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THE LAND

SUBDIVISION REGULATIONS

OF

PERRYVILLE, MISSOURI

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OF
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16.04.010 - Title and purpose.

This title shall be known, referred to and cited as "The Land Subdivision Regulations of Perryville, Missouri."

This title is to provide for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of Perryville, Missouri; for minimum requirements of the preliminary and final plats; for minimum standards of physical improvements in new subdivisions; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic for the health, safety, and general welfare of the community.

The rules and regulations governing the subdivision of land contained herein shall apply within the corporate limits of the city of Perryville, in accordance with the provisions of Chapter 89, Section 89.300 to 89.490, Revised Statutes of Missouri, and within future areas which may come under the jurisdiction of the city.

(Prior code Appx. A, Art. I)

16.04.020 - Definitions.

For the purpose of this title, certain words and terms used herein are defined as follows:

"Alley" means a permanent public serviceway, dedicated for or in public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for special accommodation to the back or side of abutting properties and not intended for general traffic circulation.

Area, Building. "Building area" means the total of areas, taken on a horizontal plane, at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Area, Net Site. "Net site area" means the total area within the property lines of the site, less the area of any street right-of-way.

"Barrier (natural or artificial)" means any street, highway, river, pond, canal, railroad, levee, embankment, berm, stream or drainage ditch, or screening by fence or hedge.

"Benchmark" means a definite point of known elevations and location and of more or less permanent character (generally indicated on USGS topographic maps).

"Block" means a unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, public parks, cemeteries, corporate boundary lines, or other barriers (except alleys, crosswalks or exterior boundaries of a subdivision, unless such exterior boundary is a street or highway), or any combination thereof.

"Building line/building setback line" means the line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

"Common land" means that land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty deed to trustees whose trust indenture will provide that the common land be used for the sole benefit, use and enjoyment of the lot owners, present and future. No lot owner shall have the right to convey his interest in the common land except as incident to the ownership of a regularly platted lot.

"Comprehensive plan" means the comprehensive plan of the city whether in whole or in part, prepared by the city planning commission and adopted by the board of aldermen, in accordance with the authority conferred by Chapter 89, Revised Statutes of Missouri.

"Cul-de-sac" means a short, local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

"Dead-end street" means a street having one end open to traffic and the other end closed.

"Design" means the arrangement of land for easement, lots and rights-of-way, including materials, improvements, alignment, grade and width of these elements.

"Drainage channel" means a natural watercourse or manmade indenture for the drainage of surface water.

"Drainage right-of-way" means the land required for the installation of storm sewers or drainage ditches, or required along the natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

"Easement" means a grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies, or private individuals.

"Escrow agent" means a title company, savings and loan association, trust company, reputable attorney or any other persons or agency approved by the city attorney to act as an escrow agent under the provisions of this title.

"Floodplain" means the area, usually lowlands, adjoining the channel of a river, stream, watercourse, lake or other body of standing water, which has been or may be covered by floodwaters.

"Flood-prone areas" means all land subject to periodic inundation by the overflow of natural waterways.

"Frontage" means all of the property fronting on one side of a street between the two nearest intersecting streets, or other natural or artificial barriers, including boundaries.

"Grade" means the slope of a road, street or sewer specified in percent and shown on road, street or sewer profiles as required herein.

"Hillside area" means all areas within a tract proposed for subdivision development with a slope of fifteen (15) percent or more.

"Hillside street" means a street in which the cross slope of the existing ground exceeds fifteen (15) percent and the centerline slope exceeds fifteen (15) percent.

"Improvements" means the totality of grading, crosswalks, culverts, bridges, sanitary and storm sewers, water mains, street surfaces and/or pavements, street and road signs, street lights, curbs and gutters, sewage treatment facilities, pedestrian ways, gas mains, landscaping, monuments, electric utilities, and all other appropriate improvements required to render land suitable for the use proposed.

"Improvement plans" means the engineering plans, prepared by a registered professional engineer, containing all profiles, specifications, construction details, and types of materials for all improvements, excluding dwelling units, to be installed for the development of a subdivision.

"Jurisdiction" means the corporate area of the city, or any areas which may subsequently come under the jurisdiction of the city.

"Lot" means a portion of a subdivision or other parcel of land intended to be separately owned, rented, leased, developed, or otherwise used as a unit, occupied or to be occupied by a building or group

of buildings and accessory buildings, together with such yards and lot area as required by this title, and having its principal frontage upon a street, road or place approved by the commission.

"Lot area" means the total horizontal area within the boundaries of a lot exclusive of any land designated for rights-of-way for street or roadway purposes.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets or road rights-of-way at their intersections.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

Lot, Double Frontage. "Double frontage lot" means a lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

"Lot lines" means the boundaries of a lot.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"Major street plan" means the official plans of highways, arterial streets, and collector streets, approved by the city planning commission, and duly recorded in the office of the county recorder of deeds.

"Monument" means an object set in the ground to mark the boundaries of real estate or to mark a survey station.

"Nonresidential subdivision" means either or both of:

1. A division or redivision of a tract into more than one lot, plat or site for commercial or industrial purposes; and
2. The dedication or establishment of a street or improvement in conjunction with or use in any such tract.

"Official map" means the map showing highways, streets, parks and drainage rights-of-way, both existing and proposed, as approved by the board of aldermen.

"Official submission date" means the date when a subdivision plan shall be considered submitted to the commission, and is hereby defined to be the date of the meeting of the commission at which all required surveys, plans, plats and data are submitted.

Open Space, Public. "Public open space" means land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreational areas, school sites, community or public building sites, open or "green space" areas, and other such areas that shall be deemed necessary by the commission.

"Parking bay" means an area, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking.

"Parking lane" means an auxiliary lane of a street or roadway used primarily for vehicular parking.

"Pavement" means an all-weather, dust-free asphaltic seal on appropriate base, asphaltic concrete, or concrete surface.

"Pedestrian way" means an easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, roadways and properties.

"Performance guarantee" means any security, including performance bonds, escrow agreements and other similar collateral or surety agreements, which guarantees certain improvements will be made by the subdivider or developer.

"Person" means any individual, corporation, firm, partnership, association, estate, organization or any other group acting as a unit.

"Place" means any open, unoccupied, officially designated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Plan, Final. The "final plan" consists of:

1. The final plat, and
2. The improvement plans for all or a portion of a land subdivision.

All references to "final plan" within this regulation shall refer to both the final plat and the improvement plans.

Plan, Preliminary. "Preliminary plan" means a map or plan, prepared by a registered Missouri land surveyor, of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed use of the tract.

"Plat" means a map, plan or layout of a city, township, section, county, subdivision or mobilehome park indicating the location and boundaries of individual properties.

Plat, Final. "Final plat" means the final plat, prepared by a registered Missouri land surveyor, showing complete bearings and dimensions of all lines defining lots and blocks, rights-of-way for all streets, alleys, roadways and easements, public areas, and other dimensions of land as may be required for the development of a subdivision.

"Public service commission" means the public service commission of the state of Missouri.

"Right-of-way" means the land opened, reserved or dedicated for a street or roadway, sidewalk, drainage area, railroad or other public purpose.

Setback Line. See "building line/building setback line."

"Sinkhole" means a depression in the land surface of circular or roughly circular form, within which all surface drainage is internal and within which surface water is impounded or drains into the subsurface through an opening in the soil or bedrock.

"Slope" means the inclination of the ground surface from the horizontal plane, usually expressed in percent, degree or feet per mile.

"Street" means a right-of-way, other than an alley, dedicated or otherwise legally established for public or private use, with a surface, usually affording the principal means of access to abutting property. A street is intended primarily as a means of vehicular travel. The street right-of-way may provide space for public facilities such as sanitary and storm sewers, water, gas, and electric lines, and sidewalks. A street may be designated as a highway, thoroughfare, road, throughway, pike, avenue, boulevard, lane, drive, court or circle. For the purpose of this title, streets shall be classified as follows:

1. Arterial. This type of street serves the major traffic movements entering, leaving or moving within an area. Its principal function is to move traffic and, in cases of high traffic volumes, requires limited access or controlled points of access. These streets are normally characterized by traffic controls and parking restrictions.
2. Collector. Streets which provide for traffic movement between arterials and local streets, and provide direct access to abutting property.
3. Local. The sole function of a local street is to provide access to immediately adjacent property. A cul-de-sac is classified as a local street.
4. Marginal Access Street/Service Road. A local street parallel and adjacent to arterials, railroad rights-of-ways, or other barriers, which provides access to abutting properties.

"Structure" means anything constructed or manufactured, which requires location on the ground or is attached to something having a location on the ground.

"Subdivider" means a person, firm, corporation, partnership, association, estate or any other group or combination acting as a unit for the purpose of subdividing or resubdividing or proposing to divide a lot, tract or other subdivision of land that constitutes a subdivision as defined herein, for the purpose of

transfer of ownership or development, whether immediate or future, including all changes in street or lot lines. The term "subdivider" shall include any agent of a subdivider or developer.

Subdivision, Major. "Major subdivision" means the division of a tract of land into three or more lots, tracts, sites, parcels or areas, any one of which is less than three acres in area, and/or the division of a tract of land into any number of lots, tracts, sites, parcels or areas of any size which includes improvements, new streets, easements, rights-of-way, rights of ingress and egress or provision for a public area or public facility. The term "subdivision" shall also include all resubdivisions of land or lots.

Subdivision, Minor. "Minor subdivision" means the division of land into not more than two lots, tracts, sites, parcels or areas for residential purposes, any one of which is three acres or less in area and each having a frontage of not less than seventy-five (75) feet on an existing city, state or federal highway or road dedicated or deeded to the public prior to the adoption of the ordinance codified in this title, provided that the proposed subdivision of land:

1. Does not include any new street, easements, rights-of-way, rights of ingress or egress (except an approved sewer and water system);
2. Does not include a provision for a public area or public facility;
3. Conforms to the setback line requirements and other requirements contained in the zoning ordinance (Title 17 of this code);
4. Conveys the right-of-way necessary for road widening and maintenance of city roads, where the granting of such right-of-way can be given without undue hardship.

Where a minor subdivision is proposed that fronts upon an existing city-maintained or state-maintained highway that is scheduled for widening in the state's five-year program or in any applicable city street plan or program, the developer shall convey the necessary right-of-way or post bond or escrow to insure that the right-of-way shall be provided when the road widening is started. The bond escrow agreement, therefore, need not provide a termination date.

"Surety company" means an insurance company qualified and acting under the provisions of Chapter 379, Revised Statutes of Missouri, which has met the requirements of Section 379.020 thereof and which is approved by the city attorney.

"Title company" means a corporation qualified and acting under the Missouri Title Insurance Law or a corporation which is an issuing agency for an insurance company insuring land titles.

"Tract" means an area or parcel of land which the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this title.

"U.S.G.S." means United States Geological Survey (USGS).

"Yard" means any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory building or projections as are permitted on the lot.

