**Chapter 26**

**PLANNING AND ZONING**

**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 26-244. Interpretation and Purpose.**

 The provisions of this Article, in their interpretation and application, shall be held to the minimum requirements adopted for the protection of the public health, safety, and welfare. The purpose of this Article is to regulate the subdivision of land as defined herein. The regulations are designed to provide for the safe, orderly, and economic use of transportation facilities; to facilitate orderly land use and layout; to ensure proper legal description and the placing of monuments on subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to facilitate the adequate provision of municipal services including streets, water, sewerage, electricity, parks, open space, schools, and other requirements; and to promote the development of affordable housing. (Ord. 827, §1)

**Sec. 26-245. Authority and Scope.**

 The Board of Aldermen enacts this Article pursuant to the authority conferred by Article VI, Section 19 (a) of the Missouri Constitution and other laws of the State of Missouri. The Planning and Zoning Commission of Potosi, Missouri, hereinafter referred to as the Commission, is hereby designated as the administrative agency charged with the duty of making determinations and investigations concerning the design and improvements in proposed subdivisions and for making recommendations to the Board of Aldermen. The Board of Aldermen shall approve or disapprove plats for the subdivision of land within the City.

 This Article shall apply to all land that has been subdivided if the subdivision was recorded after the adoption of subdivision regulations and to any lot or lots that have since been re-subdivided. It is not the intent of this Article to interfere with or impair existing provisions of other laws, ordinances or covenants, except those specifically repealed by this Article. Where this Article imposes greater restriction upon land than is imposed or required by such existing laws, ordinances, or covenants, the provisions of this Article shall control. (Ord. 827, §1; Ord. 1058, §19)

**Sec. 26-246. Definitions.**

 For the purpose of this Article, the following terms, phrases, words, and their derivatives shall have the meaning herein given. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

 *Alley*: A public way, which affords a secondary access point to an abutting lot.

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 *Arterial*: A street that provides primarily for through traffic movement at high speeds between areas and across the City, including all county and state highways.

 *Block:* A tract of land bounded by streets or a combination of streets and other rights-of-way, or similar uses.

 *Boundary Line Adjustment:* Any grant of land between two adjoining platted lots, necessary to correct an encroachment of an existing building or improvement on one lot onto the other lot, including property required to satisfy Setback or Building Line requirements, which is not in excess of Five Thousand (5,000) square feet in area. A Boundary Line Adjustment is not a subdivision under the requirements of this Chapter, and does not require a variance if either the resultant lot size is equal to or exceeds the minimum lot size for the zoning, or if the resultant lot is within substantial compliance with the minimum lot size for the zoning. For the purpose of a Boundary Line Adjustment only, substantial compliance with the minimum lots size for the existing zoning shall mean not less than ninety percent (90%) of the minimum lot size for the existing zoning.

 *Building*: Shall include any part thereof; includes the word structure.

 *Building Commissioner*: A person appointed by the Mayor to enforce this Chapter.

 *Board of Aldermen*: The Board of Aldermen of Potosi, Missouri.

 *City*: City of Potosi, Missouri.

 *City Engineer*: A person or his designee appointed or hired by the City to provide engineering services.

 *Collector*: A street that provides for traffic movement between arterials and minor streets.

 *Comprehensive Plan*: A series of plans for the physical development of the City, consisting of goals and objectives, Major Thoroughfare Plan, land use plans, and other elements included by the Board of Aldermen.

 *Common Land*: Land set aside for open space, including storm water drainage areas, retention pools, and recreational use areas for the owners of the lots in a subdivision, conveyed in trust for the benefit and enjoyment of the lot owners.

 *Construction document*: All of the written, graphic and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of the project, drawn to scale as necessary for obtaining a building permit.

 *Contiguous Properties*: Tracts or lots that about one another along the side and/or rear lot lines.

 *Cul-de-Sac*: A street which terminates in a circular turnaround.

 *Easement*: Authorized by a property owner for the use by another party, for a specified purpose, of any designated part of said property.

 *Final Plat*: The final map, drawing or chart on which the subdivider’s plan of subdivision is presented for approval, and which, if approved, will be submitted to the County Recorder for filing.

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 *Local Street*: See Minor Street.

 *Lot*: An undivided tract or parcel of land under one ownership having access to a street, which parcel is designated as a separate tract identified by a lot number if in a duly approved and recorded subdivision or by a metes and bounds description on a properly recorded instrument.

 *Minor Street*: A street primarily providing direct access to abutting property and designated to accommodate low volume, low speed traffic.

 *Major Subdivision*: Any subdivision not classified as a minor subdivision or a Boundary Line Adjustment.

 *Minor Subdivision*: Any subdivision, other than a Boundary Line Adjustment, containing not more than five (5) lots fronting on an existing City street or highway and not requiring the extension or improvement of any street.

 *Official Map*: The map established by the Board of Aldermen showing streets and highways previously laid out, adopted and established by law and any amendments or additions thereto adopted by Board of Aldermen through the subdivision process.

 *Owner*: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land proposed for subdivision to effectuate transfer of the property once subdivided.

 *Person*: See Owner.

 *Preliminary Plat*: The preliminary map, drawing, or chart indicating the proposed layout of the subdivision initially required in the subdivision process.

 *Right-of-Way*: This term, for land platting purposes, shall mean that right-of-way hereafter established and shown on a final plat to be separate and distinct from lots or parcels adjoining such right-of-way, and not included within the dimensions or area calculations of such lots or parcels.

 *Setback or Building Line*: A line specifically established upon the plat or established by the zoning code that identifies an area into which no part of a building shall project.

 *Shall, May*: The word “Shall” is mandatory and the word “May” is permissive.

