

STURGEON CITY CODE

CHAPTER 21: SUBDIVISIONS

[All provisions of Chapter 21 are derived from Ord. 563, Effective February 22, 1999, New]

Section 21.010 Definitions.

For the purposes of this code the following words and/or phrases will have the meaning indicated below.

1. **Alley**. Shall mean a minor way which is used primarily for vehicular service access to the back or side of properties abutting on a street.
2. **As-Built Plans**. Shall mean construction plans revised to show a facility or structure as actually constructed and as it appears on the land involved.
3. **Board**. Shall mean the governing body of the City, the Board of Aldermen.
4. **Building Line**. Shall mean 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.
5. **City**. Shall mean the City of Sturgeon, Missouri, a municipal corporation, including all land within the corporate limits of the City as such limits now exist or may, from time to time, be extended or retracted.
6. **Mayor**. Shall mean the Mayor of the City, or his designated representative.
7. **Commission**. Shall mean the Planning and Zoning Commission of the City.
8. **Common Land**. Shall mean that private land set aside for open space, including storm water drainage area, retention lake, ponding, or recreational use areas for the owners of lots in a subdivision, which land is conveyed for the benefit, use, and enjoyment of the lot owners of the subdivision.
9. **Condominium**. Shall mean a form of property ownership under the Condominium Property Act, Chapter 448, Revised Statutes of Missouri.
10. **Detention**. Shall mean the temporary storage of the differential runoff of storm water by providing permanent facilities.
11. **Developer**. Shall mean any person, partnership, firm, corporation, association, trust, estate or political subdivision or other government entity seeking to subdivide or improve land within the City. The terms **subdivider**, **owner**, and **proprietor** shall have the same definition as Developer unless the context requires otherwise.
12. **Easement**. Shall mean a grant of the use of specified land for limited, specific purposes by the property owner to the public, or to any person or other private party or legal entity.
13. **Escrow Agent**. Shall mean a title insurance company, bank, savings and loan association, trust company, attorney, or any other person or agency approved by the City Attorney to act as escrow agent under the provisions of these codes.
14. **Flood Plain**. Shall mean that area within the City subject to a one percent or greater chance of flooding in any given year. This area is designated on the Federal Emergency Management Agency Flood Hazard Boundary Maps and Flood Insurance file map for the City and county.

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15. **Lot.** Shall mean a parcel or tract of land, or a proposed parcel or tract of land, distinguished from other parcels or tracts of land by legal description by metes and bounds or on a survey or plat, or on a proposed survey or plat.

16. **Lot of Record.** Shall mean a lot or tract in the original town of the City or in a subdivision or addition of the City described in a deed, survey or plat recorded in the office of the county Recorder of Deeds, or a lot or tract in the City described by metes and bounds in a deed, survey or plat recorded in the office of the county Recorder of Deeds.

17. **Monuments.**

a. **Lot Corners.** Shall mean a straight iron pipe not less than one inch outside diameter or a straight reinforcing bar not less than three-fourths of an inch in diameter and not less than thirty inches in length set not less than twenty-four inches in the ground.

b. **Control Points.** Shall mean an iron pipe or reinforcing bar as described in Paragraph 1 of this definition set in concrete four inches in diameter and twelve inches in depth, or a four inch by four inch concrete post set not less than twenty-four inches in the ground with the top of the post adequately marked to define the control point. Permanent pavement markers acceptable to the Board may be utilized to define the centerlines of rights-of-way at the control points in lieu of the above described monuments.

18. **Owner.** Shall mean a person, firm, trust, estate, political subdivision or other governmental entity, association, partnership, corporation, or any other legal entity, 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 these codes. See definition of **Developer.**

19. **Plat.** Shall mean an accurate drawing or map of the land proposed to be subdivided.

a. **Sketch Plat.** Shall mean a drawing of a proposed subdivision, not necessarily to scale, but indicating general topographic features and the general layout of the proposed subdivision, according to the requirements of law.

b. **Preliminary Plat.** Shall mean the preliminary map indicating the proposed layout of a total subdivision, so designated on the plat and meeting the requirements of these codes.

c. **Final Plat.** Shall mean the final map of all or a portion of a subdivision, so designated on the plat and meeting the requirements of these codes, and prepared for official recording with the county Recorder of Deeds.

20. **Streets.**

a. **Arterial Street.** Shall mean a roadway used primarily for fast or heavy traffic, including all streets designated as major, thoroughfares or freeways.

b. **Collector Street.** Shall mean a street used to carry traffic from residential streets to arterial streets and/or highways.

c. **Residential Street.** Shall mean a street used primarily for access to abutting residential property.

21. **Subdivision.**

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a. Shall mean the division of land into two or more smaller lots, tracts, parcels or other divisions of land or the relocation of a property line for the purpose of building development, transfer of ownership and/or the dedication or establishment of a public street or roadway; provided however, the term "*Subdivision*" shall not include:

(1) The division of land into two lots, tracts or parcels, each of which is greater than five acres, and

(2) Any public street or roadway dedicated or established if the Board, by code, specifically declares that such dedication or establishment shall not be subject to the provisions of these codes, which said code may be conditioned on the public -street or roadway being designed and constructed in a manner specified in the code and that such other conditions as specified in the code are complied with by the owner dedicating or establishing the public street or roadway.

(3) A division of land ordered by a court, including but not limited to partition, probate order of distribution of specifically devised land, and probate order for the sale of real estate.

b. The term **subdivision** shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

c. A **subdivision** shall be classified as either a lot split, a minor subdivision, or a major subdivision; defined as follows:

(1) **Lot Split.** Shall mean a division of a lot or tract into two lots or the revision of the lot line between two lots, and thus being exempt from the requirements of codes pertaining to major and minor subdivisions.

(2) **Minor Subdivision.** Shall mean any subdivision not classified as a lot split, not containing more than five lots and not involving any new street or roadway.

(3) **Major Subdivision.** Shall mean any subdivision not classified as a lot split or as a minor subdivision.

Section 21.020 Provisions to be Complied with Before Recording Plat and Sale of Lots.

1. No owner, or agent of the owner, of any land located within the City, 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 Board and recorded in the office of the county Recorder of Deeds. Any person violating the provisions of this section shall forfeit and pay to the City a penalty (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.610) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

2. No plat of any subdivision shall be entitled to be recorded in the office of the county Recorder of Deeds or have any validity until it shall have been approved in the manner prescribed by these codes and the Revised Statutes of Missouri. In the event any such unapproved plat is recorded, it shall be considered invalid and the Board may institute proceedings to have the plat stricken from the county records.

