

## Chapter 43—Subdivision Regulations

(ORD #6-8-92)

(Ord # 09-08)

### Chapter 43—Subdivision Regulations

#### Article I. Purpose, Authority, and Jurisdiction

##### 43.020. Purpose

- A.** Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly.
- B.** The purpose of this document is to set forth rules and regulations for the division of real property so that each subdivision shall be properly coordinated with existing streets, utilities, and public facilities, and for the future development of these entities. These Zoning Regulations will be helpful to City Officials and private developers by clarifying requirements and by assuring more uniform application of City standards for new subdivisions.

##### 43.030. Authority

The requirements and recommendations set forth herein are designed to encourage orderly growth for the City of Holden through responsible land subdivision and are adopted under the authority established by Sections 89.300 through 89.480, RSMo. And by other applicable laws, statutes, orders and regulations of the State of Missouri and the City of Holden.

##### 43.040. Jurisdiction

This Chapter shall apply to all subdivision of land within the corporate limits of the City of Holden, as presently exists or as hereafter established, and to unincorporated land in Johnson County within one (1) mile the corporate limits or within one-half (1/2) mile of the limits of intended annexation.

##### 43.050. Applicability

The requirements of these Subdivision Regulations shall apply to any owner or owners desiring to:

- 1.** Divide, further divide land; or
- 2.** Otherwise alter the boundaries of lots or parcels of land; or
- 3.** Dedicate land for use as streets, alleys, sidewalks or for other public or private purposes.

##### 43.060. Exemptions

Notwithstanding the requirements of Sections 43.030 through 43.050 this Article shall not apply in the following instances or transactions:

- 1.** The division or further division of land into lots or parcels, each of which contains more than forty (40) acres, where such subdivision does not involve the creation of any new streets or easements of access.
- 2.** A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons, and does not create an additional lot or non-conformity.

3. A conveyance of land or interest therein for use as right-of-way or other public utilities subject to State or Federal regulation, where no new street or easement of access is created.
4. A conveyance made to correct a description in a prior conveyance.
5. Any transfer by operation of law.

**43.065. Multiple Applications**

- A. With the exception of a final plat for residentially zoned property, multiple applications may be filed for the same property for consideration at the same meeting. Final plat applications may not be considered at the same meeting that a rezoning or preliminary plat application is considered for residentially zoned property.
- B. A right-of-way vacation or easement release application may be considered with a preliminary plat application but must precede a final plat application.

**43.070. Interpretation and Conflict**

- A. In their interpretation and application, the provisions of these Zoning Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with Public and Private Provisions.
  1. These regulations are not intended to interfere with, abrogate or annul any other City ordinance, rule or regulation, statute, or other provision of law. Where any provision of these Zoning Regulations imposes restrictions different from those imposed by any other provision of these Zoning Regulations or any other City ordinance, rule or regulation or other provision of law, wherever provisions are more restrictive or impose higher standards, shall control.
  2. These regulations are not intended to abrogate any easement, covenant or other private agreement, or restriction, provided that where the provisions of these Zoning Regulations are more restrictive or impose higher standards or regulations, than easement, covenant or other private agreement or restriction, the requirements of these Zoning Regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these Zoning Regulations, or the determinations of the Planning and Zoning or the City Council

in approving a Subdivision or enforcing these Zoning Regulations or determinations, thereunder, then such private provisions shall be operative and supplemental to these Zoning Regulations and determination made thereunder.

**43.080. Severability**

If any part or provisions of these Zoning Regulations application thereof to any person or circumstances is adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the Planning Commission hereby declares that it would have enacted the remainder of these Zoning Regulations even without any such part, provision or application.

**43.090. Conditions**

The subdivision of land is a privilege conferred upon the developer by the laws of the State of Missouri and through these subdivision regulations. It is the developer who is seeking to acquire the advantages of lot subdivision and upon him/her rests the duty of compliance with reasonable conditions laid down by the Planning Commission and the City Council for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

**Article II Administration and Enforcement**

**43.100. Division of Responsibility**

**A.** Administration of these Subdivision Regulations is vested in the following governmental branches, agencies, departments, or individuals of the City Government:

**i.** Office of the person designated as the Administrator of these Zoning Regulations.

**ii.** Board of Public Works of the City of Holden, Missouri.

**iii.** Holden Planning and Zoning Commission.

**iv.** Holden, Missouri, City Council.

**B.** Each of the above-named governmental branches, agencies, departments, or individuals shall have the responsibilities hereinafter set forth.

**43.110. Duties of the Office of Administrator**

The Administrator shall administer the provisions of this Chapter and in furtherance of such authority, shall:

**1.** Maintain an up-to-date Subdivision Code, including Amendments thereto and permanent and current records with respect to these Zoning Regulations.

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2. Receive, file, and transmit application, sketch plans, Preliminary Plats and final plats, to the designated review groups as specified in the Zoning Regulations.
3. Inform applicants of the procedural requirements for Subdivision approval, discuss and review sketch plans in regards to the type and density of use as proposed in the Growth Management Plan.

In the absence of an administrator, an administrative committee of all department heads of the City of Holden shall be formed to administer the provisions of this Chapter and in furtherance of such authority.

### **43.115 Duties of the Board of Public Works**

The Board of Public Works shall:

1. Review and recommend approve, approve conditionally, or disapprove preliminary plats.
2. Review and recommend approval or disapproval of final plats.
3. Transmit the preliminary plats to the Holden Planning and Zoning.
4. Transmit the final plats to the Holden Planning and Zoning.

### **43.120 Duties of the Holden Planning and Zoning**

The Holden Planning and Zoning Commission shall:

1. Shall hold public hearings on any requested application for rezoning or changes in the Zoning code and shall report to the City Council in writing its recommendation concerning such application or change.
2. Review and recommend approve, approve conditionally, or disapprove preliminary plats.
3. Review and recommend approval or disapproval of final plats.
4. Transmit the preliminary plats to the City Council for approval and acceptance or rejection of the development plan for the subject property.
5. Transmit the final plats to the City Council for approval and acceptance or rejection of dedication of streets, alleys and other public ways and sites.
6. Make such other determinations and decisions as may be required of the Planning and Zoning Commission from time to time by these Zoning Regulations or the applicable Sections of the Missouri Statutes.

### **43.130. Duties of the City Council**

The City Council shall approve all preliminary and final plats, and accept or reject dedications of streets, alleys and other public ways and sites shown on all plats and approve written agreement with the sub divider as required in Section 43.360. The City Council shall also accept or reject financial guarantees from the sub divider in lieu of immediate completion or installation of improvements required by these Zoning Regulations.

**43.140. Filing fees and other costs**

Prior to the filing of a preliminary or final plat the following fees shall be paid;

- 1.** The filing fee for a preliminary plat shall be a minimum of two hundred dollars (\$200.00), based on a residential lot fee of twenty dollars (\$20.00) per lot for the first (1st) ten (10) lots and ten dollars (\$10.00) per lot thereafter. The filing fee for a preliminary plat other than residential shall be a minimum of three hundred dollars based on a fee of ten dollars (\$10.00) per acre for the first (1st) thirty (30) acres and ten dollars (\$10.00) per acre thereafter.
- 2.** The filing fee for a final plat shall be two hundred (\$200.00). The filing fee for a final plat other than residential shall be three hundred (\$300.00).
- 3.** Any direct cost incurred by the City of Holden above and beyond filing fees outlined in this Section, shall be billed to, and paid by applicant before final determination by the City Council.

**43.150. Enforcement**

No Plat or subdivision shall be approved which does not comply with the provisions of these Zoning Regulations.

**43.160. Violations and penalties**

Any person, firm or corporation who fails to comply with, or violates, any of these Zoning Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), or by confinement in the County Jail for not more than ninety (90) days or by both such fine and confinement, pursuant to the provisions of Section 89.490 of the Revised Statutes of the State of Missouri. The city shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Article. In addition to any other remedies, the City Attorney may institute injunction, mandamus or other appropriate action or proceedings to prevent violation of this Zoning Code.  
Article III. Procedure for approval of subdivision plats

**43.170. Sketch plan**

**1)** Pre-Submittal Conference

- a)** Application filing procedures. Before submitting a preliminary the owner or his/her agent and the owner's engineer or land planning consultant shall confer with the Zoning Administrator, the City Engineer and other departments as designated by the City of Holden to determine the applicable ordinances and regulations. The purpose of the

inquiry is for the owner to become familiar with procedures required by the City of Holden, including:

- i) Procedure for filing plats;
- ii) Availability of City sewer and water;
- iii) Growth Management Plan requirements for improvements such as major streets, land use, parks, schools and public open spaces;
- iv) Zoning requirements for the property in question and adjacent properties; and,
- v) Special setback requirements for arterial, collector and local streets.

Before the submission of a preliminary plat and together with the submission of any request for alternative density zoning, the owner may submit a sketch of a subdivision plan. The sketch plan shall contain the information set out in Section 43.200. There shall be no fee for submitting a sketch plan.

**2) Conference procedures.** After submittal of the subdivision plan, the Zoning Administrator, the City Engineer and other designated members of the City departments shall hold a conference with the sub divider to discuss the character of the subdivision, the adequacy of sanitary and other services, streets, pavement, storm water drainage, and provisions for maintenance of public or common property, or sanitary and water supply services, and of the character of the subdivision, minimum dwelling size, and such other matters as are relevant to the preparation of a preliminary plat.

**a) Review of sketch plan.** The Administrator shall review the sketch plan and shall be available to meet with the sub divider to discuss any findings or recommendations. The purpose of the review shall be to inform the applicant of the requirements of development regulations as they apply to the property in question and to alert the applicant of potential problems with the location or design of the subdivision. One (1) copy of the sketch plan shall be retained by the Administrator for his/her records.

**43.180. Preliminary plat**

**A. Application for subdivision approval.** Any person desiring to subdivide land that is subject to the provisions of this Chapter shall file with the office of the Zoning Administrator a complete application form and the appropriate filing fee.

**B. Filing of preliminary plat.** Twenty (20) copies of the preliminary plat and additional information as required by Section 43.210 shall be filed with the office of the Zoning Administrator/Community Development Director at least sixty (60) days prior to the date of the meeting on which the plat is to be heard. The copies of the preliminary plat and all appropriate information shall then be transmitted to the Board of Public Works for appropriate action and then forwarded to the Planning and Zoning Commission for appropriate action and then forwarded to the City Council for approval. For commercial or industrial zoned property, the developer has the option of submitting the application thirty (30) days prior to the date of the meeting on which the plat is to be heard.