 *Subdivider*: Any person commencing proceedings under this Article to effectuate a subdivision of land.

 *Subdivision*: The subdivision of land into two (2) or more lots, tracts or parcels for the purpose of ownership transfer or development, or, if a new street or easement of access is involved, any division of a land parcel. The term includes re-subdivisions. (Ord. 827, §1; Ord. 1040)

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**Sec. 26-247. Conditions.**

 Regulation of the subdivision of land and the attachment of reasonable conditions is a valid exercise of the police power delegated by the State of Missouri to the City. The subdivider has the duty of compliance with reasonable conditions established by the Commission and Board of Aldermen for design, dedication, improvement and land use so as to conform to the appropriate and economic development of the City; and to promote the safety and general welfare of future landowners in the City. The subdivision of land is a privilege conferred through these regulations to private property owners. (Ord. 827, §1)

**Sec. 26-248. Application of Regulations and Enforcement**

 No person shall divide a lot, tract or parcel of land into two (2) or more lots, tracts, or parcels nor shall any person install a new street, alley, easement, water, sewer or electrical line or any other public improvement except in conformity with this Article; provided, however, that a Boundary Line Adjustment or other real estate transaction involving the sale or exchange of a tract or parcel between adjacent platted lots, where such tract or parcel sold or exchanged, not being in excess of five thousand (5,000) square feet in area, where such sale or exchange does not create any additional lot, or eliminate entirely or reduce any platted lot below the minimum lot size for the applicable zoning, or in the case of a Boundary Line Adjustment only, not less than ninety percent (90%) of the minimum lot size for the existing zoning, and which requires no new public improvements or dedications, or violate other provisions of the zoning code, shall be exempt from the subdivision requirements of this Article, but shall be subject to the requirements of paragraphs (f) and (g) below.

 (a) Recording a Plat: No property description of any subdivision shall be entitled to be recorded in the county Recorder's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such un-approved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid. Recording of the property description approved in the manner herein prescribed shall be conclusive evidence of the validity of the subdivision.

 (b) Sale of Land in a Subdivision: No owner or agent of the owner of any land located in the City shall transfer, sell, offer, or agree to sell any land by metes and bounds description or other reference when the sale, transfer, or development of the land would affect a subdivision of land within the meaning of this Article and before such land has been subdivided in accordance with these regulations and recorded in the office of the Recorder of Deeds.

 (c) Permits: The City shall not issue permits of any kind for improvement on land which does not meet the definition of "lot" as contained herein. For the purposes of constructing a building, permits may be issued for a tract or parcel of land consisting of two (2) or more contiguous lots or one lot and a portion of another lot and considered as a single lot if the proposed building(s) shall cross interior lot lines rather than being placed closer to a side, rear, or front lot line than otherwise allowed by ordinance.

 (d) Public Improvements: The City and its Boards, Commissions and agents shall withhold all public improvements of whatever nature, including the furnishing or maintenance of streets, utilities and sewerage facilities from all subdivisions subject to this ordinance which have not been approved, and from all areas dedicated to the public which have not been accepted by the Board of Aldermen, in the manner prescribed herein. Upon notice from the Building Commissioner or the City Engineer of a

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violation of this Chapter, it shall be unlawful for any public Utility to supply utility services to the subject property until properly subdivided as prescribed herein.

 (e) Revision of a Plat. After Approval: No changes, erasures, modification or revisions shall be made in any final plat of a subdivision or in any metes and bounds description after approval has been given under the provisions of these regulations. (Ord. 827, §1; Amended by Ord. 1040)

 (f) Persons both receiving and granting an additional quantity of land pursuant to a Boundary Line Adjustment or other transaction exempt from the subdivision requirements of this Chapter, shall provide to the Building Commissioner a copy of the deed modifying the platted lots, along with a corrected acreage figure for City property tax purposed at the time of the transfer. Said persons shall pay the reasonable cost of amending the Official City Plats with the recorder of deeds.

 (g) Any exempt real estate transaction other than a Boundary Line Adjustment which result in one lot not meeting the minimum lot size for the existing zoning must apply for a variance under the provisions of this Chapter before any transfer or sale takes place, subject to the provisions of paragraphs (a) through (d) above. (Ord. 1040)

**Sec. 26-249. Variances.**

 The Commission may approve a variance from the provisions of this Article where it finds that an undue hardship or practical difficulty may result from requiring strict compliance with this Article. A variance may be approved so that substantial justice may be achieved and the public interest secured, provided that any such variance shall not have the effect of nullifying the expressed purpose of this Article. No application for preliminary plat which would create conditions requiring a variance or exception from zoning regulations by the Board of Adjustment, shall be submitted to the Commission unless and until the applicant's petition for variance or exception shall have been first approved by the Board of Adjustment. (Ord. 827, §1)

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**Sec. 26-250. Conditions of Variance Approval.**

 No variance shall be granted by the Commission unless it is found that:

 (a) The granting of the variance would not be detrimental to the public safety, health, or welfare or be injurious to other property or improvements in the vicinity of the subject property; and

 (b) The conditions upon which the request for variance is based are unique to the property for which the variance is sought, are generally not applicable to other properties, and are not self-imposed; and

 (c) Because of the particular physical surroundings, shape or topographical feature of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, depriving the owner of the reasonable use of his land should the strict interpretation of these regulations be enforced.