1. Yard, front: a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the front building line.
2. Yard, rear: a yard extending along the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and rear building line.
3. Yard, side: a yard extending along each side of a lot between the front yard and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

"Zoning district map" means a map entitled "Zoning District Map for the City of Perryville, Missouri," dated June 3, 1969, and any amendments thereto.

"Zoning ordinance" means the part of the comprehensive plan, now or hereafter adopted, which includes an ordinance and map dividing the city into zoning districts with regulations, requirements, and procedures for the establishment of land use controls within the city.

(Prior code Appx. A, Art. II)

16.04.030 - General regulations and jurisdiction.

It is unlawful for any person being the owner, agent, or person having control of any land within the city, to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold nor any plat recorded until such plat has been approved as herein provided.

No lot, parcel or tract of land within any subdivision shall be offered for sale, contract for sale, or option be given until said subdivision plans have been officially approved by the city planning commission and board of aldermen and recorded in the office of the county recorder.

No improvements shall be made within any subdivision by any owner or owners, or his or their agent, or by any public service corporation at the request of the owner or owners or by his or their agent, until the final plans have been officially approved by the city planning commission and board of aldermen and recorded in the office of the county recorder.

The city shall not accept, lay out, open, improve, grade, pave or light any street, 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 the comprehensive plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the board of aldermen or on a street plan made by and adopted by the planning commission. The board of aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the city planning commission for its approval and approved by the commission or, if disapproved by the commission, is passed by the affirmative vote of not less than two-thirds of the entire membership of the board of aldermen.

Where a tract of land is proposed to be subdivided in two or more stages over a period of years, and the subdivider requests approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed with appropriate sectioning to demonstrate to the city planning commission that the total design as proposed for the entire subdivision is feasible. The city planning commission shall give preliminary approval or disapproval to the overall plan and final approval or disapproval on parts as submitted from time to time. In the event of disapproval of the overall plan or any part or parts thereof, the city planning commission shall act in accordance with this ordinance and the reason for refusal of any plan or part thereof shall be written upon the record of the city planning commission stating the specific regulation or regulations of nonconformance.

Excluded from these regulations are:

- A. The division of land into not more than two lots or parcels in which both lots or parcels are three or more acres in area is exempted from the provisions for preparing and filing a plat, but shall be certified by the city planning commission;
- B. The division of land for cemetery usage;
- C. The division of land and distribution of land held by a bonafide partnership in existence for two or more years upon dissolution thereof;
- D. The sale or exchange of parcels of land between owners of adjoining property for the purpose of correcting or adjusting lines or increasing the size of property already owned by one of the parties, provided that additional lots are not thereby created and that the original lots are not reduced below the minimum size required by the zoning ordinance. The exchange of such land shall be certified by the planning commission;
- E. The transfer, exchange or sale of adjoining property to improve ingress or egress to existing lots, tracts and areas, but shall be certified by the planning commission.

The provisions of this title shall be held to be the minimum requirements necessary for land subdivision within the jurisdiction of this title.

(Prior code Appx. A, Art. III)

Chapter 16.08 - PROCEDURE

Sections:

16.08.010 - Procedure generally.

16.08.020 - Preliminary plan.

16.08.030 - Final plat requirements.

16.08.040 - Plat approval or disapproval—Time frame.

16.08.050 - Effect of plat approval.

16.08.010 - Procedure generally.

The subdivider shall submit preliminary plans in accordance with the specifications of Section 16.08.020. A preliminary plan shall first be submitted to the planning commission for approval. After the preliminary plans are approved by the planning commission in accordance with this title, such preliminary plans shall be submitted to the board of aldermen for its approval or disapproval.

Upon the recommendation of the planning commission, the board of aldermen may waive the requirements for the submission of detailed final plats or plans for minor subdivisions and resubdivisions of no more than two lots of record. In such case, however, the subdivider will be required to submit a survey plat including, at a minimum, the metes and bounds of the proposed subdivision which accurately depicts the subdivision intended and the lots therein. The board may also require any additional information it deems necessary to be included on the survey plat submitted.

Not less than thirty (30) days before preparing and submitting the preliminary plans to the planning commission, the developer or his engineer shall consult with the planning commission, while the plan is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself with the commission's requirements. The pre-application time period may be reduced by the commission at their discretion. During pre-application proceedings, the general features of the subdivision, its layout, facilities and required improvements shall be determined to the extent necessary for preparation of the preliminary plan. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished the developer.

The subdivider shall submit preliminary plans in accordance with the specifications of Section 16.08.020 at least two weeks prior to the meeting of the planning commission at which action is desired. After the preliminary plans are approved by the planning commission in accordance with this ordinance, such preliminary plans shall be submitted to the board of aldermen for its approval or disapproval.

The preliminary plan shall be checked by the planning commission as to its conformity to the city plan, and as to the plan's compliance with the standards, requirements and principles hereinafter prescribed; and the planning commission shall cause said preliminary plan to be checked by the planning commission's representative to ascertain compliance with all applicable additional requirements of municipal, county, state and federal departments and agencies concerned with applicable regulations of public utility companies.

Following approval of the preliminary plan, the subdivider shall:

- A. Install the minimum improvements;
- B. Furnish a bond to cover the cost of the improvements; or
- C. Provide for an assessment guaranteeing such installations, in accordance with Chapter 16.20

Upon approval of improvement installations or arrangement therefor, the final plat shall be submitted to the planning commission and board of aldermen in accordance with the provisions of this title.

(Prior code Appx. A, Art. IV)

16.08.020 - Preliminary plan.

- A. The subdivider shall submit ten black-line or blue-line prints, prepared by a registered Missouri land surveyor, of the preliminary plan of the proposed subdivision. It shall accompany an application in writing with filing fee as required by this title to the planning commission. The horizontal scale of preliminary plan shall be one inch equal to fifty (50) or one hundred (100) feet. The horizontal scale of the plans portion of the plans and profiles shall be one inch equals twenty (20), forty (40) or fifty (50) feet. The vertical scale of the profile portion of the plans and profiles shall be one inch equal to five, ten twenty (20) feet. All applications and plans shall be submitted to the zoning administrator of the city.
- B. The preliminary plan shall show:
1. The location of present property lines, streets, buildings, watercourses, all sinkholes or potential sinkhole areas, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto;
 2. The proposed location of streets (with their widths and names) alleys, lots (with their numbers), building and setback lines and easements within the tract and within one hundred (100) feet thereof;
 3. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plan;
 4. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract, and the name and registration number of the preparer;
 5. The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of any adjoining parcels of unsubdivided land;
 6. Sufficient contour data to indicate the slope and drainage of the tract and the elevation of the high and low points thereof. Contour data shall extend one hundred (100) feet beyond the property limits of the tract. In no case shall the contour intervals be more than five feet;
 7. North point, scale of drawings and date of preparation;
 8. Plans and profiles of streets, sewers and water lines, or written and signed statements regarding the grades and manner of construction of proposed streets, sewers and water lines and the width and type of pavement, location, size and type of sanitary sewer and other sewage disposal facilities; water mains and other utilities, facilities for stormwater drainage; and other proposed improvements such as sidewalks, planting and parks. These plans or written statements for all proposed improvements shall be certified by a professional engineer registered in the state of Missouri;
 9. The layout of lots showing the approximate dimensions and numbers;
 10. All parcels of land proposed to be dedicated or reserved for public schools, parks, playgrounds or other public, semipublic or community purposes;
 11. A preliminary outline of all deed restrictions and covenants that will be placed upon the subdivision;
 12. Zoning boundary lines if any; proposed uses of property;
 13. If the developer intends to subdivide any portion of the parcel into a multiple dwelling unit subdivision, then the preliminary plan shall, in addition, include the following data:
 - a. Gross area of tract,
 - b. Area in street,

- c. Net area of tract,
 - d. Maximum number of units allowed,
 - e. Maximum number of units proposed,
 - f. Parking ratio,
 - g. Distance between structures.
- C. After the preliminary plan has been approved by the planning commission, it shall be submitted to the city board of aldermen for its approval or disapproval. Approval of the preliminary plan by the board of aldermen does not constitute an acceptance or approval of the subdivision plat. One copy of the approved plan, signed by the mayor, shall be retained in the office of the city clerk. One signed copy will be given to the subdivider.
- D. Approval of the preliminary plan shall only be effective for a period of two years. If the final plat has not been submitted for approval within the two year period, then the preliminary plan must again be submitted to the planning commission and the board of aldermen as set forth in this section.

(Prior code Appx. A, Art. V)

(Ord. No. 5167, § 1, 11-16-10)

16.08.030 - Final plat requirements.

In addition to all of the standard requirements for a preliminary plan as indicated in Section 16.08.020, the altered or additional requirements contained below will be required as a part of the final plat unless specifically waived by the board of aldermen upon the recommendation of the planning commission.

- A. Filing Procedure. For final plat approval the subdivider shall submit to the zoning administrator of the city:
- 1. The final plat on reproducible positive and five blue-print or black-line copies of the final plat, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat;
 - 2. Six certified copies of the improvement plans containing all profiles and specifications, certified by a professional engineer registered in the state of Missouri;
 - 3. The filing fee as required by this title;
 - 4. A certificate from the zoning administrator that the final plat is in accordance with the preliminary plan as approved by the commission and board;
 - 5. A performance guarantee as required by this title and approved by the city attorney.
- B. Approval. The final plat shall be filed with the recorder of deeds by the city, within fifteen (15) days after approval by the board of aldermen. If any record plat is not filed within this period, the approval shall expire.
- C. Specifications. The final plat is to be drawn at a scale of not more than one hundred (100) feet to the inch from an accurate survey and on one or more sheets whose maximum dimensions are eighteen (18) inches by twenty-four (24) inches. In certain unusual instances where the subdivided area is of unusual size or shape, the administrative officer may permit a variation in the scale or size of the record plat. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the areas shown on the other sheets. The final plat shall show and be accompanied by the following information:
- 1. The boundary lines of the area being subdivided with accurate distances and bearings;
 - 2. The lines of all proposed streets, their widths and names, and the lines of all alleys;

3. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
4. All lot lines together with an identification system for all lots and blocks;
5. The location of all building lines and easements provided for public use, services or utilities;
6. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other area for public or private use. Linear dimensions are to be given to at least the nearest one-tenth of a foot;
7. The radii, arc length, location of the curve and central angle for all curvilinear streets and radii for rounded corners;
8. A detailed description of the location and physical nature of all survey monuments and bench marks indicating whether monuments were existing or set, and the reference datum;
9. The name of the subdivision, the scale of the plat, a north arrow, and a statement as to the method used to determine north;
10. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;
11. Private restrictions and their periods of existence. Should these restrictions be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
12. Notarized certification, by the owner, of the plat and restrictions, including dedicating to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required;
13. Spaces provided for signatures of approval by the chairman of planning and zoning, the mayor, an attest by the city clerk, as well as spaces for bill and ordinance numbers accepting the plat;
14. Final as-built plans as prepared and certified by a professional engineer registered in the state of Missouri showing the subdivision as completed.

