

Chapter 29

**SUBDIVISIONS\***

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### **Sec. 29-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative officer* means the officer designated by the city council to enforce the subdivision regulations.

*Alley* means a public thoroughfare affording only a secondary means of access to the rear or side of properties otherwise abutting on a street.

*Block* means the property abutting a street between the two nearest intersecting or intercepting streets. A railroad right-of-way or the boundary line of undivided acreage, or a body of water, shall be regarded the same as an intersecting or intercepting street for the purpose of defining a block.

*Board* means the board of adjustment of the city.

*Building* means a structure having a roof supported by columns or walls for shelter or enclosure of persons, animals or chattels. The term "building" includes structures on wheels or other support used for business, storage or living purposes.

*Building line* means the line parallel to the front, side or rear lot line establishing the minimum space to be provided as a yard.

*Collector street* means a street that carries traffic from a minor street to a major street and is designated as a collector street on the major street plan.

*Commission* means the planning and zoning commission of the city.

*Comprehensive city plan* means a plan adopted by the commission for the guidance of growth or improvement of the city, including modifications or refinements that are made from time to time.

*Cul-de-sac or dead-end street* means a short street having one end open to traffic and being terminated by a vehicular turnaround.

*Easement* means a grant of the right to use a strip of land for specific purposes.

*Interior side lot lines (party lot lines)* are dotted lines shown on a plat that run coincidental with a common firewall, dividing attached dwelling units into separate and distinct platted lots that may be offered for sale.

*Living unit* means that portion of a building that is intended to be sold as part of a plan anticipating individual ownership of that portion of a building, but common ownership of the halls, etc., of the building, not intended for the abode of individuals, whether or not any land is owned in common, as in the case of, but not limited to, condominiums.

*Local street* means a street that is used primarily for access to abutting properties.

*Lot* means a parcel or tract of land intended as a unit for transfer of ownership or for development.

*Lot of record* means a lot which is a part of a duly platted subdivision of the city as shown by the map of the subdivision filed of record in the office of the recorder of deeds of the county.

*Lot, through,* means a lot other than a corner lot having frontage on two streets.

*Major street* means a street of considerable traffic volume continually connecting various sections of the city and designated as a major street on the official major street plan of the city.

*Minor Subdivision* means the subdivision of a lot into four (4) or fewer new lots, not involving creation of a public street, fronting an existing public street, and requiring no new streets, extension of municipal utilities, nor right-of-way dedication.

*Preliminary Plat* means a map or drawing of specific land showing the proposed location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, and utility easements drawn to scale. The preliminary plat is presented for “preliminary” governmental approval as part of the platting process, and serves as a guideline in the preparation of a final plat.

*Final Plat* is a plat satisfying all applicable local regulations necessary for a final plat, and is the plat that is recorded. A final plat must be generally consistent with any approved preliminary plat.

*Sidewalk* means a pedestrian walkway with permanent surfacing, constructed in accordance with city standard.

*Street* means the entire width between the boundary lines of every right-of-way dedicated for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities. The term "street" includes the terms "road," "highway," "lane," "place," "avenue," "alley" or other similar designations.

*Street circulation plan* means the major street and highway plan adopted by the council on February 14, 1969.

*Subdivider/developer* means a person undertaking the subdivision or re-subdivision of a tract or parcel of land for the purpose of laying out a platted addition or subdivision of land.

*Subdivision* means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other division of land for sale or development, except the division of land that may be ordered or approved by the court. May also refer to the re-platting or assemblage of multiple lots into a larger or equal tract.

(Code 1963, § 143.020; Code 1988, § 29-1; Ord. No. 3265, § 1, 7-6-1982; Ord. No. 4225, § 1, 8-20-2002)

#### **Sec. 29-2. - Compliance with chapter provisions.**

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and safe streets, all subdivisions hereafter platted within the City shall fully comply with the regulations set forth in this Chapter. The provisions of this Chapter shall be the minimum requirements adopted for the protection of the public health, safety and general welfare

No addition and no subdivision of land within the city shall be regarded as a plat of the city until it is in full compliance with the conditions contained in this chapter.

(Code 1963, § 143.010; Code 1988, § 29-2)

#### **Sec. 29-3. - Enforcement.**

(a) Plat filing, recording requirements. No plat of any subdivision shall be entitled to be filed or recorded in the office of the county recorder of deeds or have any validity until such plat has been prepared, approved and acknowledged in a manner prescribed by the regulations.

(b) Transactions. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat, or replat of any subdivision within the application of this chapter, unless said plan, plat, or replat shall have first been approved as prescribed by the regulations and filed and recorded in the office of the recorder of deeds.

(c) Permits. No permits, including building or repair permits, shall be issued by the city for any structure on a site or tract of land which is not a lot of record at the time of the effective date of the ordinance from which these regulations are derived, or which has not been approved, or recorded in accordance with the provisions of the regulations, unless said subdivision has been platted, subdivided and approved as required by the laws of the state and the provisions of the regulations. Furthermore, no building permits shall be issued by the city for any structure on a site or tract of land which does not have the appropriate infrastructure such as utilities, drainage, or streets in place at the time of the request for a building permit.

(Code 1963, § 143.060; Code 1988, § 29-3)

**State law reference** - Local approval of plats, RSMo 89.440.

#### **Sec. 29-4. - Penalty.**

Any person violating the provisions of this chapter shall be guilty of a separate misdemeanor for each lot transferred or sold or agreed or negotiated to be sold and the description by metes and bounds in the instrument of transfer or other 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 in such action.

(Code 1963, § 143.070; Code 1988, § 29-4)

**State law reference** - Use of unapproved plat in sale of land, RSMo 89.450.

#### **Sec. 29-5. - Changes and amendments.**

Provisions of this chapter may be changed and amended from time to time by the city council after review and recommendation of the commission; provided, however, that such changes or amendments shall not become effective until after a public hearing by the city council has been held and a public notice of which shall have been given in a newspaper of general circulation at least 15 days prior to such hearing.