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3. No changes, erasures, modifications or revisions shall be made in any plat or a subdivision after approval has been given by the Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Board; except that the Mayor shall have the authority to grant adjustments for mathematical corrections.

4. The Mayor 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.

Section 21.030 General Plan of Major Subdivision Developed in Separate Sections.

Lots in a major subdivision may be developed in separate tracts or sections, which shall be successively numbered and identified under the names of the subdivision as section or tract one, two, three, and so on. In such instance, the owner shall cause to be prepared by a registered surveyor or a registered engineer 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.

The general plan shall contain such other information as may be required for a sketch plat in compliance with these codes and may be submitted in lieu of a separate sketch plat for each tract or section.

When a general plan of subdivision is required, the owner shall cause eight prints thereof to be filed with the Mayor at the same time the preliminary plat of the first section or tract is filed. The Mayor shall distribute the copies of the general plan in the manner and at the time provided in these codes.

Section 21.040 Sketch Plat (For Major and Minor Subdivisions).

1. Contents. Data furnished in a sketch plat for a major subdivision or minor subdivision shall be as follows:

- a. Subdivision boundaries, including bearings and distances.
- b. North point.
- c. The name of the proposed subdivision, the owner and all adjoining property owners as disclosed by the most recent tax records.
- d. All existing streets and roads, wet and dry weather streams, flood plain areas, sink holes, wetlands, and structures within the proposed subdivision and within two hundred feet therefrom.
- e. Significant topographical or physical features as may be necessary or required by the commission.
- f. Proposed general street and utility layout.
- g. Proposed general lot layout.

2. Submission Procedure. Each Developer shall submit to the Mayor ten copies of a sketch plat for any proposed subdivision. Such sketch plat will be considered as submitted for informal discussion between the Commission and the Developer. When the sketch plat being submitted is classified as a minor subdivision, the Mayor shall give the Developer at least five days notice of the date, time and place of the next meeting of the Commission wherein the sketch plat shall be reviewed by the Commission. In addition, for a minor subdivision sketch plat, the Mayor shall notify the public of the submission of the sketch plat and the review of that plat at a Commission meeting

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by public notice in a newspaper of general circulation within the City, at least five days before said Commission meeting. The Developer or his designated representative shall appear and be heard. Then the Commission shall conduct a public hearing at which other interested persons may appear and be heard regarding the minor subdivision sketch plat. As far as may be practical on the basis of the sketch plat and the public hearing, if required, the Developer will be informally advised of the extent to which the proposed subdivision conforms to the requirements of these codes. When the sketch plat being submitted is classified as a minor subdivision, the Developer may bypass the preliminary plat procedure and submit improvement plans and a final plat as provided in these codes.

Section 21.050 Preliminary Plat (Required for Major Subdivisions).

1. Generally. An owner who intends to subdivide land into lots constituting a major subdivision for the purposes of sale and/or development or to dedicate land for streets, alleys, parks or other public use shall have prepared by a registered surveyor or a registered engineer a preliminary plat of the land within the subdivision, or the section or tract thereof to be developed first, prior to developing the land. 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 these codes shall be observed. An owner who intends to subdivide land into lots for a minor subdivision may, but shall not be required to, have prepared a preliminary plat in accordance with this section.

2. Contents. The preliminary plat shall be drawn to a scale of not more than one hundred feet to the inch and shall show, or be accompanied by, the following information:

- a. The north point and scale.
- b. The location of all existing property lines, adjoining streets and alleys, watercourses, storm sewers, sanitary sewers, water mains, gas mains and other pertinent utilities; culverts and existing buildings and pertinent features within the area to be subdivided and in the adjoining streets or alleys.
- c. The names of all adjoining subdivisions, if any.
- d. The proposed lot layout, proposed use of lots, location and width of all streets and alleys, and the zoning districts in which the land to be subdivided is located according to the current zoning map of the City.
- e. The title under which the subdivision is to be recorded, the names of all the owners of the same, including the names of the officers of any corporate owner, and the name of the registered surveyor or registered engineer platting the tract of land to be subdivided. The township, range, and section numbers of the land. If the plat is of a section or tract of a subdivision, the identification by section or township number.
- f. A scaled map of the City, upon which shall be sketched, to the scale appearing thereon, the correct location of the proposed subdivision and its boundaries.
- g. The location and direction of drainage of all proposed watercourses and natural drainage channels.
- h. The proposed location of all utilities.
- i. All proposed areas of land to be dedicated for public use, and all proposed areas of land for private easements or common land for the use and benefit of all lot owners in the subdivision.
- j. Each street, identified by its proposed street name, and additional rights-of-way to be added to

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existing streets.

k. The flood plain zoning district, if any, and any proposed alteration, adjustment, or change in the elevation or topography of any area in a flood plain zoning district or shown on the Federal Emergency Management Agency's Flood Boundary and Floodway Map. Development of lots within the flood plain shall require approval of a flood plain study prepared by a registered engineer.

l. Approximate area in square feet of minimum and maximum size of lots, if less than one acre in area, and in acres and tenths of acres if one acre or more in area, into which the land is proposed to be subdivided.

m. Approximate location of existing and proposed sidewalks and pedestrian walkways.

n. Proposed building lines and setback requirements, if more restrictive than those required by other City zoning codes.

o. Proposed type of treatment or method of sewage disposal, if not the City Sanitary Sewer System.

p. If the Developer intends to subdivide any portion of the land into a group housing project, planned business district, planned trailer court district or other, project being developed under a special zoning procedure section or conditional use permit, then the preliminary plat shall in addition, include the following data:

- (1) Grass area of land.
- (2) Area in street.
- (3) Net area of land.
- (4) Maximum number of units allowed.
- (5) Maximum number of units proposed.
- (6) Parking ratio.
- (7) Distance between structures.

q. A certification by registered surveyor or registered engineer who prepared the plat that the plat is a correct representation of all existing and proposed land division.

r. The results of any tests made to ascertain subsurface rock and soil condition and the water table.

s. Proposed covenants or restrictions intended for all or any of the lots of the subdivision, or covenants or restrictions required by these codes.

