

CHAPTER 33

THE SUBDIVISION CODE

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ARTICLE I. GENERALLY

Sec. 33-1. Short title.

This chapter shall be known and may be cited as "The Subdivision Code" of the City of Jefferson, Missouri.

Sec. 33-2. Definitions.

For the purpose of this chapter, the following words, terms and phrases shall have the meaning given herein:

Minor ways which are used primarily for vehicular service access to the back or side of properties abutting on a street.

Building Line. A line or lines on a plat designating the area adjacent to the street right-of-way inside of which no building or structure may be erected.

Building Official. The Supervisor of Building Regulations of the City or his authorized representative.

City. The City of Jefferson, Missouri, a municipal corporation which, territorially, shall include all land within the corporate limits of the City as such limits now exist or may, from time to time, be extended or retracted.

City Council. The governing body of the City.

Commission. The Planning and Zoning Commission of the City.

Developer. Any person who, (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who, and who (2) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing. (Ord. 13628, §1, 10-6-2003)

Director of Community Development. The Director of Community Development of the City of Jefferson, or his authorized representative.

Easement. A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

Gated Community. A residential development containing two or more dwelling units where vehicular access is restricted to property owners and other authorized persons by a moveable gate. (Ord. No. 13986, §2, 12-19-2005)

May. An action which is permissive.

Monuments.

Lot Corners. An iron pipe not less than 1" outside diameter or a reinforcing bar not less than 1/2" in diameter and not less than 30" in length set not less than 24" in the ground.

Control Points. An iron pipe or reinforcing bar as described in Section 2.11.1 set in concrete 4" in diameter and 12" in depth, or a 4" x 4" concrete post set not less than 24" in the ground with the top of the post adequately marked to define the control point. A permanent pavement marker acceptable to the Director of Community Development may be utilized to define the centerline of right-of-way at the control points in lieu of the above described monuments.

Owner. An individual, firm, association, co-partnership, corporation or syndicate, or agent of any of them, having sufficient proprietary interest in any land sought to be subdivided to commence and maintain proceedings to subdivide land under the provisions of this chapter.

Plat. An accurate drawing or map of the land proposed to be subdivided.

Sketch Plat. A drawing of the proposed subdivision, not necessarily to scale, but indicating general topographic features and the general layout of the proposed subdivision, according to the requirements of Section 33-6.

Preliminary Plat. The preliminary map indicating the proposed layout of the total subdivision, so designated on the plat and meeting the requirements of Section 33-7.

Final Plat. The final map of all or a portion of the subdivision, so designated on the plat and meeting the requirements of Section 33-8 and prepared for official recording with the Recorder of Deeds of Cole County, Missouri.

Riparian Zone. A twenty-five (25) foot area of land adjacent to a natural stream, kept in its natural state for the purpose of protecting water quality, minimizing the effects of stream bank erosion and enhancing flood protection. The width of the riparian zone shall be measured from the ordinary high water mark of the natural stream. After the riparian zone is platted, the area designated on the plat as the riparian zone shall be substituted for this definition (Ord. 14154, §3, 2-5-2007)

Streets.

Arterial Street. A roadway used primarily for fast or heavy traffic, including all streets designated as major, thoroughfares, freeways, etc.

Collector Streets. A street used to carry traffic from residential streets to arterial streets and/or highways.

Private Drive. A driveway not dedicated for public use designed to provide vehicular access from a public or private street to one or more lots or parcels under single ownership. (Ord. No. 13986, §2, 12-19-2005)

Private Street. A roadway not dedicated for public use and maintenance designed to provide vehicular access to two or more lots or parcels under separate ownership. (Ord. No. 13986, §2, 12-19-2005)

Residential Streets. A street used primarily for access to abutting property.

Subdivision. The division of land into two (2) or more smaller lots, tracts or parcels for the purpose of building development or transfer of ownership, and/or the dedication or establishment of a public street or roadway. Subdivision shall be further classified as follows:

Minor Subdivision. Any subdivision containing not more than five (5) lots and not involving any new street or roadway.

Major Subdivision. Any subdivision not classified as a minor or agricultural subdivision.

Agricultural Subdivision. Any transfer of land which is to be used primarily for agricultural activity as defined in the Jefferson City Zoning Ordinance. An agricultural subdivision is exempt from these regulations and the transfer of agricultural lands may proceed after a Letter of Exemption is obtained from the Director of Community Development.

The term "subdivision" shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.
(Ord. No. 11403, § 1, 5-7-90)

Shall. An action which is mandatory.

Sec. 33-3. Use of unapproved plat in sale of land.

