

CITY OF HAMILTON, MISSOURI

BILL NO. 0913171

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADDING A NEW CHAPTER 45 OF THE CITY CODE RELATING TO SUBDIVISIONS.**

Be it ordained by the Board of Aldermen of the City of Hamilton, Missouri as follows:

**Section 1.** A new Chapter is added to the City Code relating to Subdivisions, to be Chapter 45, as follows:

**CHAPTER 45 – SUBDIVISIONS**

**Article I. General Provisions.**

1. Purposes of regulations.

(a) The platting of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks, drainage ways and utility easements will determine to a large degree the design, character and conditions in the urban area. The quality of the urban area is of public interest. These regulations and standards for the platting and subdividing of land for urban use are to make provision for adequate light, air, open space, drainage, traffic circulation, utilities and other needs to insure the development and maintenance of a healthy, attractive and efficient community.

(b) These regulations are designed to:

- i. Provide neighborhood conservation and prevent the spread of urban blight;
- ii. Provide that the cost of improvement which primarily benefit the tract of land being developed be primarily borne by the owners or Developers of the tract.

2. Jurisdiction. These regulations shall apply to all land located in the corporate limits of Hamilton, Missouri.

3. Applicability. The owner of land within this jurisdiction subdividing land into two (2) or more lots, and blocks or tracts or parcels, for the purpose of laying out any subdivision, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless otherwise exempted. Any lawfully existing plats recorded prior to the effective date of these regulations shall remain valid, and any replats or resubdivisions shall conform to these regulations.

(a) Exemptions:

- i. A change in the boundary between adjoining lands which does not create an additional or substandard lot.
- ii. Land used for street right-of-way, a drainage easement or other public utilities subject to local, state or federal regulation, where no new street or easement of access is involved.

4. Plat Approval and Recording.
  - (a) No plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Planning and Zoning Commission to the Board of Aldermen and until the Board of Aldermen have approved the plat as provided by law.
  - (b) No county recorder shall receive for filing or recording any subdivision plat required to be approved by the Board of Aldermen unless the plat has endorsed upon it the approval of the Board of Aldermen under the hand of the City Clerk and the seal of the City.
5. Variances and Exceptions. Whenever strict enforcement of the various provisions of this Chapter would entail unusual, real and substantial difficulties or hardships, the Board of Aldermen may vary or modify them in such a way that the Developer is allowed to plan and develop his property and record a plat of the same without unjust difficulties and expense, but at the same time, the public welfare and interests of the City are fully protected and the general intent and spirit of the Ordinance is preserved. In granting variances and modifications, the Board of Aldermen may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.
6. Not to constitute acceptance of dedication to public use. The approval of a plat by the City does not constitute or affect an acceptance by the City or public of the dedication to public use of any street or other ground shown upon the plat.
7. Acceptance of streets; laying utilities in streets.
  - (a) The City shall not accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of this Chapter or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen. The Board of Aldermen may locate and construct or may accept any other street if the ordinance for the location and construction for the acceptance is approved by the Board of Aldermen.
  - (b) The City shall not accept public infrastructure until the Developer has submitted, in a form acceptable to the City, as-built drawings prepared and sealed by a Missouri licensed engineer which accurately show the location and specifications of such infrastructure. Such drawings must be submitted to the office of the city clerk and clearly stamped "AS-BUILT".
8. Access streets to conform to provisions prior to issuance of building permit. No building permit shall be issued for and no building shall be erected on any lot within the City unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of this Article.
9. Survey Corrections. If areas that have been subdivided and substantially developed are resurveyed to correct apparently erroneous plats, the new plat must be approved by the Board of Aldermen prior to recording. If the land is still not substantially developed, changes resulting from resurveys should be reported through the resubdividing procedure.

10. Enforcement.

- (a) No plat 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 in this Chapter.
- (b) No building permit shall be issued for any structure that is located upon a lot in an area that has not been platted, unless approved in the manner as provided for in these regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of this Chapter.

11. Violations.

- (a) No owner, or agent of the owner, of any land located within the City may transfer, sell, agree to sell, or negotiate to sell 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 of Aldermen and recorded in the County Recorder's office. 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 section.