(Code 1963, § 143.080; Code 1988, § 29-5)

#### **Sec. 29-6. – Variances and Minor Subdivisions.**

(a) Whenever the tract of land proposed to be subdivided is of such unusual shape or topography, or is affected by surrounding developments or unusual conditions such that the strict application of the requirements contained in this chapter would result in substantial hardships or inequities, the city council, upon recommendation of the commission, may vary or modify such requirements so that the subdivider is allowed to develop his land in a reasonable manner, but so, at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of these provisions are preserved.

(b) The planning and zoning commission may relax any portion of the provisions of the regulations and approve plats or replats of land if the subdivision involves the creation of not more than four lots, and/or the subdivision involves only minor changes in lot boundaries and does not create additional lots, and/or the subdivision involves the replatting of one or more lots of record into not more than four lots.

(c) In granting variances and exceptions and minor subdivisions, the commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. All minor subdivisions and variances shall require a plat prepared by a land surveyor registered in the state as set forth in RSMo Ch. 60. After approval by either the commission and/or the city council, the plat must be signed by the chairperson of the planning and zoning commission and recorded in either Marion County or Ralls County, as appropriate, by the city. The property owner is responsible for prepayment of recording fees to the department of public works prior to approval by the planning and zoning commission.

(Code 1963, § 143.050; Code 1988, § 29-6; Ord. No. 4227, § 1, 8-20-2002; Ord. No. 4442, § 1, 12-18-2007)

### **Sec. 29-7. – Minor Subdivisions.**

(a) A minor subdivision shall only be approved if all the following conditions are satisfied:

- (1) A lot is proposed to be subdivided into four (4) or fewer lots.
- (2) No new public streets or right-of-way dedications are needed or proposed.
- (3) No vacation of public streets, public alleys, easements, setback lines or access control is needed or proposed.
- (4) The subdivision will not result in a lot or tract without direct access to an existing public street. Such access may occur by recorded easements shown on the plat.
- (5) The extension of a public water or sewer system is not needed or proposed.
- (6) The subdivision complies with the zoning regulations as set forth in chapter 32 or other regulations of the city and a substandard sized lot will not be created.
- (7) The subdivision will not result in significant increases in utilities and service levels or will interfere with maintaining existing utilities and service (e.g., traffic control, street maintenance, etc.).
- (8) Any subdivision not qualifying as a minor subdivision is a regular subdivision.

(b) Minor subdivisions may also be proposed for situations where boundary line adjustments result in no new lots being created, or where property line vacations combine or assemble four (4) or less lots into one (1) single lot; all provided the provisions of 29-7(a) are met.

(c) No lot created as part of a minor subdivision process shall be eligible for further subdivision through the minor subdivision process.

(d) The applicant must consult with the department of public works prior to submitting an application for minor subdivision in order to determine that all minor subdivision requirements are being met. An application for minor subdivision approval shall be submitted to the department of public works no later than the first business day of the month for which the application is to be considered by the planning and zoning commission. The plat shall be prepared in conformance with the requirements of subsection (e)(2) of this section.

(e) Commission action on minor subdivision.

(1) Commission review. The commission shall review applications for minor subdivisions based on findings pursuant to the conditions for minor subdivision in accordance with the provisions of subsection (d) (1)—(6) of this section.

(2) Commission decision. The commission shall make a determination the day of the planning and zoning commission meeting at which the minor subdivision is considered. The commission shall approve the proposed subdivision unless the subdivision is not a minor subdivision by failing to comply with Chapter 29-7(a) or any other applicable requirements of this chapter. If the subdivision is not approved, the commission shall provide the applicant with a written statement of the reasons for denial within ten days of action by the commission.

(3) Appeals to Board of Adjustment. Actions taken by the commission regarding disapproval of a minor subdivision application are final unless such action is appealed by the applicant to the Board of Adjustment within 60 calendar days of action by the commission. The Board of Adjustment may override the disapproval of the minor subdivision application by the commission with the affirmative vote of not less than two-thirds of the entire membership of the Board of Adjustment. Review by the Board of Adjustment shall be based on the record made before the commission and shall conform to the requirements of subsection Chapter 29-7(a).

(4) Recording. Approval of the minor subdivision is contingent upon the final plat being recorded within 30 days after the date a certificate of approval is signed by the chairperson of the planning and zoning commission. The applicant or applicant's surveyor shall be responsible for recording the plat and shall return one electronic and two paper copies of the recorded plat to the department of public works. The applicant shall be responsible for all recording fees.

(f) Plat requirements.

(1) The minor subdivision application shall be accompanied by six paper copies of the plat.

(2) The plat shall contain the following information:

- a. The proposed name of the subdivision, which shall not duplicate previously filed plat names.
- b. The location of boundary lines in relation to section, quarter section lines, or adjoining subdivisions of record, including a legal description of the property.
- c. The names and addresses of the developers/subdivision owners.
- d. The name and address of the professional land surveyor preparing the plat.

- e. The north point, which shall be directed to the top or right side of the plat; a graphic scale and date.
- f. The plat shall be prepared at a scale no smaller than one inch equals 200 feet.
- g. The location, width and the name of each existing or platted street within the proposed subdivision and within 200 feet thereof.
- h. The location and width of existing public ways such as railroads, utilities, rights-of-way and all easements; parks and other public open spaces within the proposed subdivision; and the location of existing permanent buildings within proposed subdivisions and within 50 feet thereof.
- i. All existing sewers, culverts, and other underground installations within the proposed subdivision or immediately adjacent thereto or the location of the nearest available facilities.
- j. Existing and proposed zoning of the proposed subdivision and existing zoning of adjacent tracts.
- k. A small-scale key or vicinity map, such as the street map of the city, adequately covering the area within a 1,000-foot radius of the subdivision, showing the relation of the plat to major streets, parks, schools, and surrounding major commercial and industrial developments.
- l. The layout, numbers and precise dimensions of lots.
- m. The plat shall indicate the total acreage or area of each lot within the proposed subdivision.
- n. A certification signed by the city and county collectors, stating that there are no regular or special taxes due or delinquent against the property described in the past.
- o. A certification for the approval of the commission, to be signed by the chairman.
- p. A certification signed by the city manager, or designee, approving the plat.
- q. A statement denoting the words *Minor Subdivision* shall appear on the recorded plat.