3. Submissions And Approval Procedure.

a. The owner shall submit eight prints of the preliminary, plat to the Mayor. One print shall be transmitted to the Aldermen representing the ward in which the proposed subdivision is located, one print shall be retained by the Mayor for the Board, and five prints promptly shall be transmitted to the

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Commission for further study, investigation and recommendation. Upon submission of the preliminary plat to the Mayor, the Mayor shall give the owner at least five days notice of the date, time and place of the next meeting of the Commission wherein the preliminary plat shall be reviewed by the Commission. In addition, the Mayor shall notify the public of the submission of the preliminary plat and the review of that plat at a Commission meeting by public notice in a newspaper of general circulation within the City, at least five days before said Commission meeting.

b. The Mayor shall review the plat for conformity with the requirements of this section and shall also solicit the comments of the Sturgeon School District, the County Planning and Zoning Department, and any utility proposed to serve the land or having a report to the Commission detailing any findings or comments which he believes relevant to the consideration of the Commission. The report shall be submitted before the Commission meeting wherein the preliminary plat is reviewed.

c. At its next meeting, the Commission shall conduct a public hearing and review the preliminary plat. At said public hearing, the owner or his designated representative shall appear and be heard and other interested persons may appear and be heard regarding the plat.

d. Within forty-five days, or such additional period of time as the owner consents to in writing, after submission of the preliminary plat by the owner, the Commission shall act upon the plat and approve, conditionally approve or disapprove the same.

e. If the Commission conditionally approves the plat, it shall state in writing any revisions, modifications, additions or deletions required of the owner by state law and/or City code before a final plat may be prepared for approval. Such revisions, modifications, additions or deletions to the preliminary plat may relate:

- (1) To the width and/or alignment of streets;
- (2) To the type, capacity and location of sanitary sewer and/or storm sewer facilities;
- (3) To the location and capacity of all public utility facilities;
- (4) To the location, width and purpose of easements appearing on the preliminary plat or required by the City for public use;
- (5) To lot sizes and/or lot. layout; and
- (6) To such other matters as, in the opinion of the Commission, may be in the public interest.

f. The Commission shall submit a written report of its action on the preliminary plat to the owner and to the Mayor along with a copy of the preliminary plat, indicating any necessary revisions or modifications it believes is necessary. Upon submission of the preliminary plat to the Mayor, the Mayor shall give the owner at least five days notice of the date, time and place of a meeting of the Board wherein the preliminary plat and the written report of the Commission shall be reviewed by the Board. In addition, the Mayor shall notify the public of the Board's review of the Commission's written report and the preliminary plat at a Board meeting by public notice in a newspaper of general circulation within the City, at least five days before said Board meeting. At the Board meeting notice was given for, the Board shall conduct a public hearing. The owner or his designated representative shall appear and be heard and other interested persons may appear and be heard regarding the Commission report and the preliminary plat. At the next Board meeting following the public hearing, the Board shall, by resolution, enter its

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order approving, modifying or rejecting the written report of the Commission on the preliminary plat.

g. If the Commission fails to approve or disapprove the preliminary plat within sixty days after submission of the preliminary plat by the owner, or within such additional time as the owner consents to in writing, the plat shall be deemed and considered approved by the Commission, and the City Clerk shall certify the approval of the Commission on the plat.

h. Approval of the preliminary plat shall authorize the owner to prepare the final plat and complete engineering designs, but such approval shall not constitute an approval of the plat for purposes of recording, or for the sale and/or development of any lot, tract or parcel of land within the area represented by the preliminary plat.

Section 21.060 Improvement Plans (For Major and Minor Subdivisions).

1. Within six months of the Commission's approval of the preliminary plat or the sketch plat for a minor subdivision, four copies of the improvement plans for a subdivision or any part thereof, shall be submitted to the Mayor. The owner may request in writing and the Commission, for good cause shown, may allow a longer period of time.

2. Improvement plans for phased subdivisions shall be reviewed as though they were being submitted for the complete subdivision. Improvements may be required outside of individual phases to insure adequate completion of necessary facilities.

3. The plans, which detail the construction and types of materials to be used in conjunction with the development of a subdivision, shall be prepared by a registered engineer. Any alterations of common land or improvements within the common land will require the submission of detailed improvement plans and will be considered a required improvement.

4. Improvement plans shall include no exhibit page exceeding twenty-four inches by thirty-six inches and shall contain the following information:

a. Title page, which shall include the name, address, and telephone number of the Developer and engineering firm, as well as a registered engineer's seal and signature.

b. A key map showing the relationship of the area to be subdivided to the land and which shall reflect areas of the land previously subdivided plus adjacent streets.

c. North arrow and graphic scale on each plan sheet.

d. One or more benchmarks, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on United States Geological Survey data. Site benchmark shall be tied into an approved benchmark.

e. List of the standards and specifications followed, citing volume, section, page, or other references.

f. Street grading and paving details conforming to City standard specifications and requirements.

g. Details of streets including location and width of all proposed public or private rights-of-way and private roadway easements and including improvements to existing streets adjoining land in the subdivision, existing and proposed sanitary sewers including sanitary sewer mains outside the subdivision that will serve improvements in the subdivision, drainage channels, swales, storm sewers; including adequate natural discharge points, detention facilities, water mains, water lines including water lines outside the subdivision that will serve improvements in the subdivision, fire hydrants, utility lines including electric lines in the subdivision and electric lines outside the subdivision that will

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serve improvements in the subdivision, underground natural gas utility lines including underground natural gas utility lines that will serve improvements in the subdivision, curb and gutter, and sidewalks.

5. The Developer shall submit an erosion/siltation control plan for the entire site development and all interim phasing. The plan shall indicate the location and type of facilities proposed. No grading operations shall be commenced prior to approval of the plan. The Mayor may require modification or additions to the plan should proposed measures not adequately control erosion and siltation. The Developer shall maintain all facilities until improvements are accepted.

6. Plans and profiles shall be at a scale of not less than one inch equals fifty feet horizontal and one inch equals ten feet vertical. If the required scale does not permit the entire development to be shown on one plan sheet, the plans and profile shall be shown in sections. The relationship of each section shall then be shown on the key map or some other map showing the entire development at the largest scale possible.

(Ord. 788 Sec 1, Approved and Effective June 24, 2013, Amended)

Section 21.070 Improvement Plan Review and Approval.

The procedure for reviewing and approving improvement plans shall be as follows.