 (d) The variance will not in any manner abrogate the goals, objectives, or policies of the Potosi Comprehensive Plan. (Ord. 827, §1)

**Sec. 26-251. Authority to Grant Variances.**

 The Commission shall be empowered to grant variances with respect to the improvements and the design standards relative to lot dimension and arrangement, street location, alignment, the location and alignment of easements, building lines and similar standards. The Commission may establish certain conditions on variance approval that will, in the judgment of the Commission, substantially secure the purpose of this Article. The Board of Aldermen shall review any denial for a variance or any conditions attached to a variance approval only upon a written appeal by an applicant and only upon the written record made before the Commission. (Ord. 827, §1)

**Sec. 26-252. Variance Procedure.**

 Variances shall be reviewed in accordance with one of the following procedures:

 (a) Requests for variances may be submitted concurrently with the preliminary plat or final plat if it is a minor subdivision and reviewed with the subdivision. The written variance request shall state precisely the provisions from which a variance is needed along with the reasons for the variance, particularly as the request relates to the conditions of variance approval.

 (b) Requests for variances may be submitted independent of plat review if the applicant can show good cause why such request was not made when the plat was filed.

 (c) Within thirty (30) days after Commission has acted on a variance, the Board of Aldermen may elect to conduct an independent review of any variance request and may grant, reverse, modify, or affirm the decision by the Commission based on the conditions for variance approval. (Ord. 827, §1)

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**Sec. 26-253. Subdivision Application Procedure and Approval Process.**

 Before any plat shall be recorded or be of any validity, it shall have been presented to the Commission and approved by Board of Aldermen as having fulfilled the provisions of these regulations and other applicable ordinances. The provisions of these regulations, unless otherwise stated, shall be administered by the Building Commissioner. In the administration of these regulations, the Commissioner shall:

 (a) Receive and maintain current permanent records for all applications for subdivision approval. The Commissioner shall, in conjunction with the City Engineer, review applications for completeness and substantial compliance with the subdivision regulations.

 (b) Insure that copies of the subdivision regulations are available for public review and distribution.

 (c) Provide such technical and consultative assistance as may be required by the Commission, Board of Aldermen, and other agencies of the City in the exercise of their duties relating to these regulations. (Ord. 827, §1)

**Sec. 26-254. Procedure for Minor Subdivision Approval.**

 The required submission of a preliminary plat may be waived for minor subdivisions as defined in this Article (see definition Sec. 26-246), as follows:

 (a) The subdivider shall prepare a final plat together with any improvement plans and other supplementary material as prescribed herein. The Commissioner, with input from the City Engineer, shall determine if the subdivision meets the standards for a minor subdivision.

 (b) Submit to the Commissioner, together with processing and recording fees, five (5) copies of the final plat plus one (1) original. The Commissioner shall place the final plat on the Commission's agenda following review by City and utility companies’ staff.

 (c) The Commission shall review the final plat and supplementary material and any recommendations from agencies or officials. The Commission may approve as submitted, approve with conditions, or disapprove the final plat. If disapproved, the Commission shall express its reasons for this action which shall become part of the official record.

 (d) If approved as submitted or with conditions acceptable to the subdivider, then the final plat and supplementary material along with the record of the Commission proceedings shall be forwarded to the Board of Aldermen for consideration. If approved by the Board of Aldermen, the Commissioner shall sign the final plat prior to its recording with the Recorder of Deeds of Washington County.

 (e) If disapproved, the subdivider may appeal to the Board of Aldermen within ninety (90) days after Commission action. (Ord. 827, §1)

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**Sec. 26-255. Procedure for Major Subdivision Approval.**

 All land subdivision not otherwise classified as a minor subdivision shall be considered a major subdivision and subject to the procedures prescribed in this section.

 (a) Sketch Plat: The subdivider may submit a sketch plat and supporting information prior to the delivery of a preliminary plat. The Commissioner and other City staff shall review this material and provide input to the subdivider concerning design standards and improvement requirements.

 (b) Preliminary Plat: The subdivider shall submit three (3) copies of the preliminary plat with development plans to the Commissioner who, upon determining that the preliminary plat is complete, shall place the application on the Commission's agenda. The Commission shall approve, conditionally approve, or disapprove the preliminary plat. In any case, a notation of the action taken, and the reasons therefore, shall be entered in the records of the Commission.

 If approved with modifications that are not acceptable to the subdivider or if disapproved, the subdivider may within ninety (90) days appeal the actions of the Commission to the Board of Aldermen. No person shall present testimony to the Board of Aldermen which is substantially and materially different from that presented to the Commission unless the party can demonstrate, with the approval of the Commissioner that the introduction of such evidence before the Commission was not in good faith reasonably possible at the time of the Commission meeting. If the Commissioner does not make this determination, the matter shall be referred back to the Commission for their review with the new information or evidence if it is found to be substantially or materially different from what had been presented.

 (c) Effective Period of Preliminary Plat Approval: The approval of a preliminary plat shall be effective for one (1) year. The final plat must be submitted for approval within the one (1) year period or become null and void, except that the Commission may extend the effective period in six (6) month increments with the written request by the subdivider justifying the extension. The approved submission of a partial or phased final plat for a portion of a preliminary plat area shall validate the remainder of the preliminary plat for a one (1) year period.

 (d) Final Plat: The subdivider shall prepare a final plat together with development plans for the requisite public improvements, drawn under the supervision of a registered professional engineer and attested to by his signature and seal, all in accordance with applicable standards. The final plat shall be in substantial conformance to the approved preliminary plat. Five (5) copies plus one (1) original reproducible plat, including processing and recording fees, shall be submitted to the Commissioner who shall determine its completeness and substantial conformity.

 Computer source copies of the final plat prepared in Computer Assisted Drafting and Design (CADD) form that is compatible with the latest version of AutoCAD used by the City shall be submitted to the City Engineer.