12. Penalties for Violations. Any person violating the provisions of this Ordinance shall forfeit and pay to the City a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold prior to approval of such plat. The City may enjoin or vacate the transfer of sale or agreement by legal action and may recover the penalty for such action together with all costs of such suit including reasonable attorney's fees.

13. Public notification of proposed subdivision. Notification of a proposed subdivision will be on the Commission agenda and Board of Aldermen agenda. The zoning officer shall place a sign, not less than three (3) square feet per face, upon the front yard, or as close as practical thereto, of the subject property. Said sign shall contain the message "zoning action pending"; shall show the telephone number of City offices; and shall be placed not less than ten (10) days prior to the commission meeting. The sign shall remain on the property until such time the proposed subdivision is accepted or rejected. Unauthorized removal, damage, or vandalism to said sign shall not invalidate the notification provision of this Chapter.

**Article II. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

**Alley** – A minor public easement used primarily for vehicular service access to the back or side of properties otherwise abutting on a street and not intended for general traffic circulation.

**Applicant** – The Developer or owner of land submitting an application for property to be platted or subdivided. Consent for an application shall be required from the legal owner of the premises.

**Block** – A tract of land composed of a specified number of lots as set forth in a platted and recorded subdivision, usually specified by an assigned number or letter. Blocks are usually divided into numbered lots.

**Building Line** – A setback line from the lot line which restricts the buildable area of the lot.

**City** – The City of Hamilton, Missouri.

**City Plan** – The plan made and official adopted by the Planning and Zoning Commission which includes a plan for land use and major streets.

**Commission** – The City of Hamilton, Missouri, Planning and Zoning Commission.

**Developer** – Any proprietor, individual person, firm, association, syndicate, co-partnership, corporation, trust, condominium Developer or other legal entity that directly or indirectly causes land to be platted or subdivided for itself or for others.

**Easement** – A grant by the property owner to the public, a utility, or another person or entity for the use of a strip of land for specific purposes.

**Grade** – The slope of roads, streets or other public ways specified in percentage terms.

**Landlocked** – A developable tract of land entirely or almost entirely surrounded by lots, development, flood plain or severe topography without a street or public access.

**Lot** – A parcel of land within a plat indicated on a subdivision as a numbered, lettered or otherwise identified parcel of land to be offered for sale, dedication or development and which may be described by reference to lot, block and plat name designation only, without reference to metes and bounds.

**Lot split** - The division of a platted lot into not more than two (2) lots, each of which continues to meet minimum frontage and area standards as set forth in the City of Hamilton Zoning Regulations.

**Major Street Plan** – The Section of an adopted City Plan dealing with streets and the accompanying major street map.

**Minor subdivision** - Subdivision of land into no more than five (5) contiguous lots in which no substandard-sized lots or new streets are created.

**Owner** - Any person or persons, firm, corporation, partnership, limited liability company, or any other legal entity having an ownership interest to the land.

**Parcel or tract** - All of the contiguous land under single ownership whether single or multiple lots, or a single legal description, or several combined legal descriptions.

**Pedestrian Way** – A right-of-way easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Plat** – A map indicating the subdivision or re-subdivision of land. A plat sets forth the division of land by indicating the size and area of each lot and/or block shown on the plat including streets, easements,

setback lines, and other features relevant to the subdivision. A plat is intended to be filed for record or has been filed for record and is prepared by a Land Surveyor licensed by the State of Missouri.

**Replat** (Amended plat) - Any change to a previously-approved and recorded subdivision plat.

**Resubdivide** – Any change in the division of a tract or block of land that affects any lot line or parcel boundary, including lot splitting or replat, but excluding combining lots.

**Right-of-Way** – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, utility line or pipe, water main, sanitary or storm sewer main or for another special use. A right-of-way is separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Street** – A right-of-way dedicated to the public use or a private right-of-way serving more than one (1) ownership which provides principal vehicular and pedestrian access to adjacent properties and is intended for general traffic circulation.

**Street Classifications**

1. Arterial street – a major street, highway or roadway designated as such on the adopted Major Street Plan.
2. Collector street – a street which collects traffic from local streets and is designated as a collector street on the City’s Major Street Plan and may include the principal entrance streets of a residential development and streets for circulation within such development.
3. Cul-de-sac – a street having one (1) end open to traffic and being permanently or temporarily terminated by a permanent vehicle turnaround.
4. Frontage roads – a minor street which is parallel and adjacent to an arterial or collector street and provides access to abutting properties.
5. Local street – a minor street which is not designated as an arterial or collector street or state or federal highway.
6. Major street – any arterial or collector street as shown on the adopted City Major Street Plan and all state or federal highways in the City.