1. The Mayor shall review the improvement plans and determine if they can be given his approval. The Mayor shall approve or disapprove the improvement plans after he determines whether it is necessary for county, state and/or federal agencies or departments and utilities to give their approval to the improvement plans. The Mayor may withhold making a determination of approval or disapproval until after any county, state or federal agencies or departments and utilities have reviewed the improvement plans and approved or disapproved them under state or federal law, if the Mayor determines such is necessary. The Missouri Department of Natural Resources shall be submitted improvement plans when the land to be developed requires a sanitary sewer treatment facility or is in a flood plain, and may be submitted improvement plans in other cases. Other agencies or departments that may be submitted improvement plans include, but are not limited to the following:

County Planning Department
Soil Conservation Service
Federal Emergency Management Agency
Missouri Highway and Transportation Commission

Utilities that may be submitted improvement plans are private utility companies or public governmental bodies providing utilities that serve the land to be developed or that have facilities on the land to be developed. Nothing in these codes shall prevent the Developer from submitting improvement plans to any county, state or federal agencies or departments or to utilities prior to improvement plans being submitted to the Mayor. If the improvement plans are not given approval by the Mayor or the involved departments, agencies or utilities, the Developer shall make such corrections or additions to the improvement plans so that such approvals will be given. Final approval of the improvement plans by the Mayor and all involved departments, agencies and utilities shall constitute authority to proceed with construction improvements necessary to serve the subdivision, subject to all other provisions of these codes.

2. Approval of improvement plans by the Mayor and the involved departments, agencies and utilities shall be valid for a period of two years from the date of approval by the approving person, agency, department or utility, or a shorter period of time if so specified by any involved agency or department as required by law. If construction of improvements has not commenced within said two-year period, or shorter period if required by law, all previous approvals shall be null and void. The Mayor may, upon a Developer's petition, grant an extension of time for construction to commence beyond the two-year period, or shorter period if required by law, all approvals shall be null and void. The Mayor may, upon a Developer's petition, grant an extension of time for construction to commence beyond the two-year period, if permitted by law. If the construction of the improvements will not be completed

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within the two-year period or such longer period as the Mayor may permit, a re-submission of the improvement plans to the Mayor and the appropriate agencies, departments and utilities shall be required. Any request for such extension shall be filed with the Mayor prior to the expiration of approvals.

Section 21.080 Improvements Installed or Guaranteed.

1. After the improvement plans have been reviewed and approved, but before approval of the final plat, the Developer shall either:

- a. Complete required improvements in accordance with the approved plans under the observation and inspection of the City and appropriate agencies referred to in these codes, or
- b. Post a land subdivision bond or enter into an escrow agreement to guarantee required improvements in accordance with the provisions hereafter set forth. The land subdivision bond or escrow agreement shall be prepared and executed on forms furnished by the City and shall be submitted to the Board for approval. The land subdivision bond or escrow agreement shall be approved by the Mayor prior to being submitted to the Board.

2. A land subdivision bond shall be issued by a surety company or a title insurance company and shall insure or guarantee, to the extent of the amount specified by the Mayor in his estimate of the cost thereof, the construction and completion of the required improvements shown by the approved improvements plan.

3. An escrow agreement signed by the Developer and the escrow agent shall provide that there shall be deposited with the escrow agent, to be held in an escrow account by the escrow agent, subject to audit by the City.

- a. A cash amount not less than one hundred ten percent of the amount specified by the Mayor as his estimate of the cost of the improvements as reflected by the approved improvement plans; or
- b. An irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing the availability of a sum which shall be not less than one hundred ten percent of the amount specified by the Mayor as his estimate of the cost of the improvements as reflected by the approved improvement plans; or
- c. Certificates of deposit, treasury bills, or other readily negotiable instruments, the type of which has been approved by the City Attorney, endorsed to the escrow agent and the cash value of which shall be in an amount not less than one hundred ten percent of the amount specified by the Mayor as his estimate of the cost of the improvements as reflected by the approved improvement plans.

4. A land subdivision bond or an escrow agreement shall remain in effect and the escrowed sum shall be held in the escrow account by the escrow agent until such time as the Mayor shall, by written authorization to surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain escrowed sum in the escrow account, which release may be partial, as improvements are completed and approved; provided however:

- a. The Mayor shall authorize the release of the surety or escrow agent from all or any part of the surety's or agent's obligation only upon receipt of the requisite written notification of completion of improvements from the City's inspecting agencies and the Commission; and
- b. In no case shall the Mayor authorize release of more than ninety percent of the amount held as the bond or escrow sum until improvements have been completed in a satisfactory manner, approved by the

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Mayor and accepted or approved by resolution of the Board.

5. The term of the land subdivision bond or the escrow agreement shall not exceed two years, subject to the following:

a. If, at the end of the two-year period, all improvements reflected by the approved improvement plans have not been completed, the Mayor may extend the term of the land subdivision bond or escrow agreement for a period not to exceed one additional year at each extension if, after review by the Mayor, such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If improvements have not been completed at the end of the two-year period or as extended by the Mayor, the Mayor may:

(1) Require the surety to perform on the bond and pay or remit to the City such amount as shall be equal, to the lesser of the amount required to complete the improvements or the amount not theretofore released; or

(2) Require the escrow agent to remit to the City in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the escrow account required to complete the improvements, and the balance, if any, in the escrow account which exceeds such amount shall be returned to the Developer; or

(3) Require the Developer to submit a new land subdivision bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.

b. If the surety fails to perform on the bond or the escrow agent fails to remit the amount required within thirty days after written request, the Mayor may recommend to the Board that the City Attorney take immediate action to require performance by the surety under the bond or to secure the payment by the escrow agents of the amount required.

6. To be eligible, escrow agents and sureties shall be approved by the City Attorney. All corporate escrow agents and sureties shall annually provide the City with a certificate of good standing issued by the Missouri Secretary of State. All escrow agents and sureties shall be subject to spot audits by the Mayor. If the escrow agent or surety fails to comply with any of the provisions of the escrow agreement or the land subdivision bond, the escrow agent or surety shall not thereafter be allowed to act as escrow agent or surety for any subdivision improvement in the City for a period of two years.

Section 21.090 As-Built Drawing of Subdivision Improvements.

After the sanitary sewers, storm sewers, sidewalks, and pavement have been constructed and installed, but before the Mayor recommends acceptance of them by the Board, the Developer shall submit as-built drawings of the above improvements on reproducible Mylar stock.

Section 21.100 Final Plat (For Both Major and Minor Subdivisions).