 The final plat and supporting materials shall be reviewed by the Commission, along with any recommendations from the Commissioner, City departments or officials, to determine its substantial conformance to the preliminary plat. The Commission may recommend approval, conditional approval or disapproval of the plat. If conditional approval is recommended, the Commission shall express the conditions of such approval, or if disapproval is recommended, shall state its reasons therefore. This action and the reasons therefore shall be entered into the records of the Commission.

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 The final plat shall be submitted to the Board of Aldermen for their review. The Board of Aldermen may accept the final plat with or without the conditions recommended, if any, by the Commission or may reject the final plat and supporting materials. If accepted by the Board of Aldermen, the Commissioner shall sign and record the plat after all other signatures have been obtained. If rejected, the Commissioner shall attach a statement to the plat of the reasons for such action and return it to the subdivider. (Ord. 827, §1)

**Sec. 26-256. Phasing of Major Subdivision Plats Permitted.**

 The final plat for any major subdivision that has received preliminary approval may be submitted in sections or phases provided: each phase satisfies the requirements set forth in this Article and other City ordinances; all required improvements are provided for each phase along with any other necessary improvements to secure the subdivision's orderly development; and adequate assurances are made for the completion of improvements required for each phase. The Commissioner, with input from the City Engineer, shall determine if the proposed phasing of the final plat satisfies these requirements. (Ord. 827, §1)

**Sec. 26-257. Re-subdivision of Minor or Major Subdivisions.**

 Re-subdivision shall be required to change an approved or recorded final plat when such change will affect public right-of-way, areas reserved for public use, easements, or any lot line, dimension or bearing. However, the vacation of right-of-way, areas reserved for public use and easements dedicated to the City on the plat may be approved by the Board of Aldermen pursuant to applicable regulations without re-subdivision. (Ord. 827, §1)

**Sec. 26-258. Requirements for Improvements, Reservation and Design.**

 In addition to the requirements established herein, all subdivision plats shall comply with the relevant laws, rules, and regulations, such as the City's zoning code, and regulations of the Washington County Health Department and/or appropriate State agencies, Missouri Department of Transportation if abutting a State highway, and appropriate State and federal agencies. Subdivision lot lines shall conform to the municipal boundary lines when a subdivision abuts unincorporated land. (Ord. 827, §1)

**Sec. 26-259. Subdivision Name.**

 The proposed name of the subdivision shall not duplicate or sound-like the name of any other subdivision in Washington County. Whenever final plats of a subdivision are approved in phases, each submittal for final approval shall be numbered consecutively. (Ord. 827, §1)

**Sec. 26-260. Streets.**

 (a) Conformity: The character, extent, width, grade, and location of all streets shall conform to the Official Map or Major Thoroughfare Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their relation to proposed adjoining land uses. Where not shown on any map or plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

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 (b) Relation to Adjoining Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets into the abutting subdivision or tract where appropriate.

 (c) Projection of Streets: When a new subdivision adjoins un-platted or undeveloped land, new streets shall be carried to the boundaries of such tract. A temporary turnaround approved by the City Engineer shall be installed at this point unless the terminus of the new street is less than two hundred (200) feet from the intersecting right-of-way of an existing street.

 (d) Street Jogs Prohibited: Street jogs with centerlines offsets of less than one hundred fifty (150) feet shall be prohibited.

 (e) Dead-end Street or Cul-de-Sac: Dead-end streets or cul-de-sacs shall require a turnaround at intervals not to exceed six hundred (600) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty-four (84) feet and a minimum property line diameter of one hundred (100) feet. If a dead-end street is of a temporary nature, the City Engineer may require a similar turnaround along with provisions made for the future extension of the street. The City Engineer may approve alternative turnaround standards, such as "hammerhead" or "Y" configurations, if adequately designed to provide traffic circulation and better land use.

 (f) Marginal Access or Service Streets: Where a subdivision abuts or contains an existing arterial street or highway the Board of Aldermen may require marginal access streets or other treatment as may be necessary for adequate protection of residential areas and to separate through and local traffic.

 (g) Minor Streets: Minor streets shall be arranged so as to discourage through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to all properties.

 (h) Street Widths: The right-of-way width required to be dedicated and the required pavement width shall be:

 Street Type Right of Way Width\*\*\* Pavement Width\*\*\*\*

 Cul-de-Sac 50’ 30’

 Lane\* 50’ 30’

 Minor (Local)\* 50’ 30’

 Collector\*\* 50’ 34’

 Collector-Commercial 60’ 34’

 Arterial 80’ 34’

 Highway/Freeway variable variable

 \* Parking permitted on both sides of the street

 \*\* Parking permitted on one side only.

 \*\*\* Greater right-of-way widths may be required as determined by traffic projections made

 by the City Engineer for commercial or industrial areas.

 \*\*\*\* Measured from the back of the curb.

 (i) Intersections: Streets shall intersect one another at as near a ninety (90) degree angle as is possible. No intersection of streets at angles less than seventy (70) degrees shall be approved. At each street intersection the property line at the block corner shall be rounded with a curve having a radius of not less than twenty five (25) feet. The intersection of more than two (2) streets at any one (1) point shall be prohibited.

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 (j) Subdivision into Tracts Larger than Ordinary Building Lots: Where a tract is subdivided into larger parcels than ordinary building lots, as determined by the Commissioner, such parcels shall be arranged so as to allow the opening of future streets and future subdivision.

 (k) Curves: A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all streets, except for minor streets.

 (l) Street Grades: The subdivider shall provide the City Engineer with development plans and drawings that show the grades of all streets and curbs within each subdivision. Street grades shall not exceed five (5) percent for arterial streets, seven (7) percent for collectors, and nine (9) percent for minor or lesser streets. No street grades shall be less than one-half (1/2) of one (1) percent.