- C.** **Filing fee.** The preliminary plat shall not be accepted for filing until a filing fee has been paid by the sub divider and all required drawings and information submitted.
- D.** **Notice of hearing**
- a. The application shall be accompanied by an ownership list, in the form of mailing labels, either certified by a registered abstractor or compiled by the applicant from County records, listing the legal description and name and address of the owners of all property located within one hundred eighty-five (185) feet of the boundaries of the property for which the preliminary plat is requested.
  - b. Written notice shall be mailed first-class with a certificate of mailing as proof of mailing at least fifteen (15) days before the hearing to all owners of record of lands located within at least one hundred eighty-five (185) feet of the area proposed to be. All notices shall include a statement that a complete legal description and plat is available for public inspection and shall indicate where such information is available. When the notice has been deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning and Zoning Commission or the City Council. The applicant shall provide the certificate of mailing receipts to the City prior to the public hearing so verification of proper notice can be made.
  - c. At least fifteen (15) days' notice of the time and place of such hearing shall be published in the official paper of the City. Such notice shall fix the time and place for such hearing and contain a statement regarding the request and shall indicate where the legal description and plat may be inspected.
  - d. The applicant shall post a sign, furnished by the City, along each road frontage in a conspicuous place on the property upon which action is pending, Notice shall be posted at least fifteen (15) days prior to the date of the public hearing. The sign shall be placed within five (5) feet of the right-of-way line in a central position on the property and placed so the sign is clearly visible from the street. The applicant shall make a good faith effort to maintain the sign on the property.
- E.** **Contents of Preliminary Plat.** The preliminary plat shall contain information and date set out in Section 43.210 of these Zoning Regulations.
- F.** **Distribution and review of preliminary plat.** The Zoning Administrator shall distribute one (1) or more copies of the

preliminary plat to the following governmental agencies, departments, and other persons as may be deemed appropriate for the particular proposed subdivision: City Engineer, the Fire District, Police Department, the School District, State Highway Department (if the subdivision is adjacent to a State highway), and any utility companies providing gas, electric, or telephone service in or near the subdivision. The agencies, departments and persons named in this Section shall have a minimum of ten (10) working days to review the preliminary plat and to make their report and recommendations to the Board of Public Works for appropriate action and then forwarded to the Planning and Zoning Commission. The agencies, departments and appropriate persons named in this Section shall return preliminary plats, report and recommendation to the Board of Public Works for appropriate action and then forwarded to the Planning and Zoning Commission. If such report has not been returned to the office of the Zoning Administrator within ten (10) working days after receiving a plat for review, the proposed plat shall be deemed to be in conformance with the laws, rules or policies of the reviewing agency or department.

- G.** Action by the Board of Public Works on preliminary plat. The Board of Public Works shall consider the preliminary plat within thirty (30) days of its receipt by the Zoning Administrator. The Board of Public Works shall review and consider the reports and recommendations of the agencies, departments, and persons to whom the preliminary plat has been submitted for review.
- a.** The Board of Public Works shall determine, based upon evidence before it whether the preliminary plat meets the design and engineering standards of the Board of Public Works. In addition, the Board of Public Works shall find and determine that the preliminary plat:
    - i.** Will make adequate provision to accommodate resulting additional demands which may be imposed upon water supply and storage, sanitary sewage, and wastewater treatment without substantially increasing public costs and expenditures.
- H.** Action by the Planning and Zoning Commission on preliminary Plat. The Planning and Zoning Commission shall consider the preliminary plat within thirty (30) days of its receipt by the Zoning Administrator, or at the next regular meeting for which the plat may be scheduled by the Zoning Administrator. The Planning and Zoning Commission shall review and consider the reports and recommendations of the agencies, departments and persons to whom the preliminary plat has been submitted for review.
- a.** The Planning and Zoning Commission shall determine, based upon evidence before it, whether the preliminary plat meets the design and engineering standards of these Zoning





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- a. Approval of the preliminary plat shall not constitute acceptance of the subdivision by the City Council, but shall be considered permission to prepare and submit a final plat. Preliminary plat approval shall be effective for not more than one (1) year from the date approval was granted unless, upon the request of the sub divider, the City Council grants an extension. If preliminary plat approval expires, the preliminary plat must be resubmitted as if no such plat had ever been approved. Also see Section 43.190 (F) (3).
  - b. Applicant must request an extension of the Preliminary Plat within two (2) years of the last acceptance date of such Preliminary Plat or, within two (2) years of the last approved Final Plat in said subdivision. An extension of the Preliminary Plat can only be requested if said plat remains unchanged from last acceptance. A request for extension does not require an application fee or a public hearing, i.e. publication notice or notification of surrounding property owners.
- J.** Construction plans and development agreements submitted. Upon approval of the preliminary plat, the developer may proceed with detailed construction plans and, as applicable, with escrow or development agreements required for all facilities and utilities. When the construction plans are completed, the developer may then submit the construction plans along with the final plan (or the final plat in the case of a staged development) accompanied, as applicable, by final escrow or development agreements prepared by the City Attorney to the Planning and Zoning Commission and City Council for their review and approval. Submittal of the construction plans and, as applicable, escrow or development agreements shall be made not less than twenty (20) days prior to the Planning and Zoning Commission meeting at which the plans are to be considered.

### **43.190. Final Plat**

- A.** Filing of the final plat. Twenty (20) copies of the final plat and three (3) copies of final improvement plans as required by Section 43.400 shall be filed with the office of the Zoning Administrator/Community Development Director at least sixty (60) days prior to the date of the meeting on which the plat is to be heard. The copies of the final plat and all appropriate information shall then be transmitted to the Board of Public Works for appropriate action and then forwarded to the Planning and Zoning Commission for appropriate action and then forwarded to the City Council for approval. For commercial or industrial zoned property, the developer has the option of submitting the application thirty (30) days prior to the date of the meeting on which the plat is to be heard
- B.** Official submission date. For the purpose of these Zoning Regulations the date of the regular meeting of the Planning and Zoning Commission at which the final approval of the

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subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the sixty (60) day period required by Section 89.420, RSMo., for formal approval or disapproval of the plat commences to run.

- C.** Action by the Planning and Zoning Commission. Within thirty (30) days after consideration of the final plat, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the final plat, it shall advise the sub divider in writing of the reasons for such recommendation within ten (10) days after such action. The Planning and Zoning Commission shall recommend approval of a final plat if it is:
- 1.** Substantially the same as the approved preliminary plat;
  - 2.** There has been compliance with all conditions, restrictions and requirements of this Chapter and of all other applicable ordinances and design standards of the City;
  - 3.** There has been compliance with any condition that may have been attached to the approval of the preliminary plat.
- D.** Failure of Planning and Zoning Commission to act on the final plat. If the Planning and Zoning Commission fails to act on the final plat within sixty (60) days after it has been considered for final approval, it shall be deemed to have been recommended for approval.
- E.** Submission of plat to the City Council. Before a final plat is recorded and after approval by the Planning and Zoning Commission, the City Council shall either approve or disapprove the final plat and accept or reject the dedication of land for public purposes with thirty (30) days after the first (1st) meeting of the City Council after the plat was submitted to the City Clerk. The action of the Planning and Zoning Commission and the City Council shall be conveyed to the sub divider in writing within ten (10) days of the meeting of the City Council at which the plat was considered. If the final plat is disapproved, the sub divider shall be notified of the reasons for such disapproval. Acceptance of the dedication shall be shown over the signature of the Mayor and attested by the City Clerk. If the City Council rejects any dedications on the final plat, they shall advise the sub divider in writing of the reasons for such rejections. In approving or disapproving a final plat, the City Council may consider any matter that affects the welfare of the city.
- F.** Staged development of final plat. The foregoing provisions of these Subdivision Regulations to the contrary notwithstanding, an approval preliminary plat may be submitted for final

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approval in separate geographic units rather than as a whole, provided the following conditions are met:

1. The residential tract of land shall contain at least twenty (20) acres.
  2. Each single-family residential final plat shall include at least twenty (20) lots.
  3. An application for final plat approval shall be filed within one (1) year of approval of the preliminary plat. If the application is withdrawn and the time elapses prior to another final plat application being filed, the preliminary plat is null and void.
  4. Application for one (1) final plat meeting the criteria stated above shall be submitted for approval every two (2) years or the preliminary plat will become null and void. If the application is withdrawn and the time elapses prior to another application being filed, the preliminary plat is null and void.
  5. The preliminary plat shall include a proposed phasing plan. The phasing plan may be amended at the time of any final plat application. Amendments to the phasing plan are subject to review by the City staff.
  6. If an initial final plat has not been submitted within the time set forth in this Subsection, and subsequent phase final plats are not submitted according to this Subsection, the preliminary plat shall be null and void and the developer will be required to submit a new preliminary plat according to the City Codes in effect at the time of the application.
  7. All steps and criteria required by the City Code for the approval of final plats at the time of final plat application, including the recording thereof, shall be adhered to with respect to each final plat submitted.
- G. Authorization for approval of plats for small tracts. If a proposed plat of subdivision or re-subdivision complies with the requirements of Section 43.190 (H) of these Zoning Regulations, then the Planning and Zoning Commission may recommend approval and the City Council may approve the final plat of such subdivision or re-subdivision when a preliminary plat has not been submitted to or approved by the Planning and Zoning Commission. The Administrator shall be responsible for determining whether a proposed plat meets the requirements of Section 43.190 (H).
- H. Requirements for approval of plats for small tracts. In order to qualify for approval in the manner provided in Section 43.190 (I) a proposed plat of subdivision shall comply with the following requirements:

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1. The proposed plat of subdivision shall include not more than (5) acres;
  2. The proposed plat of subdivision shall create not more than five (5) lots, tracts or parcels or land;
  3. No public street or easement of access is sought to be dedicated, or is contemplated or projected, through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or re-subdivided; and
  4. The proposed plat of subdivision shall be in the form required by Article IV of these Zoning Regulations and shall contain all the data, information and certifications required on the final plats by Article IV of these Zoning Regulations.
- I. Procedure for approval of plats for small tracts. Final plats submitted for approval shall be filed with the Zoning Administration Sixty (60) days prior to the date on which the plat is to be heard. The Planning and Zoning Commission may require to be submitted the topographic information required under Article IV whenever the property to be subdivided or re-subdivided is traversed by, or is adjacent to a known water course, including streams.
1. The developer has the option of submitting the application thirty (30) days prior to the date of the meeting on which the plat is to be heard. However, the developer must pay a minimum fee of one thousand dollars (\$1,000.00) to cover the expense of the consultant and any staff overtime which may be required. Any additional expenses incurred by the City may be billed to the developer. The minimum fee must be paid at the time of application and the developer must request the thirty (30) day deadline in writing.
  2. The recommendation for approval of final plats by the Planning and Zoning Commission and approved by the City Council shall be subject to the provisions of these Zoning Regulations, except insofar as the Sections requiring prior approval of, or compliance with, an approved preliminary plat.
- J. Building and other permits. No building permit or occupancy certificates shall be issued for a building or structure on any lot, tract or parcel of any subdivision that is subject to the provisions of these Subdivision Regulations until a copy of the recorded plat of subdivision is available for examination by the official charged with issuing building permits and/or occupancy certificates. No such permits or certificates shall be issued until there has been compliance with all of the provisions of these Subdivision Regulations and conditions of plat approval. Building permits for residential dwelling units

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will not be issued until all public improvements are installed and accepted by the City of Holden. A Certificate of Occupancy for a commercial or industrial building will not be issued until all public improvements are installed and accepted by the City of Holden.

- K.** Recording of the final plat. No plat shall be recorded or filed with the Office of the Recorder of Deeds until such plat has been approved by the City Council; all dedications of right-of-way, easements and other property have accepted by the City Council; and the design and financing of all improvements has been agreed to by both the sub divider and the City Council. The financial responsibility for the cost of recording the plat with the Recorder of Deeds shall be borne solely by the sub divider. The Subdivide must record the final plat and return two copies to the City within six (6) months from the date of approval, or such plat is null and void.
- L.** Applications for vacation of streets or reservations. No vacation of a street or alley shall take place, unless the consent of the persons owning two-thirds (2/3) of the property immediately adjoining thereto be obtained therefore in writing, which consent shall be acknowledged before some Circuit of Associate Judge and filed for record in the Recorder's Office in Johnson County. Copies of the application shall be filed in both the office of the City Clerk and the office of the City Engineer. The application shall be accompanied by a legal description and survey or such other drawing acceptable to the City Engineer depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley, or public reservation.
- 1.** Application to vacate a street, alley or public reservation by ordinance may only be considered at a public hearing following notice to surrounding property owners as provided in these Zoning Regulations and publication notice as hereinafter provided. Notice shall be published for two (2) consecutive weeks in an official City newspaper. The notice shall state that an application for vacation has been filed in the office of the City Clerk, describing the property fully, and that a hearing thereon before the City Council will be held on a date certain after the completion of such publication notice, naming the day on which the hearing will be held, and that at such time and place all persons interested can appear and be heard concerning the application.
  - 2.** The City Council or the Zoning Administration may determine that it would be advisable to obtain the recommendation of the Planning and Zoning Commission concerning a vacation application prior to the public hearing before the City Council. In that event, the Planning and Zoning Commission shall hold its own public

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hearing on the application following publication notice to surrounding property owners in accordance with the provisions for public hearings. At the conclusion of any such hearing, The Planning and Zoning Commission shall submit its recommendation on the application to the City Council.