(Ord. 4381 § 1, 2003; prior code Appx. A, Art. VI)

16.08.040 - Plat approval or disapproval—Time frame.

Within sixty (60) days after the submission of a subdivision plat to the planning commission, the planning commission shall approve or disapprove the plat; otherwise the plat shall be deemed approved by the planning commission, except that the planning commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The grounds of disapproval of any plat by the planning commission shall be made a matter of record.

(Prior code § 2-278)

16.08.050 - Effect of plat approval.

The approval of a subdivision plat by the planning commission shall not constitute or effect an acceptance by the city or public of the dedication to public use of any street or other ground shown upon the plat.

(Prior code § 2-279)

Chapter 16.12 - DESIGN STANDARDS

Sections:

- 16.12.010 - Compliance required.**
- 16.12.020 - Street and block layout.**
- 16.12.030 - Lot dimensions, shapes and positions.**
- 16.12.040 - Preservation of natural features, historic sites and amenities.**
- 16.12.050 - Easements.**
- 16.12.060 - Type and character of development.**
- 16.12.070 - Parks and school sites.**
- 16.12.080 - Street design standards.**
- 16.12.090 - Street cross-section standards.**
- 16.12.100 - Street pavement.**
- 16.12.110 - Street name guide.**
- 16.12.120 - Residential subdivision design standards.**
- 16.12.130 - Nonresidential subdivisions.**
- 16.12.010 - Compliance required.**

No final plat for a subdivision shall be approved unless the improvement plans conform to the minimum standards set forth within this regulation.

The recommendations of the city comprehensive plan for streets, drainage rights-of-way, school sites, public parks and recreational areas, and other public services and facilities shall be considered in the approval of the final plat.

(Prior code Appx. A, Art. VII § 1)

16.12.020 - Street and block layout.

- A. Street classification shall be limited to four categories in accordance with their use functions:
 - 1. Arterial;
 - 2. Collector;
 - 3. Local (includes cul-de-sac);
 - 4. Marginal access (service roads).
- B. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projections where adjoining land is not subdivided).
- C. The angle of intersection between all streets shall not vary more than ten degrees from a right angle, except by variance in cases of exceptional conditions. Streets in alignment with existing streets shall bear the same name of the existing street. All proposed street names shall be checked against duplication of other street names.
- D. Except as otherwise provided herein, temporary dead-end streets may be approved where necessitated by the layout of the subdivision or staging of development, provided that temporary unpaved turnarounds shall be constructed where lots are fronting on such temporary dead-end streets. The additional width of the right-of-way required for the temporary turnarounds shall be the same as required for permanent turnarounds. The extra right-of-way shall be vacated upon extension of the temporary street and the reconditioning of said street and front yards shall be at the expense of the subdivider.

- E. The street layout of the subdivision shall be in general conformity with the major street plan and provide the most advantageous and esthetically pleasing development of the entire neighborhood and adjoining streets. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
- F. The street and alley layout shall provide access to all lots and parcels of land within the subdivision. Alleys shall be discouraged in residential areas but may be included in commercial and industrial areas where needed for loading and unloading or access purposes. All alleys, where platted, shall have a minimum right-of-way width of twenty (20) feet.
- G. The proposed location of an intersection or any new street with an existing city street or state highway shall be subject to approval of the Missouri State Highway Department or the city board of aldermen, as applicable.
- H. Intersections shall be designated and constructed to the current standards and specifications of the Missouri State Highway Department or city board of aldermen, as applicable.
- I. The intersection of more than two streets at one point will not be permitted, nor will street jogs with center line offsets of less than one hundred twenty-five (125) feet, except by variance in cases with exceptional conditions.
- J. Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the center line as follows:
 - 1. Arterial: five hundred (500) feet;
 - 2. Collector: three hundred (300) feet;
 - 3. Marginal access: three hundred (300) feet;
 - 4. Local: two hundred (200) feet.

Between reverse curves there shall be a tangent of not less than one hundred (100) feet on arterial and marginal access streets.

- K. Blocks shall be of sufficient width to provide for two tiers of lots of an appropriate depth. The commission may approve block widths providing for a single tier of lots where lots would otherwise front on a major street or where topographic conditions or size of the property prevents two tiers. In the event that a single tier of lots is permitted by the commission and approved by the board of aldermen, an adequate buffer area shall be provided and access from any abutting major street prohibited.
- L. The length of blocks shall be such as may be appropriate, in the opinion of the planning commission, for the locality and the type of development contemplated, but shall not exceed one thousand five hundred (1,500) feet where the average size of the lot does not exceed two acres in area.
- M. Each lot shall be provided with direct ingress and egress to a public street or highway, to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally. Subdivisions intended for commercial and industrial occupancy shall have access to a collector street under all circumstances, except in the case of appropriately separated planned retail centers.

(Prior code Appx. A, Art. VII § 2)

16.12.030 - Lot dimensions, shapes and positions.

The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable zoning ordinance or regulations.

- A. Depth. Excessive depth in relation to width shall be avoided. (A proportion of one to one or two to one will normally be considered.)

- B. Street Access. Every lot shall abut on a street, subject to the requirements of street and block layout as described above.
- C. Width. Lots for residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building of practicable width.
- D. Double-Frontage. Except as otherwise provided herein, double-frontage lots shall be prohibited.
- E. Side Lot Lines. Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.
- F. Corner Lots. Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements of the applicable zoning regulation.
- G. Minimum Lot Size. Where not otherwise determined by applicable zoning ordinances or regulations, the minimum lot size for residential purposes shall be eight thousand (8,000) square feet with a minimum frontage of eighty (80) feet, a minimum side yard of ten percent of the frontage on each side, a rear yard of twenty-five (25) feet, except for accessory structures, and a front yard of thirty (30) feet.
- H. No Utilities. Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with the requirements of Chapter 16.16

(Prior code Appx. A, Art. VII § 3)

16.12.040 - Preservation of natural features, historic sites and amenities.

Existing features which would add value to residential development or maintain the historic distinction of the city shall be retained whenever feasibly possible. Features such as watercourses or falls, historic sites, trees and similar irreplaceable assets, shall be preserved in the design of the subdivision. No significant natural feature, historic site or similar amenity shall be moved, altered, demolished or rerouted, nor shall any change in grade of the land be effected unless approval of the preliminary plan has been granted by the planning commission.

All existing sinkholes shall be protected by being walled up or by an alternate procedure approved by the planning commission, and easements providing access to and including the sinkhole area shall be provided as required in Section 16.12.050.

No existing trees shall be removed from any subdivision until approval of the preliminary plan has been granted. All trees on the plat marked for retention shall be preserved, and all trees shall be walled and protected against change of grade where required.

(Prior code Appx. A, Art. VII § 4)

16.12.050 - Easements.

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have a minimum width of twenty (20) feet, one-half of the width taken from each of the abutting lots. Where necessary, a twenty (20) foot easement may extend from the front to the rear lot lines between lots with one-half of the required easements from each abutting lot.

Whenever a stream, watercourse, drainageway, channel or sinkhole is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the above for the purpose of widening, deepening, sloping, improving or protecting the above. The width of the easement shall be adequate for any necessary channel relocations and straightenings and approved by the city engineer.

(Prior code Appx. A, Art. VII § 5)

16.12.060 - Type and character of development.

The commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision.

Deed restrictions or covenants, when included by the subdivider, shall provide for the proper protection and maintenance of the development in the future; however, such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.

Where the subdivision contains sewers, sewage treatment plants, water supply system, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

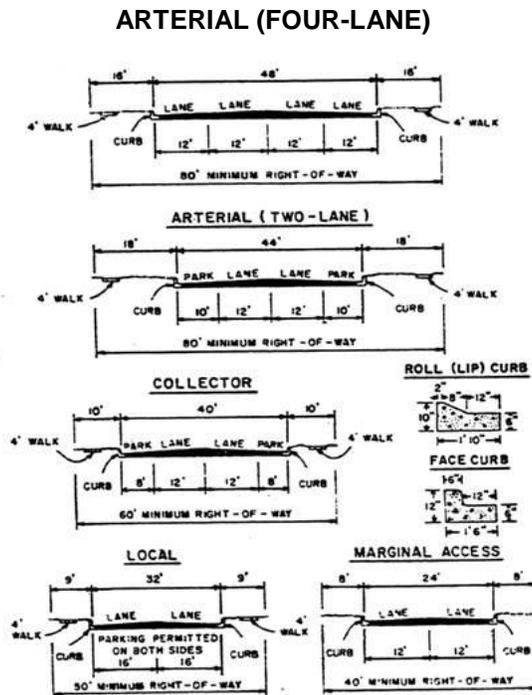
(Prior code Appx. A, Art. VII § 6)

16.12.070 - Parks and school sites.

Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted comprehensive plan of the city and environs, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the appropriate public agency regarding the time, method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two years from the date of the submission of the preliminary plan, the subdivider may then plat the balance of the area.

(Prior code Appx. A, Art. VII § 7)

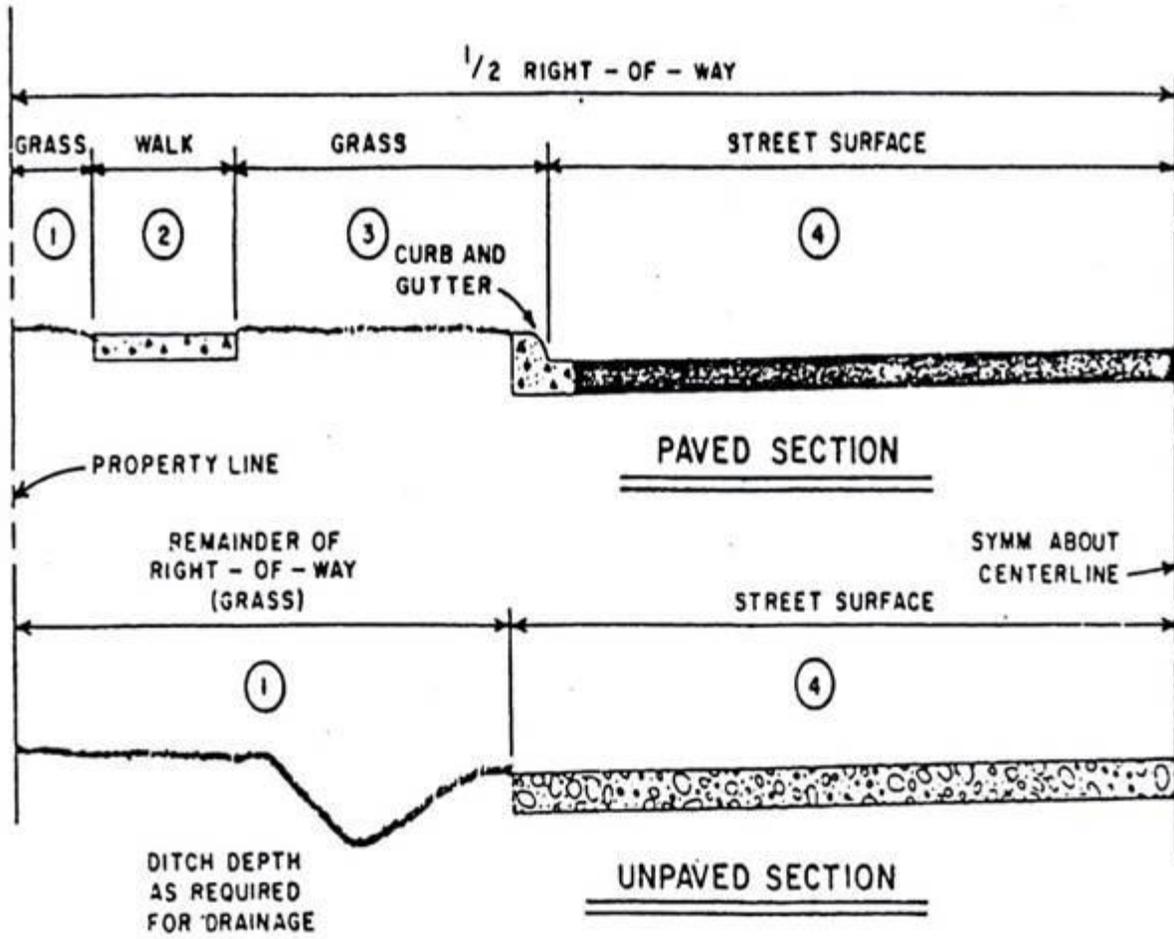
16.12.080 - Street design standards.