No owner, or agent of the owner, of any land located within the City of Jefferson, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Council and recorded in the office of the Recorder of Deeds of Cole County. Any person violating the provisions of this section shall forfeit and pay to the City of Jefferson, a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed to negotiate to be sold; and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City of Jefferson may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

The provision of this ordinance requiring preparation and submission of a subdivision plat shall not apply to the sale of all or a part of a recorded lot of record provided that not more than one additional building lot is created and no new street is created. Both the original and the newly created lot shall meet the minimum public street frontage and the yard lot area and width requirements of the Zoning Code and shall have access to all public utilities. Whenever possible the division line between the two lots shall be a straight line. A registered land surveyor shall prepare and affix his seal to a permanent, reproducible survey document which shall show the boundaries of both lots, existing streets and easements and a legal description of both lots. Neither the original nor the newly created lot shall be transferred, sold, or offered for sale until both have the written endorsement of the Director Community Development and have been recorded in the office of the Recorder of Deeds.

The City Building Official shall not issue a building permit for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein. (Ord. No. 12059, §1, 4-4-94)

Sec. 33-4. Large area subdivision; general plan.

A subdivision may be developed in separate tracts or sections which shall be successively numbered and identified under the name of the subdivision as Section or Tract One, Two, Three, etc. In such instance, the owner shall cause to be prepared by a registered surveyor a general plan of the entire subdivision showing the approximate location

of all arterial streets and/or highways, collector streets, and the public sanitary sewer and storm sewer drainage facilities contemplated and reasonably required to serve the entire subdivision.

When a general plan of the subdivision is required, the owner shall cause seven (7) prints thereof to be filed with the Director of Community Development at the same time the preliminary plat of the first section or tract is filed. The Director of Community Development shall distribute the copies of the general plan in the manner and at the time provided in Section 33-7(D).

Sec. 33-5. Filing fees.

A. Subdivision plats. The following schedule of fees is hereby adopted; such fees are to be paid by all persons or corporations submitting preliminary plats for approval by the Commission and shall be computed to the nearest dollar.

Schedule of Fees

- Preliminary Plat- Single Family
- Preliminary Plat- Multi Family
- Preliminary Plat- Commercial/Industrial
- Preliminary Plan
- Major Revision to Preliminary Plat
- Minor Revision to Preliminary Plat
- Final Plat
- Re-plat
- Lot Split

Fees as set out in Appendix Y shall be paid at the time the preliminary plat is submitted to the Office of Community Development and shall apply to the review of a preliminary sketch plat and review of the preliminary plat, improvement plans and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plat.

B Vacations. A fee of \$25.00 shall be paid by all persons or corporations submitting requests for vacation of easements or rights-of-way. (Ord. No. 12412, § 1, 2-5-96)

C. Fees shall be as set forth in Appendix Y.

(Ord. 14272, §11, 10-15-2007)

Sec. 33-6. Sketch plat; contents and submission procedure.

A. Contents. Data furnished in a sketch plat for a subdivision shall be as follows:

1. Tract boundaries
2. North point
3. The name of the proposed subdivision and the owner
4. All existing streets and roads, streams, and structures within the proposed subdivision and within two hundred (200) feet therefrom

5. Significant topographical or physical features as may be necessary or required by the Director of Community Development
6. Proposed general street and sewer layout
7. Proposed general lot layout
8. Sidewalks

(Ord. No. 12963, §1, 8-16-99)

B. **Submission Procedure.** Each developer shall submit to the Director of Community Development two (2) copies of a sketch plat as described in Section 33-6(A) for the proposed subdivision. Such sketch plat will be considered as submittal for informal discussion between the Director of Community Development and the Director of Public Works. As far as may be practical on the basis of the sketch plat, the subdivider will be informally advised of the extent to which the proposed subdivision conforms to the requirements of this ordinance. When the sketch plat being submitted is classified as a minor subdivision, the owner may bypass the preliminary plat procedure and submit a final plat as outlined in Section 33-8.

Sec. 33-7. Preliminary plat; contents and submission procedure.

A. An owner who intends to subdivide land into lots for the purpose of sale and/or development or to dedicate land for streets, alleys, parks or other public use, shall have prepared by a registered surveyor a preliminary plat of the land within the subdivision, or the section or tract thereof to be developed first prior to developing the land.

B. As additional sections or tracts of the subdivision are desired to be developed, a preliminary plat of each section or tract shall be filed and all of the provisions of this Chapter shall be observed.

C. Content. The preliminary plat shall be drawn to scale of not more than 100 feet to the inch and shall show, or be accompanied by, the following information:

1. The north point and scale.
2. The location of all existing property lines, adjoining streets and alleys, water courses, storm sewers, water mains, gas mains, culverts or other underground structures and all existing or proposed easements and other existing pertinent features within the area to be subdivided.
3. The name of all adjoining subdivision.
4. The proposed lot layout, location width and approximate grade of all streets and alleys and the zoning district or districts in which the land to be subdivided is located according to the current zoning map of the City.
5. The title under which the subdivision is to be recorded, the name of the owners of same, including the names of the officers of any corporate owner, and the name of the registered surveyor platting the tract of land to be subdivided.
6. A partial map of the City upon which shall be sketched the correct location of the proposed subdivision, its boundaries and street layout.
7. Contours shall be required for the proposed layout and shall be on an interval of not more than five (5) feet where ground slope is regular and such information is sufficient for

planning purposes or on an interval of not more than two (2) feet where land is irregular or there is a need for more detailed data.

