

Chapter 405

SUBDIVISION OF LAND

Cross References — As to city zoning and planning commission generally, §§400.280 — 400.290; as to buildings generally, ch. 500; as to mobile homes and mobile home parks generally, ch. 410; as to zoning generally, ch. 400; as to zoning district boundaries, these are on file in the city offices.

ARTICLE I

General Provisions

Section 405.010. Administration of Chapter. [R.O. 2012 §405.010; CC 1979 §28-1; Ord. No. A-3976 §4, 8-15-1978]

The provisions of this Chapter shall be administered by the Zoning and Planning Commission and the City Council.

Section 405.020. Interpretation and Purposes of Chapter. [R.O. 2012 §405.020; CC 1979 §28-2; Ord. No. A-3976 §2, 8-15-1978]

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services and safe streets.

Section 405.030. Scope of Chapter — Conflicting Provisions. [R.O. 2012 §405.030; CC 1979 §28-3; Ord. No. A-3976 §3, 8-15-1978]

This Chapter shall apply to any lot forming a part of a subdivision created and recorded after September 1, 1978. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

Section 405.040. Definitions. [R.O. 2012 §405.040; CC 1979 §28-4; Ord. No. A-3976 §5, 8-15-1978; Ord. No. A-6631, 2-5-1998]

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

COMMISSION — The Zoning and Planning Commission of the City.

FINAL PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder for recording.

LOT — A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

OFFICIAL MAP — The map of the City showing its streets and alleys, subdivisions and other boundaries, as prepared by the City Engineer.

OWNER — Any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

PRELIMINARY PLAT — The preliminary map, drawing or chart indicating the proposed layout of a subdivision to be submitted to the Commission for its consideration.

STREETS AND ALLEYS

1. *Street*: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise.
2. *Alley*: A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
3. *Cul-de-sac or dead-end street*: A minor street with only one (1) outlet.
4. *Street width*: The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER — Any person commencing proceedings under this Chapter to effect a subdivision of land for himself/herself or for another.

SUBDIVISION

1. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided, that a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions, or a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street, shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
2. The regulations of Chapter 405 shall apply both to mobile home park development and to manufactured home subdivision development. The same platting procedure, approval procedure, preliminary and final plat, design standards and improvement procedures of Articles II and VI shall apply to mobile home parks as to manufactured home subdivisions.

Section 405.050. Compliance With Chapter. [R.O. 2012 §405.050; CC 1979 §28-5; Ord. No. A-3976 §6, 8-15-1978]

Except as provided in this Chapter, no person shall subdivide any tract of land which is located within the City except in conformity with the provisions of this Chapter.

Section 405.060. Variances. [R.O. 2012 §405.060; CC 1979 §28-6; Ord. No. A-3976 §13, 8-15-1978]

- A. The Commission, with the approval of the City Council, may authorize a variance from the regulations of this Chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission and Council shall prescribe only conditions that they deem necessary to or desirable for the public interest. In making its findings, the Commission and Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Council finds:
 - 1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land; or
 - 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
 - 3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- B. Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The application shall state fully the grounds for the application and all the facts relied upon by the petitioner. Such application shall be presented to the Council when the final plat is submitted.

ARTICLE II

Plats and Platting Procedure

Section 405.070. Plat Approval and Recording Prerequisite To Certain Actions — Changes in Plat After Approval. [R.O. 2012 §405.080; CC 1979 §28-8; Ord. No. A-3976 §7, 8-15-1978]

- A. *Recording Of Plat.* No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed in this Chapter. In the event any such unapproved plat is recorded, it shall be considered invalid.
- B. No owner, or agent of the owner, of any land located within the platting jurisdiction of any municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Council and recorded in the office of the County Recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such Council and the sale is contingent upon the approval of such plat by such Council. Any person violating the provisions of this section

shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) 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. A municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

- C. *Issuance Of Permits.* The Building Inspector shall not issue building or repair permits for any structure on a lot in a subdivision to which this Chapter is applicable, for which a plat has not been approved and recorded in the manner prescribed herein.
- D. *Public Improvements.* The City will withhold all public improvements and services of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and electric and water service, from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed in this Chapter.
- E. *Revision Of Plat After Approval.* No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission and endorsed in writing on the plat, unless such plat is first resubmitted to the Commission and the same is approved by the Commission and by the City Council, when required.