1. Contents. A final plat of the subdivision, or section or tract thereof, shall be drawn to a scale of not more than one hundred feet to the inch and shall contain, or be accompanied by, the following information:

a. 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.

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- b. The names of the owners of the land platted and, if the owner is a corporation, the names of the officers thereof.
- c. Certification by the registered surveyor or registered engineer who prepared the final plat to the effect that the plat represents a survey made by him, and that the locations of all required survey monuments, installed or to be installed, are correctly shown thereon. The month and year during which the plat was made shall also be shown.
- d. The north point and scale.
- e. The exterior boundaries of the land platted, including bearings and distances.
- f. The right-of-way widths of all streets and the proposed improved widths of all roadways.
- g. The location of proposed public sidewalks, if any.
- h. The location of existing buildings on the land platted, and the location of building lines and set back requirements if more restrictive than those required by other City zoning codes.
- i. All areas of land to be dedicated for public use, and their intended use. These areas will be intended for such uses; however, such public use areas shall be dedicated to the City for public use in general.
- j. The widths, names and lines of all streets on land adjoining the land shown on the plat.
- k. The angle of departure from one street or alley to another, except where the angle of departure is either ninety degrees or one hundred eighty degrees.
- l. The dimensions of the lots, the number (letters in re-subdivision) of all lots and the mailing addresses of all lots on the plat, unless the mailing addresses are not required, by vote of the Planning and Zoning Commission.
- m. The location and dimensions of all utility easements on the plat, and storm water control easements.
- n. All linear and angular dimensions necessary to locate the boundaries on the plat in relation to a section or quarter-section corner or line, or an established lot line of record.
- o. 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.
- p. All radii, arcs and chords, points and tangency and central angles for all curves and rounded corners on the plat.
- q. The location and description of all monuments, and all street corners, alley lots or other area corners, intersections and all perimeter corners or angle points shall be marked with a suitable, durable monument as defined in these codes.
- r. Accurate elevation, referring to mean United States Geological Survey data for permanent benchmark, unless the elevation is not required, by vote of the Planning and Zoning Commission.
- s. The form for dedication to public use of areas identified as rights-of-way for streets, alleys, drives, roadways of any kind, parkways, parks, sanitary sewer easements, surface water easements and public

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utility easements, and all other areas intended for public use, with appropriate spaces for the signatures of all owners, trustees or mortgagees, if any, of the land platted.

t. All common land and any other land designated as a private easement, said common land and other land being for the use and benefit of all lot owners in the subdivision.

u. If the Developer desires restrictions or covenants on any land contained in the subdivision that are greater than those required by City zoning codes, such restrictions or covenants shall be indicated on the plat or shall accompany the plat by separate instrument. All such restrictions or covenants shall be signed and agreed to by all owners, trustees and mortgagees, if any, of the land to which the restrictions or covenants apply. Any restrictions or covenants required by these codes also shall be included.

v. A form for the approval of the Commission and the Mayor and certification by the City Clerk.

w. The agreement on the plat of all owners, trustees and mortgagees, if any, to comply with all provisions of these codes.

(Ord 788 Sec 2, Approved and Effective June 24, 2013, Amended)

2. Submission And Approval Procedure.

a. 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 by the Mayor of the improvement plans of the subdivision, or section or tract thereof, the owner shall cause to be prepared by a registered surveyor or registered engineer and shall submit to the Board five prints of the final plat thereof, to be referred to the Commission for its review and recommendations.

b. If the owner fails to file with the Commission the final plat within the time mentioned in Paragraph 1 of this Subsection, 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 Board. The report shall be final and unappealable.

c. At its next meeting, the Commission shall review the final plat. The Mayor shall give the owner at least five days notice of the date, time and place of the next meeting of the Commission wherein the final plat shall be reviewed by the Commission. The owner or his designated representative shall appear and be heard.

d. Within forty-five days, or such additional time as the owner consents to in writing, after submission of the final plat by the owner, the Commission shall act upon the plat and approve, conditionally approve or disapprove of the same.

e. The Commission shall submit a written report of its action on the final plat to the owner and the Board, 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 Board in the manner prescribed in these codes.

f. If the Commission approves the final plat, it shall endorse its approval on the five prints thereof, retain one print and transmit one print to the owner and three prints to the Board. If the Board approves the plat, the plat shall be signed by the Mayor and certified by the City Clerk. In addition, the owner shall furnish the City with the original tracing and a reproducible copy of the final plat as approved.

3. Approval of the final plat by the Board constitutes acceptance of the dedications of public easements and

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street rights-of-way as property but does not constitute acceptance by the City of streets or other improvements for maintenance. The City shall have no duty to maintain the streets or other improvements until all requirements of these codes have been met by the Developer.

4. No final plat of any subdivision shall be approved by the Board unless the Developer has complied with all the provisions of these codes.

Section 21.110 Lot Split Procedure.

1. No lot split survey, instrument, deed or other conveyance shall be recorded in the office of the county Recorder of Deeds unless and until approved by the Mayor in compliance with this section.

2. The provisions of this section are intended for and shall apply to the following general instances, or in situations reasonably similar thereto; when

An owner of a lot or tract and/or an owner of one or more abutting lots or tracts sells or conveys either a part of one lot or tract or all or any part of such abutting lot(s) or tract(s) or

Owners of abutting lots or tracts deed to another owner or exchange deeds to parts of their respective lot(s) or tracts(s) for the purpose of correcting and/or establishing record title and/or curing title defects.