**Subdivider** - Any person dividing or proposing to divide land so as to constitute a subdivision including any agent of the subdivider.

**Subdivision** – The division or redivision of a parcel of land into two (2) or more lots or other divisions of land which is set forth on a plat and has been filed for record; it includes resubdivision, and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**Zoning Ordinance** – The Zoning Ordinance of the City of Hamilton, Missouri, which regulates the use of land, density of development, height of structures, building setbacks and open space requirements within various districts of the City.

### Article III. Design Standards.

1. Purpose. The quality of design of the urban area is dependent on the quality of design of the individual plats and subdivisions that compose it. Therefore, the design of each plat shall be prepared in accordance with the objectives established by the adopted City plan for land use, traffic circulation and utility services. The arrangement of lots and blocks and the street system shall be designed to make the most advantageous use of existing topography and natural physical features including tree masses and large individual trees. Adjacent properties should be considered in the plat design and shall not be landlocked. Streets and sanitary sewers shall be designed and shown on plans signed and sealed by a professional engineer licensed by the State of Missouri.
2. Compliance required. Prior to acceptance by the City of new streets constructed within the corporate limits of the City or in adjacent areas anticipated or proposed to be annexed to the corporate limits of the City, the new streets, when constructed, shall meet certain minimum requirements as set forth in this Chapter.
3. Blocks.
  - (a) Residential blocks shall not exceed one thousand two hundred (1,200) feet in length except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways or easements through the block may be required near the center of the block by the Board of Aldermen. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Such pedestrian ways shall be constructed by the Developer of such designs as approved by the Developer.
  - (b) Blocks for business use should normally not exceed six hundred (600) feet in length.
  - (c) Width of blocks – in residential plats interior blocks shall have sufficient width of provide for two (2) tiers of lots of appropriate depths. Exceptions will be permitted for exterior blocks that border the plat boundary or blocks adjacent to major streets, railroads or waterways. Blocks intended for commercial or industrial use shall be of such width and depth as may be considered most suitable for the prospective businesses.
  - (d) When a tract is platted for subdividing into larger than normal lots and blocks, such parcels shall be so arranged as to permit logical platting with provisions for adequate easements for streets and utilities.
4. Streets.
  - (a) Major Streets. Arterial and collector streets through plats shall conform to the City's major street plan. Wherever a plat abuts or is divided by a major street designated by the City plan, the Developer shall dedicate any lands within such plat that are necessary to provide conformity with the major street plan. Such dedication shall be shown on the plat and the Developer shall receive no compensation for such dedication.
  - (b) Local Streets. Local streets shall be so designated to provide access to each lot or parcel of land and in a manner that will discourage use by through or non-local traffic.

- (c) Cul-de-sacs. Cul-de-sacs shall normally be no longer than seven hundred fifty (750) feet and shall terminate in circular paved space having a minimum radius of thirty-seven and one-half (37 ½) feet to outside pavement or curb.
- (d) Right Angle Intersections. Under normal conditions, streets shall be laid to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be seventy (70) degrees.
- (e) Frontage Roads. Whenever a plat abuts or contains an existing or proposed major street, railroad or non-residential land use, the Planning and Zoning Commission may require frontage roads, screen plantings, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (f) Half-Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformance with the requirements of this Chapter and where the Board of Aldermen finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other side of the street shall be platted within such tract.
- (g) Minimum Dimensions. All streets included in any plat, hereafter dedicated and accepted, shall not be less than the minimum dimension for each classification as follows:

Classification	Width (feet) R/W Pavement		Max Grade of Streets
Arterial street	60	36	6%
Collector street	50	30	8%
Local streets	50	28	8%
Frontage roads	50	30	8%
Cul-de-sac street	50	30	8%
Turnaround, diameter	90	75	8%

- (h) Street Alignment. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
  - i. Horizontal alignment: Radii at the centerline:
    - 1. Major streets – 300 feet
    - 2. Local streets – 100 feet
  - ii. Vertical alignment. All changes in street grade shall be connected by vertical curves of such length as to provide for desirable sight distance.
- (i) Tangents between reverse curves. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets in subdivisions meeting the requirements of this Chapter.
- (j) Angle of intersection. Streets in subdivisions meeting the requirements of this chapter shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.