Section 405.080. Approval Procedure. [R.O. 2012 §405.090; Ord. No. A-6186 §1, 10-2-1995; Ord. No. A-6952 §1, 5-10-2000; Ord. No. A-7051, 7-27-2001; Ord. No. 7365, 11-13-2003]

Preliminary plats are approved by the Zoning and Planning Commission and by the City Council, in accordance with Subsection (A) below. Final plats are approved by the City Council in accordance with Subsection (B) below.

A. *Preliminary Plat.*

- 1. *Contents generally.* The preliminary plat shall show, on a map, all the facts needed to enable the Commission and the City Council to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest, including the information and in the form prescribed by Article III of this Chapter.
- 2. *Preparation.* The preliminary plat shall be prepared by a registered engineer or surveyor.
- 3. *Filing.* The subdivider, thirty (30) working days prior to the Commission meeting at which consideration is desired, shall file an application for preliminary approval and at least five (5) paper copies of the preliminary plat with the Building and Zoning Department, according to the standards and other provisions of this Chapter. [Ord. No. 8479, 10-20-2016]
- 4. *Approval.*
 - a. *Time requirement.* The Commission shall act on the preliminary plat within forty-five (45) days after filing, unless such time is extended by agreement with the subdivider or his/her agent. If no action is taken by the Commission within

such forty-five (45) days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved, and it shall be the duty of the Chairman of the Commission to comply with Subsection (A)(4)(b).

- b. *Notice of action taken.* The Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved and shall give notice to the subdivider and the City Council in the following manner:
 - (1) If approved, the Chairman of the Commission shall affix his/her signature to the plat and attach thereto a notation that it has received preliminary approval and forward to the City Council for approval.
 - (2) If approved with modifications or disapproved, the Chairman of the Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider.
 - (3) In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the Commission.
- c. *Effect of approval.* Approval of the preliminary plat by the Commission shall not constitute acceptance of the subdivision by the Council.
- d. Following approval of the preliminary plat by the Commission, the City Council shall consider and approve the preliminary plat in the same manner.
- e. *Right of subdivider after approval.* Preliminary approval by the Commission and the City Council shall confer upon the subdivider the right for a one (1) year period from the date of the approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

B. *Final Plat.*

- 1. *Scope.* The final plat will have incorporated all changes or modifications required by the Zoning and Planning Commission or the City Council; otherwise, it shall conform to the preliminary plat, and it may constitute only that portion or phase of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, that such portion or phase conforms with all the requirements of this Chapter.
- 2. *Preparation.* The final plat shall be prepared by a registered engineer or surveyor.
- 3. *Filing.*
 - a. *Required items.* After receiving notice of the action of the Commission and the City Council approving the preliminary plat, the subdivider shall proceed to file with the City Council:
 - (1) Four (4) paper copies and one (1) mylar copy of the final plat. [Ord. No. 8479, 10-20-2016]

- (2) A written application for final approval.
 - (3) A statement by the City Engineer certifying that he/she is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed.
 - (4) Developer shall provide final certification from the engineer of record that all infrastructure, including water mains, sewer mains, storm sewers, storm water detention, streets and curb and gutter has been inspected by the engineer and constructed by the developer in accordance with the requirements of the Monett City Code, and will function to meet the minimum standards of the City of Monett and the State of Missouri.
- b. *Time limits.* The final plat shall be filed not later than one (1) year after the date of approval of the preliminary plat; otherwise, it will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Council. The final plat shall be filed at least ten (10) working days prior to the City Council meeting at which it is to be considered. The final plat shall be considered officially filed after it is examined by the Council and is found to be in full compliance with the formal provisions of this Chapter accepted by the Council, with approval by the Council certified thereon.
- c. *Recording.* The subdivider shall record the final plat in the office of the County Recorder within thirty (30) days after the date of approval; otherwise, the final plat shall be considered void.

ARTICLE III

Preliminary Plat Form and Contents

Section 405.090. Form. [R.O. 2012 §405.100; CC 1979 §28-10; Ord. No. A-3976 §11, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000; Ord. No. 8479, 10-20-2016]

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than twenty-four (24) inches by thirty-six (36) inches. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required. Five (5) paper copies are required.