Then such instances or situation shall be exempt from these codes's provisions on major and minor subdivisions and shall be designated as a "lot split" if the following criteria are met:

- a. That no additional improvements or streets are required to be constructed or otherwise dedicated in the lot split, provided that the correction of the legal description of an existing street or the enlargement of an existing street shall be permitted.
 - b. That no provisions for common land or recreational facilities are included in the proposed lot split.
 - c. That the proposed lot split is not in conflict with any City zoning codes, or any special procedure permit, or of any conditional use permit.
 - d. That no variances are required from this division.
 - e. It is not the intent of this section to allow multiple lot splits of one lot or tract where the effect is to circumvent the subdivision regulations of the City codes.
3. The procedure for approval of a lot split shall be as follows:
- a. Such owner(s) shall, prior to effecting or recording such conveyance(s), file with the Mayor an Application of Intent To Convey Part Of Lot/Tract ("Application"), - which such application shall be signed by such owners(s) and shall set forth therein the names and addresses of the owner(s), the legal description of the land(s) being conveyed, the names(s) of the respective transferor(s) and transferee(s) and a sketch or drawing (which need not be to scale) of the property or properties involved and the dimensions thereof, including the dimensions of buildings/improvements on the subject land(s) as they relate to lot lines both before and after the proposed conveyance(s), such sketch or drawing to be in sufficient detail to allow the Mayor to verify that the proposed conveyance(s) will not violate the City's zoning laws; provided however, that applications which relate to any lot(s) or tract(s) which were non-conforming prior to the passage and adoption of the Sturgeon zoning law, or which have been

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granted non-conforming variances thereafter, shall not be rejected on the sole basis that the proposed conveyance(s) will continue to render such lot(s) or tract(s) non-conforming under the City's zoning laws after such conveyance(s).

b. Upon verification that the proposed conveyance(s) otherwise comply with the City's zoning laws, the Mayor shall thereupon issue a permit authorizing the owner(s) named in said Application to proceed with effecting and recording said conveyance(s).

Section 21.120 Improvements installed at the expense of the Developer (or some other person or entity besides the City)

The following improvements shall be required to be installed at the expense of the Developer (or if otherwise agreed to in writing by the Mayor, some other person or entity besides the City) and in conformance with the approved improvement plans:

1. All sanitary sewers and appurtenances, except that for sanitary sewer mains larger than eight inches in diameter, the City shall pay the difference in cost between the designed main and the eight inch main. The amount of this difference and the method for the City to pay this cost shall be fixed by the City at the time of approval of the improvement plans. Regarding sanitary sewer mains outside the subdivision that will serve improvements in the subdivision, all such sanitary sewer mains shall be installed at the expense of the Developer.

2. Fire Hydrants. In every subdivision, fire hydrants shall be located in accordance with the current specifications of the City. In no case shall any platted lot be located further than three hundred feet from a fire hydrant.

3. Monuments. Monuments shall be installed and adequately referenced to facilitate future replacement. Control point monument locations shall be verified and/or re-established after street paving has been completed and prior to acceptance of the street for maintenance by the City.

4. Storm sewer, inlets, drainage channels, and storm water retention areas as shown on the improvement plans.

5. Paved streets, curb and gutter, and sidewalks as shown in the improvement plans and according to the design requirements of these codes, and improvements to existing streets adjoining land in the subdivision, as shown in the improvement plans.

6. All water lines, including water lines outside the subdivision that will serve improvements in the subdivision, as shown in the improvement plans.

7. All electric lines, including electric lines outside the subdivision that will serve improvements in the subdivision, as shown in the improvement plans.

8. All underground natural gas lines that will serve improvements in the subdivision, as shown in the improvement plans.

(Ord 788 Sec 3, Approved and Effective June 24, 2013, Amended)

Section 21.130 Acceptance of Improvements for Maintenance - Continuing Obligation of Developer for one Year.

1. Upon the completion of street paving, the Developer shall require in writing acceptance of the street by the City for maintenance. The City shall not accept streets for maintenance until the pavement has been inspected and until all the provisions of these codes have been met.

2. Upon completion of sanitary sewers, the Developer shall prepare a conveyance to the City for said sanitary sewers. Following inspection by the City, the Board shall accept such conveyance by code.

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3. Before the Developer's obligation to the City is terminated, all required improvements shall be
constructed under the observation and inspection of the City and accepted for maintenance or given final approval by the City.

4. If, within one year from the date the City accepts an improvement for maintenance, the improvement becomes in need of repair, correction or replacement because of a defect in workmanship in making, constructing or installing the improvement, the Developer shall, at the Developer's cost and expense, promptly correct and repair or replace the improvement upon being notified of said defect by the City.

Section 21.140 Streets and Alleys - Generally.

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1. ~~All subdivision streets shall be arranged for the continuation of existing streets in adjoining subdivisions~~ and, to the extent possible, the anticipated projections of street 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 major street plan where applicable.
2. When a new subdivision adjoins undivided lands, susceptible to being subdivided, the new streets shall be carried to the boundaries of the land susceptible to being subdivided at a later date, and a temporary paved turnaround shall be installed at this point.
3. Permanently designed dead-end or cul-de-sac streets shall not be longer than eight hundred feet and shall be provided with a paved turnaround at the closed end.
4. The minimum length of a block shall be three hundred feet; the maximum length of a block shall be one thousand feet. 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.
5. 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 degrees. Street jogs with center lines offsets of less than one hundred feet shall be avoided.
6. 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.
7. 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. No new half streets or half alleys shall be accepted.
8. The width of utility easements shall be determined by the Commission, but shall not be less than ten feet when adjoining a street right-of-way or a total of twenty feet when not adjoining a street right-of-way. No trees, shrubs, or structures, including fences, shall be permitted within the utility right-of-way. These provisions shall be stated in all utility dedications on the plat.
9. If any utility services are to be installed under the proposed streets they shall be installed prior to paving, where subsurface conditions prevent pushing of the service under the completed pavement. Sewer laterals and water mains shall be installed and stubbed in prior to street paving, if the sewer main or water main is located in the street right-of-way. All such service connections shall be referenced and marked for future use. Electric, telephone, and cable television utilities shall be located in a rear yard easement unless otherwise approved by the Planning and Zoning Commission.
10. Where a land is subdivided into larger lots than ordinary building lots, such lots shall be arranged so as to allow the opening of future streets and/or street extensions, and logical further resubdivision.
11. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Commission.
12. Alleys shall meet the following standards:
 - a. Residential areas. Public alleys shall not be permitted in residential areas. Private alleys may be established and permitted along the rear of adjoining lots for common use by adjoining landowners for

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access in multi-family zoned areas, but the private alley shall be paved to specifications designated by the Mayor, and the instrument creating the private alley shall specifically require that the repair and maintenance of the private alley shall be provided by subdivision property owners adjoining the alley. That instrument shall be recorded in the office of the county Recorder of Deeds and may be in the plat or subdivision covenants or restrictions.

b. Non-Residential areas. Public alleys shall be provided in non-residential areas except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with, and adequate for the use proposed.

c. Dead-end. Dead-end alleys shall not be permitted; provided however, that the Commission may waive this requirement where such dead-end alley is unavoidable and where adequate turn-around facilities have been provided.

Section 21.150 Streets and Alleys - Design Requirements - Including Curb and Gutter.

