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## ARTICLE IX – SUBDIVISIONS AND LAND DEVELOPMENT

### SEC. 26-40 Generally

**A. Intent and Purpose.** This article is intended to be utilized in conjunction with the zoning regulations of **this Chapter** to ensure that the development of land within the City occurs in a manner that protects, provides for and promotes the public health, safety, convenience, comfort, and general welfare of the residents of the City. Specific purposes of this article include the following:

1. To ensure the orderly development or redevelopment of land;
2. To protect and conserve the value of buildings and other improvements, and minimize any adverse impact of development on adjoining or other nearby properties;
3. To ensure proper legal descriptions and documentation of subdivided land for the protection of both buyers and sellers of land;
4. To ensure that lot purchasers will receive a buildable, properly oriented lot, provided with adequate facilities to meet day-to-day needs;
5. To establish standards of design (and reference other sources of design standards and procedures) for subdivision improvements and improvements within unsubdivided developments to ensure safe and proper construction of new streets, utilities, drainage facilities; erosion control; and installation of street lighting;
6. To ensure a beneficial relationship between uses of land and buildings, and the street system, including safe access and maneuvering of fire trucks and other emergency vehicles;
7. To designate and define the powers and duties of the officials administering and enforcing this article; and
8. To establish penalties for the violation of this article.

**B. Applicability.** The regulations of **this Article** shall apply as follows:

1. The provisions of this article shall apply to every subdivision of land into two or more parcels and including situations where there are proposed publicly dedicated streets, alleys, easements, parks, common areas, or other facilities. The provisions of this article shall also apply to developments subject to "planned development" approval under **Article III, Section 26-10 (Applications and Procedures, Planned Development)**, of **this Chapter**.
2. The improvement plan requirements and land development standards, as contained in this article, shall also apply to unsubdivided developments, except for construction of improvements on single-family and two-family residential lots.
3. Every proposed subdivision of land within the City shall be submitted to the Planning, Zoning and Architectural Review Commission for its report and recommendation thereon to the Board of Aldermen. The final plat of any subdivision shall not be recorded in the office of the county recorder of deeds, unless and until such plat is approved in accordance with the provisions of this article.

4. The sale or transfer of small parcels of land, as determined by the Director of Public Services, to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of Board of Aldermen approval of a final plat. Prior to such sale or transfer and recording thereof, the property owners involved shall comply with the boundary adjustment provisions contained in **Section 26-46(E) through (G) (Special Procedures, Boundary Adjustments) of this Article.**
  5. Any court-ordered division of a tract of land shall comply with the requirements of this article.
- C. Subdivisions – Major.** Major subdivisions require the submittal of a sketch plat and approval of a preliminary and a final plat, in accordance with the provisions of this article. A major subdivision is a subdivision having any of the following characteristics:
1. The subdivision involves the creation of more than four lots;
  2. The total area of the tract to be subdivided is greater than two acres in size;
  3. There are proposed publicly dedicated streets, alleys, easements, parks, or other public lands; or
  4. Any subdivision of a tract of land for which a rezoning is required for all or a portion of the tract, including rezoning to a "PD" district.
- D. Subdivisions – Minor.** A minor subdivision is a subdivision that does not have any of the characteristics of a major subdivision, as described in **Subsection 26-40 (C)** above. Lot splits and lot consolidations are considered minor subdivisions. Minor subdivisions are not required to comply with the sketch plat and preliminary plat provisions of this article.
- E. Compliance with Zoning District Requirements.** Subdivisions created in according with the provisions of this Article shall comply with applicable provisions of **Article IV (Zoning Districts and Use Standards) of this Chapter.**
1. Creation of lots. No lot shall be created, nor property transferred from one adjoining lot to another, that results in any lot, and/or the use thereof, failing to comply with the requirements of **this Chapter.**
  2. Rezoning (zoning district map amendment). When a proposed subdivision would require that the tract, or portion thereof, be rezoned, consideration of the preliminary plat and the rezoning petition shall take place concurrently. The Planning Commission report on the preliminary plat and the proposed rezoning shall be submitted to the Board of Aldermen. In no event shall the Board of Aldermen approve a final plat prior to the Board adopting an ordinance approving the rezoning of the subject tract, or portion thereof.

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**SEC. 26-41 Subdivision Review and Approval Process**

**A. General procedures.** The following provides a brief summary of the steps in applying for and securing approval of any subdivision of land within the City. Subdivisions that qualify as a "minor subdivision" shall only be required to meet the requirements of the final subdivision plat stage.

Step 1: Pre-application sketch plat review (voluntary)

Step 2: Planning Commission work session (voluntary)

Step 3: Preliminary subdivision plat

Step 4: Improvement plans, guarantees, and trust indentures

Step 5: Final (record) plat

**B. Pre-application review – Sketch plat review meeting.** Prior to applying for preliminary plat review, the prospective applicant may request a sketch plat review meeting with the Director of Public Services. If the proposed plat is part of a planned development, this meeting shall satisfy the requirement for the pre-application conference for a planned development. The Director of Public Services may request that other City department representatives attend this meeting. At this meeting, the prospective applicant shall provide general information on the proposed subdivision, including site location, existing site conditions, and a sketch plat of the proposed subdivision. The sketch plat meeting is a voluntary and informal procedure intended to benefit the prospective applicant by allowing for an exchange of ideas and information. No formal approval from the Director of Public Services or other City staff is required prior to proceeding with the preliminary plat review and approval stage.

**C. Pre-application review – Contents of sketch plat.** The sketch plat shall be drawn at a scale of one-inch equals 200 feet or greater, which may be drawn in neat freehand form. The sketch plat, and any accompanying documents, shall include the following information, which may be based on sources other than field survey data.

1. Name, address, and telephone number of the owner of record, applicant (if different than the owner of record), engineer and/or land surveyor retained for preparing the plat.
2. Acreage, existing and proposed (if different) zoning classification of the tract to be subdivided.
3. The approximate location of all existing land uses and structures within the tract proposed to be retained or demolished and all land uses and structures within 150 feet of the tract.
4. Existing and proposed trees or tree masses, including street trees.
5. Arrangement of all proposed lots and common areas.
6. Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system.
7. Proposed location of private access drives.
8. Location and size of existing and proposed utility lines and easements.
9. The generalized drainage scheme, including proposed detention/retention facilities (show contour intervals of five feet or less).

10. A north arrow and scale.

**D. Pre-application review – Planning Commission work session.** Prior to formal application for preliminary plat review, the applicant may submit the sketch plat for review at a work session held with the Planning Commission. This work session is not mandatory, but is highly encouraged. If the applicant wishes to take advantage of this work session, then the applicant shall request to be on the Planning Commission agenda and submit the required number of copies of required documents as indicated on the application according to the meeting schedule deadline.

**E. Preliminary plat – Submittal requirements.**

1. *Application.* An application for a preliminary plat shall be made in compliance with **Article III, Section 26-8(A)(1), Section 26-8(A)(2), and Section 26-8(A)(3)(a) (Applications and Procedures, Common Procedures for All Applications, Applications and Fees).**
2. *Information.* The preliminary plat shall be drawn at any scale, from one inch equals 20 feet to one inch equals 100 feet in any increments of 10 feet, on one or more sheets not less than 24 inches by 36 inches or greater than 36 inches by 42 inches in size. Also include a north arrow, scale, date, and revision date block on each sheet. The plat shall contain the following information:
  - a. The name of the proposed subdivision, which shall be original and not a duplication of the name of any previously recorded subdivision or development in the county.
  - b. A vicinity map showing the relationship of the tract to be subdivided to the surrounding community. The vicinity map shall cover an area within a radius of one mile of the proposed subdivision at a scale of one-inch equals 2,000 feet. The map shall generally locate arterial streets, highways, railroads, and any significant landmarks which helps to locate the subdivision tract.
  - c. The approximate area of the tract and the proposed lots therein stated in the nearest 0.1 of an acre.
  - d. Dimensions of:
    - (1) The tract to be subdivided;
    - (2) Each proposed lot intended for sale or lease;
    - (3) Proposed common open space.
  - e. Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend 150 feet beyond the limits of the subdivision boundaries. USGS data is required.
  - f. Delineation and widths of proposed street, alley, or other rights-of-way, including radii of curves, cul-de-sacs, and any additional rights-of-way along existing streets, as may be required by the City or other public entity having jurisdiction, indicating all rights-of-way proposed for dedication to the City or other public entity.
  - g. Building setback lines, including side yard, rear yard, or proper line setback associated with each proposed platted lot, in accordance with the applicable zoning district classification. For

detached single-family or two-family dwelling type lots, building setback lines may be indicated in a typical lot detail.