Note: Pavement widths shown are from inside curb lip to inside curb lip.

(Prior code Appx. A, Art. VII § 8)

16.12.090 - Street cross-section standards.



Street Type	Minimum R.O.W.	Cross-Section Widths				Full Pavement Width	No. of Traffic Lanes	Lane Widths	
		1	2	3	4			Traffic	Parking
Arterial (4-lane)	80'	2'	4'	10'	24'	48'	4	12'	None
Arterial (2-lane)	80'	2'	4'	12'	22'	44'	2	12'	10'
Collector	60'	2'	4'	4'	20'	40'	2	12'	8'
Local (paved)	50'	1'	4'	4'	16'	32'	2	16'	Combined
Marginal Access	40'	8'	0'	0'	12'	24'	2	12'	None

Note: If sidewalks are not constructed, the dimensions shown for Items 1, 2, and 3 for paved streets shall be combined.

(Ord. 4308 § 1, 2002; prior code Appx. A, Art. VIII § 9)

16.12.100 - Street pavement.

Concrete Surface	
Minimum Type of Street	Uniform Thickness
Arterial	8.25"
Collector	8.00"
Local	6.00"
Marginal	6.00"
Alley	6.00"

The crown of the street, in cross-section, shall be a minimum of one and one-half (1.5) percent incline from the center of the pavement toward the gutter. All intersections shall be of uniform thickness one inch greater than the maximum thickness of the thickest intersecting street.

Portland cement concrete twenty-seven (27) day compressive strength shall be a minimum of four thousand (4,000) psi, water-cement ratio not exceeding six and zero tenths gallons per sack, six sacks of cement per cubic yard of concrete, four percent to six percent entrained air with maximum aggregate size of one and one-half (1.5) inches, or as required to meet Missouri State Highway Commission Standards, where applicable. Expansion material shall be placed every one hundred (100) feet, with saw joints every seventeen and one-half (17.5) feet.

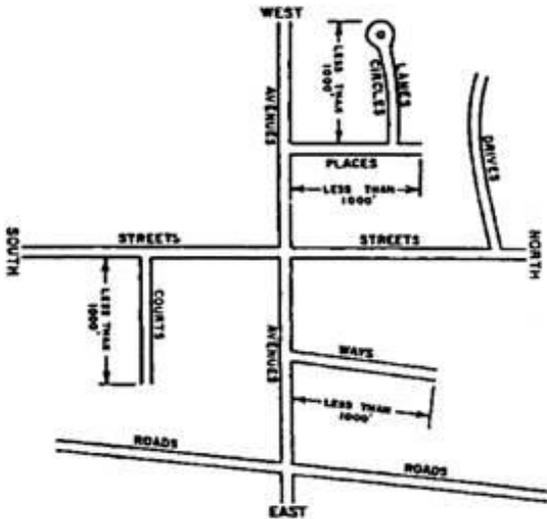
Flexible Surface				Base/Surface
				Water-Bound
	Type of Street	Base/Surface Grade B*/AsphaltSurface		Macadam (Grade B*)
	Arterial	8"	4"	8"
Collector	8"	4"	6"	
Local	8"	3"	6"	
Marginal	5"	2"	6"	
Alley	5"	2"	5"	
* Gradation—Grade B—Crushed Stone:				
	100% through 10 sieve; Maximum 65% through 3/80 sieve; 5—25% through #10 sieve.			

Base material to be aggregate containing five to twenty-five (25) percent fines, maximum aggregate size one inch, or good subbase soil, if approved by the city engineer; or as required to meet Missouri State Highway Commission Standards, where applicable.

The crown of the street, in cross-section, shall be a minimum of two and zero tenths (2.0) percent incline toward the center of the pavement. All intersections shall be of a maximum thickness of the two intersecting streets as shown in the table, plus one inch of additional water-bound macadam, if it is used, or one-half inch of additional base if asphalt surface is used.

(Ord. 4308 § 2, 2002; prior code Appx. A, Art. VII § 10)

16.12.110 - Street name guide.



(Prior code Appx. A, Art. VII § 11)

16.12.120 - Residential subdivision design standards.

	Residential Density		
	Low Density Over 20,000 Sq. Ft. of Lot Area/Per Dwelling Unit	High Density Under 20,000 Sq. Ft. of Lot Area/Per Dwelling Unit	Business-Industrial
Block and Lot Requirements			
1. Maximum block length (ft.)	1,500	1,000	2,000
2. Minimum block length (ft.)	300	300	300
3. Minimum building line (ft.)	30	30	30
4. Minimum lot width at building line (ft.)	80*	80*	None
5. Minimum lot depth (ft.)	100	100	100
6. Maximum lot depth	3 times width	3 times width	3 times

			width
7. Minimum average lot width for corner lots (ft.)	85	85	None
Rights-of-Way			
8. Local street right-of-way width (ft.)	50	50	60
9. Alley width, if provided (ft.)	20	20	24
10. Utility easement width (ft.)	20	20	20
11. Minimum cul-de-sac radius (ft.)	50	50	60
12. Corner radius at intersection of streets (ft.)	20	20	30
Street Design Standards			
13. Maximum cul-de-sac length (ft.)	1,000	1,000	1,500
14. Maximum street grade (%)			
a. Local	12	10	8
b. Collector	10	10	6
c. Arterial	10	10	6
d. Intersection	5	4	3
15. Minimum street grade (%)	1	1	1

16. Minimum sight distance at intersections*	75	75	75
17. Street pavement width with curbs and gutters (ft.)**			
a. Local	32	32	32
b. Collector	40	40	40
c. Arterial	44	44	44
* Back from intersection, across corners.			
** Pavement widths are from inside curb lip to inside curb lip.			
18. Minimum pavement radius on cul-de-sac (ft.)	40	40	50
19. Minimum centerline radius on horizontal curves (ft.)			
a. Local	150	150	200
b. Collector	300	300	300
c. Arterial	500	500	500
20. Minimum tangent length on horizontal curves (ft.)	30	30	40
21. Minimum length of vertical curves (ft.)*			
a. Local	100	100	100

b. Collector	100	100	100
c. Arterial	200	200	200
22. Minimum sidewalk width (ft.)**	4	4	4
* Not less than 20 feet for each algebraic difference in grade.			
** Located as per the cross-sections in Section 9, Article VII.			

(Prior code Appx. A, Art. VII § 13)

16.12.130 - Nonresidential subdivisions.

A. General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the planning commission and board of aldermen may require.

A nonresidential subdivision shall also be subject to any requirements of site plan approval set forth in the zoning ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the planning commission and board of aldermen and shall conform to the proposed land use and standards established in the comprehensive plan and zoning ordinance of the city.

B. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission and board of aldermen that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the planning commission and board of aldermen for prospective use.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the board and planning commission with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the board and planning commission with respect to the installation of public utilities, including water, sewer and stormwater drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
7. All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(Prior code Appx. A, Art. IX)

Chapter 16.16 - CONDOMINIUMS

Sections:

Article 1. - General Requirements

16.16.010 - Definitions.

16.16.020 - Applicability.

16.16.025 - Compliance with statutory provision.

16.16.030 - Application—Review fee.

16.16.040 - Application—Information required.

16.16.050 - Association of owners.

16.16.060 - Condominium conversion restrictions not applicable.

16.16.070 - Violation—Penalty.

16.16.010 - Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Accepted by the city" or "approved by the city" means having received final approval in the manner provided by the subdivision ordinances.

"City" means the city of Perryville.

"Condominium" means a type of ownership in which a building is divided into separate units which may be owned and sold by separate owners. There may be common areas owned by all owners, or areas over which all owners have an easement.

"Condominium conversion" means dividing an existing building into condominiums that may be owned and sold separately.

"Condominium project" means a building or buildings having a type of land ownership whereby individual units, such as apartments or office suites, may be sold and owned separately, while common areas and some outdoor areas may be owned in common.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 1)

16.16.020 - Applicability.

In addition to all other requirements relating to new condominium subdivisions and all of the requirements relating to planned developments, the requirements of this chapter shall apply to each condominium subdivision. No condominium subdivision shall be approved, recorded or developed in any way without compliance with the terms of this chapter. This chapter will apply to any subdivision or part of a subdivision intended to be developed by the construction of multiple-family buildings or a multiple-family building, and the sale of the building by selling individual condominium units rather than by selling the building to a person, firm, corporation or association which will act as landlord and rent the dwelling units to individual tenants. Additionally, all condominiums and the developer thereof shall be subject to and conform to the provisions of Chapter 445 of the Revised Statutes of Missouri.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 2)

16.16.025 - Compliance with statutory provision.

In addition to the requirements set forth in this chapter, all persons, firms or corporations shall comply with the "Condominium Property Act" as set forth in Sections 448.005 through 448.220 of the Revised Statutes of Missouri and the "Uniform Condominium Act" as set forth in Sections 448.1-101 through 448.4-120 of the Revised Statutes of Missouri.

(Ord. No. 5190, § 1, 2-15-11)

16.16.030 - Application—Review fee.

Each applicant for approval of a condominium subdivision shall pay a review fee to help defray the cost to the city of reviewing the plans and making a determination as to whether or not the proposed condominium subdivision complies with all applicable ordinances. This review fee will not be refundable, whether or not the condominium subdivision is approved.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 3)

16.16.040 - Application—Information required.