8. The location and direction of drainage of all water courses and natural drainage channels, including acreage of water shed drainage into each storm drain structure.
9. The proposed location of sanitary sewers.
10. All proposed public areas.
11. Each street identified by its proposed street name.
12. The location of all existing and proposed utility lines and fire Hydrants, street lights and service line crossings.
13. The location of sidewalks.
14. Location of all flood-prone areas as delineated on the most recent edition of the flood hazard boundary map and its amendments and Natural Stream Protection Buffers if applicable.

(Ord. No. 12963, §2, 8-16-99; Ord. 14154, §3, 2-5-2007)

D. Submission Procedure.

1. The owner shall submit seven (7) prints of the preliminary plat to the office of Community Development fourteen (14) days before the meeting at which approval is requested. One print shall be transmitted to the Director of Community Development, and five prints referred to the Planning and Zoning Commission for further study, investigation and recommendation.
2. The Commission shall review the preliminary plat and notify the owner of the date, time and place of the meeting of the Commission and the owner may appear and be heard.
3. Within forty-five (45) days, or such additional period of time as the owner consents to in writing, from receipt of the plat by its Chairman, the Commission shall act upon the plat and approve, conditionally approve or disapprove same.
4. If the Commission conditionally approves the plat, it shall state in writing any revisions, modifications, additions or deletions required of the owner by the statutes of Missouri or Sections 33-1 through 33-6 before a final plat may be approved. Such revisions, modifications, additions or deletions to the preliminary plat may relate:
 - a. to the width or alignment of streets,
 - b. to the type, capacity and location of sanitary sewer or storm sewer facilities,
 - c. to the location and capacity of all public utility facilities,

- d. to the location, width and purpose of easements appearing on the preliminary plat or required by the City for public use,
 - e. lot sizes or lot layout, and
 - f. to such other matters as, in the opinion of the Commission, may be in the public interest
5. The Commission shall submit a written report of its action on the plat to the owner and the City Council along with a copy of the Plat, indicating necessary revisions or modifications. If the owner is aggrieved with the commission's report, the owner may appeal therefrom to the City Council by filing a notice of appeal with the City Clerk and the Chairman of the Commission within ten (10) days from the date thereof.
 6. Within fifteen (15) days of the filing of an appeal or at the next regular scheduled Council meeting, the Council shall conduct a public hearing on the issues in controversy. The clerk shall give the owner and the Chairman of the Commission at least five (5) days notice of the time and place of the hearing.
 7. At the first Council meeting following the public hearing, the Council shall declare its findings in writing, and enter its order approving, modifying or rejecting the report of the Commission.
 8. If the Commission fails to act on the preliminary plat within sixty (60) days, or within such additional time as the owner consents to in writing, the plat shall be considered approved and the City Clerk shall certify the approval of the Commission on the plat.
 9. Approval of the preliminary plat shall authorize the owner to prepare the final plat and complete engineering designs, subject to the provisions of Section 33-8, but such approval shall not constitute an approval of the plat for purposes of recordation, or for the sale and/or development of any tract or parcel of land within the area represented by the preliminary plat.

Sec. 33-8. Final plat, contents, submission procedure.

A. Contents. A final plat of the subdivision, or section or tract thereof, shall be drawn on a sheet 24" x 36", to a scale of not more than one hundred (100) feet to the inch and shall contain, or be accompanied by, the following information:

1. The title under which the land is to be recorded; if the plat is of a section or tract of a subdivision, the identification by section or tract number.
2. The name of the owner or owners of the land platted and, if the owner is a corporation, the names of the officers thereof.
3. The name and registration number of the surveyor, registered in Missouri, who prepared the plat.

4. The classification of all land platted by zoning district classifications according to the current zoning map of the City.
5. The north point and scale.
6. The exterior boundaries of the land platted.
7. A partial map of the City at a scale of 1" = 200', upon which shall be accurately drafted the correct location of the proposed subdivision, its boundaries and street and lot layout.
8. The right-of-way width of all streets.
9. The location of existing buildings on the land platted.
10. The boundaries of all areas to be dedicated to public use, and the manner in which the areas are to be used.
11. The right-of-way width and names of all streets on land adjoining the land shown on the plat.
12. In the event there are branching streets or alleys on the plat, the angle of departure from one street or alley to another except where the angle of departure is either 90 degrees or 180 degrees.
13. The dimensions of the lots, and the numbers (letters in re-subdivisions) of all lots on the plat.
14. The location of all building lines.
15. The location and dimensions of all utility easements, if any, on the plat.
16. All linear and angular dimensions necessary to locate the boundaries on the plat in relation to a section or quarter-quarter corner or line, or an established inlot or outlot line.
17. All linear and angular dimensions of all streets, alleys, lots, utility easements, sanitary sewer and surface water drainage easements, or other areas on the plat, and such linear dimensions shall be expressed in feet and decimals of a foot.
18. All radii, arcs, and chords, points and tangency and central angles for all curves and rounded corners on the plat.
19. The location and description of all monuments and all street, alley, lots or other area corners, intersections and all perimeter corner or angle points shall be marked with a suitable durable monument as defined in Section 33-2.
20. The form for dedication to public use of areas identified as right-of-way for streets, alleys, boulevards, drives, roadways of any kind, parkways, parks, sanitary sewer easements, surface water easements, and public utility easements, and all other areas intended for public use, with appropriate spaces for the signatures of the owner or owners, trustees, mortgagee or mortgagees, if any, of the land platted.