Section 405.100. Contents. [R.O. 2012 §405.110; CC 1979 §28-11; Ord. No. A-3976 §11, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000]

A. The preliminary plat shall contain the following information:

1. *General information.*

- a. *Proposed name of the subdivision.* The name shall not duplicate, be the same in spelling as or be alike in pronunciation with the name of any other recorded subdivision.
- b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.

- c. Names and addresses of the subdivider, owner and engineer or surveyor.
 - d. Location by Section, Town, Range, Township, County and State.
 - e. Names of streets within the adjoining land.
 - f. All parcels of ground within the subdivision to be reserved for public purposes, whether they are intended for avenues, streets, alleys, commons or other public uses.
 - g. All lots by numbers and the precise lengths and widths thereof.
 - h. The scale and the direction of north and the date of preparation shall be accurately noted on the plat.
 - i. The location of the subdivision to block or section of the United States survey shall be shown, and if such subdivision is intersected by or abuts on a quarter section or section line or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location reported to be platted can be determined by the inspection of the plat.
2. *Existing conditions.*
- a. Boundaries of the subdivision indicated by a heavy line and the approximate acreage.
 - b. Location, widths and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section and corporation lines.
 - c. Zoning districts, if any.
 - d. Drainage channels, wooded areas, power transmission poles and lines and any other significant items should be shown.
3. *Proposals.* Location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use.
4. *Other information.*
- a. Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry, so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
 - b. Proposed covenants and restrictions.
 - c. Source of water supply.
 - d. Provisions for sewage disposal, drainage and flood control.
 - e. If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.

ARTICLE IV
Final Plat Form and Contents

Section 405.110. Form. [R.O. 2012 §405.120; CC 1979 §28-12; Ord. No. A-3976 §12, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000; Ord. No. 8479, 10-20-2016]

The final plat shall be clearly and legibly drawn. The size of the map shall not be less than twenty-four (24) inches by thirty-six (36) inches. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required. Four (4) paper copies and one (1) mylar copy are required.

Section 405.120. Contents. [R.O. 2012 §405.130; CC 1979 §28-13; Ord. No. A-3976 §12, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000]

A. The final plat shall include:

1. *General information.*

- a. Name of the subdivision.
- b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- c. Names and addresses of the subdivider, owner and engineer.
- d. Location by Section, Town, Range, Township, County and State.
- e. Names of streets within the adjoining plat.
- f. All parcels of ground within the subdivision to be reserved for public purposes, whether they are intended for avenues, streets, alleys, commons or other public uses.
- g. All lots by numbers and the precise lengths and widths thereof.
- h. The scale and the direction of north and the date of preparation shall be accurately noted on the plat.
- i. The location of the subdivision to block or section of the United States survey shall be shown, and if such subdivision is intersected by or abuts on a quarter section or section line or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location reported to be platted can be determined by the inspection of the plat.

2. *Existing conditions.*

- a. All plat boundaries.
- b. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat.

- c. Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distance and bearings.
 - d. Accurate location of all monuments.
3. *Survey data.*
- a. Lengths of all arcs, radii, internal angles, points of curvature and tangent bearings.
 - b. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the width at the building line.
4. *Drafting of plat.* Date of preparation, scale of map and north points.
5. *Proposals.*
- a. All easements for rights-of-way provided for public services or utilities, and any limitations of such easements.
 - b. All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk-way lines.
 - c. Accurate outlines of any areas to be dedicated or temporarily reserved for public use, with the purpose indicated thereon.
 - d. Building setback lines, with dimensions.
6. *Other information.*
- a. Protective covenants shall be shown on the plat.
 - b. City Engineer's certificate as required under Section 405.080(B)(3)(a)(3).
 - c. Certification shall be furnished from the City Collector that all taxes and assessments have been paid on the land within the proposed subdivision.
 - d. If a zoning change is involved, certification from the Zoning and Planning Commission shall be furnished indicating that the change requested has been approved and is in effect.
 - e. Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him/her, and that all monuments shown thereon actually exist, and that their location is correctly shown.
 - f. An acknowledgment by the owners of their adoption of the plat and of the dedication of streets and other public areas.

ARTICLE V
Design Standards

Section 405.130. Conformity To Official Map. [R.O. 2012 §405.140; CC 1979 §28-14; Ord. No. A-3976 §9, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000]

The proposed subdivision shall conform to the Official Map.