Each application for approval of a condominium subdivision shall contain, in addition to the information required by the city ordinances relating to planned developments and new subdivisions, the following additional information:

- A. Plans and specifications or blueprints indicating where each condominium unit is to be and indicating what public areas are to be owned by the association of condominium owners;
- B. Proposed articles of incorporation and by-laws for the association of condominium owners which will manage the common areas;
- C. A detailed description of proposed financing to be available to purchasers of the condominium units, if any;
- D. Information indicating financial responsibility and financial ability of the builders or developers to complete the project as proposed;
- E. A copy of all proposed covenants relating to the real estate;
- F. An agreement by the builder or developer specifying the improvements to be completed by the builder or developer, including recreational facilities, bicycle trails, and other common areas;
- G. If the construction is to be financed in whole or in part by escrow funds put up by purchasers, or if escrow funds of any kind are required from purchasers, then the following information will be provided:
 1. A description of the escrow arrangements,
 2. A copy of all escrow documents,
 3. Provisions for the return of funds to purchasers if the matter is not completed by the date specified,
 4. The name and address of the institution to hold the escrow;
- H. Title information insuring all lines, easements, and interests of record including all ownership concerning the real estate. All mortgages and mechanics' liens and other financial liens of any kind shall be listed;
- I. In connection with the common areas and recreational areas, a proposed management agreement and proposed rules will be furnished;

- J. The forms to be used for agreements, promissory notes, deeds and other documents of title and documents related to the sale of the condominium units will be furnished;
- K. The applicant will furnish a bond with a corporate surety licensed to do business in this state, guaranteeing that all common areas and facilities and all common recreational facilities will be completed.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 4)

16.16.050 - Association of owners.

There shall be provision for an association of the owners of the condominium units. This association shall conform to the requirements provided in Article 2, relating to associations for owners of land in subdivisions having common areas, common recreational facilities, or other common facilities. The subdivider or builder of each condominium subdivision shall provide the services, bond and other matters required by ordinance to be furnished to the association.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 5)

16.16.060 - Condominium conversion restrictions not applicable.

This chapter applies to buildings proposed to be built or to be occupied by owners of condominium units. The restrictions found in Article 4, relating to conversion of existing units from rental units to owner-occupied condominium units shall not apply to any building newly constructed under the terms of this chapter.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 6)

16.16.070 - Violation—Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 1 § 7)

Article 2. - Responsible Parties

- 16.16.080 - Responsibility for compliance.**
- 16.16.090 - Payment of service fees.**
- 16.16.100 - Regulations applied to common uses.**
- 16.16.110 - Penalties.**
- 16.16.080 - Responsibility for compliance.**

Any ordinance by which a duty is imposed on the owner of a building to perform any act, with a penalty for noncompliance, shall apply to buildings having a condominium status. The term "owner" shall apply to each owner or person in possession of a unit in the building and such owner or person shall be subject to the penalties imposed.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 2 § 1)

16.16.090 - Payment of service fees.

If a fee for service rendered by the city for the building as a whole, and not to individual owners of units therein, remains unpaid, such service may be terminated for the entire building until the fee is paid. If the fee is for service to a particular apartment or unit, then only the service to that apartment shall be discontinued for such nonpayment. Any lien for nonpayment for such service shall apply to the entire building if the service is rendered to the entire building, but only to the particular apartment or unit involved if the charge is against such a part or unit.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 2 § 2)

16.16.100 - Regulations applied to common uses.

Ordinances regulating heat, lighting, elevators, accumulation of litter or refuse, or other things affecting occupants of the building in common or affecting portions of the building open to all tenants, shall be obligations on each and every owner of each and every apartment or unit. If there is an organization created by the documents setting up the condominium, or if such document specifies a committee or agent to have control of such matters, such agent or committee shall be primarily responsible for compliance with the ordinance. But such responsibility cannot exempt other owners of apartments or units from liability in the event of failure to comply.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 2 § 3)

16.16.110 - Penalties.

Each owner of an apartment or unit in a condominium shall be subject to any fine or penalty imposed for violation of any ordinance concerning the condominium structure or building, its condition, or its use.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 2 § 4)

Article 3. - New Condominiums

16.16.120 - Approval required.

16.16.125 - Expedited approval.

16.16.130 - New residential condominiums.

16.16.140 - Purpose.

16.16.150 - Approval requirements.

16.16.160 - Environmental preservation.

16.16.170 - Landscaping.

16.16.180 - Lighting.

16.16.190 - Lot coverage.

16.16.200 - Open space—Common.

16.16.210 - Open space—Private.

16.16.220 - Parking.

16.16.230 - Trash collection areas.

16.16.240 - Street improvements.

16.16.250 - Declarations of project elements and covenants, conditions and restrictions.

16.16.260 - Condominiums for offices.

16.16.270 - Condominiums for retail establishments or other purposes.

16.16.280 - Exceptions for unusual circumstances.

16.16.290 - Violation—Nuisance—Injunction.

16.16.120 - Approval required.

It is unlawful to record any plat or other document establishing a condominium project without obtaining approval of the city in the manner provided for approval of plats. Such approval shall be required whether the condominiums are to be for office, residential, or other purposes.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 1)

16.16.125 - Expedited approval.

In the event that the condominium plat has been approved by the city as set forth in this chapter so that the plat shows lots available for condominium development but without showing the buildings on said

plat, then the building may be surveyed and platted and plat approval applied for as soon as construction has progressed such that the interior walls of the building have been erected.

(Ord. No. 5190, § 2, 2-15-11)

16.16.130 - New residential condominiums.

It is unlawful to establish any new residential condominium project without complying with the terms of this chapter. No plat or other document establishing a new condominium for residential purposes shall be approved without compliance with this article. This article shall not apply to conversion of an existing residential building into a condominium project, as that is covered by a separate ordinance.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 2)

16.16.140 - Purpose.

Residential condominiums differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas. The purpose of this article is to address the special attributes of condominium projects and to adopt development standards which will protect both the community and the purchasers of condominiums.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 3)

16.16.150 - Approval requirements.

In addition to standards applicable to regular subdivisions, no condominium project shall be approved unless the following items have been submitted with the tentative map and approved by the city.

- A. A development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations;
- B. A preliminary landscaping plan of the project, indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed by the state to prepare such plans;
- C. A preliminary lighting plan of the project, indicating location and nature of lighting and lighting fixtures in common areas;
- D. The proposed condominium documents, including those portions of the covenants, conditions and restrictions that apply to the conveyance of units, the assignment of parking, and the management of common areas within the project.
- E. Construction plans of any proposed new buildings. For existing buildings proposed to be converted, original construction plans or a set of plans accurately showing existing construction shall be submitted; and
- F. Such other information which the city administrator or designee determines is necessary to evaluate the proposed project.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 4)

16.16.160 - Environmental preservation.

The location and orientation of all buildings shall, whenever feasible, preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, waterways, historic landmarks, or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, plan areas, parking areas and finished grade elevations.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 5)

16.16.170 - Landscaping.

The following standards shall be met:

- A. All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure, and open space areas shall be landscaped in an attractive manner.
- B. Decorative design elements such as fountains, pools, benches, sculpture, planters, exterior recreational facilities, and similar elements may be permitted, providing such elements are incorporated as a part of the landscaping plan.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 6)

16.16.180 - Lighting.

An on-site lighting system shall be required on all vehicular accessways and along major walkways. Such lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 7)

16.16.190 - Lot coverage.

Lot coverage shall conform to zoning ordinance requirements for the zoning district in which the condominium project is proposed.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 8)

16.16.200 - Open space—Common.

The following requirements shall apply:

- A. Minimum open space for condominium projects shall be forty percent of the net area being developed. The net area shall exclude dedicated or proposed-dedicated public rights-of-way.
- B. Common open space areas shall be designed and located within the project to afford use by all residents of the project. These common areas may include, but are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.
- C. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement, shall not be located within fifteen (15) feet of any door or window of a dwelling unit.
- D. Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty (50) percent of the required open space.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 9)

16.16.210 - Open space—Private.

Notwithstanding the common space requirement, each condominium unit may directly access private open space.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 10)

16.16.220 - Parking.

- A. Each unit shall be provided with two parking spaces. No space shall block another space.
- B. In addition to the above requirements, if on-street parking is prohibited on the street upon which the project fronts, there shall be at least one visitor parking space for each eight condominium units or

major fraction thereof, which spaces shall be located in such a manner as to be readily accessible to the visiting public.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 11)

16.16.230 - Trash collection areas.

Trash collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of five feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 12)

16.16.240 - Street improvements.

For condominiums, the following standards shall apply to streets:

- A. The subdivider shall improve or post a cash bond with the city, guaranteeing the installation of the improvements to city standards of any substandard or deficient street improvements fronting the property within the public right-of-way, to the satisfaction of the city engineer in accordance with current policy. These improvements may include, but shall not be limited to: curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and street lights.
- B. The width of the public rights-of-way and roadway of the street abutting the property shall conform to the city plan and to all applicable ordinances.
- C. In addition to all other applicable building code requirements, the following standards shall apply:
 1. Keys. Each single unit in a condominium subdivision shall have locks using combinations which are interchange-free from locks used in all other separate dwellings within the project. This specification is intended to prohibit master keys.
 2. Laundry Areas. Where laundry areas, other than those located within individual dwelling units, are provided, such areas should be located to minimize visual and noise intrusions, both within and outside the project.
 3. Storage Space—Private.
 - a. Where the proposed units are to be constructed with other than an attached garage unit for each dwelling unit, a minimum of ninety (90) cubic feet of storage space shall be provided outside the dwelling unit for each such unit.
 - b. Such storage space shall have a minimum area of twenty-four (24) square feet of enclosed, lockable storage space.
 4. Utilities.
 - a. All plumbing fixtures within a unit shall be installed in a manner which will allow any individual plumbing fixtures, or all plumbing fixtures, or all plumbing fixtures not having individual shutoffs within a single unit, to be shut off from the water supply without shutting off the water to plumbing fixtures in other units.
 - b. Drip Pans. Clothes washers, dishwashers, hot water heaters, and other appliances which are a potential source of water leakage or flooding, shall be installed with drip pans and appropriate drains, except in the case of concrete slab floors on grade.
 - c. Utility Meters. Each utility that is consumed within the individual unit shall be separately metered in such a way that the unit owner can be separately billed for its use. Utility meters shall be placed underground, or screened architecturally or with landscaping, if located outside of buildings.

- d. Circuit Breakers. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible within or close to the unit.
5. Vibrations. All permanent mechanical equipment, which is a source of vibration or noise, including fixed and built-in domestic appliances, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner to lessen the transmission of vibrations and noise.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 13)

16.16.250 - Declarations of project elements and covenants, conditions and restrictions.

The subdivider shall include a copy of those portions of the declaration and restrictions proposed to be recorded, together with any and all documents required and relating to the items regulated by this section, and all proposals for condominium subdivisions made pursuant to the provisions of this section. Once the declaration is accepted in final form by the city, none of the portions of the declarations relating to items regulated by this ordinance shall be amended, modified or changed without first obtaining the written consent of the city.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 14)

16.16.260 - Condominiums for offices.