**Secs. 29-8—29-30. - Reserved.**

**ARTICLE II. - PLAT APPROVAL PROCEDURES**

**DIVISION 1. - GENERALLY**

**Sec. 29-31. - Procedure.**

To obtain approval of a proposed subdivision by the commission, the subdivision developer shall prepare and submit preliminary and final plats to the city engineer and commission of the tract or parcel of land proposed to be subdivided, to include living units, if part of the overall subdivision development.

(Code 1963, § 143.030; Code 1988, § 29-26; Ord. No. 3265, § 2, 7-6-1982)

**State law reference** - Procedure for approval of subdivision plats, RSMo 89.410 et seq.

**Sec. 29-32. - Fees.**

At the time of submitting or filing each of the required plats to the city engineer and commission, the following fees shall be payable to the city collector. The fees shall be used to defray the costs of processing and reviewing the plats.

(a) The preliminary plat fee shall be \$50.00 or \$1.50 per lot, whichever is larger.

(b) The final plat fee shall be \$35.00.

(Code 1963, § 143.100; Code 1988, § 29-27)

**Secs. 29-33—29-54. - Reserved.**

**DIVISION 2. - PRELIMINARY PLAT**

**Sec. 29-55. - Required.**

The developer of the subdivision shall prepare a preliminary plat of the proposed subdivision to scale.

(Code 1963, § 143.030(4); Code 1988, § 29-39)

**Sec. 29-56. - Contents.**

The preliminary plat, prepared by the developer of the subdivision, shall contain or be supplemented by the following information:

(1) Proposed name of the subdivision, which shall not duplicate previously filed plat names.

(2) Location of boundary lines in relation to section lines, quarter section lines, or adjoining subdivisions of record, including a legal description of the property.

- (3) Names and addresses of the developer and engineer or surveyor preparing the plat.
- (4) North point, which shall be directed to the top or right side of the plat, with graphic scale and date.
- (5) Scale no smaller than one-inch equals 100 feet.
- (6) Location, width and the name of each existing or platted street within the proposed subdivision and within 200 feet thereof.
- (7) Location and width of public ways, including railroads, utilities, rights-of-way and all easements, parks and other public open spaces within the proposed subdivision.
- (8) Location of existing permanent buildings within proposed subdivisions and within 50 feet thereof. Existing permanent buildings in the projected alignment of streets outside the proposed subdivision within 200 feet shall also be shown. This data may be obtained from existing records, when applicable, or by subdivision developer's estimate, in the case of building locations which do not require determination by engineer's field survey.
- (9) The location and width of proposed streets, roadways, alleys, pedestrian ways, easements and building lines. The names of proposed streets shall not duplicate or be similar to the names of streets that now exist within the city, as determined by the city engineer.
- (10) All streets and alleys dedicated to public use forever, acknowledged by the owner before some officer authorized by law to take acknowledgment to conveyances of real estate.
- (11) Location of monuments at the intersection of the centerlines of all streets within the proposed subdivision, at the points where streets enter and leave the proposed subdivision, and at the boundary corners of the proposed subdivision.
- (12) All existing sewers, culverts and other underground installations within the proposed subdivision or immediately adjacent thereto or the location of the nearest available facilities.
- (13) Existing and proposed tentative contours at intervals adequate to portray existing and proposed conditions at two-foot intervals or intervals approved by the city engineer, referred to city datum or United States geological survey, and topographical features as may be pertinent.
- (14) Existing and proposed zoning of the proposed subdivision and existing zoning of adjacent tracts.
- (15) A small-scale key or vicinity map, such as the street map of the city, adequately covering the area within a thousand-foot radius of the subdivision, showing the relation

of the plat to major streets, parks, schools, and surrounding major commercial and industrial developments.

(16) The general location and character of proposed stormwater drainage and sanitary sewer facilities. All sanitary sewer extensions shall be approved by the Hannibal Board of Public Works and State Department of Natural Resources.

(17) Statement describing proposed availability of water supply, as provided by the Hannibal Board of Public Works.

(18) Statement describing proposed availability of electrical supply, as provided by the Hannibal Board of Public Works.

(19) Layout, numbers and approximate dimensions of lots and the number of each block.

(20) A tentative centerline profile showing the existing street grade and proposed approximate grades of all streets.

(21) Total acreage of land within the proposed subdivision.

(22) All easements required for the final plat.

(Code 1963, § 140.030(5); Code 1988, § 29-40; Ord. No. 3265, § 2, 7-6-1982; Ord. No. 3795, § 1, 7-21-1992)

**Sec. 29-57. - Submission; review.**

(a) The developer of the subdivision shall submit six (6) copies of the preliminary plat, an electronic copy, and other information as prescribed herein to the commission no later than the first business day of the month of the commission meeting at which consideration of the plat is desired.

(b) The department of public works shall furnish one copy each of the preliminary plat and other information to the board of public works, all utility companies, the telephone company, city engineer, and the Hannibal Fire Department.

(c) The preliminary plat copies from the different agencies and their reviews, together with the city engineer's recommendations, shall be transmitted to the commission for its review and recommendations regarding the preliminary plat. The commission shall make its recommendations within 40 days from the date of receipt, approving the plat, directing modification, or disapproving the plat.