- h. Identification and delineation of any buffer areas required by **Article IV, Sections 26-16, Section 26-17, and/or Section 26-18 (Zoning Districts and Use Standards, Standards Applicable to All Districts, Standards Applicable to Specific Uses and Districts, and/or Watson Road Overlay Area)** and **Article V, Section 26-24 (Site and Landscape Design Standards, Stream Buffer Protection)**.
- i. Identification and delineation of lots, streets, alleys, and easements associated with all adjoining subdivisions, drawn to the same scale in dashed lines (or half-toned) for a distance of 150 feet from the boundaries of tract proposed to be subdivided.
- j. The results of any tests made to ascertain subsurface soil conditions and water table.
- k. The owners of record of land adjoining the area proposed to be subdivided.
- l. The existing zoning district classification(s) of the tract proposed to be subdivided and the adjoining properties, and the proposed zoning of the tract, if different.
- m. Proposed use of each lot within the proposed subdivision.
- n. The location of all existing storm sewer, sanitary sewer, water mains, gas mains, or other underground utilities within the tract to be subdivided, and off-site where proposed connections to the same are proposed.
- o. The location and width of all easements necessary to accommodate utilities serving the proposed subdivision.
- p. Preliminary site drainage system, designed in accordance with the requirements of the MSD and showing any proposed drainage swales, detention or retention areas, storm sewer pipes, culverts, and any other storm drainage improvements (including any off-site improvements).
- q. Preliminary layout of the sanitary sewer collection system, designed in accordance with the requirements of the MSD and showing pipe sizes, manhole locations, approximate flow line elevations, lift stations, and any other pertinent sanitary sewer facilities necessary to service the development.
- r. The delineation of FEMA-designated floodplain and floodway boundaries, if any.
- s. Any proposed alteration, adjustment, or change in the elevation or topography of any floodplain or floodway, as designated on the FEMA floodplain and floodway maps.
- t. Delineation of plat phases and anticipated time schedule, if the subdivision is to be constructed in phases.
- u. The location and identification of all existing trees, within the tract proposed to be subdivided, having a trunk size of eight inches in diameter or greater, as measured five feet above the ground, indicating which trees are to be removed and preserved.

- v. Other significant natural features such as rock outcroppings, sinkholes, and any other key natural features of the site.
  - w. A certification by a registered engineer or land surveyor, who prepared the plat, indicating that the preliminary plat is a correct representation of all existing and proposed land divisions.
  - x. Signature Blocks
2. *Supplemental information.* The following supplemental information shall/may be required:
- a. The following names and addresses (may be shown on the plat drawings):
    - (1) The record owner or owners of the tract;
    - (2) Applicant proposing the subdivision, if different than the record owner;
    - (3) The party who prepared the plat and the engineer who will design the subdivision improvements, if retained at the preliminary plat stage.
  - b. Evidence of the applicant's ownership interest (e.g., title, option contract) of the tract proposed to be subdivided.
3. *Rezoning.* When a proposed subdivision would require that the tract or portion thereof be rezoned, a rezoning petition shall be initiated by the applicant simultaneously with the application for preliminary plat approval.

**F. Preliminary Plat – Review procedure.**

- 1. *Submission by applicant.* After the sketch plat review meeting and the Planning Commission work session (if elected by the applicant), the applicant shall submit a preliminary plat and other information required by **Subsection (E)** of **this Section** to the Director of Public Services.
- 2. *Staff review.*
  - a. **Completeness of submittal.** Upon receipt of the preliminary plat and associated documents, the Director of Public Services shall review the documents to determine acceptability for submission. If the Director determines the submittal is complete, then the submittal shall be date stamped.
  - b. **Distribution.** As soon as practical after acceptance of the preliminary plat submittal, the Director of Public Services shall distribute copies of the preliminary plat to the Fire Marshal and other City staff, as appropriate.
  - c. **Staff review.** Preliminary Plats will be reviewed in accordance with **Article III, Section 26-8(D) (Applications and Procedures, Common Procedures for All Applications)**. Additionally, the Director of Public Services shall review the preliminary plat and solicit comments from other City staff on such plat, with respect to meeting the requirements of **this Chapter**, other applicable City regulations, and with respect to good site planning, both within the tract to be subdivided and its relation to the surrounding area. The Director, with the input of other City staff, shall identify any deficiencies and site planning issues.

- d. Recommendation. Staff shall recommend to the Planning Commission approval or disapproval of the preliminary plat. A recommendation of disapproval shall be accompanied by reasons. In recommending approval of a preliminary plat, Staff may recommend conditions to be addressed and resolved.

3. *Planning Commission action.*

- a. The Planning Commission shall consider the preliminary plat at the meeting scheduled for review of the subject plat. A vote of disapproval shall be accompanied by reasons for such action in the meeting minutes. In approving a preliminary plat, the Commission add conditions to be addressed and resolved.
- b. The Planning Commission may approve the plat, with conditions as recommended by Staff, if any, or as the Commission may determine, by a majority vote.
- c. If the Planning Commission vote is contrary to the Staff recommendation, then such vote shall be by a two-thirds majority.
- d. The Planning Commission shall take action on the preliminary plat within 60 days of its consideration of such plat. Otherwise, the preliminary plat shall be deemed as recommended for approval by the Commission, except that the Commission, with the consent of the applicant, may extend this sixty-day period.

**G. Preliminary plat – Effect of approval; period of validity.**

1. Approval of the preliminary plat by the Planning Commission constitutes authorization for the applicant to proceed with preparation of the improvement plans and related documentation.
2. The preliminary plat shall be valid for a period of one year from the date of Planning Commission approval. In the case of phased developments, the period of validity for the first phase shall be one year. Thereafter, application for final plat approval of subsequent phases shall be submitted to the Director of Public Services within one year after recording the previous phase. In no case shall any portion of a preliminary plat for a phased development be valid for more than three years.
3. At such time the period of validity has expired, the Planning Commission approval of the preliminary plat shall become null and void. In this event, a resubmission of the preliminary plat shall be required if the applicant intends to pursue final plat approval. The Planning Commission may grant up to a one-year extension from the date that the period of validity expired. The Commission may deny such extension or reject the reapplication for the same preliminary plat proposal in light of new facts and circumstances relating to the preliminary plat.
4. In the event that preliminary plat approval has expired, and such plat involved rezoning all or a portion of the property comprising the subdivision plat, the Board of Aldermen may initiate actions to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of the zoning regulations (see **Article III, Section 26-10 (Applications and Procedures, Zoning Map and Text Amendments)** of this Chapter).

**H. Preliminary plat – Withdrawal of plat.** The applicant may, at any time, withdraw a preliminary plat from consideration. Such withdrawal shall be made in writing to the Director of Public Services or in a public meeting before the Planning Commission. If the applicant desires to resubmit such plat, or

modified version thereof, at a later date, then the entire review and approval procedure required by this division shall apply. Withdrawal of an application for preliminary plat approval shall not entitle the applicant to a refund of any required fees, nor shall any fees paid be credited to a future application for preliminary plat approval.

- I. Preliminary Plat-Appeal.** Appeal of the Planning Commission’s decision can be made to the Board of Alderman in accordance with the procedures outlined in **Article III, Section 26-8(H) (Applications and Procedures, Common Procedures for All Applications)**.
- J. Preliminary Plat-Power of Review.** The Board of Alderman may utilize their Power of Review Authority outlined in **Article III, Section 26-8(K)** for applications in **this Section**.

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**SEC. 26-42 Improvement Plans.** Precedent to filing of the final plat, all engineering-related plans and specifications shall be prepared, signed, and sealed by a registered professional engineer. Landscape plans shall be prepared by a landscape architect. It shall be the applicant's responsibility to obtain any required approvals from public agencies and utility companies having jurisdiction or authority (e.g., Metropolitan St. Louis Sewer District (MSD), Missouri Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers (COE)).

**A. Improvement plans – Submittal requirements.**

1. *Drawings.* Except as otherwise required herein, the improvement plans shall be drawn at any scale from one-inch equals 20 feet to one inch equals 100 feet in any increments of 10 feet, on one or more sheets not greater than 24 inches by 36 inches in size, which shall include a north arrow, scale, date, and revision date block on each sheet. The improvement plans shall contain the following information:
  - a. Title page and index. The title page shall include the proposed name of the subdivision and show the name, address, and telephone number of the developer and the engineering/landscape design firm(s) who prepared the plans. If the set of improvement plans contain more than five sheets, not including the title sheet, then an index sheet shall also be provided.
  - b. Key map. If the subdivision is to be built in phases, provide a key map of the tract, showing the general layout of the entire subdivision which, the applicable phase highlighted.
  - c. Street and utility plans.
    - (1) Plans and profiles. Plans and profiles for streets, sanitary sewers, and storm sewers shall be drawn at a scale of one-inch equals 50 feet horizontal and one inch equals 10 feet vertical, or as otherwise approved by the Director of Public Services.
    - (2) Streets and sidewalks. Typical street cross-sections shall be shown with complete dimensions and construction information. Street profiles shall be provided, showing existing and proposed elevations at fifty-foot intervals on the center line and at points along the proposed street right-of-way, as measured along a line drawn perpendicular to the center line stations.
    - (3) Sanitary sewers. Sanitary sewer plans shall show the alignment of all sewer mains, manhole locations, and proposed easement locations and dimensions. Specific drawing information shall be in accordance with the requirements of the MSD.
    - (4) Water distribution. Water distribution plans shall show the alignment of all water mains, location of valves and fire hydrants, and proposed easement locations and dimensions. Specific drawing information shall be in accordance with the requirements of the Missouri American Water Company and specifications established by the City Fire Marshal.
    - (5) Storm drainage plans. See **subsection 1(d)** of **this Section** below.
    - (6) Lighting plans. Show the location of proposed street lights and indicate the type of light standards, fixtures, and the rated output (lumens) of the light sources.

