required signature blocks for final plats.
- 5) Correcting references from “Building Official” to “Public Works Superintendent” regarding right-of-way permits and removing “the Superintendent” from sewer installation policies and procedures that would be under the purview of the Building Official as part of a building permit.

- 1) Section 405.140.A.7: The **building** **lot** coverage shall not exceed thirty-five percent (35%).

Section 405.147.C.8: **Building Lot Coverage**. The **building** **lot** coverage shall not exceed thirty-five percent (35%).

Section 405.170.A.7: The **building** **lot** coverage shall not exceed thirty-five percent (35%).

Section 405.177.C.7: **Building Lot Coverage**. The **building** **lot** coverage shall not exceed thirty-five percent (35%).

Section 405.225.A.5: The **building** **lot** coverage shall not exceed eighty-five percent (85%).

Section 405.255.A.5: The **building** **lot** coverage shall not exceed eighty-five percent (85%).

Section 405.285.A.5: The **building** **lot** coverage shall not exceed ninety-five percent (95%).

Section 405.305.A.5: The **building** **lot** coverage shall not exceed ninety-five percent (95%).

Section 405.325.A.5: The **building** **lot** coverage shall not exceed eighty-five percent (85%).

Section 405.495.A.5: The **building** **lot** coverage shall not exceed sixty percent (60%).

Section 405.515.A.5: The **building** **lot** coverage shall not exceed eighty percent (80%).



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2) Section 405.030:

BUILDING COVERAGE

The amount of land covered or permitted to be covered by buildings or structures. Building coverage is generally measured as a ratio or a percent of a lot. Porches and decks shall be considered as part of a building or structure.

Exception: Swimming pools shall be computed as one-half (½) their area toward the maximum building coverage.

IMPERVIOUS SURFACE

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

LOT COVERAGE

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

- 3) Section 405.050.C.1: Repairs. Ordinary repairs may be made to a non-conforming building or structure. Ordinary repairs shall be determined by the **Director of Code Enforcement Building Official** and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

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

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



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

Section 405.440: Whenever the Historic Preservation Commission has a reason to believe an action for which a certificate of appropriateness is required has been initiated or is about to be initiated, it shall make every reasonable effort to contact the owners, occupants, contractors or subcontractors and inform them of the application for certificate of appropriateness process. If the Historic Preservation Commission determines that a stop work order is necessary to halt an action that requires a certificate of appropriateness, it shall deliver or send a copy of the stop work order by certified mail return receipt requested to the owners, occupants, contractors and subcontractors and notify them of the certificate of appropriateness process. A copy of the proper application form shall be included in the notice. A copy of the stop work order shall be sent to the **Building Official Codes Enforcement Director** of the City of Harrisonville, who shall be responsible for monitoring said situation and citing those in violation of this Article.

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

Section 405.465.D: Public Safety Exclusion. None of the provisions of this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Codes Enforcement **Department Division or Building Official** of the City of Harrisonville and where the proposed measures have been declared necessary by such **department or departments Division** to correct the said condition; provided however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be



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damaged by fire or other calamity or by an act of God or by public enemy to such an extent that, in the opinion of the aforesaid **department Division**, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.

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

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

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

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

Section 435.155.A.3: If the owner of the Sign disputes the determination that the Sign is abandoned, they may first appeal to the Director of **Codes Community Development** for reconsideration. If the Director of Codes denies the appeal, then the Sign owner may appeal to the City Administrator.

Section 435.155.B.3: Should any Sign become structurally unstable or in danger of falling or otherwise unsafe in the opinion of the **Director of Codes Building Official**, the owner or person or firm maintaining the Sign shall, upon written notice from the City, forthwith in the case of immediate danger and in any case within ten (10) days, remove such Sign or secure it in a manner approved by the City. Any Sign not removed or secured within ten (10) days from the written notice may be removed by the City and all costs ("Removal



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Costs") charged to the owner, agent, or person having beneficial interest of the building or Premises upon which the Sign was located, or in the Sign itself.

4) Section 410.290.E.15.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:

Section 410.290.E.15.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

Section 410.290.E.15.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

Signature blocks for the following certificates, with the corresponding name typed, printed or stamped beneath the signature:

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

5) Section 515.100 Construction or Repair By Property Owner.

A. The Director of Public Works or the **Building Official **Public Works Superintendent** is hereby authorized to issue right-of-way work permits, upon request, to owners of private**



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property, their representatives or contractors to grade, construct, repair or reconstruct pavements, curbs, gutters, driveways from curb to property line, sidewalks, sewers, street lighting systems and appurtenances, at their own expense, in the public streets or alleys adjacent to or running through their property when the same are, in his/her judgment, reasonably necessary. No person shall begin any such improvement until such permit shall have been issued.

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

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

2. **Performance And Maintenance Bonds.** The Director of Public Works or the **Building Official Public Works Superintendent** shall require the permittee to furnish an **original** surety bond, otherwise known as a performance and maintenance bond, equal to the estimated cost of the work; except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the **Building Official Public Works Superintendent** within a time limit specified on said right-of-way work permit. The bond shall also guarantee maintenance of the work performed for two (2) years.

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

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

3. **Indemnification Of City During Construction.**

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

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

4. **Penalties.** Any person, whether owner, representative, contractor, subcontractor or foreman, who shall grade, construct, repair, reconstruct or alter any public street, pavement, curb, gutter, driveway, sidewalk or sewer within any public way or any



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public sewer adjacent to or running through any private property within a public right-of-way without first securing a permit therefor issued by the Director of Public Works or the **Building Official Public Works Superintendent**, shall be deemed guilty of a violation of this Section and upon conviction thereof shall be fined as established in the City's Comprehensive Schedule of Fees.

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

6. Required ROW permit inspections shall be as determined by the Director of Public Works or the **Building Official Public Works Superintendent** and shall be listed on ROW permits issued.

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

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

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

Section 530.030.A.9.a: Performance And Maintenance Bonds. The Director of Public Works or the **Building Official Public Works Superintendent** shall require the permittee to furnish a surety bond, otherwise known as a performance and maintenance bond, equal to the estimated cost of the work, except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the **Building Official Public Works Superintendent** within a time limit specified on said special permit. The bond shall also guarantee maintenance of the work performed for two (2) years. The City may consider a lump sum biennial bond for multiple projects performed by utility companies or their contractors, the cost of which shall be determined by the number of projects and estimated total valuation of work. For projects with valuation of work to be constructed or repaired below five thousand dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance and maintenance of said work for a period of two (2) years. The minimum amount for any bond, or deposit placed in



THE CITY OF HARRISONVILLE

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escrow, shall be two thousand dollars (\$2,000.00), no matter what the work valuation is.

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

Section 700.600.B: Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by **the Superintendent or the Building Official**. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by **the Superintendent or the Building Official**. A permit and inspection fee, as specified in Chapter 525 of the Code of Ordinances, shall be paid to the City at the time the application is filed.

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

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

Exception 1.

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

Section 700.600.G: No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by **the Superintendent or the Building Official**.

Attachment: Misc Code Amendments (February 2024) (Code Amendments - PUBLIC HEARING)

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: February 8, 2024
SUBJECT: Code Amendments - CONSIDERATION

Type of Item: *Approval*

C. Action Item (ID # 4753)

Code Amendments - CONSIDERATION