

# **SUBDIVISION REGULATIONS**

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## **SUBDIVISION REGULATIONS**

An Ordinance regulating the subdivision of land in the City of Sugar Creek, Missouri; requiring and regulating the preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision design standards; providing minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the Planning Commission in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUGAR CREEK, MISSOURI, AS FOLLOWS:

### **SECTION 1- SHORT TITLE**

A. This Ordinance shall be known as the “Subdivision Ordinance of the City of Sugar Creek, Missouri”, and shall be as follows:

B. Ordinance Number: 1875

### **SECTION 2- DEFINITIONS**

For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following:

**ALLEY:**

A minor, permanent, public service-way that is used primarily for vehicular-service access to the back or the side of properties otherwise abutting on public streets.

**ARTERIAL STREET:**

A street, identified as an arterial street on the Sugar Creek Thoroughfare Plan, intended to move through traffic to and from the major traffic generators and to serve as a route for traffic between communities or large areas.

**BLOCK:**

A piece or parcel of land surrounded by public highways, streets, streams, railroad right-of-ways, or parks, etc., or a combination thereof.

**CITY:**

The City of Sugar Creek, Missouri.

**COLLECTOR STREET:**

A street, identified as a collector street on the Sugar Creek Thoroughfare Plan, intended to move traffic from minor streets to arterial streets.

**CUL-DE-SAC:**

A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**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.

**FLAG LOT:**

A lot having the required width at the building line, but having access to a dedicated street only by means of a corridor of lesser width that is not defined by the prolongation of the side lines.

**GRADE:**

The slope of a road, street or other public way, specified in percent.

**LOT:**

A tract, plot or portion of a subdivision that is a separate unit that may be transferred in ownership or used for building development.

**LOT SPLIT:**

The division of a lot, parcel, or tract of land into two units of less than five (5) acres each.

**MINOR STREET:**

A street intended to provide access to other roads from individual properties.

**RIGHT-OF-WAY:**

Land opened, reserved or dedicated for a street, walk, drainage way or other public purposes.

**STREET:**

A public right-of-way that affords principal means of vehicular access to property abutting thereon.

**SUBDIVIDER:**

A person, firm or corporation undertaking the subdivision of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines.

**SUBDIVISION OF LAND:**

A subdivision of a lot, parcel, or tract of land into three (3) or more units of less than five (5) acres each. The dedication of land for right—of-way purposes shall be deemed a subdivision of land.

**SUBDIVISION PLAT:**

The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented for approval and which, if approved, is to be submitted to the County Recorder of Deeds for filing.

**SECTION 3- LOT SPLIT SURVEY**

**A. SURVEY:**

An owner who divides a lot, parcel or tract of land into two units of less than five (5) acres each, shall submit to the City and have approved by the Building Official prior to the issuance of a building permit or recordation by the Jackson County Recorder of Deeds, a land survey prepared by a registered land surveyor or engineer. Said survey shall include the following information:

1. Be drawn at a scale of not less than one inch to one hundred feet.
2. Location by section, township and range.

3. Descriptive boundaries of parcels as divided.
4. Location of streets, utility lines, alleys, easements with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves.
5. Names of abutting streets.
6. Location of all structures, existing and proposed.

**B. BUILDING PERMITS:**

1. No building permit shall be issued for any structure unless all applicable requirements of the Zoning Ordinance and Subdivision Regulations have been met, provided further, that the remaining parcel shall meet all zoning requirements for lot sizes. All on site or off site improvements shall be in accordance with the Building Code and the Public Works Manual.
2. If easements are required, they shall be conveyed under separate document to the City.
3. Provided that if none of the parcels of land are to be built upon, it will not be necessary to submit said Lot Split Survey to the Building Official.

**SECTION 4 – PRE-APPLICATION**

**A. CONFERENCE:**

Prior to the preparation of the Preliminary Plat, the subdivider shall consult with the Building Official in order to familiarize himself with the standards established in these Regulations; the Zoning Ordinance; and the provisions of the Comprehensive Plan affecting the land proposed to be subdivided.

**B. SKETCH PLAN:**

A sketch plan of the proposed subdivision at a scale of not less than one inch to two hundred feet indicating existing and proposed drainage, existing and proposed roadways, boundary lines, existing buildings, and existing adjacent utilities shall be submitted.

The proposed sketch plan shall be transmitted to the Planning Commission for review of the design of the proposed subdivision, and any comments or recommendations shall be conveyed to the subdivider.

**SECTION 5 – PRELIMINARY PLAT**

**A. APPLICATION FEE:**

Submission of a preliminary plat shall constitute a formal filing with the City. The subdivider shall pay to the City a preliminary plat application fee of twenty-five (25) dollars.