Section 405.140. Streets. [R.O. 2012 §405.150; CC 1979 §28-15; Ord. No. A-3976 §9, 8-15-1978; Ord. No. A-6460 §1, 2-28-1997; Ord. No. A-6630, 2-5-1998; Ord. No. A-6739 §1, 9-3-1998; Ord. No. A-6952 §1, 5-10-2000; Ord. No. 7423, 6-1-2004]

- A. *Conformity To Official Map, Etc.* The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map, the arrangement and other design standards of streets shall conform to the provisions found herein.
- B. *Relation To Adjoining Street System.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- C. *Projection Of Streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
- D. *Streets To Be Carried To Property Lines.* When a new subdivision adjoins unsubdivided land susceptible of being subdivided, the new streets shall be carried to the boundaries of the tract proposed to be subdivided. Permanent dead-end streets shall terminate in a cul-de-sac. Temporary dead-end streets, designated for eventual continuation onto unsubdivided land, shall terminate in either a temporary cul-de-sac, an alternate configuration such as a tee, or other approved design. Such temporary turnaround areas may be paved with six (6) inch Type 1 compacted base rock, and may be on easements granted to the City of Monett. Minimum area of each side of the tee shall be twenty-five (25) feet by twenty-five (25) feet. The easements shall be released whenever the adjoining land is subdivided and the street is properly extended.
- E. At least one (1) new street shall be carried to the boundaries of adjacent tracts susceptible of being subdivided on each side of each new subdivision, in at least every one-quarter (¼) mile, unless technically or topographically impracticable to do so.
- F. *Street Jogs.* Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- G. *Street Widths And Cul-De-Sac.*
 - 1. *Street designs.* Streets shall have right-of-way widths, pavement widths, and cul-de-sac lengths as follows:
 - a. *Zoning District "A", "MH" and mobile home parks.* Must have a minimum right-of-way width of fifty (50) feet; minimum pavement width of twenty-six (26) feet; and a maximum cul-de-sac length of three hundred (300) feet.
 - b. *Zoning Districts "B", "C", "D" and "AG".* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-sac length of three hundred (300) feet.
 - c. *Zoning District "MD" feeder streets.* Must have a minimum right-of-way width of fifty (50) feet; minimum pavement width of twenty-six (26) feet; and a maximum cul-de-sac length of six hundred (600) feet.

- d. *Zoning District "MD" collector streets.* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-sac length of six hundred (600) feet.
- 2. Pavement width specified is exclusive of the curb and gutter. Cul-de-sac diameter shall in all Zoning Districts be a minimum one hundred (100) feet diameter to property line, minimum eighty (80) feet diameter paved surface.
- H. *Intersections.* The intersection of more than two (2) streets at one (1) point shall be avoided, except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible. Street intersections shall be rounded with a radius of twenty (20) feet measured at the back of curbs when such intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Commission.
- I. *Subdivision Into Tracts Larger Than Ordinary Building Lots.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
- J. *Half Streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Chapter and where the Commission 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 half of the street shall be platted with such tract.
- K. *Street Names And Numbers.* Names of new streets shall not duplicate or sound similar to existing or platted street names, unless a new street is a continuation of or in alignment with the existing or platted street. The names of streets shall be subject to approval by the City Council.
- L. *Access To Streets Across Ditches.* The subdivider shall provide access to all proposed streets, across all ditches, in a method approved by the City Engineer, which approval shall not be unreasonably withheld.
- M. *Vacation Of Streets.* The Council shall not vacate any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.
- N. *Private Streets And Cross-Access Easements.* Private streets shall not be approved nor shall public improvements be approved for any private street in a residential subdivision. Cross-access easements shall be permitted in commercial or industrial subdivisions to allow access from one lot to another and to a City street. Construction and maintenance of the drives in the cross-access easements shall be the responsibility of the property owners.
- O. *Arrangement To Avoid Hardship To Owners Of Adjoining Property.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting and providing convenient access to their own land.