21. All restrictive covenants appearing upon and applying to any lots on the final plat shall be signed by the owner or owners, trustee, and mortgagee or mortgagees, if any, of the lots.
22. A form for the approval of the Director of Community Development, the Director of Public Works, and the Mayor of the City of Jefferson, Missouri and certification by the City Clerk.
23. Location of all flood-prone areas as delineated on the most recent edition of the flood hazard boundary map and its amendments and Natural Stream Protection Buffers if applicable. Plats that contain a Natural Stream Protection Buffer shall include the following statement: "Naturally occurring vegetation within the riparian zone shall not be removed, diminished, inhibited, mowed, or substantially altered from its natural state or growth.

(Ord. No. 12963, §3, 8-16-99; Ord. No. 14023, §2, 3-20-2006; Ord. 14154, §3, 2-5-2007)

B. Submission Procedure

1. Within six months, or within such additional time as the owner in writing may request and the Commission may allow, from the date of approval or conditional approval of the preliminary plat of a subdivision, or section or tract there. of, the owner shall cause to be prepared by a registered surveyor and submit to the Office of Community Development, five (5) prints of the final plat thereof to be referred to the Commission for their review and recommendations.
2. If the owner fails to file with the Commission the final plat within the time mentioned in Section 33-8(B)(1), the Commission shall, by written report, vacate and set aside its previous report approving the preliminary plat, and a copy of such report shall be sent to the owner and the City Council. The report shall be final and unappealable.
3. The submission of the final plat shall be accompanied by five (5) prints of the proposed design of all streets, sanitary and storm sewers, sidewalks, and any other necessary appurtenances, drawn to a scale of not more than fifty (50) feet to the inch horizontal and (10) feet to the inch vertical and as per specifications for street and sewer improvements on file in the Department of Community Development.
4. At the next regular scheduled meeting, the Commission shall review the final plat and design plans, and notify the owner of the date, time and place of the meeting of the Commission and the owner may appear and be heard.
5. Within forty-five (45) days or such additional time as the owner consents to in writing, from receipt of the plat and design plans by its Chairman, the Commission shall act upon the plat and plans and approve, conditionally approve or disapprove same.
6. The Commission shall submit a written report of its action on the final plat and design plans to the owner and the City Council along with a copy of the plat indicating any necessary revisions or modifications. The owner shall be entitled to appeal the Commission report to the City Council in the manner prescribed in Section 33-7(D)(5).

7. If the Commission approves the final plat, it shall endorse its approval on the five (5) prints thereof, retain one print and transmit one print to the owner and three (3) prints to the City Council. In addition, the owner shall furnish the Director of Community Development the original tracing and a reproducible copy of the final plat as approved. The tracing shall be transmitted to the Recorder of Deeds when all the necessary signatures have been affixed.

Sec. 33-9. Construction of improvements.

A. All sanitary sewers and appurtenances and storm sewers in the section being developed shall be constructed according to the standards and specifications of the City on file in the office of the Director of Community Development. (Ord. 13600, §12, 9-2-2003)

B. Utility services shall be installed under the proposed streets prior to paving where subsurface conditions prevent pushing of service under the completed pavement. Sewer laterals shall also be stubbed in prior to street paving if the sewer main is located on street right-of-way. All such service connections shall be extended at least two (2) feet beyond the edge of pavement and shall be adequately referenced and marked for future use. All such services shall be installed in accordance with applicable codes and ordinance.

C. Construction of Streets and Alleys

1. Streets and alleys shall be constructed as prescribed in Section 33-11. The Building Official shall not issue a building permit for any structure to be placed on a lot in a recorded subdivision until the streets and alleys have been constructed along the entire frontage of the lot for which the permit is requested properly connecting the frontage to the City's street system in at least one direction. In the case of a corner lot both streets shall be constructed along the entire length of both frontages of the lot and shall provide a proper connection to the City's street system in at least one direction. During the non-paving season, December 15 through March 15, a permit may be issued if a cash escrow or letter of credit, equal to the cost of the construction, is posted in lieu of the street paving and if a temporary granular driving surface is provided to the structure. (Ord. No. 12722, § 1, 2-16-98)
2. When a street is constructed as provided in subsection (1) above and is not constructed through to an intersection, a paved, temporary turn-around shall be constructed.
3. When building permits have been issued for fifty (50) percent of the lots in a recorded subdivision no additional permits shall be issued until all of the improvements required by this ordinance have been installed and accepted by the Director of Community Development for maintenance. (Ord. 13628, §2, 10-6-2003)
4. Upon the completion of street paving, the contractor shall request in writing acceptance of the street by the Department of Community Development for maintenance. Formal written acceptance of streets by the Department of Community Development shall be required prior to the City assuming maintenance. Street signs will be installed once the street is paved through and the first building permit is issued on that block. A small sign indicating "Street not yet accepted by City" should be posted and removed when the street is accepted. (Ord. No. 12722, § 2, 2-16-98)
5. Monuments as described in Section 33-2 shall be installed and adequately referenced to facilitate future replacement. Control point monument locations shall be verified or re-

established after street paving has been completed and prior to acceptance of the street for maintenance by the City.