Condominiums for offices shall comply with all applicable city ordinances relating to office buildings, including but not limited to all building regulations, zoning requirements, and off-street parking requirements. The plat submitted shall not be approved unless it shows such compliance.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 15)

16.16.270 - Condominiums for retail establishments or other purposes.

Condominiums for retail establishments or for any other purposes shall comply with all city ordinances applicable to the proposed use and type of building.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 16)

16.16.280 - Exceptions for unusual circumstances.

Where there are unusual circumstances involving the location, site, or configuration of a proposed condominium, the city council may approve exceptions to one or more of the terms of this ordinance. Lack of funds to comply shall not constitute a reason for an exception.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 17)

16.16.290 - Violation—Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 3 § 18)

Article 4. - Condominium Conversions

16.16.300 - Purposes.

16.16.310 - Scope and effect.

16.16.320 - Application.

16.16.330 - Inspections.

16.16.340 - Other requirements.

16.16.350 - Tenant's rights.

16.16.360 - Minimum standards for conversion.

16.16.370 - Declaration of project elements and covenants, conditions and restrictions.

16.16.300 - Purposes.

In order to provide for the housing needs of all economic segments of the community, the Board of Aldermen declares that the purposes of this article are as follows:

- A. To insure that rental units being converted to condominiums meet reasonable physical standards;
- B. To help mitigate the impact of eviction for residents of rental units, as a result of their units being converted to condominiums; and
- C. To promote the concept of home ownership and to bring a greater amount of owner-occupied housing on the market affordable by all economic segments of the community, thus encouraging participation in the various economic and social benefits associated with home ownership.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 1)

16.16.310 - Scope and effect.

This article shall apply to all condominium conversions in the city, where the units are intended or designed to be used principally for residential purposes. The requirements of this article concerning off-street parking, fire protection, and any other improvements or alterations, shall remain in effect as long as this article is in effect and the building is used for residential and condominium purposes.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 2)

16.16.320 - Application.

In addition to the requirements of this chapter relating to applications for tentative maps, the application for a condominium conversion subdivision shall include the following:

- A. A condominium conversion application;
- B. Tenant and rental information which shall consist of the name and address of each present tenant of the project, and the identification of the vacant units;
- C. Schedule of proposed improvements which shall be made to the project prior to their sale. The list shall not prohibit the applicant from making additional improvements;
- D. A plot plan of the project, including the location and sizes of structures, parking layout and access areas.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 3)

16.16.330 - Inspections.

- A. Upon receipt of the application to convert, the application for subdivision, and the additional reports required in Section 16.16.320, the city administrator or his designate, shall submit copies of applicable reports or documents to the appropriate city staff personnel as found necessary.
- B. The premises shall be inspected for needed repairs to bring the project into compliance with the building code applicable at the time of construction, and with the current housing code, as amended, by the building department. The cost of inspection shall be borne by the subdivider.
- C. The city administrator, or his designate, shall cause an inspection to be made of the project to determine the sufficiency of fire protection systems serving the project, and shall report on any deficiencies and indicate which deficiencies are required to be corrected by law.
- D. The city administrator, or his designate, shall cause an inspection to be made to ascertain conformance of the project with zoning ordinance requirements applicable to the project in effect at the time the project was constructed, and may submit copies of application documents to other divisions for review and comments.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 4)

16.16.340 - Other requirements.

- A. Correction of Deficiencies.
 - 1. Corrections required in the building inspection report shall be made by the applicant, at applicant's expense, to the city's satisfaction.
 - 2. The applicant shall correct any deficiencies in the fire protection system required by law.
 - 3. The applicant shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest control report, which shall be prepared by a licensed, structural pest control operator, and dated and filed at least thirty (30) days prior to the submittal of the final map.
 - 4. The subdivider shall bring into conformity any zoning ordinance violations.
- B. Final Inspection Report. A final inspection report shall be made by the city administrator or his designate prior to consideration of the final map, indicating the compliance with all requirements imposed herein.
- C. Street Improvements.
 - 1. The applicants shall improve or post a cash bond with the city, guaranteeing the installation of the improvements to city standards of substandard or deficient street improvements fronting this property within the public right-of-way, to the satisfaction of the city engineer in accordance with current policy. These improvements may include, but shall not be limited to: curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and street lights.
 - 2. The width of the public rights-of-way and roadway of the street(s) abutting the property shall conform to the city plan.
- D. Sewer. If the apartment proposed for condominium conversion has not paid a sanitary sewer line charge as required by ordinance, it shall pay a charge equal to the amount for a single-family resident times the number of units in the condominium prior to the submittal of the final map.
- E. Maintenance of Conversion Records. The city administrator or his designate shall keep and maintain the copies of all reports required herein as public records for no less than five years, and shall send such copies to state officials as may be required by law.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 5)

16.16.350 - Tenant's rights.

- A. The city shall notify, in writing, all tenants in any building being proposed for conversion, no less than ten days prior to the planning commission meeting regarding the tentative map for the project.
- B. The applicant shall give a minimum of one hundred fifty (150) days' written notice of intention to convert, prior to termination of tenancy due to the conversion or proposed conversion.
- C. The present tenant or tenants of any unit to be converted shall be given any exclusive right to contract to purchase the unit occupied, as provided by state law.
- D. Unless tenants of the building proposed to be converted were given written notice of the intention to convert to condominiums by the owner or owner's agent at the time the tenants signed rental or lease agreements, the subdivider shall compensate the tenants for their relocation expenses as follows: actual cost of relocation, not to exceed five hundred dollars (\$500.00) per residential unit, to be paid at the time the notice of termination is presented, if prior to the submittal of the final map. If such notice is not given, or the relocation fee is not paid prior to the filing of the final map, the applicant shall submit written evidence to the city that it has entered into an agreement with each tenant to provide actual cost of relocation, not to exceed five hundred dollars (\$500.00) to the tenant at the time of termination of the tenancy.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 7)

16.16.360 - Minimum standards for conversion.

Conversions shall not be approved which fail to meet the following minimum standards:

- A. Parking.
 - 1. One accessible parking space must be provided for each dwelling unit in a building constructed prior to 1998.
 - 2. Two parking spaces for each dwelling unit shall be required for all condominium conversions of buildings for which a building permit was issued after the effective date of the ordinance codified in this chapter.
- B. Storage Space. Each dwelling unit shall be provided with a minimum of sixty (60) cubic feet of enclosed storage space outside the dwelling unit.
- C. Density. Each apartment building proposed for conversions shall comply with the maximum density permitted in the zoning district in which the building is located, unless such building is a lawful, nonconforming use.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 8)

16.16.370 - Declaration of project elements and covenants, conditions and restrictions.

To achieve the purpose of this article, the applicant shall include a copy of those portions of the declaration of restrictions proposed to be recorded, as required by state law, together with any and all documents required and relating to the items regulated by this section, and to all proposals for condominium conversion pursuant to the provisions of this chapter. Once the declaration is accepted in final form by the planning and zoning commission, none of the portions of the declaration shall be amended, modified or changed without first obtaining the written consent of the city.

(Ord. 3637 § 4 (part), 1998: prior code Appx. A, Art. VII (A), Div. 4 § 9)

Chapter 16.20 - IMPROVEMENTS

Sections:

16.20.010 - Minimum improvements required.

16.20.020 - Streets.

16.20.030 - Curbs and gutters.

16.20.040 - Sidewalks.

16.20.050 - Sewage collection system and water supply system.

16.20.060 - Storm drainage.

16.20.070 - Public utilities.

16.20.080 - Street lighting.

16.20.090 - Landscape development.

16.20.100 - Monuments.

16.20.110 - Gas.

16.20.120 - Plantings.

16.20.010 - Minimum improvements required.

- A. Receipt of the signed copy of the preliminary plan is authorization for the subdivider to proceed with the preparation of the plans and specifications for the following minimum improvements and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, or to the provision for any assessment for such construction, the subdivider shall furnish the city engineer all plans, information and data necessary to determine the character of the improvements. These plans shall be examined by the city engineer and will be approved, if in accordance with the requirements of this section. Following this approval, construction can be started or the amount of a bond determined, or an assessment provided for.
- B. No final or official plat of any subdivision shall be approved unless:
 1. The subdivider agrees with the board of aldermen upon an assessment whereby the city is put in an assured position to install the improvements listed below at the cost of the owners of property within the subdivision; or
 2. The improvements listed below have been installed prior to such approval; or
 3. The subdivider files with the board of aldermen a surety bond, cashier's check, or a certified check upon a solvent bank located in the city conditioned to secure the construction of the improvements listed below in a satisfactory manner and within a period specified by the board of aldermen, such period not to exceed two years. No such bond or check shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the city engineer and in form with surety and conditions approved by the city attorney.
- C. The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording; provided, however, that trunk sewers and any sewage treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area.
- D. In the event the owner or developer of a tract desires to obtain final plat prior to the installation of improvements, the owner or developer's engineer shall provide estimates for the cost of completion of all improvements, which said estimate shall be approved by the city engineer or his designate. The estimates for the completion of infrastructure within the subdivision shall be divided according to the actual construction and installation cost of each component of the improvements or utilities. Any escrowed amount held by the city to secure actual construction and installation on each component

of the improvements or utilities shall be released within thirty (30) days of the completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. Any such category of improvements or utility work shall be deemed to be completed upon certification by the city that the project is completed in accordance with the ordinances of the city, including the filing of all documentation and certifications required by the city in complete and acceptable form. The release shall be deemed effective when the escrow funds are duly posted with the United States Postal Service or other agreed upon delivery service or when the escrowed funds are hand delivered to an authorized person or place as specified by the owner or developer.

(Ord. 4097 § 1, 2000; prior code Appx. A, Art. VIII (part))

16.20.020 - Streets.

- A. Street plans, profiles and specifications shall be prepared by a registered professional engineer and approved by the city engineer, commission and board of aldermen.
- B. Streets shall be of Portland cement concrete, and shall be constructed in accordance with design characteristics at least equal to those required in Chapter 16.12, and approved by the city engineer.
- C. The streets shall be graded, surfaced, and improved to the dimensions required in Chapter 16.12. The work shall be performed in the manner prescribed in the current edition of the Missouri State Highway Department specifications.
- D. Paved streets, with curbs and gutters, shall be surfaced to the following minimum widths, as measured from inside curb lip to inside curb lip: Arterial (four-lane), forty-eight (48) feet; arterial (two-lane), forty-four (44) feet; collector, forty (40) feet; local, thirty-two (32) feet; marginal access, twenty-four (24) feet. Alleys, within a business district, shall be surfaced to a minimum of sixteen (16) feet. Cul-de-sac turnarounds shall be paved within ten feet of the right-of-way. In instances where parking will be restricted, the above dimensions can be varied with prior approval of the planning and zoning commission and the board of aldermen.
- E. Street surfacing or pavement type shall be restricted to Portland cement concrete surface with integral curb and gutter.
- F. Prior to the placement of street or alley pavements, adequate surface and subsurface (if required) drainage facilities shall be installed by the subdivider. Pipe used for drainage purposes shall be of corrugated metal, bituminous-coated corrugated metal, reinforced concrete, or extra-strength vitrified clay of an approved design, size and strength to meet the requirements of the specified conditions which may be encountered. Minimum diameters of pipe to be used shall be twelve (12) inches.
- G. All construction shall be completed in accordance with the specific conditions in the agreement for street improvements within the improvement plans and in a manner acceptable to the authorities having jurisdiction.
- H. When changes from the accepted plans and specifications become necessary during construction, written approval from the authorities having jurisdiction shall be secured prior to the execution of said changes.
- I. Adequate provision for the maintenance of all street improvements shall be made by dedication to and acceptance for maintenance by the local authorities having jurisdiction or by other suitable means.