**3.** At the time designated in the publication notice for its hearing, the City Council shall proceed to hear the application, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof. At the hearing, the City Council shall hear such testimony as may be presented or required in order to fully understand the true nature of the application and the property of granting the same.

**4.** The City Council shall approve the application if it determines from the evidence that:

**a.** Due and legal notice has been given by publication as required herein.

**b.** No private rights will be injured or endangered by the vacation.

**c.** The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

**5.** An application may not be granted if, at the time or before the hearing, a written objection thereto is filed with the City Clerk by any owner or adjourning owner who would be a proper party to the application but has not joined therein.

**M.** Dedications of right-of-way.

**1.** When a land use permit or building permit is requested on a lot or tract abutting a public street, the Zoning Administration shall determine that adequate right-of-way exists on that portion of the public street abutting the property. The minimum right-of-way, measured from the centerline of the street of the property line of the lot or tract, shall be determined based upon the classification of the abutting street. Classification of the abutting street shall be determined by reference to the Growth Management Plan and the Thoroughfare Street Map of the Major Street Plan; or, if the classification is not designated on any of such documents, the City Engineer shall determine the street classification by reference to

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existing or planned land uses of abutting properties and the Major Street Plan.

- 2.** Once the street classification has been determined, right-of-way requirements shall be calculated in an amount equal to one-half (1/2) of the right-of-way requirement established for such street classification in the Major Street Plan. Where the property lies on both sides of the public street, the right-of-way requirement shall be equal to the amount set forth in said plan.
- 3.** No land use permit or building permit shall be issued for any lot or tract where the abutting right-of-way does not clearly comply with the right-of-way requirements until title for the additional required right-of way has been conveyed to the City by plat or deed and accepted by the City Council.
- 4.** Any requirement for dedication of right-of-way pursuant to the Section may be waived by the Zoning Administrator where the permit being requested does not result in a change or expansion of use of the property or an increase in the square footage of any building.
- 5.** Easement/dedications. Where development or construction will require easements and right-of-way dedications outside subdivision plat boundaries, no approval of construction plans for developments will be granted until verification of the recording of all easements and right-of-way dedications has been received.

### **43.195. Duplex and Townhome Lot Splits**

- A.** A previously platted lot zoned "R-2" or "R-3" may be divided as a lot split by either metes and bounds description or by reading.
- B.** For a duplex on a lot zoned "R-2", said split shall only occur where the common wall between the two (2) units exist. Said lot split shall, as closely as possible, divide the property into equal halves.
- C.** For a townhome on a lot zoned "R-3", said split shall only occur where the common wall between the units exist. Said lot split shall only be permitted within a building area so identified upon a recorded final plat. The purpose of the building area upon the final plat is to identify the general location of the townhome building. The lot split process permits the units to be surveyed and individually sold.
- D.** Duplex and townhome lot splits are only permitted upon lots contained within an approved final plat.
- E.** The Zoning Administrator/Community Development Director shall have the authority to approve lot splits under these provisions.
- F.** The following certification shall be placed on the survey or plat:



Approved by the City of Holden, Missouri on the \_\_\_day of \_\_\_\_\_.

\_\_\_\_\_  
Zoning Administrator/Community Development Director

**Article IV. Contents of Sketch Plan**

**43.200. Contents of Sketch Plan**

Prior to the filing of a preliminary plat, the sub divider should submit to the office of the Zoning Administrator plans and data showing the sub divider's ideas and intentions in the platting of the proposed subdivision in conformance with Section 43.190(A). The sub divider should outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required below. Should the sub divider submit a sketch plan, the plan shall contain the following:

- 1.** A general location map of the proposed subdivision and its relationship to existing community facilities. Such location maps shall show the location and name of subdivision, existing main traffic arteries, schools, parks, and playgrounds.
- 2.** The proposed layout of streets, lots, and other features in relation to existing utilities and other conditions. Proposed land use, parks, playgrounds and other public areas shall be shown on the sketch plan. This plan may be submitted in the form of a free-hand sketch map on a map in scale.
- 3.** The sub divider shall submit the following with the sketch plan:
  - a.** A statement describing the existing and proposed community facilities and utilities on and adjacent to the property to be subdivided.
  - b.** A statement of proposed protective covenants, if any.
  - c.** A statement of the approximate number of lots the proposed subdivision will contain, together with typical proposed lot widths and depths.
  - d.** Aerial or ground photographs which show the character and topographic features of the land, if available.

**43.210. Contents of Preliminary Plat**

- A.** Twenty (20) paper print copies of the preliminary subdivision plat shall be furnished for review.
- B.** The preliminary plat for a subdivision shall be a formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and shall meet the requirements outlined herein. The preliminary plat shall contain the following information:

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1. Proposed name of subdivision. Names shall not duplicate nor too closely resemble names of existing subdivisions.
2. Location of boundary lines in relation to section, quarter sections, or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
3. The name and addresses of the owner, sub divider, and engineer or surveyor.
4. The scale of the plan shall be one (1) inch equals one hundred (100) feet.
5. The date, north point, and legend.
6. A vicinity or general location map showing section lines, the subdivision, adjacent subdivisions, corporate limits, main traffic arteries and other prominent features.
7. The layout, number and approximate dimensions of lots, the number or letter of each block, and the minimum lot size in square feet.
8. Existing conditions.
  - a. The location, width, and name of each existing or platted street or other public way, utility rights-of-way, parks and other public open spaces, permanent buildings within or adjacent to the proposed subdivision, and other important features such as section lines and corners, survey monuments, and political subdivision boundaries.
  - b. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision or immediately adjacent thereto, with pipe size, grade, and location shown.
  - c. The names of adjacent subdivisions and property owners within one hundred eight-five (185) feet of proposed subdivision.
  - d. Topography (unless specifically waived by the City Engineer) with contour intervals of not more than five (5) feet, referenced to USGS datum; the location of water sources, ravines, bridges, lakes, wooded areas, approximate

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acreage, and such other existing features as may be pertinent to subdivisions. In areas where grades are gentle, a lesser contour interval may be required.

- e.** The location and character of all adjacent existing public utilities lines, including sewers (storm and sanitary), water, gas and power lines. If a community sewage treatment plant or other type of community disposal system is to be installed or constructed to serve all or certain portions of the proposed subdivision, the general plan for community type sewage treatment or disposal system shall be shown and so identified on the preliminary plat.
- f.** Areas subject to flooding by a storm having the probability of occurring once in fifty (50) years, and areas in the official one hundred (100) year floodplain (as determined by the Federal Emergency Management Agency) shall be shown.
- g.** Zoning on and adjacent to the tract.
- h.** Location, elevation, and description of the bench mark controlling the vertical survey which should, wherever possible, tie to USGS datum.
- 9.** The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat.

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

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- b.** Location and size of proposed parks, playgrounds, church or school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.
- c.** Easements showing width and purpose.
- d.** Building setback lines with dimensions.
- e.** Sites, if any to be allocated for development with other than single-family dwellings and indication of any lots on which use other than residential is proposed by the sub divider.
- f.** Location and type of utilities to be installed.
- g.** Location and width of proposed sidewalks in conformance with Section 43.340(E).

**10.** The following data and information shall be submitted with the preliminary plat. If practical, such data and information may be shown on the preliminary plat.

- a.** Proposed deed restrictions, if any, in outline form.
- b.** Stages of development sequence if the total area is not proposed to be developed as one (1) unit.
- c.** A statement of the improvements that will be installed by the developer and the time when such improvements will be completed. This statement shall be of sufficient detail to permit determination of whether such improvements will comply with these Zoning Regulations, and other applicable statutes, ordinances and regulations. If the nature of the improvements is such that preparation and submittal of all necessary details prior to the approval of the preliminary plat is not practical, then the Planning and Zoning Commission may waive the submission of such details, provided that is submitted at least thirty (30) days prior to the date of the final plat is requested.
- d.** Preliminary plans and profiles of streets, sewers. Storm sewers and water lines shall be

required. The location of bridges and culverts may also be required.

- e.** Preliminary plans for storm water management including macro storm drainage study, proposed permanent BMP's, 100 yr. conveyance path across the project area, setbacks or buffers zones, 100-yr flood zone, and other project specific information as deemed necessary by the City Engineer.

**43.220. Contents of Final Plat**

- A.** The final plat shall be a complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries, proposed streets, and dedications
- B.** The final plat shall be prepared by a registered land surveyor in the State of Missouri and bear his/her official seal.
- C.** Twenty (20) paper print copies of the final subdivision plat shall be submitted for review.
- D.** After final plat has been approved by the Planning and Zoning Commission and rights-of-way and easements have been accepted by the City Council a minimum of six (6) copies of the final plat, of which three (3) will be paper prints and three (3) will be opaque linen or mylar prints, shall be submitted.
- E.** The final plat prepared for recording purposes shall be drawn at a scale of no less than one (1) inch equals one hundred (100) feet. The size of the streets on which final plats are submitted shall be at least sixteen and one-quarter ( $16 \frac{1}{4}$ ) inches by nineteen (19) inches, and shall not exceed twenty-four (24) inches by thirty-six (36) inches. Each sheet shall have a one and one-quarter ( $1 \frac{1}{4}$ ) inch binding edge along the left side (narrow dimension) and a one-quarter ( $1 \frac{1}{4}$ ) inch border along all other sides. Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire development at a smaller scale.
- F.** The final plat shall show and contain the following information.

  - 1.** The name of the subdivision (not to duplicate or closely approximate the name of any existing subdivision).
  - 2.** The location by section, township, range, County and State, and including legal descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be not more than one (1) in three thousand (3000) for residential

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subdivisions and one (1) in ten thousand (10,000) for commercial subdivisions. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.

3. The location of the boundary shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.
4. The location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
5. Lots shall be clearly numbered. If blocks are to be numbers or lettered, these should be shown clearly in the center of the block.
6. The exact locations, right-of-way widths, and names of all streets to be dedicated and the right-of-way width and name of any existing streets.
7. The location and width of all easements to be dedicated. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certification of dedication.
8. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
9. Building setback lines on front and side streets with dimensions.
10. The location of all monuments required to be installed by the provisions of these Zoning Regulations.
11. The names of adjoining subdivisions.
12. The names and addresses of the developer, surveyor, and/or professional engineer making the plat.
13. The regulatory flood evaluation.