6. The developer shall be held responsible for any and all defective workmanship for a period of one year from the date of the acceptance of the improvements described therein.
7. The developer shall be required to provide or cause to be provided adequate water main lines and fire hydrants for fire protection in the subdivision. Water main lines shall be a minimum of six (6) inches in diameter. Larger water main lines shall be installed according to Water Company or Water District standards if determined necessary by said Company or District. In the districts designated RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1 and RA-2 by the City zoning ordinance, fire hydrants shall be placed in intervals of not more than six hundred (600) feet along all subdivision streets. In the above designated districts where a block between two intersecting streets is longer than four hundred (400) feet but less than six hundred (600) feet, said block shall require a fire hydrant to be placed at the corner of the intersecting streets. In all other districts, fire hydrants shall be placed in intervals of not more than three hundred (300) feet along all subdivision streets.

D. Construction of sidewalks in subdivisions shall be in accordance with provisions in Chapter 32. (Ord. 14277, §2, 11-19-2007)

E. Street Lighting

1. The minimum requirement for street lighting facilities shall be one 9500 lumen (residential area) or 25,500 lumen (commercial area) high pressure sodium light at each street intersection and at or within 100 feet of a cul-de-sac, and no further apart than 300 feet within or abutting the subdivision. Light standards shall be approved by the City's Director of Community Development. After acceptance by the City, the lighting facilities will be maintained and operated at the expense of the City.
2. All street lights shall be installed by the developer prior to acceptance of the streets for maintenance.

(Ord. No. 12962, §2, 8-2-99; Ord. No. 12963, §4, 8-16-99)

F. Underground Wiring

1. All Electric, cable television, and telephone distribution lines shall be installed underground in all residential subdivisions except those overhead distribution feeder lines necessary to serve the subdivision and in locations as approved by the Commission. Cable switching enclosures, pad-mounted transformers, and service pedestals may also be installed above ground and may be installed as a part of the street lighting standards where approved by the Director of Community Development.
2. The following words and terms, when used in this section shall have the following meaning:
 - a. Service Line - that portion of the circuit extending from a pad-mounted transformer, pedestal, or pole, directly to the point of delivery to the customer at the building or multiple-occupancy building.

- b. Feeder Line - that portion of a single-phase or three phase circuit extending from the terminal pole or manhole at or near the perimeter of the subdivision into and throughout the subdivision and used to provide service within the subdivision and from which the pad-mounted transformers are energized, and also including that portion of the secondary circuit extending from a transformer to pedestals, excluding service lines and power lines as herein defined. (These lines are sometimes referred to as "local primary & secondary Lines".)
 - c. Distribution System - terminal poles, manholes, feeder lines, service lines, switch-gear, pad-mounted transformers, conduit, and pedestals utilized to provide service to subdivisions. This does not include power lines.
 - d. Power Lines - that portion of the circuit extending from a distribution substation to a terminal pole or manhole at or near the perimeter of the subdivision and through or beyond the subdivision and which is or may be used to provide service to customers outside the subdivision.
- 3. The company, firm or individual installing underground wiring shall endeavor to coordinate its construction work with that of the owner, the City and other utilities in order to keep the overall cost of providing underground wiring as low as possible.
 - 4. To the extent practicable and safe, utilities may be installed in the same trench.
 - 5. All construction, installations, maintenance and operation of underground distribution systems shall be in accordance with applicable codes, orders, rules and/or utility specifications.

(Ord. No. 14023, §3, 3-20-2006)

Sec. 33-10. Streets and alleys; general provisions.

A. All subdivision streets shall be arranged to provide for the continuation of existing streets in adjoining subdivisions and, to the extent possible, the anticipated projections of streets through adjoining unsubdivided or undeveloped property to allow for convenient movement of vehicular traffic and the orderly development of adjoining property and shall adhere to the Master Street Plan where applicable.

B. Each lot shall front upon a publicly dedicated street acceptable by the City or, upon approval of a planned unit development, a private street, if approved by the City. (Ord. No. 13986, §3, 12-19-2005)

C. When a new subdivision adjoins undivided lands, susceptible to being subdivided, the new streets shall be carried to the boundaries of the tracts proposed to be subdivided at a later date and a temporary cul-de-sac shall be installed at this point.

