

## Chapter 410

### SUBDIVISION REGULATIONS

#### ARTICLE I In General

**Section 410.010. Purpose of Regulations.** [Ord. No. 227 §1(94.300), 10-4-1999]

- A. The rules and regulations set out in this Chapter are intended to serve the following purposes:
1. To assist orderly, efficient and integrated development within the territorial jurisdiction of the City;
  2. To promote the health, safety, morals and general welfare of the residents of the City and its environs;
  3. To ensure conformance of subdivision plans with the public improvement plans of the City and its environs; and
  4. To assure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by subdivider and the Planning and Zoning Commission.
- B. For the purposes of these regulations, refer to Section 405.030, Zoning Regulations, for definitions.

**Section 410.020. Conformity With Zoning.** [Ord. No. 227 §1(94.310), 10-4-1999]

The rules and regulations set out in this Chapter pertain to development of subdivisions within the City and may impose greater or different restrictions than are currently imposed in the corresponding zoning regulations.

**Section 410.030. Duty of Subdivider and Planning and Zoning Commission-Generally.** [Ord. No. 227 §1(94.320), 10-4-1999]

Any subdivider of land within the territorial jurisdiction shall submit to the Planning and Zoning Commission plats of the subdivision and plans for indicated improvements according to the regulations of this Chapter. In considering the approval of a plat, the Planning and Zoning Commission shall observe the requirements and procedures set forth herein. In the case of a plat constituting a replat of land into two (2) or more lots, all of which will be served by an existing street or streets, the Planning and Zoning Commission shall have the power to vary the requirements so that substantial justice may be done and the public interest served.

**Section 410.040. Administration.** [Ord. No. 227 §1(94.330), 10-4-1999]

The regulations of this Chapter shall be administered by the Planning and Zoning Commission. The Commission may from time to time suggest instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and that approval of plats be expedited.

**Section 410.050. Fees Payable By Subdivider.** [Ord. No. 227 §1(94.340), 10-4-1999]

- A. Each subdivider shall pay fees to the City Clerk in accordance with the following schedule:
  - 1. At the time of filing an application for preliminary plat approval, fifty dollars (\$50.00), plus any publication costs; and
  - 2. On application for an extension of a certificate of preliminary plat approval, fifty dollars (\$50.00), plus any publication costs, for each one (1) year period for which the extension is requested.
- B. No fee shall be charged for land to be dedicated to the public.
- C. The fee shall be payable in advance of processing the plat.

**Section 410.060. Building Prior To Issuance of Certificate Prohibited.** [Ord. No. 227 §1(94.350), 10-4-1999]

No subdivider proposing to make or having made a subdivision within the territorial jurisdiction of the City shall proceed with any construction work on the proposed subdivision, including grading, before obtaining from the Planning and Zoning Commission a certificate of final preliminary approval.

**Section 410.070. Fraudulent Sales Based On Unapproved and Unrecorded Plats — Recourse of City.** [Ord. No. 227 §1(94.360), 10-4-1999]

No owner or agent of the owner of any land located within the planning jurisdiction of the City, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plan has been approved by the Planning and Zoning Commission and/or Board of Aldermen and recorded in the office of the Recorder of the County in which said plat lies. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed to be or negotiated to be sold; and the description of the instrument of transfer or the document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty together with costs and attorney fees in such action.

**Section 410.080. Procedural Requirements — Submittal of Sketch Plans Prior To Application For Certificate.** [Ord. No. 227 §1(94.370), 10-4-1999]

- A. Whenever any subdivision of a tract of land is proposed to be made, the owner or his/her agent shall submit to the Planning and Zoning Commission sketch plans and data concerning existing conditions within the site and in the vicinity, and which shall convey the intention of the subdivider as to the proposed layout and type of development.
- B. No fees shall be collected for such pre-application consideration, the purpose being to acquaint the subdivider with plans and policies in effect that would be significant to the proposed subdivision.

**ARTICLE II**  
**Preliminary Plats**

**Section 410.090. Procedural Requirements — Preliminary Plats, Contents, Filing Fee.** [Ord. No. 227 §1(94.380), 10-4-1999]

- A. Whenever any subdivision of a tract of land is proposed to be made, the subdivider shall first submit to the Planning and Zoning Commission an application for a certificate of preliminary plat approval, which shall consist of:
  - 1. A letter of request;
  - 2. Plats, plans and data as specified herein concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout and type of development; and
  - 3. A filing fee as specified in Section 410.050 of this Chapter.