Section 405.150. Easements. [R.O. 2012 §405.160; CC 1979 §28-16; Ord. No. A-3976 §9, 8-15-1978;

Ord. No. A-6952 §1, 5-10-2000]

- A. *Utilities.* Easements with a right-of-way width of ten (10) feet shall be provided on each side of all front lot lines and along side lot lines where necessary for utilities.
- B. *Drainage.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement of drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction as will be adequate for the purpose.

Section 405.160. Blocks. [R.O. 2012 §405.170; CC 1979 §28-17; Ord. No. A-3976 §9, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000]

Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

Section 405.170. Lots. [R.O. 2012 §405.180; CC 1979 §28-18; Ord. No. A-3976 §9, 8-15-1978; Ord. No. A-6952 §1, 5-10-2000]

- A. *Dimensions.* Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.
- B. *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a street that has received legal status as such.
- C. *Lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- D. *Corner Lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. *Uninhabitable Lots.* Lots subject to flooding and lots deemed by the Commission to be uninhabitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- F. *Lot Remnants.* All remnants of lots below minimum size, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels.

ARTICLE VI Improvements

Section 405.180. Required Improvements Enumerated. [R.O. 2012 §405.190; CC 1979 §28-19; Ord. No. A-3976 §10, 8-15-1978; Ord. No. A-6628 §1, 1-20-1998; Ord. No. A-6828, 5-3-1999; Ord. No. A-6829, 5-3-1999; Ord. No. A-6952 §1, 5-10-2000; Ord. No. A-7096, 10-26-2001]

- A. Prior to the granting of final approval of a final plat by the City Council, the subdivider shall have installed, or shall have furnished the prescribed bond or deposit for the ultimate

installation of, the following:

1. *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size and length as may be approved by the City Engineer.
2. *Streets.*
 - a. *Surfacing.* All streets shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the City Engineer.
 - b. *Curbs, gutters and drainage.* Curbs and gutters on each street, drainage and drainage structures shall be constructed in accordance with standard specifications of the City. Such construction shall be subject to the inspection and approval of the City Engineer.
3. *Water supply.*
 - a. *Accessible public water supply.* Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. Extensions of water mains shall be constructed and paid for as provided by this Code and other ordinances of the City. All connections shall be subject to the approval of the City Engineer.
 - b. *Non-accessible public water supply.* In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness and potableness of the water supply shall be subject to the approval of the State Health Department.
4. *Sanitary sewer system.*
 - a. *Accessible public sanitary sewer.* Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer.
 - b. *Non-accessible public sanitary sewer.* Where a public sanitary sewer is not reasonably accessible, sanitary sewage disposal facilities shall be constructed in compliance with this Code and other ordinances of the City and laws of the State.
5. *Storm water management.* Storm water management shall be provided in accordance with Chapter 525.
6. Prior to the granting of final approval, the subdivider shall submit a projected completion date of the improvements enumerated in this Article and the prescribed bond or deposit shall guarantee performance of same prior to the projected

- completion date. Upon expiration of the projected completion date, the subdivider may, for good cause shown, request an extension of the projected completion date, provided that the prescribed bond or deposit guarantees performance of the improvements enumerated in this Article prior to the expiration of the new projected completion date.
7. Prior to any subdivider or owner occupying any building or structure in the subdivision, and prior to the City granting any occupancy permit for such building or structure, the subdivider shall actually have installed all of the improvements enumerated in this Article and same shall have been inspected, approved and accepted by the City.
 8. The prescribed bond or deposit shall be equal to one hundred twenty-five percent (125%) of the cost estimate of the improvements enumerated in this Article, based on the estimates of a licensed professional engineer registered in the State of Missouri, and based on the current State of Missouri Prevailing Wage Determination. The City may, in its discretion, employ its own licensed professional engineer to review the cost estimates provided by the subdivider and, if deemed necessary, require the subdivider to provide an increased bond or deposit to ensure the ultimate installation of all required improvements.
 9. Any cash deposit placed in the hands of the City under this Section shall be placed in a separate interest bearing checking account. Upon complete compliance of all required improvements enumerated herein, the funds deposited, plus interest earned thereon, shall promptly be refunded to the subdivider.
 10. The person submitting subdivision plans, engineering plans, storm water detention plans, water or sewer main plans, street plans or other such plans for review or approval, or any such person requesting engineering studies, shall pay all costs incurred by the City of Monett for engineering, engineering review, inspections, studies, publication costs or any other costs.