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

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

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

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

**c.** The acknowledgement of a notary in the following form:

State of \_\_\_\_\_ )

)SS

County of \_\_\_\_\_ )

Be it remembered that on this \_\_\_day of \_\_\_\_\_, 20\_\_\_, before me, a notary public in and for said County and State, came \_\_\_\_\_, to me, personally known to be the same person who executed the foregoing instrument of writing and duly acknowledge the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL) \_\_\_\_\_

Notary Public

My Commission Expires:

**d.** The Certificate of the Planning and Zoning Commission is the following form: This plat of \_\_\_\_\_ addition has been submitted to and approved by the Holden Planning and Zoning Commission this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary

**e.** The approval of the plat and acceptance of easements and rights-of-way by the City Council in the following form: This plat of \_\_\_\_\_ addition, including easements and rights-of-way accepted by the City Council has been submitted to and approved by the Holden City Council by

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Ordinance #\_\_\_\_\_, duly passed and approved by  
the Mayor of Holden, Missouri, on the  
\_\_\_\_\_ day of, 20\_\_\_\_. (SEAL) \_\_\_\_\_ (Mayor)  
ATTEST: (City Clerk) (City Engineer)

**f.** A blank space for noting entry on the transfer  
record in the following form: Entered on  
transfer record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. \_\_\_\_\_  
(Deputy County Recorder of Deeds)

**16.** Final construction and grading plans shall be  
submitted with final plat.

**G.** Supplemental Information To Be Submitted With Final Plat. The following  
additional data shall be submitted with the final plat:

**1.** A title report by any abstract or a title insurance  
company or an attorney's opinion of title, current  
within 30 days of the final plat application, showing  
the name of the owner of the land and all other  
persons who have an interest in, or an encumbrance  
on, the plat. The consent of all such persons shall  
be shown on the plat.

**2.** A certificate showing that all taxes and special  
assessments due and payable have been paid in full,  
or if such taxes have been protested as provided by  
law, monies or other sufficient escrows guaranteeing  
such payment of taxes in the event the protest is not  
upheld, may be placed on the deposit with such  
officials or governing bodies to meet this  
requirement.

**3.** A copy of any deed restrictions applicable to the  
subdivision.

### **Article V. Design Standards**

#### **43.220. Adoption of standards**

The City of Holden, Missouri has adopted the latest authorized versions of  
the following construction specifications and design criteria from the Kansas  
City Metropolitan Chapter of the American Public Works Association:

Section 2100---Grading and Site Preparation

Section 2200---Paving

Section 2300---Incidental Construction

Section 2400---Seeding and Sodding

Section 2500---Sanitary Sewers

Section 2600---Storm Sewers

Section 2700---Structures

Section 2800---Street Lights

Section 2900---Waterlines

Section 5100---Site Work and Erosion and Sediment Control

Section 5200---Streets



Section 5300---Incidental Construction and Local Bicycle Facility Design Guidance

Section 5500---Sanitary Sewers and Appurtenances

Section 5600---Storm Drainage Systems and Facilities

Storm Drainage BMP Manual---Reference Best Management Practices

Section 5700---Structures

Section 5800---Street Lighting

Standard Drawings

Erosion and Sediment Control Standard Drawings

Periodic supplements may be issued for clarification or modification of the approved standards.

**43.230: Scope**

All subdivisions of land subject to these Zoning Regulations shall conform to the design standards of this Article.

**43.240: Development Plan**

- A.** No subdivision shall conflict with the Growth Management Plan of the City of Holden, Missouri.
  
- B.** Adjacency Compatibility Standards. Adjacency Compatibility Standards are set out in Section 405.130 (A).

**43.250: Access**

All lots located in any subdivision shall be served directly by a public street except that private streets may be permitted as a part of a Planned Unit Development or equivalent thereto.

**43.260: Streets**

- A.** In any new subdivision, the street layout shall conform to the arrangement, width, and location indicated on the Growth Management Plan. Streets shall be designed and located in proper relation to existing and proposed streets, to the terrain, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of land served by such streets, and to the most advantageous development of the adjoining area. Each lot within the subdivision shall provide access to a dedicated public street. Proposed streets shall extend to the boundary line of the tract being subdivided unless prevented by topography or other physical conditioning; or unless the opinion of the Planning and Zoning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
  
- B.** The standards within these Zoning Regulations recognize and reference subdivision streets by functional classification.
  
- C.** Whenever the proposed subdivision contains or adjacent to a limited access highway, and where lots back onto an arterial or minor arterial street, the subdivision shall provide the following treatment:
  - 1.** In residential districts a buffer strip area of at least thirty (30) feet in depth shall be provided. The buffer shall not be a part of the platted lots and shall have the following restriction lettered on the face of the plat:

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"This buffer reserved for the planting of trees or shrubs by the developer; the building of structures and fences hereon is prohibited."

- 2.** The developer shall at the time of final plat provide a landscape plan for the common area buffer.
- D.** Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half (1/2) of the street right-of-way shall be dedicated by the sub divider. Half street dedications for minor streets are not permitted, unless there is satisfactory agreement with the City that both adjacent developers agree to dedicate and construct one-half (1/2) of the street.
- E.** Street names shall be suggested by the developer and approved by the Planning and Zoning Commission at the time of the preliminary plat approval.
- F.** Cul-de-sac Streets. Cul-de-sac streets shall be not more than six hundred (600) feet in length measured from the centerline of the cul-de-sac to the centerline of the connecting street (eight hundred (800) feet in subdivisions of one-half (1/2) acre or larger lots). Exceptions may be made where topographic or other unusual existing conditions so require when specifically approved by the City Engineer.
- G.** Decorative Islands. When specifically approved by the City Council, islands to be used for landscaping, statuary or other decorative purposes may be constructed by a developer in a dedicated reserve in the center of a cul-de-sac or other roadway pavement section. Decorative islands shall not be approved if it is possible that their installation would in any way impede traffic or create unsafe conditions, as directed by the City Engineer.
- H.** Private Streets. Private streets are generally unacceptable in subdivisions in which any of the streets are dedicated to the public. Exceptions will be considered in commercial and industrial subdivisions and in planned unit developments if they are constructed to standards of this Section. A homeowner's association or business district association shall be formed to maintain any private street. A sinking fund shall be established by any such association to finance maintenance of private streets, a monthly accounting of which shall be submitted annually to the City Clerk. If private streets are approved, the developer shall, as a condition of such approval, execute a maintenance agreement assigning full responsibility for maintenance of such islands, to the developer, their heirs and assigns, and lot owners within the subdivision. Provisions of the maintenance agreement shall be reviewed and approved by the City Council before approval of the Final Plat.
- I.** Marginal Access Streets. Where marginal access streets are required, the developer shall be responsible for improving said marginal access streets according to City standards and shall dedicate, after construction, such streets and rights0of-way to the City of Holden. A

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landscape strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.

**J.** Street Names and Signs. Street names shall not duplicate names of any existing street in Holden and adjacent communities except where a new street is a continuation of an existing street. Street names that are spelled differently but sound the same shall be avoided. Generally, no street should change direction by more than ninety degrees (90) without a change in street name. The street name pattern established by Holden shall be continued except as approved by the City engineer. Night glowing street signs, approved by the City Engineer, will be provided and installed by the City at all street intersections at the developer's expense.

**K.** Street Classification. The classification of all streets shall be determined by the City Council. Street classification in new subdivisions shall first be determined by the City Engineer when the Preliminary Plat of the subdivision is submitted. The final classification shall be determined by the city council as approval of the final plat is made by that council.

**L.** Sewer and water work before base construction. No base course work may proceed on any street until all trenching for storm and sanitary sewers and for water lines within an area extending one (1) foot behind curbs has been properly backfilled satisfactory to the City Engineer. Wherever possible, the developer shall schedule installation of gas or buried electric utility lines so that trenches for such lines can be properly backfilled before street base course construction.

**M.** Exceptions for Existing Improvements

**1.** Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set, and where such improvements meet the requirements of this Section and are in good condition as determined by the City Council upon its consideration of the opinion of the City Engineer, no further provision need be made by the sub-divider to duplicate such improvements. However, where such existing improvements do not meet said requirements as determined by the City Council upon its consideration of the opinion of the City Engineer, and sub-divider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements as determined by the City Council upon its consideration of the opinion of the City Engineer.

**2.** Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these Zoning Regulations or by the policy of the City Council; and the sub-divider of such

proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these Zoning Regulations and the City Council. The City Council shall determine what adjustment to make where the aforesaid widening merges with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Council may reduce the minimum roadway system in the proposed subdivision if the extension of such roadway is already improved at each end of such roadway in the subdivision and the roadway in the proposed subdivision is two (2) blocks or less in length.

**43.270: Blocks and Lot Design**

The lengths, widths, and shape of blocks shall be suited for the planned use of the land, zoning requirements, and need for convenient access, control and safety of street traffic and limitations and opportunities to the terrain. Block lengths in residential areas shall not, as a general rule, be less than six hundred (600) feet in length between street lines unless dictated by exceptional terrain or other limiting factors of good design. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Pedestrian ways or crosswalks or not less than ten (10) feet in width, shall be provided near the center and entirely across any block which is nine hundred (900) feet or more in length where deemed essential in the opinion of the Planning and Zoning Commission to provide adequate pedestrian circulation or access to schools, shopping center, churches, parks or transportation facilities. At the time of preliminary plat approval, this requirement may be modified in an instance where this access is adequately served otherwise.

**43.280: Large Lots or Parcels**

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged in such a manner as to allow for the opening of future streets and logical further re-subdividing of the parcel. Lot splits are prohibited in final platted subdivisions where additional buildable lots are created.

**43.290: Lot Design**

The lot size, width, depth, shape and orientation, and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- 1.** Lot dimensions shall conform to the requirements of the Zoning Regulations unless established in accordance with this Section.
- 2.** The minimum widths of residential lots measured at the setback lines thereof shall not be less than:
  - a.** Seventy (70) feet when the lot contains an area of eight thousand four hundred (8,400) square feet but less than nine thousand eight hundred (9,800) square feet.

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- b.** Eighty (80) feet when the lot contains an area of nine thousand eight hundred (9,800) square feet or more, but less than fifteen thousand (15,000) square feet.
  - c.** Ninety (90) feet when the lot contains an area of fifteen thousand (15,000) square feet or more, but less than twenty thousand (20,000) square feet.
  - d.** One hundred (100) feet when the lot contains an area of twenty thousand (20,000) square feet or more, but less than thirty thousand (30,000) square feet.
  - e.** One hundred twenty-five (125) feet when the lot contains an area of thirty thousand (30,000) square feet or more, but less than one (1) acre.
  - f.** One hundred fifty (150) feet when the lot contains an area of more than one (1) acre or more.
- 3.** Residential lots fronting or backing on major streets shall be platted with extra depth to permit increased distances between the buildings and traffic-ways.
- 4.** Where lots front upon a cul-de-sac or curved street having a radius of two hundred (200) feet or less and fifty percent (50%) or more of the lot frontage is located on the radius, a minimum width measured at the setback line shall be no less than seventy (70) feet. The lots shall be exempt from frontage requirements stated in Section 43.290 (2) but shall maintain a minimum square footage of eight thousand four hundred (8,400) square feet.
- 5.** The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these Zoning Regulations or of any Zoning Code applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this Section where such greater area or dimensions are required to meet the yard requirements of the Zoning Code.
- 6.** Double frontage and reverse frontage lots may be approved at the time of preliminary plat approval where necessary to provide separation of residential development from through traffic or overcome specific disadvantages of terrain and orientation.
- 7.** The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- 8.** Corner lots for residential use shall have extra width to permit appropriate building setback from, and orientation to both streets.
- 9.** Frontage and side yard setback requirements shall be the same on both sides of the street for residential structures to provide a consistent

line of sight throughout the entire subdivision. Recorded final plats, and current preliminary plats, shall be exempt from this Chapter. If a preliminary plat is not renewed within the two (2) year period, all new ordinances shall apply.

**10.** Lot elevation relative to sewer line elevation. Minimum basement floor elevations (MBF) shall be shown on each sewerable lot of the recorded plat and grading plan. Minimum low opening elevations (MLO) shall be shown on each lot adjacent to a water way on the recorded plat and grading plan. MBF's and MLO's may need to be revised in the event the "as-built" engineering plans show a significant change in the elevation of the sanitary sewer main or in the elevation of the 100-year flood plan

**11.** Unless otherwise approved by the City Engineer, the minimum finished floor elevation for the garage slab shall be one and one-half (1 ½) feet above the top of curb. The maximum finished garage floor elevation shall be such as to provide a maximum driveway slope of eight percent (8%).