- (7) Other utility plans. Show proposed locations of any other utilities, including easements. Drawing information requirements for other utilities (e.g., electric, gas, telephone, cable television, etc.) shall be in accordance with the requirements of the applicable utility company.
  - d. Grading, storm drainage, and erosion control plans. A grading plan and stormwater pollution prevention plan shall be submitted in accordance with the requirements of **Chapter 7, Article III, Grading and Excavating**.
  - e. Landscape plans. A landscape plan for street trees shall be submitted in accordance with the requirements of **Article V, Section 26-21 (Site and Landscape Design Standards, Landscape Design Standards)** of this Chapter.
2. *Supplemental information requirements.* The following supplemental information shall/may be required:
- a. Cost estimates. Provide cost estimates for all site preparation and construction of improvements, in sufficient detail for verification and approval by the Director of Public Services. Identify any reference sources of costs used in preparing the cost estimates, or the source of the cost estimate (e.g., if prepared by a utility company to be contracted to install certain improvements).
  - b. Evidence of review by others. Provide written statements from (or correspondence from the developer to) the following agencies indicating that the improvement plans for the subdivision plat have been submitted for determination of compliance with their respective rules and standards:
    - (1) Metropolitan St. Louis Sewer District;
    - (2) Missouri Department of Transportation, if access to the development is to be from a State highway;
    - (3) St. Louis County Department of Transportation, if access to the development is to be from a county arterial road;
    - (4) Missouri Department of Natural Resources (see **subsection 1(d)** above);
    - (5) U.S. Army Corps of Engineers; and
    - (6) Other agencies having review authority over any element of the proposed development.

**B. Improvement plans – Review procedure.**

1. *Submission by applicant.* After Board of Aldermen approval of the preliminary plat, the applicant shall submit to the Director of Public Services improvement plans and other information required by **Section 26-41(E) (Subdivision Review and Approval Process, Preliminary Plat-submittal requirements)** to the Director of Public Services. It shall be the applicant's responsibility to provide copies of improvement plans to the other applicable reviewing agencies or utilities.
2. *Staff review.* As soon as practical after receipt of the improvement plans, the Director of Public Services shall distribute copies of the applicable documents to the Fire Marshal and other City

staff, as appropriate. The Director of Public Services, with the input of other City staff, shall review the improvement plans and shall:

- a. Determine compliance with the approved preliminary plat and compliance with the requirements of this article, and other applicable City regulations; and
  - b. Verify accuracy of information provided, including cost estimates.
3. *Evidence of approval by other agencies or utilities.* The applicant shall provide evidence to the Director of Public Services of the approval, or agreement to install improvements, from all applicable reviewing agencies/utility companies, including payment of any required inspection fees.
  4. *Approval.* Upon determination by the Director of Public Services that the improvement plans satisfy the requirements with this article, then such improvement plans shall be stamped as approved and dated.

**C. Improvement plans – Effect of approval; period of validity.** Approval of the improvement plans shall be valid for a period of two years from the date of approval. If the construction of improvements has not been completed within the two-year period, the Director of Public Services may grant an extension of up to one year for completion. Any request for an extension shall be filed in writing with the Director of Public Services prior to the expiration of the approval. If construction has not been commenced within the two-year period, the approval shall be void.

**D. Improvement plans – As built drawings.** After all required improvements, public or common private improvements, have been installed, but before final approval or acceptance, the developer shall submit as-built drawings of the improvements to the Director of Public Services.

**E. Completion of Improvements Guaranteed – Completion deposits.**

1. After the improvement plans have been approved and all inspection fees paid, but before approval of the final subdivision plat, the developer shall guarantee the completion of all required improvements in accordance with the regulations of this article. The developer shall either deposit cash or an irrevocable letter of credit under a deposit agreement with the City to guarantee the construction, installation and completion of the required improvements within the completion period approved by the Director of Public Services, which shall not exceed two years, except as such period may be extended as hereinabove provided.
2. No guarantee or deposit shall be given to the City for sanitary and storm sewer improvements, if the MSD confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any guarantee, escrow, or renewal, extension or replacement thereof for plats approved prior to the effective date of this article.

**F. Completion of Improvements Guaranteed –Deposit agreement.**

1. Deposit agreement. Deposit agreements shall provide that there shall be deposited with the City:
  - a. A cash amount not less than the estimate of the cost of the construction, completion and installation of the improvements indicated on approved improvement plans and approved by the Director of Public Services; or

- b. A sight draft irrevocable letter of credit which may be renewable, issued under the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Brochure No. 400, as amended, payable at a local financial institution, in an amount not less than the approved estimate of the cost of the construction completion and installation of the improvements indicated on the approved improvement plans, with final expiration date of not less than six months after the initial period allowed for completion of required improvements, drawn in favor of the City and guaranteeing to the City the availability, from time to time upon demand, of the balance under the deposit agreement and letter of credit not theretofore released.
2. Pre-approval of financial institution. No financial institution shall be eligible to provide a letter of credit, unless approved in advance by the Director of Public Services and the City Attorney on such terms and criteria as may be established by the City.

**G. Completion of Improvements Guaranteed – Release/reduction of completion deposits.**

1. The deposit agreement shall be held by the City and remain in effect until such time as the required improvements are completed in accordance with the requirements of this article. Partial releases of the cash deposit or reductions in the letter of credit shall be made as follows:
  - a. Release/reduction. The Director of Public Services shall partially release the cash deposit or reduce the letter of credit obligation for a category of improvement within 30 days of completion of such category of improvement, minus a retention of 5%. A category of improvement shall be deemed to be completed upon issuance of written approval from the appropriate inspecting public authority and determination by the Director of Public Services that such category of improvement has been completed in accordance with the applicable standards of this article.
  - b. Release of balance. The developer shall be responsible for any defects, deficiencies and damage to required improvements during the development of the subdivision. The remaining funds or the balance of the letter of credit shall be held until such time as the subdivision has been completed, in accordance with the standards of this article and the submittal of as-built drawings of the improvements, as required in subsection (D) of this Section. If defects or deficiencies are found on inspection, same shall be corrected by the developer prior to the release of the remaining funds or the letter of credit.

**H. Completion of Improvements Guaranteed – Failure to complete improvements.**

1. The obligation of the developer to construct, complete and install the required improvements shall not cease until the developer shall be finally released. If, after the improvement completion period, the required improvements are not constructed, completed, or installed, or if the developer shall violate any provision of the deposit agreement as determined by the Director of Public Services, the Director of Public Services shall request the developer or letter of credit provider to show cause, within not less than 10 days, why the City should not declare the developer in default. If the developer or surety or letter of credit provider fails to cure any default or present compelling reason why no default should be declared, the Director of Public Services shall declare the developer in default and may take any one or more of the following actions:
  - a. Deem the balance under the deposit agreement not theretofore released as forfeited to the City, to be used to bring about the completion of the required improvements or other appropriate purposes in the interest of the public safety, health, and welfare; or

- b. Require the developer to submit an additional cash sum or letter of credit sufficient to guarantee the completion of the required after recalculation in order to allow for any inflated or increased costs of constructing improvements.
2. If the Director of Public Services determines that forfeiture of the remaining deposit under **subsection (H)(1)(a) of this Section**, above will not allow completion of the required improvements and if the developer fails to comply with the Director of Public Services' requirements under **subsection (H)(1)(b) of this section**, above, the Director of Public Services may suspend the right of anyone to build or construct on the undeveloped portion of the subdivision. For the purpose of this subsection, the undeveloped portion of the subdivision means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The Director of Public Services shall give the developer 10 calendar days' written notice of an order under this subsection, with copies to all issuers of letters of credit who have outstanding obligations for any undeveloped portion of the subdivision, and shall record an affidavit of such notice with the recorder of deeds. If, within the ten-day period after notice is given, the Director of Public Services has not determined by compelling evidence that completion of the improvements is adequately assured, the Director of Public Services shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer of the letter of credit, and a copy recorded with the recorder of deeds. Public notice of such order shall be conspicuously and prominently posted by the Director of Public Services at the subdivisions or lots subject to such order. The notice shall contain the following minimum language, which may be supplemented at the discretion of the Director of Public Services:

- a. If such notice is for a subdivision:

THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC SERVICES. NO DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME AS THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC SERVICES REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE CRESTWOOD MUNICIPAL CODE.