ARTICLE VII
Minor Subdivisions

Section 405.190. Minor Subdivision Procedure. [R.O. 2012 §405.200; Ord. No. A-6473 §405.200, 3-13-1997; Ord. No. A-6952 §1, 5-10-2000; Ord. No. 7208 §1, 8-20-2002]

- A. *Applicability And Intent.* The intent of this Article is to provide for the subdivision of a tract or lot into not more than five (5) lots, including any remainder proposed to be retained by the owner, provided that public improvements are not required and the resulting lots shall not again be divided without replatting. The Planning and Zoning Commission shall approve or disapprove minor subdivisions in accordance with the provisions of this Article.
- B. *Minor Subdivision Procedure And Approval.*
 1. An application for minor subdivision approval shall be submitted to the Building and Zoning Department no less than fifteen (15) days prior to the scheduled Planning and Zoning Commission meeting. The application shall be accompanied by four (4) paper copies and one (1) mylar copy of the following. [Ord. No. 8479, 10-20-2016]

- a. A certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of any structure(s) thereon, together with the exact nature, location and dimension of the proposed minor subdivision.
 - b. The minor plat shall be clearly and legibly drawn. The size of the map shall not be less than eighteen (18) inches by twenty-four (24) inches and shall be drawn to a scale of one (1) inch equals fifty (50) feet, and showing:
 - (1) Tract boundaries.
 - (2) Proposed general lot layout.
 - (3) Streets on and adjacent to the tract.
 - (4) Location of any easements.
 - (5) North point and approximate scale.
2. The Planning and Zoning Commission shall review applications for minor subdivisions based on the following guidelines:
 - a. No minor subdivisions shall be approved if:
 - (1) More than five (5) lots will be created.
 - (2) New streets or alleys are needed or proposed.
 - (3) A vacation of streets, alleys, easements, setback lines or access control is needed or proposed.
 - (4) There is less street right-of-way than required by the City Code, unless such dedication can be made by separate instrument.
 - (5) A substandard sized lot will be created.
 - (6) The subdivision will result in a lot or tract without direct sixty (60) foot frontage on a City street.
 - (7) The extension of a public water or sewer system is needed or proposed.
 - (8) The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots is needed or proposed.
 - (9) The subdivision will result in significant increases in utilities and services levels or will interfere with maintaining existing utilities and services (e.g., traffic control, street maintenance, etc.).
 - (10) The tract or lot to be subdivided has been previously created through the minor subdivision procedures of this Article.
3. The Planning and Zoning Commission shall make a determination within thirty (30) working days of the meeting at which the minor subdivision is considered. The Planning and Zoning Commission shall approve the proposed subdivision unless the proposed subdivision fails to comply with Section 450.200 or any other applicable

requirement of this Article. If the subdivision is disapproved, the Planning and Zoning Commission shall provide the applicant with a written statement of the reasons for denial within ten (10) days of action by the Planning and Zoning Commission.

4. Approval of the minor subdivision is contingent upon the survey being recorded within sixty (60) days after the date the Certificate of Approval is signed by the Planning and Zoning Commission Secretary.

C. *Certifications For Minor Subdivision.* The following certificates shall be signed and affixed to the minor subdivision survey and a certified copy shall be recorded in the Barry County Registry:

1. ***Certificate of Ownership***

I hereby certify that I am the owner of property described hereon, which property is within the jurisdiction of the City of Monett, Missouri and that I freely adopt this plan of subdivision.

_____ Owner

_____ Date

My Commission Expires: _____

2. ***Certificate of Approval***

I hereby certify that the minor subdivision shown on this survey does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in compliance with the City of Monett Subdivision Ordinance and that therefore this subdivision has been approved by the Monett Planning and Zoning Commission, subject to its being recorded in the Barry County Registry within sixty (60) days of the date below.

Date _____ Chairman, Planning and Zoning
Commission

3. ***Certificate of Survey and Accuracy***

I, _____, hereby state that the survey of the land herein described was prepared under my supervision and that the corner monuments and lot corner pins shown herein were placed under personal supervision of _____, in accordance with the Minimum Standards for Property Boundary Surveys, for the City of Monett, Missouri.

Date _____ Surveyor

_____ Registration No.

4. Legal description of subdivision and lots (to be entered on certification sheet).