(d) In the case of disapproval, the commission shall state its reasons therefor.

(e) In the case of approval, the developer of the subdivision may begin preparation of a final plat. The approval of the preliminary plat by the commission shall not constitute an acceptance of the subdivision but shall be deemed to be an authorization to proceed with

the preparation of the final plat. If neither a part nor all of the preliminary plat is submitted for final approval within one year after the preliminary plat approval, the preliminary plat shall be void unless an extension of time is granted by the commission. (Code 1963, § 143.030(6); Code 1988, § 29-41)

**Secs. 29-58—29-87. - Reserved.**

### DIVISION 3. - FINAL PLAT

**Sec. 29-88. - Preparation.**

After the approval of the preliminary plat by the commission, the developer of the subdivision shall prepare the final plat. The final plat shall be drawn at the same scale as the preliminary plat unless otherwise directed by the commission. In the case of a subdivision involving living units, final plats shall be submitted as each building is located on a lot. Amendments to final plats shall be authorized, in the case of a subdivision involving living units, as each building is located on a lot.

(Code 1963, § 143.030(7); Code 1988, § 29-51; Ord. No. 3265, § 2, 7-6-1982)

**Sec. 29-89. - Contents.**

The final plat required by this division shall contain the following information:

- (1) An accurate boundary survey of the property with bearings and distances, with reference to survey lines or an established subdivision of record and showing the lines of all adjacent lands and the lines of adjacent streets and alleys with widths and names. Streets, alleys or lot lines in adjacent subdivisions shall be indicated with dotted lines.
- (2) Location of the subdivision by section, township, range, county and state, and including descriptive boundaries of the subdivision, with the name, date, graphic scale, and north.
- (3) The exact location and layout of lots, lot and block numbers, streets, alleys, sidewalks, building lines and other public ground, with accurate dimensions in feet and decimals of feet of the nearest one-hundredth of a foot, interior angles, length of radii, all arcs of all curves, and all other information to reproduce the plat on the ground, together with the name of the streets.
- (4) Location, use and width of all easements.
- (5) Location and description of monuments. A certification on the final plat signed and sealed by a registered land surveyor that contains a legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. The certification shall state that a ground survey

has been made and that the monuments have been placed as shown on the plat. Monuments and markers shall be set on plats as follows:

a. Permanent monuments shall be set:

1. At the intersection of all lines forming angles in the boundary of the subdivision.
2. At the intersection of street property lines and at the beginning and end of all curves along street property lines.
3. In slope areas at principal changes in alignment in the boundary of the subdivision.

b. Markers shall be set, unless otherwise located by a monument:

1. At all points where lot lines intersect street right-of-way lines.
2. At all angles in the lot property lines.
3. At all other lot corners.

c. Monuments shall be of concrete with minimum dimensions of four inches by four inches at the top and bottom and 36 inches in length, and should be marked at the top with either a copper, brass or steel dowel imbedded so that the top of the dowel should be one-fourth-inch above the top surface at the center of the monument. Markers shall consist of steel bars at least 24 inches in length and three-fourths of an inch in outside diameter, or greater.

d. Monuments and markers shall be provided by the subdivision developer and so placed that the center point should coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

(6) A notarized certification on the final plat signed and acknowledged by all parties having any title, interests in, or lien upon the land subdivided consenting to the plat in putting dedication of all streets, alleys and public ways and dedication of parks, or other public grounds, all is thereon dedicated to charitable, religious or educational purposes, if any, and adjoining easements.

(7) A certification on the final plat, signed by the city and county collectors, stating that there are no regular or special taxes due or delinquent against the property described in the past.

(8) A certification signed by the city engineer approving the plat.

(9) A certification and seal by the licensed surveyor that all permanent monuments and markers are installed.

(10) A certification on the final plat for the approval of the commission, to be signed by the chairman.

(11) A certification on the final plat for the approval by ordinance of the city council, to be signed by the mayor and attested by the city clerk.

(12) For plats involving the creation of private streets or other infrastructure, any and all private streets or other infrastructure proposed within the final plat shall be clearly indicated on the plat and marked as such.

(13) Any private restrictions or covenants affecting the subdivision or any part thereof shall be attached to the final plat and said restrictions or covenants shall be recorded in the appropriate records of the county. If common infrastructure is platted to remain private, rather than be dedicated to the city, private restrictions and covenants shall be mandatory, and shall be recorded with the plat to accommodate private access, private funding, and private maintenance of such facilities. No common infrastructure shall be dedicated to the city at any later date until/unless such infrastructure is improved to city standards then-existing.

(14) Final profiles of finished grades for all streets to be shown on separate plan and profile sheet are required.

(15) Coordinates for all property corners, all interior lot corners, intersections and radius points are required.

(16) For plats involving living units, the requirements relating to lots and blocks shall apply to the building containing living units and not to living units themselves. Said plats shall contain the following additional information:

a. The plat shall indicate the type of ownership structure for the proposed living units in accordance with the zoning code.

b. The plat shall show interior side lot lines (party lot lines) associated with each lot.

(Code 1963, § 143.030(8); Code 1988, § 29-52; Ord. No. 3265, § 2, 7-6-1982; Ord. No. 4487, § 1, 9-16-2008)

**Sec. 29-90. - Final submission; acceptance.**

The subdivision developer shall submit six (6) prints of the final plat, an electronic copy, and other information as prescribed to the commission no later than the first business day

of the month of the commission meeting at-which consideration of the plat is desired. The recommendations of the city engineer shall be submitted with the final plat to the commission for its review and recommendations. The commission shall make its recommendations within 60 days from the date of receipt and certify its recommendations to the city council. Within 60 days following the receipt of the commission's recommendations, the city council shall take the necessary action for approval or disapproval of the final plat. If the council approves the plat, the plat shall be recorded in the office of the county recorder of deeds within 30 days. A copy of the recorded plat shall be filed by the subdivision developer in the office of the city clerk and the commission.