**Section 410.100. Procedural Requirements — Preliminary Plats, Consideration By Planning and Zoning Commission.** [Ord. No. 227 §1(94.390), 10-4-1999]

- A. Upon receipt of an application for a certificate of preliminary approval, the Planning and Zoning Commission shall check the application for conformance to the provisions of these regulations and shall also consider letters or certificates of approval or disapproval from City, County and State agencies, as well as from utility companies.
- B. In considering a submittal, the Planning and Zoning Commission may require such changes as necessary to meet the intent of the rules and regulations contained herein and to serve the best interests of the needs of the community.

**Section 410.110. Procedural Requirements — Preliminary Plats, Approving or Disapproving Action By Planning and Zoning Commission.** [Ord. No. 227 §1(94.400), 10-4-1999]

- A. The Planning and Zoning Commission shall initiate action on an application within thirty (30) days of submittal of the preliminary plat, and approval thereof shall be given by the Commission by the issuance of a certificate of preliminary plat approval within sixty (60) days after submittal, or if the application is disapproved, the applicant shall be so notified in writing and the reasons therefor shall be enumerated within sixty (60) days after submittal.

- B. One (1) copy of the approved preliminary plat shall be retained in the Planning and Zoning Commission's files and one (1) copy, endorsed with the certificate of preliminary plat approval, shall be returned to the subdivider.

**Section 410.120. Procedural Requirements — Preliminary Plats, Options of Subdivider Upon Disapproval.** [Ord. No. 227 §1(94.410), 10-4-1999]

A disapproved preliminary plat may be resubmitted to the Planning and Zoning Commission after changes have been made as suggested, or it may be carried to the Commission for its direct action at its next regular meeting.

**Section 410.130. Procedural Requirements — Preliminary Plats, Approved Plats Are Subject To Certain Qualifications.** [Ord. No. 227 §1(94.420), 10-4-1999]

- A. An approved preliminary plat shall be subject to the following qualifications:
  - 1. Approval of the preliminary plat is only tentative pending submission of the final plat;
  - 2. Approval of the preliminary plat shall be effective and binding upon the Planning and Zoning Commission for a period not to exceed eighteen (18) months, and thereafter, such approval shall expire and be null and void except to the extent that work on the subdivision has progressed, as set forth elsewhere herein, unless a petition for an extension of time has been submitted to and is subsequently approved by the Commission.

**Section 410.140. Procedural Requirements — Preliminary Plats, Actions Authorized By Approval.** [Ord. No. 227 §1(94.430), 10-4-1999]

- A. Receipt by the subdivider of the executed certificate of preliminary plat approval is authorization to proceed with:
  - 1. The preparation of any necessary plans and specifications and the installation of any improvements required, subject to the approval of agencies having authority;
  - 2. The preparation of the final plat or part thereof as specified elsewhere herein.

**Section 410.150. Plat Specifications — For Preliminary Plats, Generally.** [Ord. No. 227 §1(94.510), 10-4-1999]

- A. The submission to the Planning and Zoning Commission shall consist of three (3) black or blue line prints on white background and such other documents in three (3) copies as are necessary to meet the requirements of these regulations.
- B. The preliminary plat shall be clearly and legibly drawn. The size of the plat shall not be smaller than eight and one-half (8 1/2) inches by eleven (11) inches. The plat of a subdivision containing six (6) acres or more shall be drawn at a scale of one (1) inch equals fifty (50) feet, unless otherwise determined by the Planning and Zoning Commission.