- (k) Rounding property lines at intersections. Property lines at street intersections in subdivisions meeting the requirements of this chapter shall be rounded with a radius of twenty (20) feet or of a greater radius where the planning commission may deem it necessary. The Board of Aldermen may permit comparable cutoffs or chords in place of rounded corners.
- (i) Street Jogs. Streets with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- (j) Dead-end streets. Dead-end streets, designed to be so permanently (i.e. a cul-de-sac), in subdivisions meeting the requirement of this Chapter shall not be longer than seven hundred fifty (750) feet and shall be constructed with a traffic circle at the closed end of the street, or other similar means for traffic to turn around having an outside roadway diameter of at least seventy-five (75) feet.
- (j) Street Names. Streets that are obviously in alignment with existing streets shall bear the same names. No street names in subdivisions meeting the requirements of this Chapter shall be used which will duplicate or be confused with the names of existing streets located in Caldwell County, Missouri. Street names shall be subject to the approval of the Board of Aldermen.
- (k) Street Signs. The Developer shall install street name signs in accordance with the specifications of the City requirements as approved by the City Administrator for designated official.
- (l) Reserve strips controlling access. Reserve strips controlling access to streets in subdivisions meeting the requirements of this Chapter shall be prohibited except where their control is definitely placed in the City under conditions approved by the City.
- (m) Adjoining Street System. Where the plat to be submitted includes only a part of the tract owned or intended for development by the Developer, a tentative plan of a proposed future street system for the unplatted portion shall be prepared and submitted by the Developer. Where it is obvious a street from another development should or could continue across the planned development, the plan shall provide for continuation of this street through the development.
- (n) Street Specifications. All streets shall conform in location and alignment to the City's major street plan and shall be graded to their full width, including side slopes to the appropriate grade. Underdrains shall be constructed for storm drainage and unless waived by the Board of Aldermen all streets shall be bordered with a Portland cement curb and gutter having a minimum width of twenty-four (24) inches and a configuration approved by the City. All streets shall be paved with Portland cement concrete or asphaltic concrete as specified by the City's engineer and will include the following minimum pavement construction standards:
  - a. Subgrade preparation. All fill material shall be thoroughly compacted, prior to placement of any pavement. The top six (6) inches of the subgrade shall be scarified and compacted the entire width of the road bed and one (1) foot beyond the back of curbs.
  - b. Portland cement concrete pavement. All construction of concrete pavement shall be done in accordance with Division 500 of the Missouri Standard Specification for Highway Construction. All streets shall be built to the width and depth specified in (c).



c. The following minimum width and depth specifications shall be required for curbs and streets:

	Major Highway	Arterial Street	Collector Streets	Residential Streets	Industrial Area	Business District
Minimum right-of-way width	70'	60'	50'	50'	60'	80'
Minimum pavement width B-B	30'	36'	30'	28'	38'	48'
Portland cement concrete thickness	10"	8"	7"	6"	8"	8"
Reinforcement	yes	yes	no	no	yes	yes
Asphalt Thickness	10"	8"	7"	6"	8"	8"
Black base	4"	3"	no	no	3"	3"
Maximum curvature	7°	10°	12°	30°	30°	12°
Maximum gradient	4%	6%	8%	8%	5%	5%
Lane width	12'	12'	12'	12'	12'	12'
Parking width	none	1 side 8'	none	none	1 side 10'	12'
Shoulder	10'	8'	4'	4'	none	none
Curb height	6"	6"	6"	4" roll over	6"	6"
Crown	3 ½"	4"	3 ½"	3 ¼"	4 ½"	5 ¾"

(o) Sidewalks. Unless waived by the Board of Aldermen, concrete sidewalks shall be constructed along at least one (1) side of every local street shown on the plat and along both sides of all major streets. The City may require the construction of sidewalks within the proposed subdivision to connect with existing or proposed sidewalks in areas adjacent to the plat where such sidewalks are needed for pedestrian circulation. Sidewalks shall be four (4) feet wide with four (4) inches of concrete and at driveway crossings there shall be a minimum of six (6) inches of concrete. All sidewalks shall conform to current accessibility standards of the Americans with Disabilities Act (ADA). Public sidewalks shall be natural concrete gray tone in color and shall have a uniform, level, broom finish texture. No cobblestone, stamped or other irregular finish shall be permitted other than required by the Americans with Disabilities Act (ADA) 4.29.2 and APPA A4.29.2, Detectable Warnings on Walking Surfaces.