- b. If such notice is for a lot:

THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC SERVICES. NO DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC SERVICES REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE CRESTWOOD MUNICIPAL CODE.

The suspension shall be rescinded in whole or in part only when the Director of Public Services has determined that completion of the improvements is adequately assured in all or an appropriate part of the subdivision.

**I. Maintenance of common areas and facilities – Trust indentures.**

1. In any case where the establishment of common land (including pedestrian walkways and cul-de-sac islands), street lighting, drainage facilities (such as detention basins, drainage pipe, and ditches) or any other improvement requiring continuing maintenance, a trust indenture providing for such maintenance shall be recorded simultaneously with the final plat.
2. The trust indenture shall provide that the common land be used for the benefit, use, and enjoyment of the lot owners, present and future; for the proper maintenance and supervision by the trustees who are selected to act in accordance with the terms of such indenture and the applicable sections of this article; and that no owner shall have the right to convey such owner's interest in the common land except as an incident of ownership of a platted lot.
3. Common land shall be conveyed by the owner in fee simple absolute title by warranty deed to the subdivision association or trustees.
4. For single lot developments (e.g., commercial developments), the Director of Public Services may accept script certifying the means of maintenance, placed on the plat or separate instrument to be recorded simultaneously with the plat.
5. Any trust indenture required to be recorded, or recorded for the purpose of compliance with the provisions of **this Article** shall provide for not less than the following representation of purchasers of developed lots as trustees:
  - a. One-third of the trustees or officers shall be chosen by purchasers of developed lots after 50% of the lots have been sold;
  - b. Two-thirds of the trustees shall be chosen by purchasers of developed lots after 95% of the lots have been sold;
  - c. All of the association trustees shall be chosen by purchasers of developed lots after all of the lots have been sold.
6. The term of the indentures for all types of subdivisions, including planned districts, shall be for the duration of the subdivision. In the event that the subdivision is vacated, fee simple title shall vest in the then lot or unit owners as tenants in common. The rights of the tenants in common shall only be exercisable appurtenant to and in conjunction with their lot ownership. Any conveyance or change of ownership of any lot shall convey with it ownership in the common land, and no interest in the common land shall be conveyed by a lot owner except in the conjunction with the sale of a lot. The sale of any lot or unit shall carry with it all the incidents of ownership of the common land although such may not be expressly mentioned in the deed; provided, however, that no right or power conferred upon the trustees shall be abrogated.
7. Each trust indenture and warranty deed shall be accompanied by a written legal opinion from an attorney licensed to practice in the State of Missouri, setting forth the attorney's legal opinion as to the legal form and effect of the trust indenture and deed. The deed and trust indenture shall be

approved by the City Attorney prior to being filed with the county recorder of deeds simultaneously with the recording of the final plat.

**J. Maintenance of common areas and facilities - Disclosure of responsibility for maintenance of streets.**

1. *Required.* So long as there is a street not accepted by the City for maintenance within any subdivision, no person shall sell, or offer to sell, or advertise for sale, any dwelling unit or nonresidential property without disclosing to each prospective purchaser such purchaser's responsibility with respect subdivision streets in the manner required by this section. For purposes of this section, "prospective purchaser" includes any person making inquiry of any responsible party with respect to purchase of a lot or dwelling unit.
2. *Form of disclosure.* Disclosure shall be made to each prospective purchaser in substantially the following form:

THE CONSTRUCTION DESIGN OF THESE STREETS HAS BEEN APPROVED BY THE CITY AND OFFERED FOR DEDICATION TO THE CITY. UNTIL SUCH TIME AS STREETS ARE ACCEPTED BY THE CITY FOR MAINTENANCE, THE OWNERS OR HOMEOWNERS' ASSOCIATION WILL BE RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE.

Modification of the above language may be made only as necessary to plainly and accurately portray the current and future status of subdivision streets. Any reference in such disclosure to a board of trustees or similar persons shall reference the trust indenture which discloses the manner of selection of trustees and the manner in which any costs borne by such persons will be defrayed.

3. *Responsible parties.* The requirements of this section shall be complied with by any developer, development corporation, lender, title company, real estate broker, corporation, agent, manager or management corporation, and each agent or employee of the foregoing to the extent of involvement in marketing of property for sale.
4. *Specific requirements.* It shall be the responsibility of each responsible party to accomplish the disclosure required by this section. Without limiting the generality of this obligation, the disclosure, in any event:
  - a. Shall be prominently posted in the sales office;
  - b. Shall be contained in a contract for the sale of a lot or dwelling unit, and if not printed in "red lettering" or similar highlighting, shall be specifically pointed out to a prospective purchaser prior to execution of any such contract;
  - c. Shall be printed in readily legible typeface on any map or plat used for marketing purposes.
5. *Exceptions.* The disclosure required by this section need not be made:
  - a. In advertising by signage, radio, television, newspaper, or multiple listing service;
  - b. By a person presently owning and who has never owned within the subdivision or development more than the single unit which is offered for sale.

6. *Pre-approval of modified disclosure.*
  - a. Any proposed modification of the language of the required disclosure shall be submitted to the City Attorney for approval, prior to use.
  - b. The City Attorney shall approve any modification which is factually accurate and serves to inform a prospective purchaser at least as well as the language set forth above.

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**SEC. 26-43 Final (Record) Plat.** The provisions of this section provide the requirements associated with submitting and recording of the final plat.

**A. Final (record) plat — Submittal and information requirements.**

1. *Application.* An application for a preliminary plat shall be made in compliance with **Article III, Section 26-8(A)(1), Section 26-8(A)(2), and Section 26-8(A)(3)(a) (Applications and Procedures, Common Procedures for All Applications, Applications and Fees).**
2. *Information.* The final plat shall be drawn at any scale, from one-inch equals 20 feet to one inch equals 100 feet in any increments of 10 feet, on one or more sheets not less than 8 1/2 inches by 14 inches or greater than 36 inches by 42 inches in size, including a north arrow, scale, date, and revision date block. The plat shall contain all the information required in a preliminary plat, but in its final form, subject to the following qualifications and additional information requirements:
  - a. All dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the subdivision, blocks, lots, streets, alleys, easements, and any other areas for public or private use. The error of enclosure of the subdivision boundary survey shall not exceed one foot for each 10,000 feet of perimeter survey. The linear dimensions shall be expressed in feet and decimals of a foot.
  - b. Accurate distances and directions to the nearest permanent survey monument from which the survey was made.
  - c. Location and description of all survey monuments.
  - d. When lots are located on a curve or when side lot lines are at angles (from the street right-of-way) other than 90°, the width of lot at the front building setback line shall be shown.
  - e. The location and width of all easements necessary to accommodate utilities serving the proposed subdivision.
  - f. Accurate delineation of any property designated for dedication for public use (e.g., streets), or temporary public use (e.g., grading easements).
  - g. Names of streets.
  - h. Identification system for all lots and blocks.
  - i. Area in square feet for each lot or parcel, shown on the plat or on a supplemental sheet.
  - j. Zoning district classification, and zoning district boundary line when the subdivision is located in more than one district. If the subdivision is coincident with a planned development district, the ordinance number which created the "PD" district shall be indicated.
  - k. Certification by a state registered land surveyor, who performed the property survey, to the effect that the plat represents a survey made by the surveyor, and that such survey complies with the "Standards of Missouri Board for Architects, Professional Engineers and Land Surveyors and Department of Natural Resources"; that the plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision of it; and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.

- l. Form of certificate of approval by the Planning Commission.
- m. Boundary description of the subdivision, including the area of the subdivision to the nearest 100th of an acre.