**43.295: Land Disturbance and Erosion Control**

**A.** Generally.

**1.** Intent. All land disturbances, including residential and commercial development projects, shall provide adequate erosion control to protect public streets, public storm sewer systems, adjacent property and streams from being polluted with mud and silt.

**2.** Land Disturbance Permit.

**a.** A land disturbance permit is required for any entity, including all public or private entities, that intends to cause or causes a condition that allows for erosion including, but not limited to, stripping vegetation, clearing and grubbing land or creating any type of land disturbance. The contractor, permittee or owner that intends to cause or causes a condition that allows for erosion shall apply for a land disturbance permit. A land disturbance permit may only be issued after a preliminary plat or site plan has been approved by the Planning and Zoning Commission.

**b.** All applications for a land disturbance permit shall be submitted to the City Engineer. Applications for a land disturbance permit shall be accompanied by an erosion control plan, a preliminary grading plan and other information required by the permit application. Where practical, drawings may be combined to contain all the required plans.

**c.** A permit fee in the amount of five hundred dollars (\$500.00) shall be submitted with the land

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disturbance permit application. This fee may be adjusted from time to time by the City Council.

d. Exceptions. The following exceptions do not require a land disturbance permit:

1. Any grading or excavation for basements, footings, retaining walls or other structures authorized by a valid building permit.
2. Any land disturbance activity of two thousand (2,000) square feet or less.
3. Refuse disposal sites controlled by other regulations.
4. Agricultural activities in connection with the production, harvesting, storage, drying or raising of agricultural products and livestock.
5. Mining, quarrying, excavating, processing, stockpiling of rock, sand, aggregate or clay where established and provided by law.

e. Nothing in this Section shall be deemed to supersede permitting requirements imposed by any law, rule or regulation of other Federal, State or local agencies or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations shall apply.

### 3. Erosion and Control and Grading Plans

a. Erosion and sediment control and grading plans shall be an integral component of any construction project. Erosion and sediment control devices shall be installed and functional prior to site clearing and grading.

b. The contractor, permittee or owner shall at all times maintain all erosion and sediment control measures in good order and compliance with erosion and sediment control plan for the erosion, such as silt and mud, shall be contained within the individual lot boundaries or project boundaries.

c. Best management practices (BMP) shall be performed throughout the life of the project to prevent water pollution. This work shall consist of furnishing, installing, maintaining and removing temporary erosion and sediment control measures as shown on the plans or ordered by the City Engineer and/or their designee. The control of water pollution through the use of berms, slope drains, ditch checks, sediment basins, seeding and mulching, straw bales, silt fences and other erosion control devices or methods shall be used in accordance with the adopted APWA standards within limits allowed by the Missouri Department of Natural Resources, Division of Environmental Quality. Construction of permanent drainage facilities as well as performance of other work that may effectively limit siltation shall be

accomplished at the earliest practicable time. The City Engineer and/or their designee may require the immediate implementation of permanent or temporary erosion and sediment control measures to prevent pollution of adjacent streams or other watercourses, streets, storm sewer systems, lakes, ponds or other areas of water impoundment.

d. The surface area of earth material exposed at one time by clearing and grubbing, by excavation, by fill or by borrow operations shall not exceed four hundred thirty-five thousand six hundred (435,600) square feet (10 acres) without separate written approval of the City Engineer. Clearing and grubbing operations shall be so scheduled and performed that grading operations and permanent erosion control features will follow immediately thereafter.

e. All temporary and permanent erosion and sediment control features shall be in place prior to any disturbance of the site. Additional erosion prevention control measures shall be used to correct conditions that develop during construction which were not foreseen during the design stage; that are needed prior to installation of permanent pollution prevention features; or that are needed temporarily to control erosion that develops during normal construction practices but are not associated with permanent erosion and sediment control features on the project.

f. All material stockpiles and storage areas will be subject to all erosion and sediment control provisions in accordance with the adopted APWA standards within limits allowed by the Missouri Department of Natural Resources, Division of Environmental Quality.

4. Implementation of Erosion Control Plan. Prior to the start of earthwork activities, the permittee shall have in place and functional all erosion controls as outlined on the approved plan and any additional controls that may be required as directed by the City Engineer and/or their designee. No earthwork activities shall commence until the erosion controls have been field inspected by the City of Holden. All erosion control measures must be maintained by the permittee in a functioning and acceptable condition until turf is established and/or structural surfaces are constructed to protect the soil from erosion.

5. Financial Security. The permittee shall provide financial security for performance of the work in the amount of one thousand dollars (\$1,000.00) per gross acre. The form of the securities shall be one (1) or a combination of the following to be determined by the City of Holden.

a. The first (1st) five thousand dollars (\$5,000.00) of any financial security shall be by cash deposit to the City of Holden. If at any time during the course of the work this amount falls below the original amount of the deposit, the permittee shall deposit the necessary funds to return the cash deposit to a balance of five thousand dollars (\$5,000.00).

b. The remaining financial security balance may be in the form of cash deposit, letter of credit or bond.

c. The financial security will be released at the time turf is established.

B. Erosion Control Enforcement.

1. Erosion and Sediment Control.

a. The Department of Public Works, Engineering, and the Department of Planning and Zoning shall handle erosion control/tracking of



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mud and debris enforcement through the normal routine activities that include inspecting the site, communicating with the contractor, permittee or owner, and issuing written warnings to the contractor, permittee or owner to resolve issues of non-compliance.

b. Upon the City Engineer's or the designee's determination that erosion control measures are efficient, but not hazardous, or that the contractor, permittee or owner did deposit, spill, drop or track any dirt, earth, mud, rock, sand, shale, debris, rubbish or other material on any right-of-way, the City Engineer shall notify the contractor, permittee or owner to take remedial action to correct the deficiencies within two (2) regular business days. If the deficiencies have not been corrected within two (2) business days, the City Engineer or the designee may:

- (1) Issue a stop work order for the site;
- (2) Suspend land disturbance permit(s);
- (3) Remedy the deficiencies and bill the contractor, permittee or owner for the actual and administrative costs. If the contractor, permittee or owner fails to reimburse the City for correcting the deficiencies within (30) days, the City of Holden shall draw upon any and all financial securities to cover the actual and administrative costs.

- (4) Refer the case to the City Attorney for prosecution.

c. If erosion attributable to deficient erosion control measures or the tracking, depositing or spilling of mud, dirt or debris poses an immediate danger to life or property or substantial flood or fire hazards, the City Engineer or the designee shall cause the City to immediately abate the hazardous condition. The contractor, permittee or owner shall pay all actual and administrative costs incurred by the City in correcting the hazardous condition within thirty (30) days. If the contractor, permittee or owner fails to pay the City for correcting the hazardous condition, the City Engineer may take any or all of the actions listed above.

d. Conviction of any violation enumerated in this Section shall be punished by a fine as set forth in the following minimum punishment schedule but not more than five hundred dollars (\$500.00) or by imprisonment of not more than ninety (90) days, or both such fine and imprisonment:

- (1) First (1st) Conviction. A fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00); imprisonment for not more than thirty (30) days may also be adjudged.

- (2) Second (2nd) Conviction. A fine of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00); imprisonment for not more than sixty (60) days may also be adjudged.

- (3) Third (3rd) Conviction. A fine of five hundred dollars (\$500.00); imprisonment for not more than ninety (90) days may be also adjudged and revocation of the City of Holden occupation license.

For purposes of this Section, only convictions within the prior three (3) years before the date of the offense shall be considered.

### Section 43.300: Dams, Retention Basins and Siltation Control

A. Where dams are proposed in any subdivision, they shall be designated by a professional engineer registered in the State of Missouri. A preliminary engineering report including soil investigations and design procedures shall be submitted to the City Engineer for review. When a dam is planned on private property, the engineer shall certify that the dam is constructed in accordance with the approved plans and specifications.

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B. When the proposed development of a subdivision would increase the runoff or storm water onto adjoining properties, above that normally expected for residential development typical for the city, retention basins may be required on-site to control the rate of runoff except as otherwise permitted by the City Engineer on the basis of an individual subdivision design and approval on the preliminary plat.

C. If storm water detention basins or other storm water BMP's are approved, the developer shall, as a condition of such approval, execute a maintenance agreement assigning full responsibility for maintenance of such islands to the developer and lot owners within the subdivision. Provisions of the maintenance agreement shall be reviewed and approved by the City Council before approval of the Final Plat.

### Section 43.310: Conformance to Applicable Rules and Regulations

A. In addition to the regulations established herein, all subdivision plats shall comply with the following laws, rules and regulations:

1. All applicable provisions of the Missouri Statutes.
2. The City of Holden Zoning Code, Building and Housing Codes, and all other applicable laws.
3. The Growth Management Plan, as adopted.
4. The special requirements of these Zoning Regulations and any adopted policies and rules of the City Engineer, and the Department of Natural Resources of the State of Missouri.
5. The rules of the Missouri Highway and Transportation Department if the subdivision of any lot contained therein abuts a State highway or connecting street.
6. The standards and regulations adopted by the City Engineer and all Boards, Commissions, Departments, Agencies and Officials of the City Adopted pursuant to any law or ordinance.

B. Plat approval may be withheld if a subdivision is not in conformity with the above guides or the intent and purposes of these Zoning Regulations.

### Article VI. Public Improvements

#### Section 43.320: Minimum Improvements

The developer shall submit to the City firm contracts providing for the construction and completion, within a reasonable time frame of the public improvements as specified by the Engineer's plans and specifications.

1. The following are considered minimum public improvements:
  - a. Installation of sanitary sewer line and service connection to all adjacent lots according to the City's minimum specifications;
  - b. Extension of water distribution mains and service connection to all adjacent lots in accordance with the City's minimum specifications;
  - c. Installation of curb and gutter and backfill according to the City's minimum specifications;
  - d. Installation of paving in accordance with the City's minimum specifications;
  - e. Installation of storm sewers, drainage channels, and BMP's, where required by the City, according to the City's minimum specification; and

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f. Installation of sidewalks according to the City's minimum specifications; and

g. Installation of street lights according to the City's minimum specifications.

h. Installation of reinforced concrete pipe (RCP) at street crossing for storm sewers.

2. All of the above improvements shall be extended as required by these Zoning Regulations.

3. All public improvements shall be completed in accordance with the plans and specifications approved by the City Engineer and "as built" plans shall be filed in the City Engineer's Office at the completion of improvements.

### Section 43.330: Easements

A. The City Engineer may require general utility easements of adequate width along lot lines where necessary or advisable for poles, wires, conduits, sanitary sewer, gas water, power, and other utility lines as dictated by the plans of the developer to provide utility connections. The following are established as minimum width for any general utility easements:

1. Front line easements—ten (10) feet on one (1) side of the public street only.

2. Side line easements—five (5) feet.

3. Rear line easements—seven and one-half (7 ½) feet if adjacent to a general utility easement of at least five (5) feet in width otherwise, ten (10) feet.

B. Suitable drainage easements as required by the City Engineer shall be dedicated on the subdivision plat to provide for the natural drainage of storm water through the plat and in consideration of proposed improvements. The minimum width for drainage easements shall not be less than fifteen (15) feet for closed conduits and twenty (20) feet for open channels, but, in any case, shall provide for conveyance of a one hundred (100) year storm flow with additional width of not less than ten (10) feet for construction and maintenance equipment and operations. Any variations to these standards should be noted on the final plat certified by the City Engineer. These drainage ways shall be improved to the extent necessary to properly accommodate storm flows in a manner to eliminate erosion and possible loss and damage to life, land and property. The location, width and alignment of such drainage easements and the improvements shall be subject to the approval of the City Engineer.