5. Submittal of Plans. Prior to paving any streets, the Developer must submit to the City Administrator (or designated official) for approval a plan showing proposed street grades and any required drainage structures on plans signed and sealed by a professional engineer.

6. Quality of Workmanship. All work must be done in a workmanlike manner and must be approved in writing by the City Administrator (or designated official) prior to acceptance by the Board of Aldermen. Any improvement not found acceptable by the City Administrator (or designated official) shall remain the responsibility of the Developer until all corrections have been made and the

Board of Aldermen accepts it. The Developer shall provide to the City acceptable guarantees that the work will be free of defects for a period of 2 years after acceptance by the City.

7. Alleys. Alleys shall be provided in commercial and industrial districts, except that the requirements may be waived where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking area consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided wherever possible.
8. Easements. Permanent utility easements acceptable to the City shall be provided, along streets and in such other areas as necessary to serve the area being developed and for future developments or needs of the City, through each block to logically serve every future lot or parcel. When utility easements cross streets, they shall align for at least fifty (50) feet on either side of the street right-of-way. All utility easements shall be at least fifteen (15) feet wide. Utility easement requirements may be waived by the Board of Aldermen when alleys are provided for the placement of utility services.
9. Drainage Ways. Drainage easements shall be required in addition to other easements where a plat is crossed by a watercourse, pipes, structures, drainage channel, stream or where required by the City Administrator (or designated official) to provide adequate drainage. All storm drainage shall be in accordance with the City's storm drainage management ordinance.
10. Parks. All Developers are urged to consider the dedication of land for park, recreation and public use. When the City Plan indicates a park, playground or school should be located in the area of the proposed plat, the Developer shall duly consider the public needs and reserve such sites until the appropriate public boards have had an opportunity to negotiate terms of purchase, trade, dedication or any combination thereof with the Developer.
11. Lots.
  - (a) Every lot shall be designed to provide a satisfactory and desirable building site and shall abut on a street and a utility easement.
  - (b) Residential lots shall front upon local streets or frontage roads rather than major streets whenever possible.
  - (c) Subdivision or resubdivision of a tract, block or lot shall not be permitted where it would create a lot or parcel or place an existing structure in violation of the requirements of the zoning ordinance.
12. Lighting.
  - (a) Lighting shall be provided in accordance with standards required by ordinance.
  - (b) Lighting to enhance public safety shall be provided by the Developer at street intersections, along sidewalks and walkways, at entryways, between buildings and in parking areas as determined by the City.
  - (c) Height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents and the design of lighting standards shall be of a type appropriate to the development and the City.

- (d) Spotlights, if used, shall be placed on light standards pointing toward the building and positioned so as not to blind residents, rather than on buildings and directed outward which creates dark shadows adjacent to the buildings.

#### **Article IV. Application Procedures.**

1. Purpose. This Article is intended to avoid confusion or undue hardships for either the Developer or the City during the planning process. A step-by-step procedure for platting and subdividing land is outlined for the Developer and the City.
  