D. Permanently designed dead end cul-de-sac streets shall not be longer than eight hundred (800) feet and shall be provided with a turn-around at the closed end.

E. Blocks shall be wide enough to allow two tiers of lots except where prevented by topographical conditions, in which case the Commission may alter the size. The minimum and maximum block lengths shall be as follows:

| | <u>Minimum</u> | <u>Maximum</u> |
|-------------|----------------------------|----------------|
| Arterial | 300' | 1000' |
| Collector | 300' | 1000' |
| Commercial | Administrative Approval | 1000' |
| Residential | Administrative Approval | 1000' |
| Lane-Court | Administrative Approval | 1000' |
| Place-Court | Administrative Approval | 1000' |

F. Streets shall intersect one another at as near a right angle as possible and no intersection angle shall depart from a right angle more than twenty (20) degrees. Residential street intersections shall be rounded with a radius of twenty (20) feet for right angle intersections. All other intersections radii shall be as approved by the Director of Public Works.

G. All streets in exact or approximate alignment with existing named streets shall bear the names of such existing named streets. All other streets shall be assigned names which do not conflict with names of existing streets. Postal addresses for each lot shall be assigned by the Director of Community Development.

H. Whenever there exists a platted half street or half alley adjacent to land platted for a subdivision, the remaining half of the street or alley shall be provided for on the plat of the subdivision.

I. Utility easements for distribution systems shall be located as deemed necessary by the Commission after recommendations have been received from the Director of Community Development. The width of utility easements shall be as determined by the Director of Community Development but in no event shall it be less than ten (10) feet.

J. No street shall have more than fifteen (15) percent grade, except that a Place Court, a Lane-Court, or a Residential Street may have a maximum grade of twenty (20) percent when it is not a dead-end street.

Sec. 33-11. Streets and alleys; rights-of-way, design.

A. The widths of right-of-way for streets and alleys and the improved width of roadways within such rights-of-way, unless modified by the Commission because of unusual conditions or circumstances, are established as follows:

1. Arterial Street. The right-of-way shall be at least eighty feet (80) wide and the improved roadway shall be at least thirty-seven feet (37) wide (face-to-face of curb). No parking shall be designed for either side of the street.
 - a. Purpose and Applicability. This section establishes the requirements for the approval, construction, maintenance and operation of private streets including gated entrances across private streets or drives. All private streets and gated entrances shall adhere to these requirements whether the subdivision or development is new or existing if the private street or gated entrance serves more than one residential dwelling unit.

- b. Eligibility Criteria. Private streets shall only be permitted when they satisfy all of the following criteria and conditions:
- (1) Private streets shall only be allowed in an approved planned unit development containing not more than 50 residential dwelling units;
 - (2) Private streets shall not cross or interfere with an existing or future collector or arterial street shown on the City's Major Thoroughfare Plan;
 - (3) Private streets shall serve an area generally isolated by natural barriers (e.g., creeks, flood plains, steep bluffs) or man-made barriers (e.g., golf course, cemetery or park);
 - (4) Private streets shall not provide the only means of access to public streets from an adjacent development or undeveloped land not served by the private streets;
 - (5) Private streets shall not cross or interfere with an existing or future public pedestrian pathway, greenway trail or park as shown on the City's Parks & Recreation Master Plan.
- c. Property Association Required. All developments with private streets shall have a mandatory property (homeowners) association which includes all property served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City Counselor to ensure that they conform to this and other applicable City regulations. The documents shall be filed of record in conjunction with recording of the final plat. Property deeds must convey membership in the association, and must provide for the payment of dues and assessments required by the association. The association may not be dissolved and no portion of the association documents pertaining to the maintenance of private streets, and assessments therefore, may be amended without the written consent of the City.
- d. Private Street Designation. Private streets shall be constructed within a separate tract of land designated as common area and owned by the property owners association. This tract must conform to the City's standards for public street rights-of-way. An easement covering the entire street tract shall be granted to the City providing unrestricted use of the property for construction and maintenance of public utilities. This right shall also extend to all public utility providers and public telecom companies operating within the City. The easement shall also grant the City the right of access to provide any governmental service or function, including but not limited to, fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street tract that may impair emergency access.
- e. Construction and Maintenance. All private streets shall be designed and constructed in accordance with the City's improvement standards for publicly dedicated streets. The City shall not pay for any portion of the cost of constructing or maintaining a private street. The property association documents shall give the City the right to inspect private streets and require any repairs at the sole expense of the association necessary to ensure efficient emergency access and/or to protect

the health, safety, and welfare of the residents. After giving written notice, the City shall also have the right to perform such repairs and place a lien upon the lots within the association to recover the cost thereof.