**B. Final (Record) Plat – Review and approval procedure.**

1. *Submission by applicant.* After the approval of improvement plans, the applicant shall submit a completed application, the final plat, and other information required by **Section 26-43(A)** above to the Director of Public Services.
2. *Staff review.* Final Plats will be reviewed in accordance with **Article III, Section 26-8(D) (Applications and Procedures, Common Procedures for All Applications)**.
  - a. *Completeness of submittal.* Upon receipt of final plat and associated documents, the Director of Public Services shall review the documents to determine acceptability for submission. If the Director determines the submittal is complete, then the submittal shall be date stamped.
  - b. *Distribution.* As soon as practical after acceptance of the final plat submittal, the Director of Public Services shall distribute copies of the final plat to the Fire Marshal and other City staff as appropriate.
  - c. *Staff review.* The Director of Public Services shall review the final plat, and solicit comments from other City staff on such plat, to determine compliance with the approved preliminary plat, including any conditions of approval placed on the preliminary plat, and consistency with the approved improvement plans.
3. *Planning Commission review.*
  - a. The Planning Commission shall review the final plat at the meeting scheduled for review of the final plat. The Planning Commission shall make a determination whether the final plat is in substantial compliance with the approved preliminary plat. The Commission shall recommend to the Board of Aldermen approval or disapproval of the final plat. A vote of disapproval shall be accompanied by reasons for such action in the meeting minutes.
  - b. The Planning Commission shall take action on the final plat within 60 days of its consideration of such plat. Otherwise, the final plat shall be deemed as recommended for approval by the Commission, except that the Commission, with the consent of the applicant, may extend this sixty-day period.
4. *Prerequisites to forwarding final plat to Board of Aldermen.* Prior to the Director of Public Services forwarding the recommendation of the Planning Commission regarding the final plat to the Board of Aldermen, the applicant shall provide to the Director of Public Services the following documents as they may be applicable:
  - a. Certificate of clear title, prepared by a duly authorized title company stating that the signatures of all persons whose consent is necessary to the preparation and recording of such plat and to the offer of dedication of any streets and/or other public places are shown on the plat.

- b. The subdivision trust indenture and warranty deed for common land conveyance, accompanied by a letter of compliance from an attorney.
  - c. Guarantee of installation of water mains from the St. Louis County Water Company, if not to be installed by the developer of the subdivision.
  - d. Verification of street names and addresses from the St. Louis County Department of Revenue.
  - e. Tax certificate or copy of paid tax bill for the property from the St. Louis County Collector of Revenue.
  - f. Verification that the subdivision name is not a duplicate of another subdivision name in the county from the St. Louis County Recorder of Deeds office.
  - g. Verification of payment of all inspection fees, where applicable.
  - h. Letter from the MSD certifying connection fees have been paid.
  - i. Deposit agreement (see **Section 26-42(E)** through **(H) (Improvement Plans)**).
5. Board of Aldermen action. As soon as practical after the Planning Commission makes its recommendation and after the applicant complies with **Subsection (B)(4)(a)** through **(i) of this Section**, above, the final plat shall be forwarded to the Board of Aldermen for its consideration. Upon determination that the final plat is in full compliance with the requirements hereof, the Board shall adopt an ordinance approving such final plat.
- C. Recording of plat.** After Board approval, the final plat shall be drawn or photographically reproduced on mylar drafting film shall be submitted to the City for signature prior to recording. Pen or laser plots on mylar film may be accepted so long as the image is permanent. Following the recording of the final plat, one recorded copy of the subdivision plat, bearing the county recorder's signature, seal, and notation as to plat book and page, shall be returned to the Director of Public Services of Public Works, along with similarly recorded copies of trust indenture and any other supporting documents required to be recorded by **this Article**. Subject to the provisions of **Sections 26-46(A) through (D)** of **this Article**, relating to approved display plats, no building permits shall be issued prior to the Director of Public Services receipt of the record plat and any applicable recorded documents.
- D. Plat approval not acceptance for maintenance of dedications.** Approval of a final plat does not constitute acceptance by the City for the maintenance of any streets, sidewalks, parks or other public facilities shown on the plat to be dedicated to the City. Such acceptance shall not occur until such time that the Director of Public Services determines that the public improvements have been completed in a satisfactory manner.

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**SEC. 26-44 Land Development Standards – Purpose, Intent, and Compliance with Design Standards.** The regulations of this Section are intended to control and enhance the layout of a development, including the orientation of lots and structures thereon.

**A. Purposes and Intent.** The purpose of these regulations are as follows:

1. To provide desirable building sites logically related to topography, natural features, streets, parking areas, common land (if any), other structures, and adjacent land uses;
2. Consideration for surrounding land uses, both in terms of the impact of the proposed development on the surrounding area;
3. Consideration for any existing or potential impacts of adjacent land uses on the proposed development;
4. Give due regard shall to natural features (such as large trees and watercourses), presence of historic landmarks or districts, the proximity and density of nearby residential areas, and any other on- or off-site conditions.

**B. Compliance with Design Standards.** Subdivisions or development shall comply with the standards contained in **this Article** and **this Section** and any other detailed design criteria as specified by the Director of Public Services, and any other utility companies or agencies having jurisdiction.

**C. Design Standards – Streets, General.**

1. Every street established after the effective date of this article shall be platted, designed and built in accordance with the requirements of this division.
2. Private streets shall be prohibited, except for private drives primarily intended to provide access to parking areas associated with multiple family residential developments, or road easements or cross-access easements associated with nonresidential developments.
3. Half-width streets shall be prohibited.
4. The street layout shall be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the development.
5. Residential streets shall be laid out to discourage through traffic and cul-de-sacs, to encourage connectivity, to permit efficient drainage and utility systems, and to provide convenient and safe access to lots.
6. In conjunction with satisfying the intent of **subsection (C)(5)** above, residential streets shall interconnect with surrounding streets where determined to be necessary to permit the convenient movement and dispersion of traffic within the local neighborhood and/or would facilitate the access of emergency vehicles.
7. All dead-end streets shall be developed with a cul-de-sac turnaround, with a circular pavement provided in accordance with this section, unless the Planning Commission recommends, and the Board of Aldermen approves, an equally safe and maneuverable turnaround space. This turnaround requirement shall not apply to dead-end "stub" streets having no more than four lots fronting thereto and which do not exceed 250 feet in length as measured from the center line of

the street intersection to the end of the stub street, provided that the Planning Commission and Board of Aldermen determine that such street provides a safe means of access for police, fire, and emergency vehicles.

8. Streets shall intersect, as nearly as possible, at right angles, and no street shall intersect with another at less than 70°. Not more than two streets shall intersect at any one point.
9. Whenever possible, proposed street intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center-line offset ("jog") occurs at an intersection, the distance between the center lines of the intersecting streets shall not be less than 150 feet when the intersected street is a residential street, and not less than 200 feet when the intersected street is a collector street or highway.
10. Street right-of-way shall not be placed adjacent to side or rear property lines of a lot, tract, or parcel in an established residential subdivision, except as is necessary to provide for future connections to adjoining unsubdivided tracts where recommended by the Planning Commission and approved by the Board of Aldermen. A minimum of a twenty-five-foot landscaped buffer, established as common ground, shall be provided between the street right-of-way and the side or rear property lines of the lots, tracts, or parcels, associated with the established residential subdivision. Intersection roundings shall be exempt from this requirement.
11. Additional traffic lanes or other widening, pavement thickness, drainage facilities, granular base, traffic control devices, and other improvements may be required to accommodate traffic volumes projected to be generated by the development, unsuitable soil conditions, steep grades, or other conditions.

**D. Design Standards – Streets, Specific.** All streets shall comply with the standard specifications of the Department of Highways and Traffic of the County, except as modified herein. All streets shall comply with the standard specifications outlined in the City’s adopted fire code. The City may require additional right-of-way and/or improvements as may be required to accommodate the proposed development and its impact on adjacent streets. The Director of Public Services may require that the applicant for subdivision plat approval provide a traffic study to assist in determining what additional improvements and/or right-of-way may be necessary. Where a development is accessed from a street or highway under the jurisdiction of the state or county, any required improvements thereon and intersecting streets or drives shall be designed and constructed in accordance with the requirements of the respective agency.

1. Street design standards and requirements for the City’s two principal street types are provided for in Table 26-44 below.

<b>Street Design Element</b>	<b>Dimensional Specifications</b>	
	<b>Minor (Residential) Street</b>	<b>Non-Residential and Collector Street</b>
<b>Street Width</b>		
Minimum Right-of Way	50 feet	60 feet
Minimum Pavement Width (measured to back of curb)	30 feet	38 feet
<b>Cul-de-sac turnaround</b>		
Right-of-way	54 feet	67 feet

<b>Table 26-44</b>		
<b>Street Design Element</b>	<b>Dimensional Specifications</b>	
	<b>Minor (Residential) Street</b>	<b>Non-Residential and Collector Street</b>
Pavement Radius (measured to back of curb)	42 feet	55 feet <sup>3</sup>
<b>Intersection radii</b>		
Right-of-way	20 feet	30 feet
Pavement (measured to back of curb) <sup>1</sup>	32	42 feet
<b>Street Pavement Material</b>	Concrete	Concrete
<b>Curb and Gutter</b>	Concrete <sup>2</sup>	Concrete <sup>4</sup>
<b>Street Grade</b>		
Maximum Slope	8%	6%
Minimum Slope	2%	2%
<sup>1</sup> The Director of Public Services may permit comparable cut-offs or chords in lieu of rounded corners		
<sup>2</sup> Vertical or lip (rolled) are permitted, with ADAAG compliant curb ramps provided at sidewalk intersections		
<sup>3</sup> Exception: The Planning Commission may recommend, and the Board of Aldermen may approve, a pavement radius of 42 feet where parking or loading areas provide for suitable turnaround movements.		
<sup>4</sup> Vertical only, with ADAAG compliant curb ramps provided at sidewalk intersections		

2. *Miscellaneous geometric requirements:*

- a. All pavement surfaces shall be centered within the right-of-way without exception.
- b. The minimum height of the street crown shall be determined by using a cross slope of 2%, or as required by the geometric pavement design approved by the Director of Public Services.
- c. Intersections shall be designed with grades as level as possible, notwithstanding provisions for proper drainage. Approaches to intersections shall not have a grade exceeding 3% for a distance of not less than 150 feet, measured from the center line of the intersecting street.