2. Procedure for Minor Subdivision. Whenever the owner of a tract or parcel of land within the limits of the City wishes to make a minor subdivision of the same, the owner shall comply with the following requirements:
  - (a) The owner shall confer with the City Administrator, or designated official, as to the City's requirements, become familiar with all ordinances pertaining to procedure and requirements for subdivision of land, and pay a filing fee of two hundred dollars (\$200.00) or as otherwise provided by City ordinance.
  - (b) The owner shall prepare and submit to the City two (2) copies of a preliminary plat of the proposed minor subdivision. Such preliminary plat shall be drawn to scale of not less than one (1) inch to one hundred (100) feet showing:
    - i. The location of the entire tract being subdivided;
    - ii. The boundary, dimensions and area (in acres and square feet exclusive of easements for roads and driveways) of each proposed lot;
    - iii. The location of any existing structures and its distance from the nearest boundary;
    - iv. Existing roads and other easements;
    - v. Provision shall be made for sewer and public utility easements to serve each of such lots and such easements shall be shown on the plat;
    - vi. The building or setback lines required by the applicable zoning ordinance;
    - vii. Topographical data may be required when the City, in its discretion, determines that variation in elevations warrants the showing of such data;
    - viii. Be certified by a registered Land Surveyor;
    - ix. Existing and proposed utility lines including, but not limited to: sanitary sewer, storm sewer, water, and electric.
  - (c) The preliminary plat shall be recommended for approval or rejection by the City Administrator, or designated official, within fifteen (15) days of the date received.
  - (d) After the City Administrator's, or designated official's recommendation of the preliminary plat, the Applicant shall submit to the City a final plat of the minor subdivision consisting of a final map showing all items required on the preliminary plat, as corrected or changed, and the approval by the City as to the availability of water and sewer service.
  - (e) The Applicant shall file in the City Clerk's office three (3) copies of the final plat. All plats filed under this Article and the information required thereon shall be certified by a licensed surveyor of the State of Missouri.
  - (f) The final plat shall be presented to the Commission for its recommendation, and ten to the Board of Aldermen for its approval or rejection, and the action of the Board of Aldermen shall be final.

3. Procedure for Other Subdivisions.

- (a) Step 1. The Developer must submit a preliminary plat that complies with all requirements set forth in Article IV.2 above for minor subdivisions as well as the following:
  - i. A formal irrevocable offer of the owner for dedication to public use of all streets, alleys, parks, public lands, shown thereon, and the granting of all easements required.
  - ii. A statement on the plat which states that when the City accepts the street right-of-way shown on the plat as property, the City is under no obligation to improve the streets or to accept the streets for public maintenance.
- (b) Step 2. The City Administrator, or designated official, will advise the Planning and Zoning Commission of the proposed subdivision.
- (c) Step 3. The Planning and Zoning Commission at the next regular meeting occurring seven (7) days or more after the preliminary plat, filing fee, dedication, etc., is filed shall consider the plat. The Commission shall arrive at a decision on the preliminary plat within sixty (60) days of the first (1st) meeting, except the Commission with the consent of the Developer may extend the sixty (60) day period.
  - i. If approved by the Commission, the plat shall be sent to the Board of Aldermen for tentative approval by the City of the dedication to public use of any street and public ground shown on the plat; or
  - ii. If approved with conditions, the Developer shall revise the preliminary plat to conform to such conditions, then proceed with Step 5; or
  - iii. If the Commission cannot reach a decision within the time period, the Developer may proceed to Step 4; or
  - iv. If rejected, the Commission shall provide a written statement to the Developer stating the grounds for rejection addressing:
    - 1. Plat subdivision requirements;
    - 2. Current zoning requirements;
    - 3. The major street plan, as adopted;
    - 4. The intent of the adopted City plan; and
    - 5. Other pertinent considerations.
- (d) Step 4. The Board of Aldermen shall review all preliminary plats approved or rejected by the Commission and may tentatively approve the preliminary plat.
- (e) Step 5. The Developer shall proceed with the preparation of the final subdivision plat. Applications for approval of the final plat required by this chapter shall be submitted in writing to the planning commission at least thirty (30) days prior to the meeting at which the final plat is to be considered. The final plat required by this chapter shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter.
- (f) Step 6. The Developer shall file the following with City:
  - i. The original drawing and three (3) copies of the final subdivision plat or proposed subdivision drawing at the one (1) inch equals one hundred (100) foot scale.
  - ii. The final plat meeting the requirements of this Article shall be drawn in ink on sheets a minimum of eighteen (18) inches wide by twenty-four (24) inches long (or a maximum of twenty-four (24) inches wide by Thirty-six (36) inches long) and shall be at a scale of one hundred (100) feet to one (1) inch or larger or in electronic form is approved by the City. Where necessary, the plat may be on several sheets accompanied by an index sheet

showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning commission. The final plat shall show the following:

