



Board of Aldermen Request for Action

MEETING DATE: 10/3/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3006-23, Amendment to the Subdivision Ordinance Stormwater Regulations – 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3006-323, approving amendment to the Subdivision Ordinance Stormwater Regulations. Second reading by title only.

SUMMARY:

The subdivision ordinance amendment is prompted by a recent audit of the City's relatively new Municipal Separate Storm Sewer System (MS4) permit. The city was required to obtain a general permit in 2013 and following the 2020 Census' population over 10,000 triggered an individual permit instead of the general permit. This new individual permit brings forward several new requirements for the city related to our storm sewer system. One of these new requirements includes requiring perpetual maintenance agreements on all new stormwater basins with the owners or future lot owners through a covenant document to be recorded simultaneously with the final plat.

This covenant document is specifically required by DNR. In addition to this stormwater maintenance provision, the original ordinance included a similar provision for green space maintenance. Amendments include some changes to this provision to highlight the difference between green spaces and stormwater management areas, and also continues the covenant method to identify areas of natural, undisturbed areas that will not need maintenance.

During the work session held on September 5, staff presented the Illicit Discharge Plan to the Board, along with a summary of the proposed best management practices maintenance program. Following this, on September 12, the Planning and Zoning Commission met to review the ordinance and covenant, subsequently recommending approval for the proposed changes.

Once the program is ready, HOAs & BMPs owners will receive more information about a recommended maintenance schedule and the assessment process. In the next couple of months, the City will schedule an initial "informal" assessment with HOAs/owners to identify areas that may require attention or improvement. During both this informal assessment and subsequent inspections, inspectors will focus on aspects such as trash, debris, inlet/outlet blockages, erosion control (reseeding if needed), basin structural integrity, vegetation maintenance, and overall basin condition.

PREVIOUS ACTION:

The Board of Aldermen approved Resolution 1006 adopting the Stormwater Management Plan for the 2021 -2026 MS4 Permit

POLICY ISSUE:

Amendment to the Subdivision Ordinance Stormwater Regulations

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

- | | |
|-----------------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input type="checkbox"/> Other: | |

**AN ORDINANCE REPEALING SECTION 425.180. SUBDIVISION
MAINTENANCE PROVISIONS OF THE SUBDIVISION REGULATIONS OF THE
SMITHVILLE MUNICIPAL CODE AND RE-ENACTING A NEW SECTION 425.180
FOR THE CITY OF SMITHVILLE, MISSOURI**

WHEREAS, the Planning and Zoning Commission held a public hearing on September 12, 2023 concerning revisions to Section 425.180 concerning subdivision maintenance provisions and recommended the approval of this ordinance; and

WHEREAS, the City's Municipal Separate Storm Sewer System (MS4) Permit with DNR requires certain additional standards be put in place by the city to preserve and protect the stormwater infrastructure and quality to be in compliance with the state standards; and

WHEREAS, the purpose of this ordinance is to enact a legal requirement for development owners to enter into an agreement with the City ensuring future maintenance be made to the standards that the DNR sets, including maintaining all stormwater infrastructure;

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said regulations.

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

SECTION 1 – REPEALING AND RE-ENACTING: Section 425.180 of the Smithville Municipal Code of Ordinances is hereby repealed in its entirety and a new Section 425.180 is enacted to be read and numbered as follows:
Section 425.180. Subdivision Maintenance Provisions.

The City of Smithville shall require the submittal and subsequent recording of covenants to run with the land that ensures continuous maintenance of all stormwater management systems located within any final plat. Such Covenant shall run with the land, tracts and lots included in such plat and all owners of such land, lots or tracts shall be responsible for such maintenance and the costs thereof in perpetuity.

The City may require the submittal and subsequent recording of covenants to run with the land that ensures continuous maintenance of all private green space not otherwise considered part of the stormwater management system located within any final plat. Private green space areas intended to be natural, undisturbed resource areas shall be identified in such covenants as such.

SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT: All ordinances or part of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 – SEVERABILITY CLAUSE: The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 4 – EFFECTIVE DATE: This ordinance shall be in full force from and after the date of its passage and approval.

PASSED by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 3rd day of October, 2023.

Damien Boley, Mayor

ATTEST

Linda Drummond, City Clerk

First Reading: 9/19/2023

Second Reading 10/03/2023