(Ord. 4308 § 3, 2002; prior code Appx. A, Art. VIII § 1)

16.20.030 - Curbs and gutters.

- A. Curbs and gutters shall be made of Portland cement concrete same as streets.
- B. Curb construction for concrete pavements shall be integral. The roll-type curbs may be permitted where approved by the planning commission and board of aldermen.
- C. In accordance with Section 71.365, Revised Statutes of the State of Missouri, when sidewalks are required as provided for in Section 16.20.040, curbs shall be constructed so as to enable persons using wheelchairs to travel freely and without assistance.
- D. All new curbs and any existing curbs which are a part of a reconstruction shall comply with these requirements.
- E. At each crosswalk a ramp shall be built into the curb so that the sidewalk and street blend to a common level and shall meet ADA requirements. Such ramps shall be not less than thirty-six (36) inches wide and shall not have a slope greater than one inch rise per twelve (12) inches length (eight and three-tenths percent). For all ramps there shall be a gradual rounding at the bottom of the slope.
- F. An exception may be granted where, because of surrounding buildings or other restrictions, it is impossible to conform the slope of the ramp with these requirements. In this event, the ramp shall contain a slope with as shallow a rise as possible not to exceed ten percent.
- G. Driveway ramps shall not extend past the vertical face of the curb, and ramps shall be built into the curb so that the ramp and street blend to a common level. For all ramps there shall be a gradual rounding at the bottom of the slope.
- H. In the event of development on existing roadways with curbing, the developer shall submit, as a part of the preliminary plan, a curb cutting request for all proposed driveway ramps which shall be subject to approval by the city engineer or similar official, commission and board of aldermen.
- I. All plans for the installation of curbs and gutters shall be subject to approval by the city engineer, planning commission, and board of aldermen.

(Ord. 4308 § 4, 2002; prior code Appx. A, Art. VIII § 2)

(Ord. No. 5229, § 2, 6-21-11)

16.20.040 - Sidewalks.

The construction of sidewalks is not normally required in subdivisions, but may be required if the subdivision includes, or is within three hundred (300) feet of existing or proposed schools, playgrounds, or other features which would attract children.

The extent of sidewalks within subdivisions shall be determined by the commission and approved by the board of aldermen. In all subdivisions, the space as specified in Chapter 16.12 shall be included in the cross-sectional drawings of streets.

When constructed, sidewalks shall be of Portland cement concrete four inches thick, six inches across driveways, with a minimum width of four feet. "Dummy" control joints shall be placed every five feet and expansion joints shall be placed every forty (40) feet. Concrete shall contain five and one-half sacks of cement per cubic yard and shall have three percent to five percent entrained air. Finish shall be by wood float or broom with all edges and joints tooled. The location of sidewalks shall be as shown in Chapter 16.12.

Where sidewalks are not required, the street grade shall be completed so that additional grading shall not be necessary for any future construction of sidewalks.

(Prior code Appx. A, Art. VIII § 3)

16.20.050 - Sewage collection system and water supply system.

The subdivider shall provide for the disposal of sewage within the subdivision in accordance with Ordinance No. 1097 which regulates the use of public and private sewers within the city, or any future ordinances which may supersede those now in effect. Where a public sanitary sewer main is reasonably accessible, the subdivider shall provide the subdivision with a complete sanitary sewer system. A service line shall be provided to each lot where a street cut or bore would be necessary to provide service on the lot. Where a service line is necessary, it shall be constructed to the lot line and shall be located by stationing on the "as-built" plans.

Where a public sanitary sewer system is not reasonably accessible, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri Clean Water Commission, the subdivider shall install sewers in conformity with said plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided said disposal facilities are installed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources and approved by the city engineer, commission, and board of aldermen.

Where no sanitary sewer system is accessible and no plans for a sewer system have been prepared and approved, the developer may, upon approval by the Missouri Clean Water Commission, city engineer, commission, and board of aldermen, install individual disposal devices on individual lots within the subdivision. All such individual devices shall be constructed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources and the board of aldermen.

The subdivider shall provide the subdivision with a complete loop-type water distribution system adequate to serve the area being platted. The system shall include a service line for each lot to the lot line where a street cut or bore will be necessary to provide services to the lot. The corporation stop shall be in an off position and copper tracer wire shall be soldered to the tracer wire on the main. The tracer wire shall be extended to the copper service line and soldered thereto. It shall not be necessary to install a service line or a tracer wire if the water main is on the same side of the street as the lot to be served. In the event the water line is located under a hard surface street, each lot service line shall be live to the lot line. Any live line shall be extended a minimum of three feet onto the lot from the lot line, and capped with a meter stop. Service lines shall be located by stationing on the "as-built" plans.

All city utilities shall be inspected by the city prior to backfilling.

(Ord. 3770 § 1, 1998: prior code Appx. A, Art. VIII § 4)

16.20.060 - Storm drainage.

Adequate surface and subsurface drainageways for the removal of stormwater shall be provided by the subdivider. The extent to which storm drainage facilities shall be required shall be based upon an analysis of need prepared by a registered professional engineer. The analysis shall be based upon a rational method of computing stormwater runoff, using the maximum of one-hour rainfall to be expected within a ten-year period. Times of concentration, soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with and approved by the city engineer during the preliminary consideration of the subdivision.

A storm sewer system, with surface inlets, shall be provided by the subdivider in all cases where curb and gutter are to be installed and whenever available evidence indicates that such a system is necessary as a result of natural surface drainage.

In the absence of a storm sewer system, a water-retarding grass shall be planted in the strip between the sidewalk and the surfaced edge of the street.

Any person proposing to locate a structure or a use within one hundred (100) feet of any stream, main drainage channel, or sinkhole shall include a statement by a registered professional engineer, based on a study of the watershed area and the probable runoff, that the structure or use in the location proposed will leave adequate space for the flow of floodwater; provided, however, that no building shall be permitted within fifty (50) feet of the top of the bank of any stream, drainage channel, or sinkhole.

A water-retarding grass shall be planted by the subdivider along any stream, open drainage channel, or sinkhole in an area extending a minimum of fifteen (15) feet on either side of the top of the bank of any stream, drainage channel, or sinkhole within or adjacent to a proposed subdivision.

All sinkholes, or similar depressions, are to be retained to dispose of surface drainage, and such features shall be provided with suitable inlet structures to prevent clogging or filling of the openings to be used and to provide maximum storm drainage capacity.

(Prior code Appx. A, Art. VIII § 5)

16.20.070 - Public utilities.

All electric and telephone utility lines shall be installed underground in accordance with the provisions specified in the Missouri Public Service Commission General Order No. 52 and amendments thereto.

Where gas mains are installed in a subdivision the gas lines shall be separated from other municipal utilities by not less than three feet.

Where gas, telephone, and electric service lines are placed underground throughout the subdivision, the mains, lines, cables, and conduits shall be located within easements or public rights-of-way in separate trenches and in a manner which will not conflict with other underground services. All controls, valves, transformers, and terminal boxes shall be located so as not to be hazardous to the public.

Should the commission allow electric and telephone lines to be carried on overhead poles, rear and side lot easements shall be provided if necessary.

All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place, and street repairs shall be completed to restore the street surface. All such repairs or reconstruction shall be at the expense of the developer or utility involved. No excavation of any street may be undertaken until all necessary permits are obtained.

(Ord. 3770 § 2, 1998: prior code Appx. A, Art. VIII § 6)

16.20.080 - Street lighting.

- A. Street lighting shall be installed by the subdivider.
- B. Lighting specifications for major streets in commercial and industrial areas:
 - 1. Lighting standards shall be evenly spaced and staggered longitudinally, a maximum of two hundred fifty (250) feet apart;
 - 2. Each lighting unit shall be set back and centered on a point three feet from the rear curb line;
 - 3. Mounting height shall be a minimum of twenty-five (25) feet from pavement to luminaire;
 - 4. Lamp posts shall be round tube type of aluminum alloy, and a minimum of twenty-seven (27) feet in length. Lighting brackets or mast arms shall be a minimum of eight feet in length and made of aluminum alloy;
 - 5. Lamps or luminaires shall be of the one hundred (100) watt minimum high pressure sodium type or that recommended by the city engineer or similar official.

C. In residential subdivisions:

1. A lighting unit shall be installed at each intersection and cul-de-sac turnaround.
2. Lighting units shall be designed to provide visibility without disrupting the aesthetic appeal of the development or subdivision.
3. Residential subdivisions shall have a minimum of fourteen (14) foot poles with decorative lighting units adjusted in staggered longitudinal spacing.
4. Fixtures shall be one hundred (100) watt high pressure sodium, mogul base, one hundred twenty (120) volt with photo cell.
5. Wood, steel, aluminum or fiberglass poles may be used.
6. Lenses may be glass, acrylic or polycarbonate.

D. All street lighting shall be installed in accordance with the Missouri Public Service Commission regulations and subsequent amendments. All electric lines, poles and fixtures shall be assembled and wired through the base of the pole by the developer with final connection to be made by the utility.

(Ord. 4101 § 1, 2000: prior code Appx. A, Art. VIII § 7)

16.20.090 - Landscape development.

All unpaved or otherwise unimproved areas within the public rights-of-way, or public use areas, shall be landscaped in a manner approved by the commission.

In informal types of street patterns, informal plantings of trees in accordance with an approved landscape development plan may be permitted. In no case shall trees be planted in an area where they may cause damage to underground service utilities.

(Prior code Appx. A, Art. VIII § 8)

16.20.100 - Monuments.

- A. All property surveys shall be conducted according to the current minimum standards for property surveys, as set out by the state land survey authority.
- B. All monuments shall be established and installed to meet the requirements for monumentation of the Missouri Land Survey Authority.
- C. Monuments shall be provided by the subdivider and so placed that the centerpoint shall coincide with the intersection of the lines to be marked, with the top of the monuments level with the surface of the ground (or underground where necessary) after final grading.
- D. All permanent monuments required by the state land survey authority shall be a type and installed according to the requirements of the state land survey authority. All other markers shall consist of galvanized steel, wrought iron pipe, or steel bars at least twenty-four (24) inches in length and one-half of an inch in diameter.
- E. Markers shall be set by the subdivider:
 1. At the intersection of all lines forming angles in the boundary of the subdivision;
 2. At the intersection of street right-of-way lines at the beginning and end of all curves along street property lines;
 3. At all points where lot lines intersect street right-of-way lines;
 4. At all angles in the lot property lines;
 5. At all other lot corners.