**B. PRELIMINARY PLAT:**

The subdivider shall submit twenty (20) copies of the preliminary plat at a scale of not less than one inch to one hundred feet. All preliminary plat submittals shall be accompanied by the following information:

1. Proposed name of the subdivision, which shall not duplicate previously filed plat names.
2. A date, scale and north point.
3. Names and addresses of the subdivider and consultants responsible for engineering, survey and design.
4. Boundary lines of the proposed subdivision with dimensions and legal description of the property.
5. Acreage to nearest one-tenth of an acre.
6. Existing platted lot lines, right-of-ways and publicly dedicated areas within one hundred (100) feet of the boundaries of the proposed subdivision.
7. Within the proposed subdivision:
  - a. Contours at five (5) foot intervals
  - b. Lot line dimensions
  - c. Lot numbers
  - d. Building lines
  - e. Dimensioned right-of-ways
  - f. Easements
  - g. Areas to be dedicated
  - h. Types of proposed street improvements
  - i. Existing and proposed utilities
  - j. Water courses, culverts and drainpipes
  - k. Notation of any variations requested
  - l. Names of public and private streets, subject to approval by the City
8. Statement of approval by the Power & Light, Water and Gas Utilities.

**C. PRELIMINARY PLAT APPROVAL:**

1. The Planning Commission shall recommend approval or disapproval of the preliminary plat and forward their recommendation to the Board of Aldermen within forty-five (45) days of receipt of the preliminary plat.
2. The Board of Aldermen shall consider the preliminary plat. Upon approval of the preliminary plat by resolution, the subdivider may proceed with preparation of the final plat which must conform generally with the preliminary plat as approved. The approval of the preliminary plat shall be effective for a period of one year.

## SECTION 6- FINAL PLAT APPROVAL

### G. APPROVAL:

1. The final Plat shall be submitted to the Planning Commission for recommendation to the Board of Aldermen.
2. Upon receipt of the Planning Commission's recommendation, the Board of Aldermen shall take action on the Final Plat.

Failure of the Board of Aldermen to take action within sixty days after receipt by the City Clerk of the recommendation of the Planning Commission shall constitute approval. Approval of the Board of Aldermen shall be by ordinance.

3. Upon approval of the final plat by the Board of Aldermen, subdivider must record said plat in the Independence Office of the County Recorder within one hundred eighty days after Board of Aldermen approval. If a plat is not recorded within one hundred eighty days after Board of Aldermen approval, said plat shall automatically be deemed to have been rescinded and shall become void. The subdivider shall obtain signed copies of the final plat at the City Clerk's office and transmit those copies to the Recorder's office, which shall stamp all copies to show recording date and instrument number. After recordation, the subdivider shall return two (2) transparent linens or equivalent thereof to the City Clerk.

### A. FINAL PLAT APPLICATION:

Within one year after approval by the Board of Aldermen of the Preliminary Flat, the subdivider may prepare and submit all or any portion thereof to the Planning Commission. Said submission shall be prepared by an engineer or land surveyor registered in the State of Missouri and include two (2) transparent linens, one (1) opaque linen, and fifteen (15) copies of the final plat at a scale of not less than one (1) inch to one hundred (100) feet and on sheets of not greater than twenty-four (24) inches by thirty-six (36) inches in size.

### B. FINAL FLAT PREPARATION:

1. The Final Plat shall show and contain the following information:
2. Name of subdivision.
3. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close.
4. Location of boundary shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.
5. Location of lots, streets, public highways, alleys, and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground.
6. Lots shall be numbered clearly.

7. The exact locations, widths and names of all streets to be dedicated.
8. Location and width of all easements to be dedicated.
9. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
10. Building setback lines on front and side streets with dimensions.
11. Scale of plat, date and north point.
12. Statement dedicating all streets, easements and all other public areas.
13. Certification by registered engineer or land surveyor registered in the State of Missouri that the details of the plat are correct.
14. Space for certificates of approval to be filled in by signature and date by the Building Official, City Clerk and County Assessor.
15. A certificate stating that the subdivision has been made with the consent of the owner; the certificate shall be signed and acknowledged by all parties having any record title interest in the lands subdivided.
16. Affidavit or title opinion certified to by an attorney at law or a title insurance company that the fee simple title of the land as described and shown on the plat is in the name of the person or persons signing the certificates of ownership as it is shown on the plat and that all taxes have been paid. If any person or persons holding any mortgage, Then, or other legal claim of record against the land has not signed the certificate of ownership, the affidavit or title opinion must be accompanied by the written consent of such person or persons to the subdivision.