### Section 43.340: Required Improvements

A. The sub-divider shall cause a registered land surveyor to install permanent reference points on all perimeter corners of the property.

B. The subdivision survey shall conform to the procedures as defined in an official document adopted by the City Engineer and shall be based on the current Minimum Standards for Property Boundary Surveys 10 CSR 30-2, Missouri Code of State Regulations.

C. All required improvements shall be designed and built in accordance with the latest edition of the Kansas City Metropolitan A.P.W.A. criteria unless otherwise noted in the City of Holden's public improvement standard supplements.

1. Frontage Road Requirements. When an area to be subdivided lies adjacent to an existing road, said road shall be suitably improved as required by the street construction standards of the City of

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Holden based on its functional classification or as established by the Growth Management Plan.

2. Grading. All streets shall be graded to their full right-of-way width as approved by the City Engineer.

3. Paving. Road base and paving shall be installed in accordance with the specifications and standards adopted by the City Engineer.

4. Curbs and Gutters. Vertical face curbs and gutters shall be installed in accordance with the specifications and standards adopted by the City Engineer. Roll back curbs shall be permitted in areas along streets serving single-family residences, or in other residential areas where curb cuts cannot be predetermined.

D. Bridges and culverts shall be constructed only at locations approved by the City in accordance with plans and specifications approved by the City Engineer.

E. Sidewalks shall be installed adjacent to and on both sides of all public streets-residential, collector and arterial with one (1) exception:

1. Sidewalks will not be required on residential lots greater than three (3) acres, or in the case of a subdivision, when the average lot size is greater than three (3) acres.

Sidewalks shall be constructed on one (1) side of private streets or access ways within commercial shopping centers and industrial districts. Sidewalks shall be located in the platted street right-of-way, three (3) feet from the property line adjacent to the street. Sidewalks on all streets except arterial streets shall be no less than four (4) feet in width. Along arterial streets, sidewalk width shall be no less than six (6) feet.

In the interest of a better arrangement of pedestrian circulation and safety, or to accommodate special design features of the development, this requirement may be waived if the development is part of a plan approved by the Planning and Zoning Commission. Such waivers shall be clearly outlined with the preliminary plat and accompanying material. Sidewalks in residential development shall be constructed prior to the issuance of the certificate of occupancy. All sidewalks shall be constructed according to the Kansas City Metro APWA Standard Specifications and Design Criteria.

F. Storm drainage and sanitary sewers shall be designed by a registered professional engineer, approved by the City Engineer and installed by the sub-divider.

G. Water distribution system, including the number and location of fire hydrants, shall be designed by a registered professional engineer and approved by the City Engineer and installed by the sub-divider.

H. Street name signs and traffic control signs shall be provided by the developer in accordance with the standards and specifications of the City Engineer. The City shall replace and maintain said signs after the initial installation by the developer.

I. Sewage treatment plants and pumping stations, if approved, shall be constructed in accordance with the specifications and standards of the Missouri Department of Natural Resources.

J. A street light plan shall be designed by a registered professional engineer and approved by the City Engineer. The City shall take the necessary steps in its capacity as a Municipal Corporation to secure

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placement of street lights by Aquila Service Company. The sub-divider shall agree to pay all costs of installation and all costs incurred by the City for said street lights for a period of five (5) years.

K. All public utilities must be installed underground. Plans for underground facilities shall be prepared by, or at the direction of, the agency involved.

### Section 43.350: Recommended Improvements

A. Tree Planting. If planting of street trees is proposed by the sub-divider or if otherwise required in compliance with the plan approved, the placement and species to use under varying conditions will be approved by the City Engineer.

B. Subdivision Identification Signs. Subdivision identification signs, if desired, shall be placed at entrances to the subdivision and shall be within an easement or private property. The developer, their heirs and assigns, and the lot owners are responsible for the maintenance and upkeep of the identification signs. Location of signs shall be subject to the provisions of the Zoning Code as well as other applicable ordinances.

C. Limited Access. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitations of access, and the preparation of through and local traffic shall be provided by reversed frontage with screen planting, provided by the developer, contained in a non-access reservation along the rear property lines.

There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed under conditions approved by the Planning and Zoning Commission.

Frontage roads may be provided by the developer with the concurrence of the Planning and Zoning Commission and will be shown on the preliminary plat; provided such frontage roads shall be approved by the State of Missouri or United States Government, when applicable.

### Section 43.360: Agreement for the Installation of Improvements

Prior to the approval of a final plat by the City Council for any subdivision located in the City of Holden or in any area where improvements are required to be installed to City standards, the sub-divider shall enter into a written agreement with the City, in which all required improvements are specified, together with method of construction and provisions for payment of the cost thereof.

### Section 43.370: Inspection of Improvements

A. Construction Plan Review Fee. The sub-divider shall pay to the City a plan review fee of one percent (1%) of the estimated cost of the required improvements for the review and processing of the Construction and Grading Plans. This fee may be adjusted from time to time by the City Council.

#### B. Inspection of Improvements.

1. Unless otherwise approved by the City Engineer, all improvements shall be inspected by the City of Holden. The sub-divider shall pay to the City a fee of five percent (5%) of estimated cost of the required improvements for construction inspection. This fee may be adjusted from time to time by the City Council.

2. The sub-divider shall contract with a Professional Engineer or Surveyor to perform construction staking and preparation of "as-built" construction plans.

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3. Building permits shall not be issued for residential dwelling units until the required improvements have been accepted by the City and the construction inspection and plan review fees have been paid. Building permits for commercial or industrial buildings shall not be issued until the construction inspection and plan review fees have been paid. A Certificate of Occupancy shall not be issued for commercial or industrial buildings until the required improvements have been accepted by the City.

### Section 43.380: Vacation of Undeveloped Subdivision

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and when such plat is vacated, all fiscal sureties shall be returned to the subdivider.

### Section 43.385: Parks and Recreation Mandatory Dedication of Park Land Code

A. Title. This Section shall be known as the "City of Holden Park Land Dedication Ordinance".

B. Findings. The City Council, Parks and Recreation Board and Planning Commission hereby find and determine that:

1. New residential development creates a need for new parks and open space facilities. Parks and open space facilities are necessary to:

- a. To enhance community health by providing a healthy environment for children and City residents for recreation, relaxation and the relief of stress;
- b. To protect community character by providing an edge to neighborhood form;
- c. To provide safe and attractive areas for pedestrian travel;
- d. To protect property values; and
- e. To protect the quality of the air, water and storm water runoff by providing open natural areas.

2. As the City continues to increase in population, available financial resources to purchase and develop lands for neighborhood park purposes from sources other than the general tax levy have diminished. Appropriate municipal planning and control is needed to ensure that lands suitable for economically feasible neighborhood park development are identified and preserved for public use during the land subdivision and development process. The provision of adequate neighborhood park facilities in newly developed residential areas to serve the recreational needs of the residents of these areas is an important factor in the maintenance of a high quality of life and contributes to the health and safety of citizens, especially children. In addition, adequate open space land should be reserved to retain the character of the City, protect wildlife habitats, cleanse the air and storm water runoff and provide passive recreational opportunities.

C. Purposes. It is the purpose of this Section to:

1. Define the obligation of developers to meet the park and open space needs generated by new development.
2. Encourage the provision of adequate park and open space in higher density developments through a graduated scale for parkland dedication.
3. Encourage the inclusion of neighborhood parks within larger residential developments in an effort to achieve a parkland goal of

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one hundred percent (100%) service area coverage of all areas within the City limits of the City of Holden.

4. Encourage the development of larger neighborhood and regional parks by encouraging cash payment in lieu of parkland dedication in smaller residential developments. These cash payments will be applied to the acquisition of larger parks serving multiple neighborhoods within the impact area of the proposed development.

5. Require the development of a linkage system throughout the City of Holden.

D. Applicability. The provisions of this Section shall apply to any person who applies, pursuant to this Section, for a subdivision or re-subdivision of lands or a site plan.

After the effective date of this Section, it shall apply to new subdividing and platting activities.

E. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

COMMUNITY PARK: A large park generally twenty-five (25) or more acres that serves the residents living within a one (1) mile radius of the park.

NEIGHBORHOOD PARK: A local park generally six (6) or more acres that serves the residents living within a one-half (1/2) mile radius of the park.

REGIONAL PARK: A local park generally one hundred (100) or more acres serving the residents that live within a five (5) mile radius of the park.

WATER PONDING AREA: Limits of the area inundated as a result of run-off from the 100-year storm.

WATERCOURSE: The natural stream channel.

F. Community Open Space Network/Trails System Required.

1. Developments planned for land on which a trail segment is identified on the Growth Management Plan Update Open Space Corridor Plan shall be required to provide such trail segment. Trail segments shall be constructed at the time of infrastructure improvements and shall be constructed to meet or exceed the standards set forth by the Metro Green Plan adopted by the Mid-America Regional Council. A public access easement fifteen (15) feet in width shall be required over the entire length of the trail segment. The homeowner's association established for the development shall maintain the trails along with all other common areas in their development.

2. The trail system is considered integral to the parks and recreation system and all developers required to construct a segment of a required trail shall be awarded credit against the land dedication requirement. The developer shall be awarded credit both for the property acreage within the public access easement and for the cost of the trail improvement. Trail construction cost credits shall be determined by the City Engineer using AASHTO standard costs for asphalt installation for the year in which the construction takes place.

G. Park Land Dedication Requirement:

1. It shall be a condition of a final plat of a subdivision, PUD (Planned Unit Developments) or other residential property improvement that each sub-divider, developer or owner will be required to make to and at the discretion of the Holden Parks and Recreation Board either:

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- a. Land donation, or
- b. Cash in lieu of land donations, or
- c. Combination of both.

2. The method selected shall be recommended by the Park Board. The Planning Commission shall review the parkland in accordance with the subdivision regulations and zoning regulations as well as the Growth Management Plan in their regular manner of consideration. The final approval shall be by the City Council prior to acceptance of the final plat of the subdivision. This provision applies to the development of all lands in the City of Holden, including all subdivisions, lots, tracts and parcels of land regardless of intended use.

### H. Formula for the Dedication of Land.

1. If dedication of land is selected, the dedication shall be by plat and deed. The amount of dedication required shall correspond to the density of the subdivision and shall be calculated off of the following formula:

$$DLR = DU \times D \times .02$$

DLR = Dedicated land requirement.

DU = Number of dwelling units.

D = Number of people per dwelling unit per the most recent U.S. Census figures for Johnson County.

.02 = Required acres per person based on twenty (20) acres per one thousand (1,000) people.

2. The projected population at full development shall be the criteria used to determine the amount of land to be donated. A formula of twenty (20) acres per one thousand (1,000) people (projected full development) will be used.\*

\* The standard utilized is that set forth by the Missouri State Comprehensive Outdoor Recreation Plan

I. Suitability Criteria. All designated open space, parks or recreational facilities shall be of suitable size, location, dimension, topography and general character and shall have proper road and/or pedestrian access, as may be appropriate, to be usable open space, as follows:

1. The minimum land area for a dedicated parkland shall be five (5) acres. Parkland shall be in a single parcel unless there are physical features, such as a railroad or water, separating the proposed tracts provided that neither tract is smaller than five (5) acres. Two (2) or more tracts may be considered for subdivisions including at least five hundred (500) dwelling units, provided that neither tract is smaller than eight (8) acres.

2. Retention areas or detention basins which are required as part of the Subdivision Code shall not qualify as a public open space.