 (m) Reserve Strips: Reserve strips that control access to abutting streets and, as determined by the Commissioner, do not provide sufficient area to be of practical use under the area's existing zoning classification, shall be prohibited except under conditions approved by the Commission and Board of Aldermen or for double or reversed frontage lots.

 (n) Parallel Streets: Where a subdivision borders on or contains a railroad or a limited access street right-of-way, the Commission may require the construction of a parallel street on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use under present zoning of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grade separation.

 (o) Half-Street Prohibited: Half-streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the other requirements of this Article and with the approval of the City Engineer. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street right-of-way shall be platted within such tract.

 (p) Street Names and Numbers: Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of, or in alignment with, the existing or platted street. In such cases, it shall carry the name of the existing street. Names shall be easily spelled and pronounced. Street addresses shall be assigned in compliance with the addressing system of the City.

 (q) Access to Streets Across Ditches: The subdivider shall provide access from all platted lots to all proposed streets across drainage or other ditches in accordance with standards of the City.

 (r) Street Vacations: The Commission shall not recommend the vacation of any street or part thereof of a dedicated street if such vacation will interfere with access to the public street of any abutting property or with the uniformity or improvement of the existing street system.

 (s) Private Streets: Private streets are discouraged and may be permitted only where the Board of Aldermen finds that private ownership, control and maintenance of street right-of-way is integral to the design and function of the subdivision; that provision has been made for the continuing and adequate maintenance of such streets; that there is evidence that the property rights, including rights of access of persons purchasing land within and adjacent to the subdivision, are safeguarded to the degree they would be protected if the streets were dedicated to the public; and that the public interest and welfare is not jeopardized. Private streets shall be improved in accordance with City standards and specifications. (Ord. 827, §1)

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**Sec. 26-261. Alleys.**

 Alleys may be platted in any subdivision with right-of-way widths of no less than twenty (20) feet. Dead-end alleys shall not be permitted, except where adequate turnaround is provided. (Ord. 827, §1)

**Sec. 26-262. Utility Easements.**

 An easement for utilities shall be provided along the side and/or rear lot lines where necessary to form a continuous easement of at least ten (10) feet in width. If necessary to accommodate the extension of water or sewer lines, to provide space for pole guys for overhead lines along the periphery of a subdivision, or when unusual circumstances require additional space, a utility easement width of twenty (20) feet or greater may be required. Where possible, utility easements shall connect to easements already established in adjoining properties. Drainage easements of varying widths and locations for storm water management may also be required as determined by the City Engineer. The City and all authorized utility providers shall have ingress and egress rights to all dedicated easements. (Ord. 827, §1)

**Sec. 26-263. Blocks.**

 Block lengths shall not exceed thirteen hundred twenty feet (1320) feet, nor be less than three hundred (300) feet, except as permitted by the Commission and Board of Aldermen because of unusual conditions. Pedestrian crosswalks of not less than six (6) feet in width located in the center of the block may be required for blocks in excess of thirteen hundred twenty (1320) feet in length. A block shall be so designed as to provide two (2) tiers of lots. (Ord. 827, §1)

**Sec. 26-264. Lots.**

 (a) Dimensions: Lot dimensions shall conform to the requirements of the zoning ordinance minimum standards, but may reflect greater area and lot widths. Building area lines shall be shown to establish required setback distances.

 (b) Location: All lots shall abut by their full frontage on a publicly dedicated street right-of-way.

 (c) Lines: Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

 (d) Corner Lots: Corner lots shall be provided extra width to permit required building setbacks.

 (e) Flooding: Lots located entirely within Zone A, B, or C on the City's Flood Insurance Rate Map subject to periodic flooding and deemed by the Commissioner and the City Engineer to be a danger to public health and safety if developed for residential use shall not be platted or used for human habitation. Lots or tracts subject to periodic flooding may be platted and dedicated for recreational use, open space, or other uses that will not increase the potential flood hazard in the drainage basin.

 (f) Lot Remnants: All lot remnants below the minimum permitted size shall be added to adjacent lots, rather than permitted to remain as unusable parcels.

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 (g) Double Frontage and Reverse Frontage Lots: Double or reverse frontage lots shall be avoided, except where required to provide separation of development from highway or arterial streets or to overcome specific topographic disadvantages. A ten (10) foot strip shall be reserved in addition to any setback requirement, across which there shall be no right of access, along the lots abutting such highway or arterial for the construction of a solid fence or other improvement (including walls, plantings, berms, etc.). This strip shall be shown on the plat along with any required improvements. (Ord. 827, §1)

**Sec. 26-265. Flood Areas.**

 Special provisions shall apply within Zone A on the City's Flood Insurance Rate Maps or Flood Hazard Boundary Maps, and within such parts of Zones B and C on said Maps as are required by the City Engineer to be protected. In these areas, subdivision proposals and other proposed development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Chapter 25, Article 7 shall be consulted to determine what measures are necessary to satisfy City flood hazard mitigation standards. Proposals shall be reviewed to assure that:

 (a) All such proposals minimize potential flood damage; and

 (b) All public utilities and streets are located and constructed to minimize flood damage; and

 (c) Storm drainage facilities to be provided shall conform to standards established for City street and storm drainage now or hereafter promulgated by the City Engineer or as adopted by Board of Aldermen. (Ord. 827, §1)

**Sec. 26-266. Subdivision Improvements**.

 The improvements required in any subdivision shall be in accordance with the following and shall conform to the standards specified by the City Engineer and related regulations.