(Prior code Appx. A, Art. VIII § 9)

16.20.110 - Gas.

If the developer proposes that natural gas be provided for the subdivision, the developer shall make arrangements for said installation by the city gas department and provide notice therefor in conjunction with filing of the preliminary plat. The developer shall pay the costs of all material for gas line installation and the city shall install all gas lines in said subdivision. The costs of material shall be paid in full prior to approval of the final plat.

(Ord. 3770 § 3, 1998: prior code Appx. A, Art. VIII § 10)

16.20.120 - Plantings.

All landscaped strips, parkways and screening areas dedicated to the public shall be graded, seeded and planted in an appropriate manner. Where shrubs are required for the purpose of screening, specimen, density and other pertinent features shall be approved by the planning commission.

(Prior code Appx. A, Art. VIII § 11)

Chapter 16.24 - FEES

Sections:

16.24.010 - Filing fee for preliminary plan.

16.24.020 - Filing fee for final plat.

16.24.030 - Performance guarantee.

16.24.040 - Maintenance guarantee.

16.24.050 - Inspection fees.

16.24.010 - Filing fee for preliminary plan.

Upon the filing of a preliminary plan for a subdivision, or any portion thereof, the subdivider shall pay a filing fee of twenty-five dollars (\$25.00).

(Prior code Appx. A, Art. X, § 1)

16.24.020 - Filing fee for final plat.

Upon the filing of the final plat for a subdivision or any portion thereof, the subdivider shall pay a filing fee of forty-four dollars (\$44.00) for the first page of each plat and twenty-five dollars (\$25.00) for each additional page of each plat. A page is defined as a sheet of paper not in excess of eighteen inches by twenty-four inches (18 x 24) and sheets of paper of sizes greater than the amount shall be charged the additional page charge set forth in this chapter accordingly.

(Ord. 4592 § 1, 2004: prior code Appx. A, Art. X, § 2)

16.24.030 - Performance guarantee.

The subdivider shall be required to furnish a performance guarantee to guarantee actual construction and installation of all improvements within two years after the approval of the final plat. The performance guarantee shall not be less than the estimated cost of the improvements as determined by the city engineer.

If the required improvements are not completed within the time allowed, the city shall enforce the performance guarantee by all appropriate legal and equitable remedies, collect such money, and complete the required improvements in behalf of the city. Renewal of the performance guarantee may be made upon the approval of the board of aldermen for an additional period of time specified by the board of aldermen, provided that the application for renewal is made at least thirty (30) days prior to the expiration of such bond.

The performance guarantee shall be made in one of the following manners:

- A. A performance bond issued by a surety company, a title insurance company, or a financially reliable corporate security engaged in the business of signing bonds in the state of Missouri, approved by the city attorney and board of aldermen;
- B. An escrow agreement, to be held in a special escrow account, subject to the audit of the city, approved by the city attorney and board of aldermen, in one of the following forms: cash, or an irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to such escrow agent the availability of escrow funds, from time to time upon demand, or certificates of deposit, treasury bills, or other readily negotiable instruments endorsed by the escrow agent;
- C. In lieu of posting a performance bond or escrow agreement as specified in the above, the subdivider may elect to deposit, in an escrow account, the amount required. The escrow agreement shall provide that the escrowed funds are held by a qualified escrow depository, approved by the city attorney and board of aldermen, in a special account to be dispersed by the escrow holder solely for the payment of labor and materials used in the construction and installation of the improvements guaranteed as the work progresses and as approved by the board of aldermen. In no event shall an authorization be given for the release of, nor shall the escrow holder release, more than ninety (90) percent of the escrow fund until the improvements have been completed in a satisfactory manner in accordance with this Title 16 and approved by the board of aldermen.

(Prior code Appx. A, Art. X, § 3)

16.24.040 - Maintenance guarantee.

Unless the board of aldermen provides by either ordinance, resolution, or other procedure, the subdivider shall submit as part of the final plat, a maintenance agreement setting forth the person, corporation, trustees, or other agency responsible for the assessment and collection of monies for the maintenance of all improvements within the subdivision.

The subdivider shall maintain and keep in repair the streets and curb and gutter improvements for a period of one year from the date of completion of such improvements. To guarantee this maintenance, a maintenance bond may be accepted by the board of aldermen in the amount of the contract price of the improvements against defects in workmanship and materials for the one-year period. The bond, if accepted, shall be filed with the city clerk and be from a surety company licensed to do business in the state of Missouri and approved by the city attorney and board of aldermen.

(Prior code Appx. A, Art. X, § 4)

16.24.050 - Inspection fees.

The inspection of any proposed infrastructure within a subdivision as required in Section 16.32.040 shall require payment of fees by the subdivider as follows:

- A. Five dollars (\$5.00) per lineal foot for streets (including stormwater drainage or retention);
- B. One dollar (\$1.00) per lineal foot for sewer lines;
- C. Fifty cents (\$0.50) per lineal foot for water lines.

(Ord. 4381 § 3, 2003)

Chapter 16.28 - VARIATIONS AND EXCEPTIONS

Sections:

16.28.010 - Variance.

16.28.020 - Group developments.

16.28.010 - Variance.

When a subdivider can show that a provision of this Title 16 would cause unnecessary hardship if strictly adhered to, and when, in the opinion of the planning commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the commission may recommend a variance or modification of the board of aldermen. The subdivider shall apply in writing for such variance or modification. Any variance thus recommended shall be entered in writing in the minutes of the commission and the reasoning on which the departure was justified shall be set forth. Any variance or modification authorized by the board of aldermen shall be made by resolution and a copy thereof shall be attached and made a part of the final plan.

No variance shall be granted unless the commission finds that no detriment will be caused to the public welfare and no damage will be caused to other public property in the area in which the property for which the variance is requested is situated, and that the variance will not substantially impair the intent and purpose of this Title 16.

(Prior code Appx. A, Art. XI, § 1)

16.28.020 - Group developments.

The commission may approve a comprehensive group development, including residential neighborhood units, cluster developments, and condominium types, if it finds that the variations from these regulations will not adversely affect the health, welfare, safety and convenience of the individuals occupying said development. In a comprehensive group development, the allowable percentage of land which is to be set aside for various types of dwelling, commercial, and/or industrial uses shall not exceed the amount specified in the zoning ordinance for the district for which the development is proposed to be located.

(Prior code Appx. A, Art. XI, § 2)

Chapter 16.32 - PERMITS AND INSPECTIONS

Sections:

16.32.010 - Construction permit and inspection certificates.

16.32.020 - Building permits.

16.32.030 - Conditions.

16.32.040 - Inspection of proposed infrastructure in subdivision.

16.32.010 - Construction permit and inspection certificates.

Prior to the installation of any improvements, the subdivider shall obtain a construction permit from the city clerk. The permit shall authorize the construction of only those improvements contained within the improvement plans. During the installation of any or all improvements, the city shall retain the right to inspect the installation as deemed necessary to ensure compliance with the approved improvement plans. If any installation of improvements is deemed inadequate to meet the requirements of the approved improvement plans, the city engineer shall have the right to order a suspension of construction until compliance is achieved.

All inspections required under this Title 16 will be performed by the city engineer or his authorized representative. Upon completion of the installation of any or all improvements, the city engineer shall file with the city clerk notification that he has inspected the installation and that it is in compliance with the approved improvement plans, as far as he is able to determine. This shall not relieve the developer of his responsibility in cases of improper or faulty construction, substitution of inferior materials, or unapproved deviations from the improvement plans approved by the board of aldermen.

The subdivider shall pay for and arrange for inspections performed by any registered professional engineer in his employ, and any inspections that may be required by ordinances and regulations of other agencies having jurisdiction.

(Prior code Appx. A, Art. XII, § 1)

16.32.020 - Building permits.

No building permit shall be issued by any governing official for the construction of any building, structure, or improvements to the land or to any lot within a subdivision which has been approved for platting or replatting until all requirements of this Title 16 have been fully complied with.

No building permit shall be valid unless construction is started within six months of the date of issue.

Any building or structure for which a building permit is issued shall conform to any building, electrical, plumbing, utility, or safety code now in force by ordinance or which may be enacted in the future for the health, safety and welfare of the city.

(Prior code Appx. A, Art. XII, § 2)

16.32.030 - Conditions.

No building permit shall be issued and no building shall be erected on any lot within the territorial jurisdiction of the city unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of the major street plan of the city of Perryville, as provided in Section 89.460 and Section 89.470, Revised Statutes of the state of Missouri.

(Prior code Appx. A, Art. XII, § 3)

16.32.040 - Inspection of proposed infrastructure in subdivision.

Prior to the construction of any infrastructure in any subdivision, the city engineer or his or her authorized representative shall inspect the project as it relates to the installation of streets (including stormwater drainage or retention), installation of sewer lines, and installation of water lines. Upon completion of the inspection as set forth herein, the city engineer shall file with the city clerk notification that the city engineer has inspected and approved the proposed installation of infrastructure as set forth herein.

(Ord. 4381 § 2, 2003)

Chapter 16.36 - ENFORCEMENT

Sections:

16.36.010 - Enforcement.

16.36.010 - Enforcement.

No county recorder shall receive for filing or recording any subdivision plat required to be approved by the board of aldermen or the city planning commission unless the plat has endorsed upon it the approval of the board of aldermen under the hand of the clerk and the seal of the city, or by the secretary of the planning commission.

(Prior code Appx. A, Art. XIII)

Chapter 16.40 - RECORD OF PLATS

Sections:

16.40.010 - Record of plats.

16.40.010 - Record of plats.

A copy of the final plat of the subdivision shall be filed in a book of plats by the city of Perryville.

(Prior code Appx. A, Art. XIV)

Chapter 16.44 - VIOLATION AND PENALTY

Sections:

16.44.010 - Violation and penalty.

16.44.010 - Violation and penalty.

No owner, or agent of the owner, of any land located within the platting jurisdiction of 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 of aldermen or the city planning commission and recorded in the office of the county recorder. 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 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.

Any person violating the provisions of this Title 16 is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the county jail for not more than one year, or by both such fine and confinement.

(Prior code Appx. A, Art. XVI)

Chapter 16.48 - CHANGES AND AMENDMENTS

Sections:

16.48.010 - Changes and amendments.

16.48.010 - Changes and amendments.

Any regulations or provisions of this Title 16 may be changed and amended from time to time by the board of aldermen; provided, however, that such changes or amendments shall not become effective until after a study and report by the planning commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

(Prior code Appx. A, Art. XVII)