(Code 1963, § 143.030(9); Code 1988, § 29-53)

**State law reference** - Effect of plat approval, RSMo 89.430.

**Secs. 29-91—29-109. - Reserved.**

### **ARTICLE III. - DESIGN AND DEVELOPMENT STANDARDS**

**Sec. 29-109. - Plats to conform to article requirements; objectionable features.**

No subdivision plat shall be approved by either the commission or the city council unless it conforms to the minimum standards and requirements set forth in this article. Any parcel of land within the corporate limits of the city that the commission deems to be unsuitable for subdividing due to flooding, drainage problems, or other topographical features likely to be harmful to the safety, welfare or general welfare of the future residents or occupants of the proposed subdivision shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against hazards are provided.

(Code 1963, § 143.040(1); Code 1988, § 29-101)

**Sec. 29-110. - Street layouts.**

Street layouts shall be in conformity with a plan for the most advantageous development of the entire surrounding area. The streets shall be in conformity with the city's street circulation plan. All proposed streets shall be in alignment with existing planned or platted streets with which they are to connect. The street and alley arrangement shall be so arranged so as to cause no hardship to owners of adjoining property when and if they plat their own land and seek to provide for a convenient access. Whenever there exists a dedication of a platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

(Code 1963, § 143.040(2); Code 1988, § 29-102)

**Sec. 29-111. - Streets and alleys.**

(a) The arrangements of major streets shall conform, as nearly as possible, to the major street typical section of these standards, with provisions for the extension of other major streets. Streets

in the subdivision shall normally connect with streets already dedicated in adjoining or adjacent subdivisions, or provisions shall be made for future connections to adjoining unsubdivided tracts.

(b) Minor residential streets shall be so planned as to discourage through traffic. Cul-de-sacs or courts are permitted where topography or their conditions justify their use. Cul-de-sacs shall normally not be longer than 600 feet.

(c) Where a proposed subdivision is adjacent to or contains an existing or proposed regional highway or other major controlled-access thoroughfare, provision shall be made for a marginal or frontage access street approximately parallel and adjacent to the boundary of the right-of-way of lots and shall back up to the regional highway or major controlled-access thoroughfare and shall have access only to a minor street, if deemed necessary by the highway agency which controls or has authority over such highway.

(d) Half-streets shall be prohibited except where an existing half street has been dedicated on the boundary of the proposed subdivision.

(e) Under normal conditions, streets shall be laid out so as to intersect, as nearly as possible, at right angles except where topography or other conditions justify variations. Such variation shall not contain an interior angle of less than 45 degrees. More than four approaches to an intersection shall be prohibited.

(f) Alleys shall be provided in commercial and industrial zoning districts except where other definite and assured provision is made for service accesses.

(g) The right-of-way widths and pavement widths for streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as provided in the street circulation plan as follows:

<i>Type</i>	<i>Right-of-Way (in feet)</i>	<i>Pavement Width (in feet)</i>	
		Res	Non-Res
Major streets	100 minimum	40	56
Collector streets	70 minimum	36	40
Local streets	60 minimum	32	34
Cul-de-sac streets	60 minimum	32	34
Cul-de-sacs	47 radius	32 radius	

(Pavement widths shown above are from back to back of curbs.)

Alleys:

Residential zone	18	18
Commercial or industrial	20	20

(h) The horizontal alignment on all streets, as provided in the street circulation plan except in unusual cases as determined by the commission and the city council, shall be as follows:

*Maximum Degree of Horizontal Curves*

Major streets	7°30'—12°30'
Collector streets	21°00'
Local streets	25°00'

Any deviations in horizontal alignments must meet AASHTO standards and be approved by the city engineer.

(i) The minimum and maximum grades of streets and alleys for construction of new subdivisions shall be 0.75 percent and ten percent.

(j) Curb radii at street intersections shall be as follows:

*Curb radii at street intersection (in feet)*

Major streets	30-50
Collector streets	30
Local streets	20

(k) Property lines at street intersection may be rounded with a radius or chord as deemed necessary in order to be consistent with curb radius.

(l) Street jogs with centerline offsets of less than 125 feet shall be avoided.

(m) The type of street pavement for local streets shall be and have a minimum requirement of Portland cement concrete curb and guttering the width of which shall be 30 inches and the height of the curb four inches, and unless otherwise approved by the city engineer, there shall be a roadway between the curb and guttering consisting of:

- (1) Six-inch Portland cement concrete with four-inch MoDOT Type 1 or 5 compacted aggregate base on local and residential streets;
- (2) Seven-inch minimum Portland cement concrete with four-inch MoDOT Type 1 or 5 compacted aggregate base on collector and commercial streets;
- (3) Eight-inch minimum Portland cement concrete with six-inch MoDOT Type 1 or 5 compacted aggregate base on arterial and industrial streets.
- (4) Asphalt street pavement for new streets is prohibited.
- (5) All concrete pavement shall have a minimum of 4,000 PSI strength at 28 days.
- (6) Maximum control joint spacing shall equal 24 X (times) pavement thickness in inches.

Alleys shall be surfaced the same as local and residential streets except in industrial zones which shall be surfaced the same as industrial streets. All streets and alleys shall be in accordance with the current department of public works standards and the current state standard specifications for highway construction.

(n) No building permits for the erection of any structure shall be issued by the city until the subdivision developer has completed the work of constructing all of the drainage structures and system and streets and alleys to be dedicated for public use in the subdivision in compliance with the standards and requirements as set forth herein; except the subdivision developer may, with the approval and consent of the commission and city council, furnish a performance bond of 100 percent of the cost for street and alley construction in the subdivision, said streets and alleys to be constructed within one year. This section shall not preclude a subdivision developer from platting various portions of a larger subdivision in separate phases or additions, thereby allowing the installation of improvements for each separate phase or addition to be completed and permits then issued.