 (a) Streets and Alleys: The subdivider shall grade and pave all new streets and alleys (if any) within the subdivision. All streets shall be bound by curb and gutter, unless exempted. It is the City's policy to participate in or contribute only to certain additional costs for the construction of arterial streets over and above the normal costs of minor or collector street standards, when such arterial streets are identified on the Official Map or Major Thoroughfare Plan. Such participation is not mandatory and is solely at the election of the Board of Aldermen.

 (b) Sanitary Sewers: The subdivider shall install sanitary sewer connections for each lot. When sanitary sewers are not available, the subdivider shall install within the subdivision capped sewer mains and house connections to each lot in addition to other required onsite sewerage facilities. Prior to final approval of the plat, the subdivider shall provide the City Engineer, for his approval, detailed construction plans for the proposed sanitary sewer system.

 (c) Storm Sewers: Construction plans for storm sewer facilities shall be shown both in plan and profile with details of all necessary facilities. The data regarding the area to be served by the facilities and the estimated run-off from the area tributary to the facilities beyond the subdivision shall accompany the detailed plans.

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 (d) Survey Standards and Monuments: The subdivider's surveyor shall establish, or confirm the prior establishment, of permanent monuments at each controlling corner on the boundary of the subdivision and at all block corners, point of intersections, points of curvature, and points of tangency within the subdivision before final plat approval by Board of Aldermen. Monuments may be selected from the types described by the "Minimum Standards for Property Boundary Surveys" of the Missouri Department of Natural Resources, but shall be made of concrete. In addition, the subdivider's surveyor shall establish at least two (2) permanent monuments as approved by the City Engineer for each block in the subdivision. Monuments shall be placed so as to create base lines in each block from which all points and lines in that block are laid out.

 (e) Permits: The subdivider shall be responsible for obtaining all applicable permits or licenses from state and federal agencies for sanitary sewers, storm sewers, and all utilities.

 (f) Sidewalks: Sidewalks may not be required on residential cul-de-sac (terminal) streets less than six hundred (600) feet in length. Sidewalks shall not be required in industrial subdivisions if zoned for that use or along State routes.

 Where required, sidewalks shall have a minimum width of four (4) feet and shall be located at least three (3) feet from the edge of the curb. Sidewalks shall be installed as follows:

(1) On one side of lanes and minor streets in subdivisions exceeding three (3) units per acre. The City Engineer shall designate on which side of the street the sidewalk shall be constructed.

(2) On cul-de-sac streets, any required sidewalk shall either extend until it intersects with the bulb of the cul-de-sac, with a wheel chair ramp constructed to the street, or extended until it intersects with the first driveway within the bulb of the cul-de-sac.

(3) On both sides of collector or arterial streets as shown on the Official Map or Major Thoroughfare Plan or as designated by the Commission.

(4) The Commission may approve an alternative sidewalk plan, where the subdivider has submitted a proposed pedestrian circulation plan that provides more direct and safer movement of pedestrian traffic.

 (g) Utilities: Utilities, including but not limited to water, sewer, natural gas, electric, and cable or telephone lines, shall be provided by the subdivider to the lots in accordance with the standards and specifications governing their installation as have been or are hereafter adopted by the City or respective utility companies. It shall be the subdivider's responsibility to repair any damage caused in the public right-of-way as a result of this work. As part of the subdivision process, all easements in, on or across the subdivision, which shall be requested in behalf of the City Engineer, shall be granted and shown on the final plat.

 (h) Fire Hydrants: Fire hydrants shall be placed by the subdivider in accordance with the requirements of the City Engineer, and the state inspection bureau of Missouri. (Ord. 827, §1)

*(Revised 3/03)*

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**Sec. 26-267. Subdivision Improvement Guarantees.**

 Before the final plat of any subdivision is recorded, the subdivider shall provide for the improvements described in this Article to be extended to all lots shown on the final plat at no cost to the City. In lieu of completion of the said improvements prior to recording, the subdivider or other person who agrees with the City to make public improvements on behalf of the subdivider, may post surety bond with one or more corporate sureties engaged in the business of signing surety bonds in Missouri, an escrow agreement, letter of credit or other appropriate security agreement, as approved by the City Engineer, that will insure that the improvements will be completed by the subdivider. The amount of corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than the estimated cost of the public improvements as determined by the City Engineer. The City Engineer may, during the period of such bond, accept substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

 (a) The City Engineer may require that certain improvements, such as storm water facilities, be made and refuse to accept security for such improvements when he determines that the improvements are necessary for immediate protection of adjacent property. Otherwise, all improvements shall be completed within two (2) years after recording the plat.

 (b) The Commission, upon proof of hardship, may extend the completion date for improvements stated in the bond agreements for a maximum period of one (1) additional year; provided the request is made prior to the end of the second year following recordation and provided the security amount is revised if required by the City Engineer.

 (c) The Commission may also defer at the time of final plat approval, subject to appropriate conditions, the provision of any such improvements as, in its judgment, are not appropriate because of incompatible grades, future planned public improvements, inadequate or lack of connecting facilities, or other reasons.

 (d) For large subdivisions, the City Engineer may accept a bond or other agreement for less than the entire subdivision if the subdivider provides adequate assurances that all building permit requests will be confined to lots for which improvements will be provided under said bond or other agreement. (Ord. 827, §1)

**Sec. 26-268. Release or Reduction of Security.**

 The release or reduction of required surety bonds, escrow agreement or other security agreement shall be in accordance with the following:

 (a) When a petition for improvements by the tax bill method is filed and when said petition has passed the required remonstrance petition assuring the City that all improvements will be provided, said bond or agreements posted by the subdivider may be released by the City Engineer.