- C. The preliminary plat shall contain the following information:
1. Proposed name of subdivision;
  2. Name and address of owner of record;
  3. Name and address of subdivider;
  4. Preliminary engineering certificate;
  5. Location and legal description, giving acreage;
  6. Cultural features within and adjacent to the proposed subdivision, including existing and platted streets, culverts, utility lines, pipe lines, power transmission lines, all easements, park areas, structures, drainage channels, or City and County lines, section lines, and other significant information;
  7. Name of streets within the immediate areas of the proposed subdivision; and
  8. Proposed layout, including lot lines with rough dimensions, lot numbers, block numbers, street and alley lines with proposed street names, right-of-way widths, site reserved for playgrounds.
- D. The preliminary plat shall be accompanied by the following information:
1. A summary of the proposal, giving information as to the overall development plan with type of structure, number of dwelling units, types of business and industry, so that the effects of the development can be determined by the Planning and Zoning Commission;
  2. Existing and proposed covenants and restrictions;
  3. The subdivision shall be provided with a complete loop-type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with the requirements of the Missouri Inspection and Rating Bureau. The Zoning Commission shall not approve the final plat thereof until the City has determined if a construction permit is required from the Missouri Department of Natural Resources;
  4. The subdivision shall be provided with a complete sanitary sewer system connected to the existing sewer main, including a lateral connection for each lot. The Zoning Commission shall not approve the final plat thereof until a construction permit has been obtained from the Missouri Department of Natural Resources;
  5. Letters or certificates of approval or disapproval from City, County or State agencies, as well as provisions for utility services, as applicable;
  6. Typical cross-sections of all streets and street construction plans; and a stormwater drainage system, if deemed necessary by the Planning and Zoning Commission, that is adequate to serve the area being platted. The storm

drainage system can consist of one (1) or a combination of the following: concrete, or polyethylene pipe, paved ditch, concrete flume, rip rap, etc.; and

7. Such other information as the subdivider wishes to bring to the attention of the Planning and Zoning Commission.

**Section 410.160. Required Certificates For Preliminary Plats.** [Ord. No. 227 §1(94.530), 10-4-1999]

- A. Preliminary engineering certificate: See Appendix A to this Chapter.
- B. Certificate of preliminary plat approval: See Appendix B to this Chapter.

**ARTICLE III  
Final Plats**

**Section 410.170. Final Plats — When Timely, Contents.** [Ord. No. 227 §1(94.440), 10-4-1999]

Whenever the foregoing provisions of this Chapter have been complied with and while the certificate of preliminary plat approval is in effect, the subdivider may submit to the Planning and Zoning Commission an application for review and approval of the final plat, which shall consist of the final plat and other documents as specified elsewhere herein, together with a letter of application requesting review and final approval of the plat.

**Section 410.180. Final Plats — Action By Planning and Zoning Commission — Effect of No Action Within Sixty Days.** [Ord. No. 227 §1(94.450), 10-4-1999]

- A. Whenever a final plat has been submitted to the Planning and Zoning Commission which is in conformance with an approved preliminary plat and the provisions elsewhere herein, the Commission shall consider and take action on the plat.
- B. The Planning and Zoning Commission need not take action on any application received less than ten (10) days before its meeting; but failure of the Commission to act within sixty (60) days of receipt of the application shall be deemed approval of the final plat and waives all further plat requirements of these regulations. Such failure to act shall be so noted by the Commission on the plat to be filed for record.
- C. If the final plat is disapproved, the applicant shall be so notified in writing within five (5) days and the reasons therefor shall be enumerated.

**Section 410.190. Final Plats — Conditional Approval.** [Ord. No. 227 §1(94.460), 10-4-1999]

- A. The Planning and Zoning Commission, upon the request of a subdivider, shall grant conditional approval to the final plat when all requirements of the rules and regulations have been met with the exception of the actual installation of required improvements or the posting of guarantees for such required improvements.
- B. Conditional approval of the final plat shall be indicated by the issuance, by the Planning and Zoning Commission, of a notice of conditional final approval.