- f. Infrastructure/Utilities. All storm sewer facilities, sidewalks, street lights, and traffic control devices (e.g., stop signs) placed within the private street tract shall be installed to City standards and maintained by the property association. Utilities (e.g., electric, gas, telephone, cable TV, water, and sanitary sewer lines) installed to established standards in proper dedicated public utility easements may be accepted and maintained by the respective utility provider.
- g. Plans and Inspections. Developments with private streets must include the same plans and engineering information required for public streets, sidewalks, and sanitary and storm sewers. City requirements pertaining to the review, inspection and approval of these improvements, as well as fees charged for these services, shall apply equally as if they were public facilities.
- h. Signage. The entrances to all private streets must be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained by the City.
- i. Gated Private Streets. The City Council shall have sole discretion to determine when a gate may be permitted across any private street or drive and whether to grant any variance from the provisions of this section. The City Council may deny the creation of any gated private street if, in their sole judgment, the gate would adversely affect traffic circulation on public streets, impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or cause possible delays in the response time of emergency vehicles. Approval of the gate or variance shall be by approval of a preliminary plat or PUD site plan for a new development, or the passage of a resolution when the subdivision or development pre-exists the request for a gate.
- j. Access Control Gate Standards. All gates across private streets or drives must meet the requirements and standards established by the Director of Community Development as well as applicable building, fire and other City Codes. Only gates that swing open horizontally in the direction of travel or slide open perpendicular to the direction of travel will be permitted. The installation shall be completed and tested prior to issuance of any occupancy permits. All access control gates must be manned twenty-four (24) hours every day, or they must provide an automatic access system, approved by the City, allowing quick access to the development by 911 emergency vehicles. The City shall have the right to designate the type of automatic access system which it deems to be appropriate. A reliable mechanical or electronic gate opening device shall also be installed to allow efficient access by other public service providers (e.g., postal carriers, utility companies, building inspectors, etc.). If the association fails to maintain reliable access as required herein, the City may remove any gate or device which is a barrier to access at the sole expense of the property association. The association documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the City Council.
- k. Entrance Design Standards. Any private street with restricted access must have a minimum pavement width of twenty-four (24) feet at the location of the access control gate. If the entrance incorporates a median or guard house which

necessitates a divided arrangement, the pavement width of each lane shall not be less than fourteen (14) feet. If an overhead barrier is used, it must be a minimum of thirteen and one-half (13.5) feet in height above the road surface. A turn-around space must be located in front of any gated access entrance to allow vehicles denied access to safely exit onto public streets without having to back up into the street. The design of such turn-around shall accommodate smooth, single-motion U-turn movements by large passenger vehicles (e.g., vans, pick-up trucks, etc.); passenger vehicles with short trailers (e.g., small flatbed, or box-type moving trailers); and the types of service vehicles that typically visit or make deliveries to residential developments (e.g., utility vehicles, parcel delivery trucks, two to three-axle trucks used by contractors and moving companies). The design of all proposed entrances, including sidewalk connections, gate houses, and entrance lights, must be submitted for review by the Planning and Zoning Commission along with the construction plans for the subdivision, and must be approved by the City Council along with approval of the final plat.

- l. Waiver of Services. The subdivision final plat, property deeds and property association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and access limitations, other services may not be provided.
- m. Petition to Convert to Public Streets. The property association documents shall allow the association to petition the City to accept private streets and any associated facilities (e.g., storm sewers, street lights, traffic control devices) as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public. Should the City elect to accept the streets as public, then the City has the right to inspect the private streets and associated facilities and to assess the property owners for the expense of needed repairs concurrent with the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of any guard houses, access control devices, landscaping and/or other aesthetic amenities located within the street tract. The association documents shall grant the City the right to provide such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the City.
- n. Hold Harmless. The property owners association, as owner of the private streets and appurtenances, and the individual lot owners shall agree to release, indemnify, defend and hold harmless from liability imposed by law, the City, any other governmental entity, and any medical services provider or public utility entity for damages and injury (including death), arising from the existence, condition or use of private streets or restricted access gate across private streets by the City, governmental entity, medical services provider or public utility entity. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity, medical services provider or public utility. The above language shall be contained in the recorded final plat, property

deeds and the deed restrictions and covenants and shall run with the land and shall not be altered without the written consent of the City.