(Code 1963, § 143.040(3); Code 1988, § 29-103; Ord. No. 3803, §§ 1, 2, 10-20-1992; Ord. No. 3837, §§ 1, 2, 8-3-1993)

#### **Sec. 29-112. - Blocks.**

(a) No block shall be longer than 1,320 feet except for special reasons to be studied, which shall include pedestrian movements, approved and granted by the planning commission and the city council. In no case, however, shall any block be longer than 1,800 feet long. The widths of blocks shall be sufficient, normally, to allow two tiers of lots of appropriate depth.

(b) Where it is desirable to subdivide a parcel of land that, because of its size, location or topography, does not permit an allotment directly related to a normal street arrangement, there may be dedicated a place. Such a place may be in the form of a court, cul-de-sac or other arrangement; provided, however, that all the lots shall abut on such dedicated place, street or court and provided that such place, street or court shall join the city street system and the minimum size of each allotment of the sort shall be permanently established so as to ensure a building arrangement commensurate with the foregoing requirements for the customary forms of subdivision of land.

(Code 1963, § 143.040(4); Code 1988, § 29-104)

#### **Sec. 29-113. - Lots.**

Lot dimensions shall conform to requirements of chapter 32 pertaining to zoning, and:

- (1) The minimum lot depth shall not be less than 100 feet for residential lots.
- (2) The minimum lot depth shall not be less than 200 feet for industrial lots.

(3) Corner lots for residential use shall have additional width to permit building lines for setbacks as required by chapter 32 pertaining to zoning.

(4) Side lot lines shall be approximately at right angles to straight street lines or approximately radial to curved street lines.

(5) Each lot shall abut and have access to a public street.

(6) Double-frontage lots for residential purposes shall be avoided except where they back on a major street.

(7) Interior side lot lines (party lot lines) shall require cross access easements for utilities.

Building lines may be shown on all lots but shall be not less than the zoning requirements. (Code 1963, § 143.040(5); Code 1988, § 29-105)

#### **Sec. 29-114. - Sidewalks**

(A) Sidewalks shall be a minimum of five-foot wide and shall be placed within right-of-way one foot from the property line along a minimum of one side of every street within a platted subdivision. The sidewalk shall be placed a minimum of four inches thick on a compacted subgrade. At all residential drive locations this minimum thickness shall be six inches extended through the driveway to five feet on each side. At all commercial drive locations this minimum thickness shall be eight inches extended through the driveway to five feet on each side. The surface shall be a light broom finish with contraction joints at five-foot intervals. Expansion joints are required where the new sidewalk abuts all curb, buildings, poles, other structures, through all drives on each side and at regular 100-foot intervals. The maximum cross slope for all sidewalks shall be 2% including through the driveways. Sidewalk curb ramps with a detectable warning surface shall be constructed at all crosswalks according to latest MODOT Standard or ADA regulation.

(B) The concrete used shall meet MODOT standards for Portland Cement Concrete Sidewalk. A receipt from the concrete supplier with this information and the location and date of the pour shall be submitted to the Department of Public Works prior to any city approvals of said work. The developer shall notify the Department of Public Works two full business days prior to placing the concrete for an inspection of the base and formwork. All sidewalks shall be installed within two years after construction is completed on 80 percent, per phase, of the dwelling units in the subdivision.

#### **Sec. 29-115. – Water System**

(A) Where a public water system is available, any water main extension shall be completed in accordance with the latest revision of the extension requirements of the Board of Public Works and the Missouri Department of Natural Resources. The water main shall be

designed by a licensed engineer, reviewed by the Board of Public Works and shall comply with all Board of Public Works design guides and construction requirements.

**Sec. 29-116. – Sanitary Sewers**

- (A) All lots shall be provided a connection to a municipal sanitary sewer at the property line. All sewer extensions shall be completed in accordance with the latest revision of the extension requirements of the Board of Public Works and in accordance with Missouri Department of Natural Resources permitting requirements and design standards. All sanitary sewers shall be constructed in compliance with, and shall be subject to, the provisions regarding building sewers and connections in the Board of Public Works design guides and construction requirements.
- (B) The use of septic tanks in new construction, including manufactured homes, is not permitted. (Code 1963, § 140.040(8); Code 1988, § 29-108; Ord. No. 3795, § 2, 7-21-1992)

**Sec. 29-117. – Electric System**

- (A) All lots shall be provided a connection to the municipal electric system at the property line. All electric will be run underground throughout the development. All electric extensions shall be completed in accordance with the latest revision of the extension requirements of the Board of Public Works and in accordance with acceptable electrical codes. All construction shall meet the provisions for electrical system per the Board of Public Works design guides and construction requirements.

**Sec. 29-118. – Stormwater Conveyance System**

- (A) All stormwater conveyance systems including structures, piping, outfalls, swales, and drainage ways shall be designed in accordance with Board of Public Works requirements and design guides and shall be reviewed and completed with the latest revision of the extension requirements of the Board of Public Works.

**Sec. 29-119. - Easements.**

(a) Utility Easements shall be provided as follows:

(1) Easements on rear or side lot lines shall be provided for utilities and shall be a total of at least fifteen (15) feet wide. Boundary lots adjacent to existing subdivisions with existing utility easements may receive credit for easement footage committed by the neighboring subdivision.

(2) Easements along front lot lines shall include a separate seven (7) foot easement outside the Right-of Way for underground electric service.

(3) Underground water and sewer shall be provided within the street Right-of-Way

(4) Cross access easements for all utilities shall be provided for interior side lot lines (party lot lines).

(b) Dams, levees, spillways, and similar devices to be used in the construction of lakes, ponds, or other waterways shall be designed and the construction supervised by a registered professional engineer at the subdivision developer's expense.