3. *Street names:*

- a. Proposed through streets, which are continuations of, or in general alignment with, existing streets, shall bear the names of such existing streets.
- b. Except as required under subsection a above, the name of a proposed street shall not duplicate the name of any existing or platted street within the county.
- c. All names of the streets proposed by the developer shall be approved by the County Department of Revenue, prior to submitting the final plat to the City for review.

## E. Design Standards – Sidewalks and Pedestrian ways

### 1. Requirements.

- a. Except as provided for herein, sidewalks shall be provided along both sides of any street, including around any cul-de-sac.
- b. Sidewalks or pedestrian ways may be required elsewhere within a development to provide access to parks, schools, public transportation facilities, common land, or similar areas, when the Planning Commission finds that such sidewalks or pedestrian ways are necessary to promote public safety.
- c. Sidewalks or pedestrian ways shall be constructed in accordance with the specifications established by the Director of Public Services. The minimum requirements for sidewalks shall be as follows:
  - (1) Residential sidewalks or pedestrian ways shall be concrete, having a minimum thickness of four inches and increased to six inches at driveway entrances. The minimum width of sidewalks in residential developments shall be four feet, except that wider widths may be required by the Board of Aldermen upon recommendation from the Planning Commission.
  - (2) Nonresidential sidewalks shall be concrete, having a minimum thickness of four inches and increased to seven inches at driveway entrances. The minimum width of sidewalks in nonresidential developments shall be four feet, except that wider widths may be required by the Board of Aldermen upon recommendation from the Planning Commission.
  - (3) Sidewalks shall be handicapped accessible.
  - (4) Where sidewalks do not presently exist along Watson Road (a state highway), sidewalks shall be provided; however, if the State Highway and Transportation Department prohibits such sidewalks within the state right-of-way, then the sidewalks shall be placed in a public easement outside of the right-of-way.
- d. Pedestrian ways, as distinguished from sidewalks along streets, may be constructed with other suitable materials; use of such materials shall be subject to the approval of the Director of Public Services when the developer can demonstrate that:
  - (1) Such pedestrian ways would serve the residents of and visitors to the development as adequately as concrete sidewalks; and
  - (2) Such pedestrian ways would be more appropriate with respect to the overall design theme of the development.

2. *Variance procedure.* A developer may request a waiver from the requirement for sidewalks along a street, in accordance with the variance procedure outlined in **this article**. The Director of Public Services shall provide a report to the Planning Commission concerning the conditions within the street right-of-way involved with the request. The Planning Commission may recommend, and the Board of Aldermen may approve a waiver in the following cases:

- a. Where sidewalks are not deemed necessary for the public safety or where topographical or other conditions make their installation and use impractical;
- b. Where the applicant has submitted an alternative sidewalk plan that provides for more direct and safer movement of pedestrian traffic; or
- c. Where the applicant can demonstrate that justifiable conditions exist wherein the strict application of requirements contained in this section would:
  - (1) Impose practical difficulties or particular hardship; or
  - (2) Create additional sidewalks that would not be in the public interest, and public safety would be adequately accommodated without the sidewalks.

## F. Design Standards – Lots.

### 1. General.

- a. Every lot shall have access from a public street, except for nonresidential lots accessed by a roadway easement or cross-access easement approved by the Board of Aldermen and recorded on a record or easement plat.
- b. The minimum area of lots shall be in accordance with the regulations of the zoning district in which the lots are located.
- c. The side lot lines of lots shall generally be at right angles to straight street lines, and radial to curved street lines, unless a deviation from this general standard would provide a better street and lot plan, in the judgment of the Planning Commission.
- d. Through lots should be avoided, except where necessary to provide separation of the subdivision from major or secondary streets, or as otherwise required by topography or similar conditions.
- e. Through lots shall have driveway access from the internal residential (local) street, unless it is impractical to do so because of topography or similar conditions.

### 2. Corner lots.

- a. Corner lots shall have adequate width to permit the required building setback lines from both streets (see **Article IV, Zoning Districts and Use Standards**, of this chapter).
- b. Corner lots, located at the intersection of a collector street and a residential (minor) street, shall have driveway access from the residential (local) street, if possible. Driveways shall be located as far from the street intersection as practical and shall not be located within the area described in **Article II, Subsection 26-5 (Definitions, Sight Distance Triangle)**.

### 3. Flag lots. Flag lots are not be permitted.



**G. Design Standards – Easements.**

1. *General requirements.*

- a. In any case in which a developer installs or causes the installation of water, sanitary sewer, storm sewer, electrical power, telephone, cable television, or other facilities outside a public street right-of-way, and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities upon their completion and acceptance by the utility or entity. Such easements shall be clearly indicated on the final subdivision plat or special easement plat.
- b. Where possible, easements should be located along rear and side lot lines. Such easements shall not be less than 10 feet in width, which may be divided evenly between abutting properties.

2. *Storm drainage easements.*

- a. Storm drainage easements may be required for the proper drainage within and through a development. Wherever a subdivision is traversed by a watercourse, drainage channel, or stream, there shall be provided a drainage easement which shall be for the purpose of widening, straightening, improving, and maintaining such drainageway. The width of the drainage easement shall be as necessary for the access and maintenance of the drainageway or as required by the MSD.
- b. Access easements shall be established as necessary to provide an unobstructed route to the storm drainage easement area for maintenance equipment. Separately designated access easements shall not be less than 20 feet or as specified by the MSD.

**H. Design Standards – Utilities.**

1. *Underground wiring required.* All electric, lighting, telephone, and cable television distribution lines shall be installed underground, except those feeder lines necessary to serve the development and in locations approved by the Director of Public Services. Switching enclosures, pad mounted transformers, and service pedestals may also be installed above ground. The Board of Aldermen may approve, upon recommendations from the Planning Commission, above-ground installations in whole or in part for developments, only when a request is submitted by the developer with documentation that supports the impracticability of installing such utility lines underground.
2. *Water facilities.*
  - a. The developer shall secure water service to each lot within the development for the purpose of providing sufficient potable water supply and fire protection.
  - b. The developer shall arrange for installation of water mains. Fire hydrants shall be located and installed in accordance with specifications established by the City Fire Marshal.

3. *Sanitary and storm sewers.*

- a. Adequate sanitary sewer collection lines shall be provided and accessible to each lot. All sanitary sewers, sanitary sewer connections, manholes, and other sanitary sewer installations serving the development shall comply with MSD design standards and design standards established by the Director of Public Services. In instances where there are differences between MSD standards and those established by the Director of Public Services, the most restrictive standard shall apply. The developer shall be responsible for installing all required building service connections.
- b. Every development shall be designed to control stormwater runoff. All storm sewers, storm Diections, detention/retention facilities, and other storm drainage improvements shall comply with MSD design standards and design standards established by the Director of Public Services. In instances where there are differences between MSD standards and those established by the Director of Public Services, the most restrictive standard shall apply.
- c. Within the C-1 and M-1 zoning districts, all storm drainage detention facilities shall be installed underground.
- d. In residential developments, drainage/retention facilities and land area required to provide access to such facilities shall be located within common ground. Drainage detention facilities or other storm drainage facilities that will not be maintained by the MSD shall be conveyed to the trustees of the subdivision for maintenance purposes, in accordance with **this Chapter**.
- e. In single-lot developments, drainage detention facilities or other storm drainage facilities that will not be maintained by the MSD shall be maintained by the property owner.
- f. Drainage discharge. All drainage provisions shall be of such design to carry surface waters to the nearest practical storm drain, natural water course or street, as approved by the Director of Public Services. The finished grade of sites, one acre or greater in area, from which all or a portion will drain into a natural and improved drainageway, shall be so designed so that stormwater runoff is intercepted by diversion swales or area inlets, and lowered to a stable outlet constructed of concrete, rip-rap, pipe or other techniques required by MSD or as specified by the Director of Public Services. The rate of discharge of surface water runoff shall be in accordance with the requirements of MSD, except that the Director of Public Services may require a more restrictive discharge rate in areas where flash flooding, bank erosion or other chronic stormwater drainage problems exist.