**Section 410.200. Final Plats — Approval.** [Ord. No. 227 §1(94.470), 10-4-1999]

- A. No plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon shall have been made by the Planning and Zoning Commission and the Board of Aldermen have approved the plat as provided by State law, these regulations, and all other applicable ordinances of the City.
- B. No County Recorder shall receive for filing or recording any subdivision plat required to be approved by the Board of Aldermen and Planning and Zoning Commission unless the plat has endorsed upon it the approval of the Board under the hand of the City Clerk and the Seal of the City, or by the Secretary of the Planning Commission.
- C. Final approval of the final plat shall be indicated by the execution of a certificate of final plat approval on the plat, and the Planning and Zoning Commission shall execute such certificate when the City Clerk certifies to the Commission that the City has received one (1) of the following:
  - 1. A certificate submitted by the subdivider stating that all improvements and installations to the subdivision required for its approval under the terms of these regulations have been made in accordance with these specifications.
  - 2. A performance bond which shall:
    - a. Run to the City;
    - b. Be in an amount sufficient to complete the improvements and installations for the subdivision in compliance with these regulations;
    - c. Be in surety by a licensed company; and
    - d. Specify the time for the completion of the improvements and installations.
  - 3. A cash deposit or a cash escrow deposited with an agent approved by the Planning and Zoning Commission in the full amount as determined necessary to complete the improvements and installations for the subdivision in compliance with these regulations. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the Commission.

**Section 410.210. Final Plats — Approval Not Deemed Acceptance of Dedications.** [Ord. No. 227 §1(94.480), 10-4-1999]

Approval of a final plat by the Planning and Zoning Commission shall not be deemed acceptance of any of the dedications shown on the plat.

**Section 410.220. Final Plats — To Be Filed With Commission Following Recording.** [Ord. No. 227 §1(94.490), 10-4-1999]

Upon recording of the approved final plat, the reproducible print of the final plat with all certifications endorsed shall be returned to the Planning and Zoning Commission for its files.

**Section 410.230. Plans Etc., To Be Submitted Upon Completion.** [Ord. No. 227 §1(94.500), 10-4-1999]

- A. Upon completion of the installations and improvements required by these regulations, the subdivider shall present to the City Clerk one (1) complete set of "as-built" construction plans and drawings showing the subdivision and its improvements. The "as-built" plans and drawings shall include:
  - 1. Plans of all streets and alleys as of construction and showing the final location of all utility lines;
  - 2. Centerline profiles of all streets;
  - 3. Profiles of all storm and sanitary main sewage lines and location and size of main water lines as such improvements shall have actually been installed by the subdivider; and
  - 4. A letter submitted by a registered professional engineer to the City and the Planning and Zoning Commission, certifying that all improvements and installations have been made in accordance with the submitted "as-built" construction plans and drawings and the standards established by the City, and are functioning properly.
- B. Upon receipt and verification of the information required by this Section, the Board of Aldermen may accept the dedications shown on the plat.

**Section 410.240. Plat Specifications — Final Plats.** [Ord. No. 227 §1(94.520), 10-4-1999]

- A. The submission of final plats shall consist of the original drawings plus two (2) prints, plus other documents in three (3) copies. The subdivider shall also furnish the Planning and Zoning Commission with one (1) reproducible print of the final drawing showing the executed certificates, as specified in Section 410.150 above.
- B. The final plat shall be clearly and legibly drawn in black on tracing cloth. The plat should include the following:
  - 1. Building lines and lot dimensions;
  - 2. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the lot width at the building line shall be shown when required by the Planning and Zoning Commission;
  - 3. Lot and block numbers;
  - 4. Easements and public service or utility right-of-way lines giving dimensions, location and purpose;



5. Accurate outlines and description of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon, and of any areas to be reserved by deed covenant for common uses of all property owners;
  6. Accurate location and description of all monuments;
  7. Certificate of engineering accuracy;
  8. Certificate of owner;
  9. Certificate of final plat approval; and
  10. Certificate of recording.
- C. The final plat shall be accompanied by the following information and documents unless shown on the plat itself:
1. Bill of assurance including, but not limited to, the following provisions:
    - a. Offering dedications of streets and alleys;
    - b. Parks and other public lands;
    - c. Establishing easement, setting forth privileges and conditions pertaining thereto;
    - d. Setting forth the restrictions and covenants of the subdivision; and
    - e. Setting forth procedures by which amendments to the bill of assurances can be made.
  2. Certification of approval of water supply and sanitary sewage disposal and utility services by the appropriate agencies.

**Section 410.250. Required Certificates — For Final Plats.** [Ord. No. 227 §1(94.540), 10-4-1999]

- A. Each final plat submitted to the Planning and Zoning Commission for approval shall carry the following certificates printed thereon substantially as follows:
1. Certificate of owner(s): See Appendix C to this Chapter.
  2. Unexecuted certificate of recording: See Appendix D to this Chapter.
  3. Certificate of engineering accuracy: See Appendix E to this Chapter.
  4. The certificate of final plat approval shall be printed on both the final plat and bill of assurance substantially as follows:
    4. Certificate of final plat approval: See Appendix F to this Chapter.