 (b) The City Engineer may release or reduce said bond or agreements when he has determined that all or a portion of the required improvements have been satisfactorily completed and are free of any liens or other encumbrances. Any reduction in the bond or agreements shall not exceed the ratio of the cost of the completed improvements bears to the total estimated cost of all public improvements for the plat. (Ord. 827, §1)

 *(Revised 3/03)*

542.34

**Sec 6-269. Specifications for Documents to be Submitted.**

 Applications and material submitted to the Commissioner for processing under the provisions of this Article shall conform to the specifications prescribed herein. (Ord. 827, §1)

**Sec. 26-270. Sketch Plats.**

 The sketch plat is intended to be conceptual in nature and, while accuracy and legibility are essential, the submission of detailed and finished plans is discouraged. Sketch plats should provide information sufficient to determine general compliance with this Article and other City regulations and policies. The sketch plat should include the property to be subdivided and all adjacent un-platted property under the same ownership, and shall comply with the following requirements:

 (a) Three (3) copies of the sketch plat shall be submitted drawn to a scale of one hundred (100) feet to an inch, including scale, north arrow and date prepared.

 (b) The sketch plat shall list the proposed subdivision or project name and the name and address of the owner and/or subdivider.

 (c) A map insert or description shall accurately locate the property by lot, section, township, range or other appropriate description. Metes and bounds description is not required.

 (d) The general dimensions of the property including property lines, existing easements, public and railroad right-of-way, buildings/structures, cemeteries, watercourses, flood prone areas, and other natural or manmade features that may impact development on or adjacent to the site.

 (e) The classification, location, dimensions, and name of all existing streets adjacent to the property shall be shown. The approximate location, width, and classification of proposed streets or alleys on or adjacent to the site shall be shown.

 (f) Topography at intervals not to exceed five (5) feet based on U.S.G.S. data shall be shown.

 (g) The approximate location and size of all existing sewer and water mains on or immediately adjacent to the site.

 (h) The approximate location and size of existing and proposed culverts, storm sewers, impoundments and other storm water management facilities on or immediately adjacent to the site shall be shown.

 (i) The approximate location, dimensions and configuration of all proposed or existing lots shall be shown.

 (j) The approximate location and general layout of proposed water lines and sewage collection and disposal systems shall be shown. (Ord. 827, §1)

*(Revised 3/03)*

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**Sec. 26-271. Preliminary Plats.**

 A preliminary plat is a more precise drawing of the proposed subdivision plan than the sketch plat and is intended for detailed review by City, utility, and other officials. Only technical changes should differentiate the preliminary from the final plat. The preliminary plat shall include the property intended to be subdivided plus all immediately adjacent un-platted property owned by the same person. Three (3) copies of the plat shall be provided, drawn to a scale of at least one (1) inch equals one hundred (100) feet, (multiple sheets are acceptable).

 (a) Preliminary plats shall include the name of the subdivision, the name and address of the subdivider or owner, surveyor's or engineer's name, scale, north arrow, date of preparation, key or location map and other pertinent data including:

 (b) A legal description of the land to be subdivided, plus plat boundary lines showing traverse bearings and internal angles with dimensions in hundredths of feet to close the traverse within a maximum of one (1) foot in ten thousand (10,000) feet. If a re-subdivision, the plat shall list the lot or block numbers and the name of the original subdivision.

 (c) The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines on the plat in sufficient detail to accurately establish the names of existing streets and their right-of-way widths, alleys and other features that may impact development. Adjacent un-platted land shall be shown including property lines and the owners of record.

 (d) The location, widths, grades, centerline bearings of existing or proposed streets and distances. The location and dimensions of all existing or proposed alleys, easements and other public rights-of-way shall be shown.

 (e) The location of all existing property lines, buildings, sewer or water mains, electric power lines, gas mains, storm sewers and other underground structures.

 (f) The arrangement, location, and dimensions of all proposed or existing lots, including lot area. Lot line bearings and angles, if other than ninety (90) degrees, shall be shown as they intersect with street, alley, or crosswalk lines. Building setback lines and dimensions shall be shown.

 (g) The location, size and area of any proposed land to be dedicated for public use or to be reserved by deed or covenant for the use of property owners in the subdivision and any conditions of such dedication or reservation. Protective covenants, if any, shall also be included.

 (h) Topography with contour intervals of not more than two (2) feet, referred to U.S.G.S. datum; also the locations of watercourses, ravines, culverts, bridges, ponds, and other relevant features that might impact development.

 (i) The location of proposed sewers (storm and sanitary), together with information regarding any necessary improvements of such channels, as well as similar data regarding the location, size, and type of construction of any culverts, bridges, or facilities for disposing of either storm water or sanitary sewerage. Data regarding the area served by the facilities, the estimated volume of run-off and other related information shall accompany the development or construction plans. Any easement needed to accommodate the sewers or storm sewers shall be shown on the plat.

 *(Revised 3/03)*

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 (j) The plat shall provide information necessary to establish an accurate description, including all arcs, radii, internal angles, points of curvature and tangent boundaries, and other pertinent survey data. Survey data shall meet standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. (Ord. 827, §1)

**Sec. 26-272. Final Plats.**

 Once the preliminary plat is approved by the Commission, the subdivider shall submit three (3) copies plus one (1) original of the final plat reflecting any required changes. Copies of the final plat shall be delivered to the Commissioner for distribution to City and utility company personnel. The final plat shall resemble, in all material respects, the preliminary plat, except that required changes or modifications shall have been shown on the final plat. The final plat shall also show the following text references:

 (a) Building or Construction Permits: To be placed on the plat.

SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT AS TO THE ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS.