3. Water (including streams, rivers, ponds and lakes), marsh, flood plains and wetland acreage shall not be used to comply with the land requirement of the Section, except as provided for required trail improvements listed in Subsection (F).

4. At least fifty percent (50%) of the gross area of any active open space required to be dedicated pursuant to this Section shall have a natural slope of four percent (4%) or less and shall not be located in an existing watercourse, drainage easement or water ponding area. In addition, that portion of the land must have a cover of six (6) inches or more of topsoil suitable for the seeding and cultivation of grass. If land proposed to be dedicated has a natural slope in excess of that required by



this Subsection, but may be engineered to provide for a slope that meet the requirements imposed therein, the developer may, upon the favorable recommendation of the Parks and Recreation Board, permit such land to be dedicated to satisfy the requirements of this Subsection.

5. Open space areas located in spillways where the spillway is greater than twenty-five percent (25%) of the land area shall not be used to meet the requirements of this Section.

6. Parkland shall be dedicated by the developer in a condition ready for full service with electrical, water and sewer access at the property line.

7. The layout of the park shall maximize street frontage on a public street. Minimum frontage shall be two hundred (200) feet.

8. All land to be dedicated to the City for park purposes shall have the prior approval of the Parks and Recreation Board and shall be shown and marked on the plat as "dedicated to the City of Holden, Missouri, for park purposes". All land dedicated shall transfer ownership at the time of plat recording.

J. Privately Dedicated Recreation Space. The developer may comply with the provisions of this Section to furnish land for recreational purposes by privately dedicating recreational open space and/or preserving significant natural, cultural or historic features or landmarks under the following provisions:

1. The developer must provide an area that meets the minimum standards set forth in this Section related to size, suitability and location.

2. The developer must provide minimum neighborhood park improvements in a privately dedicated open space tract including, but not limited to;

Family picnic shelter

Children playground

Turfed playfields

3. All improvements to privately dedicated open space tracts shall be included in the first (1st) phase of infrastructure installation for the development's first (1st) final plat. A public access easement over the entire area shall be required and shown on the final plat of the phase of development which includes the dedicated space.

4. Privately dedicated parkland shall be maintained by the developer or the lot owners in the subdivision under a legal agreement approved by the City as adequate to ensure its continued operation and maintenance.

5. The Parks and Recreation Board shall recommend credit against the requirements of this Section for privately dedicated parkland upon a finding that the dedication would advance the goals of the parks and recreation element of the City's most recent comprehensive plan and/or be submitted to the Parks and Recreation Department two (2) weeks prior to appearance before the Board and shall include the following information:

a. A site plan showing:

(1) Scale of the drawing and the boundaries, dimensions and orientation of the site to true north;

(2) Topography at a minimum two (2) foot contour interval;

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(3) Location and layout of existing physical characteristics (vegetation, natural waterways and drainage ways, rock outcropping, etc.) indicating any significant features to be removed, improved or preserved;

(4) Location and layout of proposed improvements including landscaping, irrigation system, pathways and trails, play areas and playground equipment, lighting, fencing, structures, etc.;

(5) Ingress, egress and internal circulation for the site;

(6) Relationship of the proposed improvements to adjoining property.

b. An itemized list of the proposed improvements including a description, the quantity and estimated per unit cost figure for the individual improvements.

c. A statement of the methods and/or provision for ownership, maintenance and use of the site and proposed improvements.

d. Any materials and/or information determined by the Parks and Recreation Department to be necessary or appropriate for Board review.

K. Cash in lieu of land dedication is as follows;

1. Formula for cash in lieu of land.

CLL = DLR x APPA

DLR = Dedicated land requirement (Subsection (H)

above)

CLL = Cash in lieu of land

APPA = Actual purchase price per acre

The greater of ten thousand dollars (\$10,000.00) or the actual purchase price of the amount of land to be donated shall be paid as the fee in lieu of actual donation. The actual purchase price of the property shall be reported to the City at the time of filing application for each final plat. Such reporting shall be required on a notarized disclosure form provided by the City.

If the City disputes such report of purchase price, the City may request information from the title company or bank listed on the disclosure form to establish conclusive evidence of the purchase price for the property. Failure to provide correct information on the disclosure form constitutes fraud.

2. Formula for partial land donation. When a portion of land dedication requirement is accepted, the remaining cash fee will be calculated and credited as follows:

a. (Dedicated land requirement minus number of acres accepted) times actual purchase price per acre; or

b.  $CLL = (DLR - AKA) \times APPA$

ALA = Accepted land acreage

APPA = Actual purchase price per acre

L. Cash in Lieu Payment. The cash in lieu payment is due to the City at the time of recording of each final plat unless the developer has not purchased the property before plat recording. In the event that the property has not been purchased before plat recording, then the fee-in-lieu shall be paid in full after closing on the property and before any building permits are issued.

M. Park Fee for Commercial and Industrial Development.

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1. A park land donation fee shall be paid from commercial development and shall be seventeen hundredths cents (\$.017) per square foot of land (approximately seven hundred fifty dollars (\$750.00) per acre).

2. The City of Holden City Council has the authority to waive a part or all of the commercial development park land donation fee at their discretion.

N. Subdivision of Park and Open Space Prohibited. Land designated as open space shall be maintained as open space and may not be separately sold, subdivided or developed except to the City, an appropriate public agency or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space.

O. Certain Activity Prohibited. Following dedication of lands as provided herein, no person shall remove trees, vegetation or topsoil therefrom nor shall the lands be used for the purpose of written consent of the Department of Parks and Recreation.

P. Platting Requirements. All land to be dedicated to the City for park purposes shall have the prior approval of the Parks and Recreation Board and shall be shown and marked on the plat as "dedicated to the City of Holden, Missouri, for park purposes". All land dedicated shall transfer ownership at the time of plat recording.

### Article VII. Improvement Procedures

#### Section 43.390: Final Construction Plans

The sub-divider or developer shall have plans and engineering drawings, complete with other engineering information, as specified in Section 43.400, prepared for required improvements by a register engineer. The complete plans, drawings, and other engineering information shall be submitted induplicate to the City Engineer at least thirty (30) days prior to the requested approval date of final plat. Failure to submit these plans, drawings, and other information shall be considered an automatic extension of or a waiver by the sub-divider or any time limitation for plat approval.

#### Section 43.400: Content of Engineering Drawings

Engineering plans, drawings, and other engineering information shall contain the following data and information and shall conform to the following requirements;

1. All plans, profiles, and details of proposed improvements shall be on standard plan and profile sheets or other appropriate sheets. Each sheet of the drawings shall be on twenty-four (24) inches by thirty-six (36) inches sheets with an appropriate border and a title block in the lower right-hand corner. The title block shall contain at least the name of the subdivision, a brief description of the information shown on the individual sheet, the name and address of the developer, the name, address, and professional seal of the engineer, the date of the original drawing, and the date of any revisions to the drawing. A vicinity map shall be shown on the cover sheet. Plans and profiles shall be shown to a horizontal scale of one (1) inch equals hundred (100) feet and a vertical scale of one (1) inch equals ten (10) feet, or a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals five (5) feet. The scale and north point shall be clearly indicated on each sheet. If the drawings consist of three (3) or more sheets there shall also be an appropriate cover or title sheet showing the entire subdivision at a suitable scale, the subdivision name, a brief description of the nature of the drawings, an index to the drawings, and other applicable information.

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2. Plans, profiles, and details for roadway and sidewalk construction shall show profiles of the existing topography elevations, profiles or proposed sidewalk, curb, and street centerline elevations, intersection control elevations, paving geometrics, typical cross-sections and other data required for staking and construction. Construction specifications and cost estimates shall be submitted with the plans bearing the signature and seal of a professional engineer registered in the State of Missouri.

3. Plans, profiles, and details of storm sewer and storm drainage improvements shall show existing profiles, proposed flowline profiles, grades and elevations, manhole details, drainage structure details and inlet details, plus any other data necessary for staking and construction. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

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

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

6. All plans shall be based on USGS datum. Benchmark descriptions and elevations shall be shown on the plan sheets.

7. All plans for underground wiring shall be prepared by or at the direction of the agency involved.

### Section 43.410: Review of Plans

The City Engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the design standards. If such drawings are consistent and so comply, the City Engineer shall forward to the Planning and Zoning Commission a notice that they so conform and comply. In the event that the drawings do not so conform and comply, the City Engineer shall notify the sub-divider of the specific manner in which such drawings do not so comply, and the sub-divider may then correct such drawings. If such drawings are not corrected, the City Engineer shall forward to the Planning and Zoning Commission a notice as to the items of non-conformity or non-compliance.

### Section 43.420: Recommendation by Planning and Zoning Commission

The Planning and Zoning Commission shall not consider a final plat until the City Engineer has approved the plans and engineering drawings.

### Section 43.430: Construction Permits

No improvements shall be constructed nor shall any preliminary work thereto be done until such time as a final plat and the engineering drawings accompanying it have been approved and a construction permit issued. Improvements shall be in compliance with all of the requirements relating to the agreement specified in Section 43.360 of these Zoning Regulations. Permits shall have a required time limit for completion of the work, with a provision that would include any authorized time extension. Preliminary

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grading may take place if a grading plan has been approved by the City Engineer and a grading permit has been issued.

Section 43.440: Certificate of Insurance

The contractors shall indemnify the City, with Certificate of Insurance with the City named as co-insured. Certificate of Insurance shall be on a form furnished by the City. The contractor shall secure and maintain throughout the duration of construction, insurance of types and in amounts as may be necessary to protect himself/herself and the interest of the City against all hazards or risk of loss. The form and limits of such insurance together with each underwriter, shall be acceptable to the City, but regardless of such acceptance it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times.

The contractor may satisfy the liability limits required for each type of insurance by securing and maintaining an umbrella excess liability type policy.

Satisfactory Certificates of Insurance shall be filed with the City before a construction permit will be issued. The liability limits shall not be less than:

	Statutory
Workers Compensation	
Automobile Liability-Bodily Injure	\$500,000.00 each person
Bodily Injury	\$2,000,000.00 each occurrence
Property or Combined Single Limit	\$300,000.00 each occurrence \$2,000,000.00 each occurrence
Comprehensive General Liability including products & completed operations)	\$500,000.00 each occurrence \$2,000,000.00 aggregate

(ORD #060892 2, 6-8-92)

Section 43.450: Performance Bonds

A. The contractor shall furnish a performance bond before a construction permit will be issued as security for the faithful performance of all his/her obligations under the "Agreement for the Installation of Improvements". Each bond shall be in the amount at least equal to the contract price, and in such form and with such sureties as acceptable to the City.

B. Mud Deposit. Each developer and builder working within the City limits of Holden shall deposit a sum of five hundred dollars (\$500.00) at the time of payment of development fees and at the time of issuing individual building permits. Said deposit shall be guarantee that the permit applicant, and any subcontractors or employees of such applicant, will keep streets and sidewalks in the area in which they are working, free and clear of dirt, gravel, rubbish or other construction debris. The City Engineer may waive the deposit required by this Section when the applicant is an individual home owner.

C. No person, firm or corporation shall dump or deposit or cause to be dumped or deposited any dirt, gravel, rubbish, leaves or other debris; including, but not limited to, lumber; paper; trash; concrete or metal in any street, right-of-way, gutter, storm sewer, waterway or drainage way. Erosion of soil which flows onto any street, right-of-way, gutter storm sewer, waterway or drainage way, from property before or during construction shall be considered as depositing dirt, gravel or other construction debris.