2. Collector Streets. The right-of-way shall be at least sixty feet (60) wide. If parking is designed for both sides of the street, then the improved roadway shall be at least thirty-nine feet (39) wide (face-to-face of curb). If parking is designed for one side of the street, then the improved roadway shall be at least thirty two feet (32) wide (face-to-face of curb).
3. Commercial Streets.
 - a. If parking is designed for both sides, then the right-of-way shall be at least sixty feet (60) wide, and the improved roadway shall be at least thirty-nine feet (39) wide (face-to-face of curb).
 - b. If parking is designed for one side, then the right-of-way shall be at least sixty feet (60) wide, and the improved roadway shall be at least thirty-two feet (32) wide (face-to-face of curb).
 - c. If parking is not designed for either side, then the right-of-way shall be at least fifty feet (50) wide, and the improved roadway shall be at least twenty-seven feet (27) wide (face-to-face of curb).
4. Residential Streets.
 - a. If parking is designed for both sides, then the right-of-way shall be at least sixty feet (60) wide and the improved roadway shall be at least thirty-four feet (34) wide (face-to-face of curb).
 - b. If parking is designed for one side, then the right-of-way shall be at least fifty feet (50) wide and the improved roadway shall be at least twenty-seven feet (27) wide (face-to-face of curb).
5. Lane Court. The right-of-way shall be at least fifty feet (50) wide and the improved roadway shall be at least twenty-seven feet (27) wide (face-to-face of curb). Parking may be designed for one side.
6. Place Court. The right-of-way shall be at least fifty feet (50) wide and the improved roadway shall be at least twenty-four feet (24) wide (face-to-face of curb). Parking may be designed for one side.
7. Alleys. The right-of-way for an alley shall be at least twenty-four feet (24) wide and the improved roadway shall be at least twenty feet (20) wide.
8. Permanent Cul-de-sac. A permanent cul-de-sac shall have a minimum right-of-way radius of fifty (50) feet, be curbed and guttered, and have a minimum paved area radius of forty (40) feet (face-to-face of curb).
9. Temporary Cul-de-sac. A temporary cul-de-sac shall be curbed and guttered and have a minimum paved area radius of forty (40) feet (face-to-face of curb). The paved area shall be located on right-of-way and/or on a temporary street easement. The temporary street easement shall be acceptable to the Director of Community Development and shall be vacated when the street is extended.
10. All street cross sections, with the exception of alleys, shall contain a sidewalk/utility corridor. The corridor shall be a minimum width of 10 feet located directly behind the back of curb on both sides of the street. The corridor grade shall be no greater than 2%. The

corridor is considered part of the street cross section and shall be placed to grade with construction of the street. (Ord. 13629, §3, 10-6-2003).

- B. The minimum residential street slab thickness shall be six (6) inches Portland Cement concrete or five (5) inches black base with two (2) inches Type "C" asphaltic concrete (Missouri State Highway Specifications) with Portland Cement concrete curb and gutters as per current specifications on file in the office of the Director of Community Development. All developers shall be required to meet this minimum requirement regardless of the street classification. Additional design requirements above the minimum specified herein shall be the responsibility of the City.

Sec. 33-12. Lot identification.

- A. All lots in original subdivisions shall be numbered consecutively from one through the total number of lots, even though the subdivision may be recorded in sections.
- B. In re-subdivisions, all lots shall be lettered alphabetically from the letter "A" through the total number of lots.
- C. The size and width of lots shall meet the minimum requirements of the Zoning Ordinance for the area being subdivided and the side lot lines shall be arranged at right angles to street lines or radial to curved street lines, and shall front on a dedicated public or an approved private street. All lots shall have at least 35 feet of street frontage. (Ord. 13986, §5, 12-19-2005)

Sec. 33-13. Variations from provisions.

- A. When the Director of Community Development determines that in a particular instance an owner cannot possibly or practically observe the requirement of any provision or provisions of this chapter, except in regards to construction of sidewalks, because of the presence of unusual circumstances or conditions, and that the strict application of the requirements of such provisions would either prevent, or present a serious obstacle to the formulation of a plat for the reasonable use and development of land in subdivision form, the Director shall make a written recommendation to the Commission that a variation from the requirements of such provisions be permitted and state the facts upon which the recommendation is made. (Ord. 13600, §12, 9-2-2003; Ord. 14277, §3, 11-19-2007)
- B. The Commission, upon consideration of the facts presented with the recommendation, may permit the owner to vary from the requirements of such provisions if it determines that the intent of this chapter is not being violated and adjoining property is not materially or adversely affected.
- C. Variation or waivers from the requirement to construct sidewalks in new major subdivisions shall be governed by the variance provisions contained in Chapter 32. (Ord. 14277, §3, 11-19-2007)

Sec. 33-14. Recordation of plats.

- A. A plat of land within the City shall not be filed and recorded until such plat has been accepted and approved by ordinance.

- B. When the approval of the City has been endorsed upon the plat and the plat has been transmitted to the Recorder as outlined in Section 33-8(B)(7), the owner, or the agent thereof, shall have the plat recorded in the office of the Recorder of Deeds in Cole County, Missouri, within thirty (30) days thereof, or the City may enact an ordinance withdrawing its approval and acceptance of such plat.

Sec. 33-15. References.

When reference is made in this Chapter to any other ordinance of the City, or any section or sections thereof, or to any statute of Missouri, the reference shall apply to all amendments and additions to such ordinance, section or sections thereof, or statute.

Sec. 33-16. Unconstitutionality clause.

Should any clause phrase, paragraph, subsection, section or any other provision, or portion thereof, of this Chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other portion of such sections as it is expressly declared that the remaining provisions and portion of these sections would have been enacted independently of such invalid portion or portions.

Sec. 33-17. Penalty clause.

Any person, association, partnership or corporation who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00) each day that a violation exists shall constitute a separate and distinct offense.
(Ord. No. 11045, 6-20-88)

Editor's Notes

Ordinance No. 13986 corrected administratively to indicate the Code chapter being amended should have been Chapter 33 instead of Chapter 3.