THE UNDERSIGNED OWNERS OF THE TRACT OF LAND HEREIN PLATTED DO HEREBY IMPOSE UPON SAID PROPERTY AND DO HEREBY MAKE THE FOLLOWING RESTRICTIVE COVENANT: NO CONSTRUCTION MAY BE COMMENCED UPON THE ABOVE DESCRIBED PROPERTY UNTIL ALL NECESSARY BUILDING AND CONSTRUCTION PERMITS HAVE BEEN ISSUED BY THE CITY OF POTOSI, MISSOURI AND THAT IT IS UNDERSTOOD BY THE UNDERSIGNED THAT NO SUCH PERMITS SHALL BE ISSUED FOR ANY LOTS HEREIN PLATTED UNTIL THE COMPLETION OF ALL PUBLIC IMPROVEMENTS APPERTAINING TO SUCH LOTS OR UNTIL A CASH BOND EQUAL TO THE REASONABLE COSTS OF COMPLETING SUCH PUBLIC IMPROVEMENTS HAS BEEN RECEIVED AND APPROVED BY THE CITY OF POTOSI, MISSOURI. THE ABOVE MENTIONED PUBLIC IMPROVEMENTS SHALL BE COMPLETED PURSUANT TO THE AGREEMENT BETWEEN THE UNDERSIGNED AND THE CITY OF POTOSI, MISSOURI FOR THE COMPLETION OF SUCH IMPROVEMENTS AS REQUIRED BY THIS ARTICLE OF THE CITY CODE OF POTOSI, MISSOURI.

 (b) Surveyor's Certificate: To be placed on the plat.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED PREPARED BY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATED \_\_\_\_\_\_\_\_ AND SIGNED BY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ L.S. NO. \_\_\_\_\_ AND THAT CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ L.S. NO. \_\_\_\_\_ IN ACCORDANCE WITH THIS ARTICLE OF THE CITY CODE OF POTOSI, MISSOURI.

DATE PREPARED

SIGNATURE

MISSOURI L.S. NO.

*(Revised 09/08)*

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 (c) Dedication: An express dedication to the public use forever the streets, alleys, rights-of-way, easements and any park land or open space to be dedicated to the public shall be shown on the plat with a notarized signature of the owner(s).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED HEREON,

HEREBY DEDICATE AND CONVEY THE RIGHT-OF-WAY, EASEMENTS, AND COMMON AREA OR COMMON FACILITIES SHOWN HEREON TO \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ FURTHER, (I OR WE) CERTIFY THAT THERE ARE NO SUITS, ACTIONS, LIENS, OR TRUSTS ON THE PROPERTY CONVEYED HEREIN, AND WARRANT GENERALLY AND SPECIFICALLY THE PROPERTY CONVEYED HEREIN FOR COMMON USE AND WILL EXECUTE SUCH FURTHER ASSURANCES AS MAY BE REQUIRED.

 (d) Access Limitation: The following note shall be placed on all final plats where access to collector streets, arterial streets or highways has been placed by the Board of Aldermen: "LIMITS OF NO ACCESS." The lots and area affected by such limitation shall be clearly indicated. Appropriate release of such access limitation shall be included in the dedication on the plat.

 (e) Improvement Acceptance: The acceptance of all required public improvements and dedications, as shown on the development plans on file with the City Engineer, shall be attested on the final plat by the signatures of the City Engineer.

 (f) Planning and Zoning Commission Approval: The Chairman of the Planning and Zoning Commission and the Building Commissioner shall sign the final plat to certify the Commissions approval:

APPROVED THE DAY OF . 20 , BY THE PLANNING AND ZONING COMMISION OF ROLLA, MISSOURI

 (g) City and County Tax Release: The Potosi City Clerk and the Washington County Collector of Revenues shall sign and date the final plat to certify that all taxes have been paid.

 (h) Certificate of Board of Aldermen Approval: The Mayor shall sign the final plat and his signature shall be attested by the City Clerk.

 (i) Recorder's Certificate: The Recorder of Deeds for Washington County shall sign the final plat upon recordation identifying the cabinet and file number of the plat. (Ord. 827, §1)

**Sec. 26-273. Processing Fees.**

 The Commissioner is hereby authorized to charge up to the amount established in this Section for processing subdivision and variance applications, as follows:

 (a) Final Plat: $ 100 for the first lot, plus $ 2 per lot over one.

 (b) Subdivision Variance: $ 100

 Recording fees shall be collected as determined by the Recorder of Deeds for Washington County. (Ord. 827, §1)

**Sec. 26-274. Reserved.**

 *(Revised 09/08)*

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**Sec. 26-275. Penalties and remedies for failure to comply with Article.**

 (a) In the event that a person or persons fail to comply with any aspect of the subdivision requirements of the City of Potosi, the City shall have the right to file suit to set aside any deed granted in violation of its zoning laws, and shall have as its damages in such suit, its attorney’s fees and a liquidated damages amount in the sum of One Thousand Dollars payable by the seller of the property.

 (b) In the event that a person or persons fail to comply with any aspect of the subdivision requirements of the City of Potosi, the City shall have the right to file suit to enjoin the pending sale of property, or the recording of any deed, or performance of any work, or installation of any utilities to or for the property improperly subdivided within the City of Potosi.

 (c) In the event that a person or persons fail to comply with any aspect of the subdivision requirements of the City of Potosi, the City shall have the right to assess a civil penalty in the sum of One Thousand Dollars for each parcel or lot improperly subdivided or sold, payable by the subdivider.

 (d) The City waives no right or remedies which it may have at law or equity, not specifically set out as above.

 (e) All rights of the City are cumulative and not exclusive, and the exercise of one or more of these remedies does not exclude or limit the City in its exercise of its rights to enforce its zoning laws. (Ord. 963, §1)

 *(Revised 04/08)*

542.38.1