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If upon inspection by the Chief Building Inspector, City Engineer or any of their designated representatives, it is determined that dirt, gravel, rubbish, leaves or other debris has been dumped or deposited in any street, right-of-way gutter, storm sewer, waterway or drainage way in violation of the provisions of this Section, he/she shall then notify the responsible permittee or permittees and establish a twenty-four (24) hour period to make the affected area free and clear of said dirt, gravel or debris. If the City's representative cannot determine which permittee is responsible for cleaning the street's right-of-way, the developer of the land shall be given twenty-four (24) hours' notice to make the affected area free of said dirt, gravel or debris. If within the twenty-four (24) hour period the said area is not clear, the City Engineer or his/her designate may authorize the City to take necessary action to clean up the said area and assess all charges at an estimated hourly rate, but in no case will the charges be less than two (2) hours for labor, materials and equipment.

All fees assessed must be paid in full before the acceptance of public improvements for maintenance or an occupancy permit will be issued. The deposit of five hundred dollars (\$500.00) will be refunded within thirty (30) days to the applicant, provided an assessment has not been charged against said deposit.

Section 43.460: Escrow Deposits in Lieu of Completion of Improvements

In lieu of the completion of the work and installations prior to the final approval of a plat, the City Council may accept a bond or escrow in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the City Council and expressed in the bond; provided that, the release of such escrow by the City shall be as specified in this Article. The City Council may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide in lieu of the completion of the work and installations prior to the final approval of a plat, for an assessment or other method whereby the City Council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated in the City plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

Section 43.465: Reserved

Section 43.470-43.480: Reserved

Section 43.490: As Built Drawings

Upon completion of the work, or any phases thereof, the developer shall furnish permanent reproducible "as built" drawings of the work to the City Engineer for review and acceptance prior to the issuance of a certificate of occupancy for any structure within the development.

Section 43.500: Monuments

All required monuments disturbed, destroyed, obliterated, or lost during construction shall be replaced upon completion of the work by the developer or his/her contractors at the cost of the developer.

Section 43.510: Maintenance Bond and Maintenance of Improvements

A. When all or parts of required improvements in a subdivision are installed, and the required inspections have been made, the developer shall

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furnish to the City a Maintenance Bond equal to fifty percent (50%) of the construction cost of said improvements, said Maintenance Bond shall be conditioned that improvements shall endure without need of repairs for a period of two (2) years, said Maintenance Bond shall be on the form as provided by the City of Holden.

B. Within the time period prescribed by the bond, the contractor, as ordered by the Engineer, shall repair, replace, or rebuild such portions of the work which are found to be faulty because of materials or workmanship. The contractor shall begin the remedial work not later than five (5) days after the order from the Engineer. In case the contractor does not start the remedial work within the above time limit, or in case of an emergency condition caused by faulty work, the City may take the remedial action and charge the cost thereof against the contractor and his/her surety.

C. Prior to the expiration of the Maintenance Bond, an inspection of the bonded improvements shall be made by the City and if improvements are without need of repairs, the City shall release the Maintenance Bond and assume the responsibility of maintenance of the improvements.

### Section 43.520: Acceptance of Improvements

Upon receipt by the City Council of a certification from the City Engineer, stating that all improvements have been installed in reasonable conformity with the approved engineering drawings and in reasonable conformity with the requirements of this Chapter and all other applicable statutes, ordinances, and regulations, that all "as built" drawings have been furnished as required and that all survey monuments are in place, the City Council will thereupon, by resolution, formally accept such improvements. The improvements shall become the property of the City. This acceptance does not relieve the developer of any obligation to maintain these facilities as may be required by the two (2) year Maintenance Bond.

### Article VIII. Appeals, Waivers and Variances

#### Section 43.530: Appeals, Questions or Error, Interpretations

A sub-divider or applicant for subdivision approval may appeal a decision, order, or determination of the Administrator in the enforcement of any provisions of Chapter 43, Subdivision Regulations, where it is alleged that the decision is erroneous or misinterprets a provision of Chapter 43. Any such appeal shall be taken within thirty (30) days of the decision, order, or determination to the Planning and Zoning Commission by filing with the Administrator a notice of appeal, specifying the grounds thereof, together with a filing fee as may be from time to time specified by ordinance. The Administrator shall immediately transmit to the Planning and Zoning Commission all papers and materials constituting the record upon which the action appealed from is taken. The Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to parties in interest, and shall decide the appeal within a reasonable time. All such decisions shall be in writing, specifying the reasons there for. Any person aggrieved by the decision of the Planning and Zoning Commission under this Section may within thirty (30) days of the rendering of the decision appeal the decision to the City Council. The City Council's review shall be limited to the record below and shall be decided within a reasonable time. All such decisions shall be in writing.

#### Section 43.540: Appeals on Improvement Standards

Any appeal as to the approval of standards, or plans and engineering drawings in connection with required improvements shall be directed to the City Council, and that action shall be final.

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### Section 43.550: Waiver of Required Improvements

Any waiver of the required improvements may be made only by the City Council on a showing that such improvements is technically not feasible.

### Section 43.560: Variances

In cases in which there is unwarranted hardship in carrying out the literal provisions of these Zoning Regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning and Zoning Commission may recommend a variance from such provision.

1. An application for a variance be made to the Administrator which shall transmit the application to the Planning and Zoning Commission. The Planning and Zoning commission shall give the applicant and any other interested person an opportunity to be heard with respect to the proposed application for a variance.

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

3. Variances permitted under the provisions of this Article shall not include variances from the requirements of making improvements required in this Article IX, unless approved as provided for in Section 43.550, the standards or specifications thereof, nor from the provisions of the Zoning Code of the City, except as to variances for minimum lot width and/or area requirements. Consideration of an application for a variance pursuant to this Article does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including Zoning regulations) or the City relating to variances.

### Section 43.570: Variances-Planned Unit Development

When a plat or subdivision is prepared in connection with a planned unit development authorized by any legally adopted zoning regulation regulating the same area, then the Planning and Zoning Commission may vary the design standards contained in this chapter to such extent as may be necessary to permit the preparation of a planned development plan in accordance with the standards, conditions and restrictions of such Zoning Regulations.

## Article IX. Interpretation, Construction and Definitions

### Section 43.580: Interpretation and Constructions

A. A subdivision of land which was not lawfully existing at the time of the adoption of these Zoning Regulations shall not become or be made lawful solely by reason of the adoption of these Zoning Regulations.

B. The provisions of these Zoning Regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these Zoning Regulations.

### Section 43.590: Definitions

Any word or phrase which is defined in this Article shall have the meaning assigned to it by the Article whenever the work or phrase is used in these Zoning Regulations.

**Administrative Officer:** The governmental officer charged with administering development regulations.

**Agricultural Uses:** The use of a track of land of not less than ten (10) acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwellings of



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those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof.

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

**Applicant:** A developer submitting an application for development.

**Application for Development:** The application form and all accompanying documents required by ordinance for approval of a subdivision plat or site plan.

**APWA:** The American Public Works Association.

**As-Built Plans:** Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

**ASTM:** American Society for Testing Materials

**AWWA:** American Water Works Association.

**Block:** An area of land within a subdivision that is entirely bounded by streets, highways, or rights-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier, or combination thereof, to the continuity of development.

**Building Line or Setback Line:** A line parallel to a street or right-of-way line, shore of a lake, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, lakeshore, stream bank, or other property line.

**Channel:** The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

**Channelization:** The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

**City:** The City of Holden, Missouri.

**City Engineer:** The officially appointed Engineer of the City of Holden, Missouri, or his/her duly appointed designee.

**City Planning and Zoning Commission:** The officially appointed Planning and Zoning Commission of the City of Holden; the term may be abbreviated in this Chapter as the "Commission".

**Construction Plans:** The engineering drawings showing types of materials and construction details of physical structures and facilities, excluding dwelling units to be installed in conjunction with development of a subdivision.

**Curb:** A vertical or sloping edge of a roadway.

**Cul-De-Sac:** A street having one (1) end open to traffic and being terminated by a vehicle turnaround.

**Dedication:** An act transmitting property or interest thereto.

**Density:** The permitted number of dwelling units per gross acre of land to be developed.

**Design Flood:** The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

**Design Standards:** Standards that set forth specific improvement requirements.

**Developer:** The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or

contract to purchase, or any other person having enforceable proprietary interest in such land.

**Development:** A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

**Development Regulations:** Zoning, subdivision, site plan, official map, flood plain regulation, or other governmental regulations of the use and development of land.

**Divided Street:** A street having an island or other barrier separating moving lanes.

**Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means.

**Drainage Facility:** Any component of the drainage system.

**Drainage System:** The system through which water flows from the land, including all watercourses, waterbodies and wetlands.

**Driveway:** A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Easements:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within the owner of the property shall not erect any permanent structures.

**Engineer:** A professional engineer registered in the State of Missouri.

**Escrow:** Money delivered to a third (3rd) person to be delivered by him/her to the grantee only upon fulfillment of a conviction.

**Final Approval:** The official action taken on a preliminary approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled.

**Final Plat:** The final map of all or a portion of a subdivision which is presented for final approval.

**Frontage:** See "Lot Frontage".

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

**Governing Body:** The chief legislative body of the municipality.

**Grade:** The slope of a street, or other public way, specified in percentage (%) terms.

**Gutter:** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying runoff water.

**IES:** Illuminating Engineering Society.

**Impoundment:** A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

**Improvement:** Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the sub-divider for the benefit of the lot owners and for the proper development of the community as a condition precedent to the approval and acceptance of the final plat.

**Lateral Sewers:** Pipes conducting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.

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**Lot:** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**Lot Area:** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

**Lot Frontage:** That portion of a lot extending along a street line.

**Main:** In any system of continuous piping, the principal artery of the system to which branches may be connected.

**Maintenance Guarantee:** Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

**Major Subdivision:** Any subdivision not classified as a minor subdivision.

**Marginal Access Street:** A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential access street or sub-collector as anticipated daily traffic dictates.

**Master Plan:** A comprehensive long-range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

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

**Mountable Curb:** A low curb with a flat slope designed to be crossed easily without discomfort.

**Off-Site:** Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

**Off Track:** Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right-of-way.

**On-Site:** Located on the lot in question.

**Open Space:** An area of land or water or combination thereof planned for passive or active recreation but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

**Performance Guarantee:** Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

**Planned Unit Development:** An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one (1) or more structures to accommodate commercial or office uses, or both, and appurtenant common area and other uses incidental to the predominant uses.

**Plat:** A map or maps of a subdivision or site plan.

**Pre-Application Conference:** An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

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

**Pud:** See "Planned Unit Development".

**Residential Density:** The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

**Retention Basin:** A pond, pool, or basin used for the permanent storage of water runoff.

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

**Roadway:** The actual road surface area from curb line to curb line, which may include travel lanes, and parking lanes. Where there are no curbs, the roadway is that portion between the edges of the paved, or hard surface, width.

**Sale or Lease:** Any immediate or future transfer of ownership, including contract of sale or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map or other written instrument.

**Setback:** The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

**Sewer:** Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

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

**Sidewalk (Area):** A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

**Sight Triangle:** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

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

**Sketch Plan:** A rough plan of a proposed subdivision or other development.

**Street:** A right-of-way dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

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

**Stub Street:** A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

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Sub-divider: A person, firm, corporation, partnership, or association which causes land to be divided into a subdivision for itself or for others.

Subdivision: The division of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. However, the division of land shall not be considered to be a subdivision when the smallest parcel created is more than forty (40) acres in area. The term "subdivision" includes "re-subdivision", and the term re-subdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purposes, which vary from the latest, approved plat of the same.

Surveyor: A professional land surveyor registered in the State of Missouri.

USGS: (Also USC&G and USC&GS). United States Coast and Geodetic Survey.

Variance: A waiver from compliance with a specific provision granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of this Chapter. The granting of variances on zoning is the responsibility of the Board of Zoning Adjustment.