## **SECTION 7 – REQUIRED IMPROVEMENTS**

### **A. REQUIRED IMPROVEMENTS:**

It shall be the responsibility of the developer to install at his cost and in accordance with the Design Standards as set forth in these regulations and the Public Works Manual the required improvements as follows:

1. The external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one-half inch in diameter and extending at least twenty-four (24) inches below grade.
2. Municipal, public, and private utility installations shall be in accordance with standards established by the Board of Aldermen.
3. Fire hydrants shall be in accordance with standards established by the Board of Aldermen upon recommendation by the Fire Chief.
4. Street name signs, streets, curbs, gutters, culverts, sewers, and drainage structures.

5. No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited in any subdivision.

B. CERTIFICATE OF OCCUPANCY:

Before a certificate of occupancy will be issued for a building or structure in a subdivision, the following subdivision improvements necessary to the service of that building or structure must be installed and accepted:

1. Monuments indicating external boundaries and corners of each block or lot.
2. All municipal, public and private utilities.
3. Streets with curbs and gutters.
4. Sanitary and storm sewers.
5. Drainage structures.
6. Fire hydrants.
7. Proper lot drainage.

C. IMPROVEMENT BOND:

The Building Official may issue a certificate of occupancy for any building or structure in the subdivision prior to the installation of other subdivision improvements listed in this Section if he deems that the improvements that have not been installed are not service installations of a type immediately essential to the health, safety and welfare of the future occupants of the building or structure and provided further that the improvements have not been installed because of weather or other factors beyond the builder's and/or developer's control.

Should the builder or developer not be able to install the required subdivision improvements enumerated in this section prior to occupancy, because of inclement weather or other factors beyond his control, he may make a performance bond, cash escrow or cash deposit to the City in an amount to be established by the Building Official. Said amount shall be equal to the cost of construction of the improvements and guaranteeing that such improvements shall be installed within a period of not to exceed one year. A performance guarantee made by the builder or developer to the F.H.A. or similar agency shall be considered as sufficient guarantee under this section.

**SECTION 8 – DESIGN STANDARDS - AMENDED – SEE ORDINANCE NO. 2992**

## **SECTION 9 – VARIATIONS AND EXCEPTIONS**

Where the Board of Aldermen finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, they may approve variations or exceptions to the design standards of the regulations so that substantial justice may be done and the public interest secured. A written petition for any variation stating the developer's justification of said request shall be submitted with the preliminary plat.

## **SECTION 10 – ACCEPTANCE OF IMPROVEMENTS**

The City shall not have any responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the City. Prior to requesting final acceptance of streets, sanitary and storm sewers, the developer shall furnish as-built drawings in reproducible form.

The City shall, within thirty (30) days after the public improvements have been offered for dedication to the City, accept the improvements provided the improvements have been constructed in accordance with the requirements and conditions of this Ordinance, and the specifications of the City. The developer shall furnish proof that all improvements are free of liens and debts.

## **SECTION 11 – RECREATIONAL OPEN SPACE**

Prior to the subdivision of land indicated on the adopted Comprehensive Plan as proposed Parks and Open Space, the City shall by written notice within sixty (60) days after receipt of application to subdivide, declare its intent to acquire said land within one (1) year from the submission date.

If the City notifies the subdivider that it intends to acquire the proposed park land, said land shall not be subdivided for one (1) year.

## **SECTION 12 – VACATION OF PLATS**

Any plat or any part of a plat may be proposed to be vacated by the owners of the property. Said request for vacation shall be by written application. The vacation of any plat or any portion thereof shall be approved by the Board of Aldermen after recommendation by the Planning Commission. If approved by the City the vacation shall be recorded in the same manner as plats in subdivisions.

## **SECTION 13 – RECONSIDERATION OF DECISIONS**

Any subdivider aggrieved by a finding, decision or recommendation of the Planning Commission or Board of Aldermen may file an appeal with the Board of Zoning Adjustment.

#### **SECTION 14 – VALIDITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

#### **SECTION 15 – PENALTIES**

Any person, firm or corporation who fails to comply with or violates any of the provisions of these regulations shall be subject to a fine of not less than ten (\$10.00) dollars and not more than one hundred (\$100.00) dollars for each offense. Each day said violation is committed or permitted to continue shall constitute a separate offense.

#### **SECTION 16 – EFFECTIVE DATE**

This ordinance shall become effective and be in full force and effect from and after its passage and approval, and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

PASSED AND ADOPTED THIS 13TH DAY OF JUNE, 1983, BY THE BOARD OF ALDERMEN OF THE CITY OF SUGAR CREEK, MISSOURI.