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

a. Arterial streets. The right-of-way and width of improved roadway for arterial streets shall be to the standards of the Missouri Highway and Transportation Commission

b. Subarterial streets. The right-of-way shall be eighty feet wide, and the improved roadway shall be at least thirty-six feet wide (face-to-face of curb or if no curb, then to edge of pavement).

c. Collector streets. The right-of-way shall be at least sixty feet wide, and the improved roadway shall be at least thirty-six feet wide (face-to-face of curb or if no curb, then to edge of pavement).

d. Residential streets. The right-of-way shall be at least fifty feet wide, and the improved roadway shall be at least thirty-six feet wide (face-to-face of curb or if no curb, then to edge of pavement). Cul-de-sac shall have a minimum right-of-way radius of fifty feet and a minimum paved area radius of forty feet.

e. Alleys. The right-of-way for an alley shall be at least twenty-four feet wide, and the improved roadway shall be at least twenty feet wide (face-to-face of curb or if no curb, then to edge of pavement).

2. At the intersection of an arterial or subarterial street with another arterial or sub-arterial street or a collector street, additional right-of-way and improved roadway shall be provided so as to allow for the designation of separate left turn lanes.

3. The minimum slab thickness for streets and alleys in non-residential areas shall be six inches of Portland cement concrete or five inches of black base with two inches "C" asphaltic concrete (Missouri State Highway Specifications), with portland cement concrete curb and gutters. All concrete work shall have the same specifications as apply to sidewalks under these codes. Residential street intersections shall be rounded with a radius of fifteen feet for right angle intersections. All other intersection radii shall be as approved by the Commission. 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 at the expense of the City.

4. Curb and gutter shall be required on both sides of all streets within a subdivision and on the subdivision side of streets abutting a subdivision in accordance with the construction standards for curbs and gutters, in Subsection 3. The material shall be portland cement concrete in accordance with Subsection 3.

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Curbs may be of the **vertical** or the **drive-over** type. Where vertical curbs are installed, wheelchair ramps shall be located as necessary to provide continuous access to all sidewalks and elsewhere as required by the Commission.

A Developer may apply in writing to the Commission for deletion or postponement to a specified date or until a condition is satisfied of the requirement for curb and gutter or width of roadway, provided that extenuating factors other than mere cost are applicable to the situation. In such instances, the Mayor shall provide the Commission with recommendations concerning conditions within a street right-of-way applicable to the request for exception. The Commission may, upon a favorable vote of a majority of those Commission members present at the meeting who have not abstained from voting, grant an application to eliminate or postpone to a specified date or until a condition is satisfied, construction of curb and gutter or width of roadway, specifying under what terms such deletion or postponement to a specified date or until a condition is satisfied is granted. If circumstances justify, the Commission may instead submit to the Board of Aldermen for proposed expedited approval by the Board of Aldermen, a recommendation for relief. In considering an application from a Developer, the Commission shall consider, in making a decision whether to grant an application, among other things, the following conditions or circumstances:

- a. When the subdivision is commercial or industrial rather than residential in nature and the properties within the subdivision have unusual requirements for vehicular access; or
- b. Whether there is a need to clearly delineate driveways, entrances, or intersecting streets; or
- c. Whether there will be on-street parking and curbing will clearly delineate the edge of such parking and protect drainage ways and structures from vehicular damage; or
- d. When there are special drainage conditions which would be better addressed by alternative structures; or
- e. When curbing can be a barrier between vehicular traffic and sidewalks used by pedestrians, particularly children; or
- f. Whether the subdivision will create lots having at least three hundred feet of frontage each, which could be re-subdivided into smaller lots at a future time; or
- g. When the frontage of lots of the subdivision along a previously dedicated street constitute only a small portion of a block or similar street segment and there also is no curb and gutter present at either adjoining property or on the opposite side of the adjoining street; or
- h. The recommendations of the Missouri Highway and Transportation Commission, when the property abuts a roadway under the jurisdiction of said Commission; or
- i. When there are lots of the subdivision which are through lots, or where the rear lot lines of such lots abut along a previously dedicated street or highway right-of-way, and the Developer otherwise provides for drainage, pedestrian traffic, paved roadway and other required improvements in a manner acceptable to the Commission; or
- j. When other justifiable conditions can be shown that strict application of the requirements for curb and gutter would not be in the public interest.

5. The design of curbs and gutters shall be as shown in the following drawings. Unless otherwise decided by the Commission, the choice of **vertical** or **drive-over** design may be made by the Developer except that reasonable compatibility with nearby curb and gutter construction should be achieved.

(Ord. 839 Sec 1, Approved and Effective July 27, 2015, Amended)

Section 21.160 Sidewalks.

1. Sidewalk requirements:
 - a. Sidewalks shall be required on both sides of all streets in a subdivision and on the subdivision side of streets abutting a subdivision.
 - b. Sidewalks shall be constructed to City specifications. The minimum requirements for sidewalks shall be as set forth elsewhere in these codes.

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c. Where sidewalks are to be located adjacent to a roadway under the jurisdiction of the Missouri Highway and Transportation Commission, said sidewalks may be required to be placed in a public easement outside the state road right-of-way. Maintenance of sidewalks along a state road right-of-way shall be the responsibility of the adjoining property owners of the subdivision.

d. On residential streets, when approved by the Commission, sidewalks may be constructed adjacent to or as a part of the required curb.

2. Sidewalk Exception Procedure. A Developer may apply to the Commission for deletion of sidewalks or approval of an alternate sidewalk plan. The Mayor shall be requested to provide the Commission with recommendations concerning conditions within a street right-of-way involved with a request for exception or alternate sidewalk plan. The Commission may grant an application to delete sidewalks or approve an alternate sidewalk plan in any of the following cases.

a. Where sidewalks are not deemed necessary for the public safety or where topographical or other conditions make their installation and use impractical; or

b. Where lots are created having at least three hundred feet of frontage which could be re-subdivided into smaller lots at a future time; or

c. Where the subdivision designer has submitted for review a proposed sidewalk plan that provides for more direct and safer movement of pedestrian traffic; or

d. Where justifiable conditions can be shown that strict application of the requirements contained in this section would;

(1) Impose practical difficulties or particular hardship; or

(2) Cause additional sidewalks that would not be in the public interest, and public safety could be adequately accommodated without the sidewalks.

Section 21.170 Storm Water Standards.