4. *Other utilities.* The design and installation of other utilities (e.g., electric distribution, gas mains and services, telephone, and cable television) shall be provided at a service level necessary for the development of, and in accordance with, the specifications, approval, and inspection requirements of the applicable utility company.

**I. Design Standards – Lighting.**

1. All public streets and sidewalks in subdivisions shall be sufficiently illuminated to promote the security of property and the safety of persons using such streets, sidewalks, or other common areas or facilities. Effort shall be made to provide uniform surface illumination so as to avoid dark spots or areas having significantly less light than the average illumination. Without limiting the generality of the foregoing standard, the following minimum standards shall apply:

- a. Decorative street light standards for residential districts. All street light standards and fixtures within residential developments shall be of Early American style (Union Electric Stock #38-01-517 or #38-01-518 or equivalent), except where other light standards and fixtures may be necessary for increased lighting levels and coverage. All light standards and fixtures shall be subject to the approval of the Director of Public Services.
  - b. Illumination. Street light fixtures shall be light emitting diodes (LED). In residential districts, each fixture shall have a minimum 9,500 lumen output, except that a higher lumen output may be required where determined necessary by the Director of Public Services. In residential districts, the maximum initial illumination level, five feet above the base of the light source, shall be no greater than three footcandles, except at street intersections requiring higher illumination levels. In nonresidential districts, each fixture shall have 25,500 lumen output. Consideration shall be given to the lighting quality and color predominantly used in that neighborhood, district, or immediate area.
  - c. Height. The lighting source shall not be less than 15 feet or greater than 25 feet above grade, except as may be required for major streets and highways.
  - d. Location.
    - (1) General. Street lights shall be provided at each intersection of a street within the subdivision, on street frontage between intersections, at each intersection of a street with a sidewalk or pedestrian way, and at each cul-de-sac turnaround. Light standards shall not be located within three feet of the back of the street curb. Where sidewalks are required, street light standards shall be located between the sidewalk and the street curb. Variations to the latter two requirements may be approved by the Director of Public Services so long as proper illumination is achieved without impairing pedestrian and vehicular traffic safety.
    - (2) Residential subdivisions. Residential streets shall have street lights installed at a maximum spacing of 200 feet.
    - (3) Nonresidential subdivisions. Nonresidential streets shall have street lights installed at a maximum spacing of 250 feet.
  - e. Installation expense, maintenance and operation. Street lights shall be installed at the expense of the developer. Upon acceptance of streets for maintenance by the City, the City will assume financial responsibility for the ensuing electric charges for street lights located in City street rights-of-way. All other lighting expenses shall be the responsibility of the property owner or the owners in common. In the latter case, the trust indenture, or similar instrument, as required in this article, shall provide for the assessment and collection of moneys necessary for the operation of the common lighting system.
- J. Design Standards – Site grading and erosion control.** The minimum standards of grading and erosion control shall be as indicated in the requirements for a grading plan and stormwater pollution prevention plan as provided in **Chapter 7, Article III, Grading and Excavating**.
- K. Design Standards – Access for common land maintenance.** Whenever areas designated and platted as common land contain facilities for retention basins or recreational uses, and for which periodic maintenance requires the use of heavy equipment, access to the common land shall be of sufficient width and reasonably graded to permit access of such maintenance equipment.

**L. Design Standards – Exceptional development constraints and testing.**

1. *Exceptional development constraints.* Where there is a question as to the suitability of a proposed subdivision of land, or portion thereof, for its intended use, due to factors such as steep slopes, rock, soil conditions, high water table, flood conditions or other adverse natural physical conditions, the Director of Public Services may require test borings or other engineering investigations to determine the severity of such conditions. The Director of Public Services may withhold approval of improvement plans until engineering or other relevant studies are conducted by the applicant and are presented to the Director of Public Services, which establish that the methods proposed to alleviate any such conditions are adequate to avoid any danger to public health, safety, welfare, or proposed improvements or structures. The Director of Public Services may impose conditions on any applicable permit to ensure that the necessary measures are taken to solve the problems created by unsuitable land conditions.
2. *Construction testing.* The Director of Public Services may require that the developer take concrete cylinder or core samples and have laboratory tests conducted on same, and present same to the Director of Public Services, for street and sidewalk pavements to ensure compliance with design and construction requirements.

**M. Design Standards – Permanent markers.**

1. *Survey monuments.* All subdivision boundary corners and the four corners of all street intersections shall be marked with monuments. Such monuments shall be constructed in accordance with the "Standards of Missouri Board for Architects, Professional Engineers and Land Surveyors and Department of Natural Resources."
2. *Benchmark.* A permanent benchmark shall be accessibly placed, the elevation of which shall be based on USGS datum, and accurately noted on the final plat.

**N. Design Standards - Water discharge**

1. For all sites, water and drainage provisions shall be designed to carry waters to the nearest practical storm drain, natural water course, or street. For sites one acre or greater in area, the finished grade shall be designed so that stormwater runoff is intercepted by diversion swales or stormwater inlets and conveyed to a stable outlet constructed of concrete, rip-rap, pipe or other designed techniques required by MSD. Sites one acre or greater in area must be approved by MSD.
2. The rate of discharge of surface water runoff shall be in accordance with the requirements of MSD, except that the Director of Public Services may require a more restrictive discharge rate in areas where flash flooding, bank erosion or other chronic stormwater drainage problems exist.
3. Water shall not be directed through a pipe, culvert, hose, spout, or drain which discharges within 10 feet of an abutting property line or right-of-way line. The following are exceptions to this prohibition.
  - a. Discharge within two feet of the building foundation; or
  - b. Discharge into an open natural creek or swale on the same property; or
  - c. Discharge that is parallel or vertical to the abutting property line and at least five feet from said line.

4. Increased water discharges due to an increase in the amount of impervious cover on the site, must be discharged into a stormwater management basin or rain garden to ensure there is not an increase in peak discharge rates. Stormwater management basins and rain gardens shall be in accordance with MSD requirements and approved by MSD.
5. Any property owner violating **this Section** is subject to the penalties specified in **Section 26-47(F) (Administration and Enforcement, Violations and Penalties)**.

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**SEC. 26-45 Vacation of Plats.** An approved recorded plat may be vacated in accord with the procedures set forth in **this Section**.

**A. Methods**

1. After recording an approved plat, it may be vacated by the owner of the land at any time before the sale of any lot therein, by a written petition to the Board of Aldermen, to which a copy of the plat is attached, indicating the area to be vacated.
2. When lots have been sold, but no buildings constructed thereon, the plat may be vacated in the manner provided in paragraph 1 above by all the owners of lots in the plat joining in the execution of a written petition.
3. The petition shall be filed, together with the required filing fee, with the City Clerk, who shall give notice of the pendency of the petition in a public newspaper in the same manner as set forth in **Article III, Section 26-8 (E) (Applications and Procedures, Common Procedures, Notice)** of **this Chapter**.
4. If no opposition be made to the petition, the Board of Aldermen may vacate the same with such restrictions as they may deem necessary for the public good. If opposition be made, the petition shall be set down for a public hearing before the Board of Aldermen.
5. The Board of Aldermen may vacate any City-dedicated right-of-way, or part thereof, in a manner prescribed by law and upon determining that the public interest will be served by such action.

**B. Recording.** The petitioner or petitioner's representative for plat vacation shall record the plat in the according to **Section 26-43(C) (Final (Record) Plat, Recording of Plat)** and be required to comply with the same requirements as set forth in **this Chapter**.

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**SEC. 26-46 Special Procedures.** The provisions of this Section provide requirements related to display units and boundary adjustments. Applications in **this Section** shall be made in compliance with **Article III, Section 26-8(A)(1), Section 26-8(A)(2), and Section 26-8(A)(3)(a) (Applications and Procedures, Common Procedures for All Applications, Applications and Fees).**

**A. Dwelling unit display procedure — Purpose and intent.** The purpose of **this section** is to provide a procedure whereby the construction of display dwelling units can begin prior to the recording of the final subdivision plat.

**B. Dwelling unit display procedure – Limitation on number of display units.** There shall not be more than three display dwelling units for subdivisions proposing less than 20 lots or units. One additional display dwelling unit will be permitted for every 20 lots or units, or fraction thereof beyond 20. The total number of display dwelling units shall not exceed 10.