ARTICLE IV  
**General Requirements**

**Section 410.260. General Requirements — Suitability of Land.** [Ord. No. 227 §1(94.550), 10-4-1999]

- A. Land subject to flooding, improper draining or erosion and any land deemed to be topographically unsuitable for residential use shall not be platted for residential occupancy, nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless steps are taken to diminish the above-mentioned hazards.
- B. Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for use and shall not be endangered by the conditions set forth in Subsection (A) of this Section.

**Section 410.270. General Requirements — Access.** [Ord. No. 227 §1(94.560), 10-4-1999]

Every subdivision shall be served by a publicly dedicated street.

**Section 410.280. General Requirements — Modifications.** [Ord. No. 227 §1(94.570), 10-4-1999]

- A. Modifications of the provisions set forth in these regulations may be authorized by the Planning and Zoning Commission in specific cases when, in its opinion, undue hardships may result from strict compliance. Any determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modification, and that the granting of the modifications will not adversely affect the general public and nullify the intent of these regulations.
- B. Application for any modifications shall be filed in writing, with necessary supporting documents, with the Planning and Zoning Commission by the subdivider simultaneously with the preliminary plat of the subdivision and shall explain in detail the reasons and the facts supporting the application.

ARTICLE V  
**Design Requirements**

**Section 410.290. Design — Streets and Alleys.** [Ord. No. 227 §1(94.580), 10-4-1999]

- A. Street and alley right-of-way widths shall be as follows:
  - 1. Arterial streets, sixty (60) feet;
  - 2. Collector streets, fifty (50) feet;
  - 3. Residential streets, forty (40) feet;
  - 4. Cul-de-sac, fifty (50) feet radius; and
  - 5. Alleys, twenty (20) feet.
- B. Street paving widths and types shall be as follows:
  - 1. Arterial streets, thirty-six (36) feet back of curb to back of curb;

2. Collector streets, twenty-eight (28) feet back of curb to back of curb;
3. Residential streets, twenty-four (24) feet back of curb to back of curb;
4. Cul-de-sac, twenty-four (24) feet back of curb to back of curb; and
5. Cul-de-sac turnarounds, forty (40) feet radius at back of curb.

ARTICLE VI  
**Improvements**

**Section 410.300. Improvements — Required, Responsibility of Subdivider.** [Ord. No. 227 §1(94.590), 10-4-1999]

Every subdivider shall be required to install, at his/her own expense, or to have installed by the appropriate public utility, the improvements set out in these regulations.

**Section 410.310. Improvements — Specifically.** [Ord. No. 227 §1(94.600), 10-4-1999]

- A. The Planning and Zoning Commission may require additional sidewalks at its discretion and dependent upon the type of subdivision.
  1. *Sanitary sewer system.*
    - a. The subdivider shall connect to the public sanitary sewer system and provide a connection to each lot.
    - b. Such sanitary sewage system shall be installed prior to the installation of the street pavement.
    - c. Where a public gravity sanitary sewer system is not available, an alternate method of sewage disposal system may be used as approved by the Missouri Department of Natural Resources, County Health Department, and City Officials.
  2. *Fire hydrants.* Fire hydrants shall be placed so that no lot in a residential subdivision is more than six hundred (600) feet from a fire hydrant, the distance to be measured along street lines. The Planning and Zoning Commission may consult with and use the standards of the Missouri Inspection and Rating Bureau on the location of fire hydrants. The Commission may require special spacing in commercial and industrial subdivisions. Based upon available funds, the City may participate in the financing of the cost of fire hydrants for a subdivision.

**Section 410.320. Improvements — Exceptions.** [Ord. No. 227 §1(94.610), 10-4-1999]

The Planning and Zoning Commission, upon request of the subdivider, may permit special exceptions to be made to the improvements required by these regulations when, in the opinion of the Commission, such exceptions are in keeping with the intent of these regulations, and when exemptions will provide for a development, the character of which will be in conformance with existing platting and development in the general

neighborhood of the proposed subdivision. The subdivider may be required to furnish special information in order to aid the Commission in its determinations.