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The purpose of this section is to provide standards and regulations governing land development in order to reduce or prevent flooding and at the same time minimize damage to real property.

1. The controlled release and storage of excess storm water runoff may be required for all land projects, and for subdivisions as determined by the Mayor.
2. Detention of differential runoff as approved by the Mayor, may be required by providing permanent detention facilities such as dry reservoirs, ponds and other acceptable alternative.
3. Detention reservoirs or dry bottom storm water storage areas may be designed to serve secondary purposes such as recreation, open space, or other types of uses that will not be adversely affected by occasional flooding as approved by the Mayor.
4. Drainage detention areas that are not maintained by a public authority shall be conveyed as an undivided interest in common to each lot owner in the subdivision for maintenance purposes.
5. During the construction phase of development, facilities shall be provided and maintained to prevent erosion and siltation.
6. Storm drainage improvements consisting of storm sewer systems or open channels shall adequately drain the areas being developed. No significant changes in watersheds shall be permitted. All storm water shall be discharged at an adequate natural discharge point.
7. The design of drainage improvements shall be coordinated to the extent possible with present and probable future improvements so as to form part of an integrated system.
8. Storm drainage facilities located within subdivided lots and common land areas shall be the maintenance responsibility of the persons as specified elsewhere in these codes, unless said facility has been accepted for maintenance by the City. Maintenance shall include, but not be limited to, the cutting of grass and weeds and erosion control. This requirement, if applicable, shall be included on the final plat or in the subdivision restrictions and covenants.

Section 21.180 Easements.

1. All proposed subdivisions shall have easements as determined by the Commission to be adequate for the installation and maintenance of utility facilities, including cable television distribution systems. No trees, shrubs or structures, including fences, shall be permitted within the utility right-of-way. These provisions shall be stated in all utility dedications on the plat.
2. Where cut or fill for a street extends beyond the limits of the right-of-way, the Developer shall provide a slope easement of sufficient area and limits to permit the construction and maintenance of the slope.
3. Storm water and storm water control easements:
 - a. Whenever a stream or surface drainage course is located in an area proposed for a subdivision, the Developer shall provide an easement determined by the Commission to be adequate in area to contain facilities to take care of flooding or erosion along the stream or surface drainage course.
 - b. Storm water easements and drainage rights-of-way may be required if necessary for proper drainage

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within and through a subdivision.

c. Storm water control easements are required along all major creeks and significant tributaries; around and including all new wet lakes functioning as part of a storm water control system; and for all detention areas, basins, and related structures.

d. Storm water control easements shall include a minimum dimension of twenty feet back from the bank of improved creek channels as approved on improvement plans or of such width back from unimproved channels as required by the Commission. Easements shall include a distance of not less than ten feet back from the estimated high water line of lakes, dry detention areas, and basins.

e. Final location of storm water control easements shall be approved by the Mayor as part of the improvements plan approval. Such easements shall be shown on the final plat.

f. Access easements shall be required as necessary to provide for up keep of the area within designated storm water control easements. Separately designated access easements shall not be less than twenty feet wide.

g. The final plat or the subdivision restrictions and covenants shall include provisions specifying which lot owners in the subdivision or other private persons shall be responsible for and shall pay for the maintenance of the subdivision land through which storm water control easements and access easements run. Maintenance shall include, but not be limited to, the cutting of grass and weeds and erosion control.

Section 21.190 Test Boring.

The Mayor may require evidence as to the subsurface soil, rock, and water conditions of the land to be developed.

Section 21.200 Wiring for Subdivisions.

In residential subdivisions all electric and telephone distribution lines and cable television lines shall be installed underground, except those overhead distribution feeder lines necessary to serve that subdivision and in locations as approved by the Mayor. 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 Mayor. Utilities for non-residential subdivisions may be installed either above ground or below ground or both, subject to design approval by the Commission. Above ground utilities shall comply with the provisions of all City codes. Electric utilities in non-residential subdivisions shall be installed in the street or alley right-of-way unless the Mayor allows otherwise.

Section 21.210 Lot Identification, Size and Arrangement.

1. 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. In re-subdivisions, all lots shall be lettered alphabetically from the letter "a" through the total number of lots.

2. The size of lots shall meet the minimum zoning requirements of City codes for the area being subdivided, and the lots shall be arranged at right angles to street lines or radial to curved street lines and shall front on a public street. Areas used for open storm water drainage easements shall not be included in the calculations of running lot dimensions.

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3. All lots shall abut on a publicly dedicated street. Each lot shall meet the minimum frontage requirements of any applicable City zoning codes, consistent with the zone district where the platted land is located.

Section 21.220 Subdivision Design Standards.

The size, shape, and orientation of lots and the orientation of structures shall be designed to provide desirable building sites logically related to topography, natural features, streets, parking areas, common land, if any, other structures, and adjacent land uses. Due regard shall be given to natural features such as large trees, unusual rock formations, water courses, and sites which have historical significance, scenic views, and similar assets, the preservation of which would add attractiveness and value to the subdivision.

Section 21.230 Conformance with Comprehensive Plan.

It is the intent of these codes that subdivisions be designed and developed in conformance with any City general comprehensive plan adopted by the Board. In the review of sketch plats and preliminary plats, the Commission may direct changes in the size and location of proposed streets and in the proposed land use of subdivisions. Such changes shall be made whenever the Commission finds that a proposed subdivision does not follow the intent of the general comprehensive plan and creates impediments to its implementation.

Section 21.240 Variances.

When the Board of adjustment, as provided for in section 89.480 of the Revised Statutes of Missouri, determines that in a particular instance an owner cannot possibly or practically observe the requirements of any provision of these codes 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 Board of Adjustment may permit a variance from the requirements of such provisions.

Section 21.250 Recording of Plats.

1. Except for lot splits, a plat of land within the City shall not be filed and recorded until such plat has been accepted and approved by code.

2. When the approval of the City has been endorsed upon the plat as outlined herein, the owner, or the agent thereof, shall have the plat recorded in the office of the county Recorder of Deeds within thirty days thereof, or the Board may enact an ordinance withdrawing its approval and acceptance of such plat.

Section 21.260 References to Other Codes or State Laws.

When reference is made in these codes to any other code of the City, or any section thereof, or to any state law, the reference shall apply to all amendments and additions to such codes, sections or state law.

Section 21.270 Violation/Penalty.

Any person who violates any of the provisions of these codes shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.620). Each day that a violation exists shall constitute a separate and distinct offense.