**C. Dwelling unit display procedure – Review and approval procedure.**

1. Subsequent to the Planning Commission approval of the preliminary plat, the developer may submit to the Director of Public Services a display plat, and improvement plans associated with same, for review by the Director.
  - a. Display plat. The display plat shall include a complete out boundary survey of the proposed subdivision of land, and the location of each display dwelling unit in relation to the proposed lots, including location of easements and building setback lines. The term "DISPLAY PLAT" shall be prominently displayed on the plat drawing.
  - b. Improvement plans. The applicant shall submit improvement plans for the improvements required to serve the display dwelling units. The submittal requirements shall be in accordance with **Subsection 26-42 (Improvement Plans)**, as applicable to the display plat lots or units.
  - c. Approval required. No grading permit, construction improvement permit, or building permit shall be issued for any development activity associated with a display plat until the Director of Public Services has approved and has affixed his/her signature and dated the original of such display plat.
  - d. Appeal. Appeal of Staff's decision can be made to the Planning, Zoning, and Architectural Review Commission in accordance with the procedures outlined in **Article III, Section 26-8(H) (Applications and Procedures, Common Procedures)**. Appeal of Planning, Zoning, and Architectural Review Commission's decision can be made to the Board of Aldermen in accordance with the procedures outlined in **Article III, Section 26-8(H) (Applications and Procedures, Common Procedures)**

**D. Dwelling unit display procedure – Other Requirements.**

1. The script on the display plat shall comply with the requirements of the Director of Public Services including, but not limited to, the following:
  - a. The display plat shall become null and void upon the recording of the final (record) plat which establishes that each display dwelling unit is on an approved lot.

- b. No part of the proposed subdivision may be conveyed, nor an occupancy permit issued, for any display dwelling until the display dwelling unit has been established on an approved lot.
2. The display plat shall be executed by the owner and any lienholder.
3. All improvements serving the display dwelling units shall be substantially complete prior to the displays being open to the general public.
4. If initial construction of improvements or display dwelling units has not commenced within 90 days of approval by the Director of Public Services, such approval shall lapse and the display plat shall be null and void.
5. A final plat for the display plat portion of the subdivision, or the entire subdivision, shall be submitted, in accordance with **Section 26-43(A) and (B), (Final [Record] Plat)**, within one year of approval of the display plat, by the Director of Public Services. The developer may request a time extension and the Board of Aldermen may approve an extension, upon recommendation of same from the Planning Commission. If the final plat is not filed within the required time period or approved extension thereof, the then-owner shall remove or cause to be removed all display dwelling units from the property. Failure of the owner within one year plus 30 days of approval shall constitute the granting of authority of the City to remove or cause to remove the display dwelling units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.
6. The original copy of the approved display plat shall be filed in the office of the City Clerk and a copy of same filed in the office of the Director of Public Services.

**E. Boundary adjustments — Purpose and intent.** The purpose of this section and **Subsections F and G** is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites or to bring nonconforming lots of record into compliance with **Article IV, Section 26-16, (Zoning Districts and Use Standards, Standards Applicable to All Districts)**. It is not intended that extensive replatting be accomplished by use of this section and Subsections F and G.

**F. Boundary adjustments - Criteria.**

1. No additional buildable lot shall be created by any boundary adjustment.
2. The affected lot or lots shall not be reduced below the minimum size and dimensional requirements of **Article IV, Section 26-16, (Zoning Districts and Use Standards, Standards Applicable to All Districts)**.

**G. Boundary adjustments – Procedure.**

1. Boundary adjustment plats should submit forms in compliance with **Article III, Section 26-8(A)(1), Section 26-8(A)(2), and Section 26-8(A)(3)(a) (Applications and Procedures, Common Procedures for All Applications, Applications and Fees)**
2. The boundary adjustment shall be accomplished by plat and must include an adequate legal description of the boundaries of the original lots and of the adjusted lots.



3. Lots not conforming to the regulations of **Article IV, Section 26-16, (Zoning Districts and Use Standards, Standards Applicable to All Districts)** shall not be created.
4. The boundary adjustment plat shall be submitted to the Director of Public Services for review. The Director shall approve or disapprove the boundary adjustment. In the case of approval, the Director shall issue a certificate indicating his/her approval of the boundary adjustment. In the case of disapproval, the Director shall indicate, in writing, the reasons for such disapproval.
5. *Appeal.* Appeal of Staff's decision can be made to the Planning, Zoning, and Architectural Review Commission in accordance with the procedures outlined in **Article III, Section 26-8(H) (Applications and Procedures, Common Procedures)**. Appeal of Planning, Zoning, and Architectural Review Commission's decision can be made to the Board of Aldermen in accordance with the procedures outlined in **Article III, Section 26-8(H) (Applications and Procedures, Common Procedures)**.
6. The boundary adjustment plat, and the certificate of approval of same, shall be recorded at the office of the St. Louis County Recorder of Deeds within 60 days of approval. If the said plat and/or deeds, and certificate of approval, are not recorded within this period, the approval shall expire.
7. Following the recording of the boundary adjustment documents, one original copy of the plat, bearing the County Recorder's signature, seal, and notation of plat book and page, shall be returned to the Director of Public Services.

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**Section 26-47 Administration and Enforcement.** The purpose of **this Section** is to provide for administration and enforcement of this Article.

**A. Fees, charges, and expenses.** The Board of Aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for plat and improvement plan review, permits, inspections, and other matters pertaining to this article. Such fees are in addition to any other fees required by other agencies or utility companies. The schedule of fees shall be posted in the office of the Director of Public Services and may be amended only by the Board of Aldermen. No plat or improvement plan review shall be initiated, nor permits, waiver, or other approvals be issued, unless or until such applicable fees, charges, or expenses established by the Board have been paid in full. No action shall be taken on proceedings before the Board of Aldermen, unless or until such fees have been paid in full.

**B. Permits — Grading (on-site excavation and filling).** A grading permit shall be required in accordance with **Chapter 7, Article III, Grading and Excavating**. This permit shall not be issued for new development until all improvement plans have been approved.

**C. Permits — Improvement construction.**

1. **Applicability.** Prior to the construction of improvements required under this article, an improvement construction permit shall be obtained in accordance with **this Section**.
2. **Issuance.** An improvement construction permit may be issued by the Director of Public Services following approval of the improvement plans in accordance with **this Article**.

**D. Duties of Director of Public Services.**

1. The provisions of this article shall be administered and enforced by the Director of Public Services, who shall have the following duties and authority with respect this article:
  - a. Shall serve as the administrative officer in charge of carrying out the intent of this article.
  - b. May supplement the standards contained in this article with additional engineering design standards, as necessary to accomplish the purposes and intent of this article.
  - c. May designate one or more additional members of the Department, as well as members of other City departments who have a particular skill or competence, to act for the Director of Public Services, and the term "Director of Public Services," as used elsewhere in this article, shall be deemed to include such deputies.
  - d. May cause the cessation of any construction or reconstruction of any land improvements which are in violation of this article by issuing a stop work order.
  - e. May refer any violation of this article to the City Attorney for prosecution or other appropriate action when deemed necessary.
  - f. May adopt such administrative policies as necessary for carrying out administration and enforcement responsibilities.

**E. Inspection of land and improvements.** The Director of Public Services is authorized to inspect or cause to be inspected any land in the City, upon which any site grading or site improvements are proposed or are in progress, so as to ensure the compliance with the provisions of this article. The Director or his/her designated representative shall present proper identification upon demand when entering upon any land or structure for purposes of this article.

**F. Violations and penalties.**

1. No property description of any subdivision within the jurisdiction of this article shall be entitled to be recorded in the office of the county recorder of deeds or have any validity until it has been approved in a manner prescribed in this article. In the event that any such unapproved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid.
2. Any person, firm, association, or corporation violating any provision of this article, or any employee, assistant, agent, or any other person participating or taking part in, joining, or aiding in a violation of any provision of this article, may be prosecuted as provided by law for the violation of ordinances of the City.
3. Any such person who, having been served with an order to remove any such violation, fails to comply with the order within 30 days after such order, or continues to violate any provisions of the regulations made under the authority of this article in the respect named in such order, shall also be subject to a civil penalty of \$250.
4. In addition to the penalties hereinabove authorized and established, the City Attorney may take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this article.

**G. Waivers.** When a developer or subdivider of land can show that a provision of this article would cause unnecessary hardship if strictly adhered to, and when, in the opinion of the Planning Commission, because of conditions peculiar to the site, the Board of Aldermen may grant a waiver or modification to the provisions of this article. Any such waiver or modification thus approved shall be entered in the minutes of the Board of Aldermen meeting, and the reasoning on which the waiver or modification was justified shall be set forth. Approval of the waiver or modification shall be by ordinance, usually as part of the ordinance approving the final plat of the subdivision. Application for a waiver shall be made in the manner provided by **Article III, Section 26-8(A) (Applications and Procedures, Common Procedures)**. The Planning Commission shall review the request and make a recommendation to the Board of Aldermen. The Board of Aldermen may take any action outlined in **Article III, Section 26-8(G) (Applications and Procedures, Common Procedures)**.

**H. Amendments.** The provisions of this article may be amended from time to time by ordinance. Amendments shall be made in accordance with the procedures for text amendments as established by **Article I, Section 26-3(D) (General Provisions, Administration and Review Bodies, Board of Adjustment) of this Chapter**.

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