(c) No plat involving living units shall contain any easement, except easements external to the buildings containing such living units.

(d) Easements for access to maintain or replace culverts or bridges shall be provided and designated on the final plat.

(Code 1963, § 140.040(6); Code 1988, § 29-106; Ord. No. 3265, § 3, 7-6-1982)

### **Sec. 29-120. - Bridges, culverts.**

Where a bridge or culvert is required on a dedicated street or traveled way in a subdivision, the subdivision developer shall employ a registered professional engineer to design and supervise the construction of the bridge or culvert in accordance with the state's standard specifications for highway construction.

(1) The width of any bridge in a subdivision shall be equal to the pavement width of the driving lanes of traffic, plus four feet on each side of the driving lanes of traffic to the bridge curbs, handrails, or sidewalks. There shall be at least one bridge sidewalk as directed by the commission. The bridge sidewalks shall be a width of five feet.

(2) Culverts shall extend the full width of the street right-of-way unless otherwise approved by the city engineer for practical waterflow purposes. The commission and city engineer may require the culvert to extend beyond the street right-of-way if it is deemed necessary for protection of the street and adjacent property. The developer may, in the case of major culverts used in lieu of bridges, provide for the same width as required for bridges, except that sidewalks shall be provided for both sides. The developer shall provide safety guardrail and object markers in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, published by the American Traffic Safety Services Association, for either bridges or major culverts.

(Code 1963, § 140.040(7); Code 1988, § 29-107)

### **Sec. 29-121. - Improvements.**

(a) Inasmuch as the primary purpose of subdividing land is to create residential, commercial, or industrial building sites and inasmuch as vehicular access and certain utilities are essential to a subdivision development, it shall be the responsibility of the developer to ensure the installation of pertinent improvements before the plat is finally approved. To achieve this objective, the commission and the council shall request the fullest cooperation of the subdivision developer.

(b) The utilities, drainage, sidewalks, and street improvements shall meet the city's minimum requirements, all in accordance with city codes.

(Code 1963, § 140.040(8); Code 1988, § 29-108; Ord. No. 3795, § 2, 7-21-1992)

**Sec. 29-122. - Public land and Open Spaces.**

(a) *Amount of open space required.*

- 1) A minimum of four percent of the gross area of any proposed residential subdivision shall be dedicated for usable open space. Usable open space shall include parks, playing fields and other types of functional recreational areas. Areas left undeveloped due to difficult topography or conservation purposes, such as floodplain and drainage ways shall not constitute usable open space and shall generally not be included in the calculation of dedicated open space. Exceptions may be made for the dedication of land along drainage ways for trails.
- (2) Where a school, neighborhood park, recreation area, or similar public land use is shown on the future land use plan of the comprehensive plan, in whole or in part in the proposed subdivision, the city council may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purpose. Should the dedication of such open space for public purposes exceed the required four percent, the city council shall determine compensation or development density incentives to compensate for the additional dedication.

(b) *Options for dedication.* The developer shall dedicate the required amount of open space using one or a combination of the following dedication options:

- (1) *Private open space.* Private open space dedicated to meet the open space requirements shall be conveyed to a property owners' association. Private open space shall be included in restrictive covenants, easements or other legal devices designed to ensure that such space will remain permanently open. Included in the restrictive covenants, easements or other legal devices shall be provisions to ensure the open space is maintained appropriately and that the general public may gain access to such open space.
- (2) *Fee-in-lieu of open space.* Should the developer choose not to dedicate land for open space, a fee-in-lieu of open space shall be paid. The fee shall be paid prior to the plat being recorded. The amount of the fee to be paid shall be determined using the following formula. The total gross area of the subdivision (in acres) shall be multiplied by four percent. This number shall be divided by the average lot size of the lots in the proposed subdivision (in acres). This number shall be multiplied by \$10,000.00. This number shall be the required fee. Should a portion of the required open space be fulfilled through land dedication, the initial multiplying number (four percent shall be adjusted accordingly to reflect the percent of land that still must be dedicated).

(c) *General requirements.* Open space, whether conveyed to a property owners' association or to the city, shall remain permanently open for recreational purposes. All open space shall be shown on the preliminary and final plats and shall be

identified by its own tract. Open space shall be dedicated with the final plat. Open space shall be laid out to connect with other open space, existing or proposed, in the vicinity to the maximum extent possible. In the case of two or more adjacent subdivisions, developers may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the city planning and zoning commission and the city council.

### **Sec. 29-123. – Stream Setbacks and Riparian Corridors**

Development along natural watercourses shall have residential lot lines, commercial or industrial improvements, parking areas and driveways set back a minimum of twenty-five (25) feet from the top of the existing stream bank. This is not meant to prevent access across creeks. Except as otherwise provided herein or as allowed by the City, the section of land between a natural watercourse and lot lines shall be designated as common ground and drainage easement to be maintained by the trustees or owners' association of the subdivision within all types of developments. Only for non-residential subdivisions in lieu of the common ground requirement, the section of land between the natural watercourse and twenty-five (25) feet from the top of bank can be:

- (1) Private property with an easement dedicated to the trustees or owners' association requiring maintenance of the areas as the responsibility of the trustees or owners' association;
- (2) Private property subject to a conservation easement in favor of an organization or land trust dedicated to environmental protection or land preservation organization;
- (3) Set aside in a stream bank mitigation program approved by the United States Army Corps of Engineers under the provisions of the Clean Water Act.

All developments shall maintain a setback minimum of fifty (50) feet from the top of the existing bank to any building structure requiring a construction permit that necessitates excavation or also requires a foundation. Commercial and industrial areas shall have creek areas dedicated as drainage easements. Notwithstanding the foregoing setback requirements, an applicant may obtain a variance to develop within the stream buffer area from the City, provided the applicant is able to demonstrate that the water quality and stream morphology will not be adversely affected or adequate mitigation is provided to offset such adverse effects. Mitigation may include, but not be limited to, the following:

- (1) Installing additional erosion and sediment control;
- (2) If the stream has the potential for lateral movement, installing stream stabilization practices within the stream;
- (3) For those sites where vegetation does not exist, establishing vegetation; and/or
- (4) Additional tree planting.