- (1) Survey control points, defined as key survey points, approved by the City, or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred and survey coordinates;
  - (2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves;
  - (3) Name and right-of-way width of each street or other right-of-way;
  - (4) Location, dimensions and purpose of any easements;
  - (5) Number to identify each lot or site;
  - (6) Purpose for which sites, other than residential lots, are dedicated or reserved;
  - (7) Minimum building setback line on all lots and other sites;
  - (8) Location and description of monuments;
  - (9) Certification by the surveyor certifying the accuracy of the survey and plat;
  - (10) Certification of title showing that the applicant is the landowner;
  - (11) Statement by the owner dedicating streets, rights-of-way easements and any sites for public uses;
  - (12) Title, scale, north arrow and date;
  - (13) A filing fee of fifteen dollars (\$15.00) per lot.
- (g) Step 7. The Commission shall consider the final subdivision plat at the next regular meeting occurring seven (7) days or more after the filing and arrive at a decision within forty (40) days of the first (1st) meeting. The Commission shall make a recommendation of approval or rejection of the subdivision plat to the Board of Alderman.
- (h) Step 8. The Board of Aldermen will review the subdivision plat and the recommendation of the Commission and may give its final approval of the subdivision plat. The approval of the final subdivision plat shall be shown over the signature of the Mayor and attested to by the City Clerk on the original drawing. After approval, the Developer shall file the plat with the County Recorder's office. The recording fee shall be paid by the Developer and the City shall be provided at least 3 copies of the recorded plat.

#### **Article IV. Other Requirements.**

1. Shared private driveways. In "R-1" and "R-2" zoning districts, private driveways shall provide access to no more than two (2) single-family residences or no more than two (2) duplexes. Such shared driveways shall be located between the two (2) adjacent dwellings.
2. Landscaping. The Developer shall grade, seed and plant in an appropriate manner, to reduce erosion, all landscaped strips, parkways, buffer screened areas and open drainage areas dedicated to the public.
3. Sanitary Sewers. The Developer shall install sanitary sewers in the subdivision. Each lot shall be provided with a connection to a public sanitary sewer.

4. Storm Sewers. Adequate storm drainage facilities shall be provided to prevent the collection of surface water on any streets, cul-de-sac ends or in any low spots in the plat and to maintain a natural watercourse. All storm water drainage systems shall be separate and independent of the sanitary sewer system.
5. Sewer Stubs. The Developer shall install sewer stubs to all individual lots before curbing, guttering and paving are completed.
6. Water Lines and Fire Hydrants. The Developer shall install water lines and fire hydrants as shown in the approved preliminary plat. Installation shall be in accordance with the specifications and policies governing water line construction in the City, including water service stubs to the edge of the lots.
7. Other Utility Services. Utility services shall abut or adjoin on each lot platted and be installed prior to the sale of any lot or lots in the subdivision. Said utility service may be installed by boring under the pavement and curb, at the Developer's sole expense, when needed on a case-by-case basis with City Administrator's approval so that tearing up of the pavement will be avoided.
8. Pedestrian Ways. If the approved plans require any pedestrian ways, then the Developer, as part of the development, shall construct such pedestrian ways. The construction should be completed prior to acceptance of any streets in the development. The pedestrian ways will be constructed of asphalt unless the Board approves another material.
9. Inspections. The City is entitled to conduct inspections of construction as deemed necessary.
10. Acceptance of Improvements by City.
  - a. Upon completion of the project and installation of all improvements to minimum City specifications, the Developer may dedicate the streets, water lines and sewers to the City for its use and public maintenance. The City shall have no maintenance obligation until the City accepts such improvements and agrees to provide public maintenance by ordinance duly adopted. The Developer shall provide to the City acceptable guarantees that the work will be free of defects for a period of 2 years after acceptance by the City.
  - b. Any dispute arising in specification interpretation or construction methods shall be resolved by a registered professional engineer experienced in the disputed area, who is mutually acceptable to the City and Developer. The decision of the engineer shall be final and binding on both parties and his/her fee shall be paid one-third (1/3) by the City and two-thirds (2/3) by the Developer.

**Section 2.** That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

**Section 3.** It is the intent of the Board of Aldermen that this amendment be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen.

**Section 4.** That 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. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 9th day of August, 2017.

\_\_\_\_\_  
Travis Trospen, President of  
Board of Aldermen

Approved on this 9th day of August, 2017.

\_\_\_\_\_  
Winford Gilliam, Mayor

Attest: \_\_\_\_\_  
Debra Davis, City Clerk