## **Sec. 29-124. – Acceptance of Completed Subdivision Construction**

- (A) *Inspections and Testing.* The Department of Public Works office shall require testing and inspection of all public infrastructure construction. Testing shall be provided at the expense of the subdivision developer with testing reports provided to the Department of Public Works and Acting City Engineer for review and approval. The Department of Public Works reserves the right to self-perform the inspections or use an independent third-party inspector. At a minimum, the following inspections and tests shall occur:
- (1) Street subgrade shall be inspected and tested prior to application of base materials. A proof roll using a fully loaded tandem axle truck shall be run across the subgrade to determine if any soft spots exist. The top 12” of all soil subgrade material shall be compacted to a minimum of 97% density for cohesive soils and minimum 98% for cohesionless soils based on a standard proctor (per ASTM D698) with range of moisture between 0-3 % of optimum moisture content. Non-expansive soils utilized for compacted fill should exhibit a Liquid Limit less than 45 percent and a Plasticity Index less than 22 percent. A minimum of one density test per 100 lineal feet of roadway is required. All testing reports shall be provided to the Acting City Engineer for review and approval prior to placement of base materials.
  - (2) Street aggregate base materials shall be inspected and tested prior to placement of concrete pavement. A proof roll using a fully loaded tandem axle truck shall be run across the base rock material to determine if any soft spots exist. The top 12” of all base rock material shall be compacted to a minimum of 97% density based on a standard proctor (per ASTM D698) with range of moisture between 0 -3 % of optimum moisture content. A minimum of one density test per 100 lineal feet of roadway is required. Furthermore, the developer shall demonstrate using a string-line at 100 lineal foot intervals that the minimum thickness of the base rock for the street is being provided. All testing reports shall be provided to the Acting City Engineer for review and approval prior to placement of base materials.
  - (3) Street concrete pavement shall be inspected and tested prior to acceptance. Concrete for streets shall comply with the air, slump, strength, and temperature requirements for Portland Cement Concrete Pavement in the MoDOT Standard Specifications for Highway Construction, latest edition. A minimum of one air, slump, cylinder for strength testing, and temperature test shall be taken per fifty (50 cubic yards of concrete material. All testing reports shall be provided to the Acting City Engineer for review and approval prior to acceptance of the concrete pavement. Furthermore, the developer shall demonstrate using a string-line at 100 lineal foot intervals between concrete forms that the minimum thickness of the concrete street is being provided. The Acting City Engineer reserves the right to require concrete coring if any test results fail to meet the minimum requirements, or if thickness inspections were not conducted prior to placement of the concrete pavement.

- (4) Sidewalk pavement shall be inspected and tested prior to acceptance following the same requirements for street concrete pavement with the exception that a proof roll test is not required.
  - (5) Water Service shall be inspected and tested in accordance with Board of Public Works requirements prior to acceptance.
  - (6) Sanitary Sewers shall be inspected and tested in accordance with Board of Public Works requirements prior to acceptance.
  - (7) Stormwater detention and drainage piping (storm sewers, storm sewer inlets, storm sewer manholes, etc.) shall be inspected prior to acceptance.
  - (8) Electrical system shall be inspected and tested in accordance with Board of Public Works requirements prior to acceptance.
- (B) Completion of the following phases of construction – drainage/detention, subgrade, base, pavement, curb, sidewalk, trenches, sewers, water mains, and electrical system must be approved in writing before commencement of the next construction phase. The developer, or its contractor, shall provide the Department of Public Works at least two full business days’ notice before commencing each phase of construction of public infrastructure improvements. No building permits will be issued unless the appropriate infrastructure identified in this provision has been made available to the lot for which the building permit is being requested.
- (C) *Changes.* Proposed changes to approved plans must be submitted to the Department of Public Works for review and approval by either the city engineer for streets, sidewalks, and drainage, or the Board of Public Works for water, sewer, or electric.
- (D) *Time for Completion.* All streets, drainage, and utilities within each phase of the subdivision shall be installed within one year after construction is initiated on the first dwelling unit in the subdivision. No building permits will be issued unless the appropriate infrastructure identified in this provision has been made available to the lot for which the building permit is being requested.
- (E) *Fees.* An inspection fee of \$25 per lot shall be paid to the City Treasurer by the subdivision developer prior to commencements of any street improvement to defray cost to the city.
- (F) *Warranty.* The subdivision developer or contractor shall warranty the completed construction from all defects in workmanship, materials, or construction for a period of one-year following preliminary acceptance by the city for the streets, drainage, or utilities. This warranty shall be in written form and executed by the subdivision developer or contractor (whichever is the responsible party). If a failure occurs within the warranty period, the developer or contractor is responsible for remedying the defect to the satisfaction of the city, whether by replacement, repair, or other means. After the warranty period expires, final acceptance of the completed construction will occur. If the subdivision developer or contractor fails to follow the inspection and testing requirements during construction, they shall warranty the completed construction from all defects in workmanship, materials, or construction for a period of five (5) years following the completion of the installation for the street, drainage, or utilities. This warranty shall be

in written form and executed by the subdivision developer or contractor (whichever is the responsible party). If a failure occurs within the warranty period, the developer or contractor is responsible for remedying the defect to the satisfaction of the city, whether by replacement, repair, or other means. After the warranty period expires, final acceptance of the completed construction will occur. In lieu of a written warranty, the responsible developer or contractor shall provide a bond in the full amount of the construction cost of the streets, drainage and utilities to the city for a period of five years.