

Chapter 25

SUBDIVISIONS*

* **Editors Note:** Section 1 of Ord. No. 10833, adopted Dec. 16, 1985, amended Ch. 25 by inserting article numbers and titles for this chapter to read as herein set out in Arts. I--IX.

Cross References: Community development commission, § 2-326 et seq.; special business district board, § 2-436 et seq.; buildings and building regulations, Ch. 6; fire prevention and protection, Ch. 9; planning, Ch. 20; public works and improvements, Ch. 22; signs, Ch. 23; streets, sidewalks and public places, Ch. 24; utilities, Ch. 27; zoning regulations, Ch. 29.

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ARTICLE I.

IN GENERAL

Sec. 25-1. Short title.

This chapter shall be known as the "Subdivision Regulations of the City of Columbia, Missouri."
(Code 1964, § 19.500; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-2. Purpose.

The purpose of this chapter is to regulate and control the subdivision of land within the corporate limits of the city. The sale of land requires a subdivision or tract split as defined in this chapter. These controls are deemed necessary to promote the public health, safety and general welfare of the city. They are designed to provide for the safe, orderly and economic use of transportation; to facilitate orderly layout and use of the land; to ensure proper legal description and monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentrations of population; to facilitate adequate provision for transportation, water, sewerage, parks, schools,

playgrounds and other requirements; and to facilitate the further subdivision of larger tracts into smaller tracts of land.

(Code 1964, § 19.501; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-3. Definitions; rules of construction.

For the purposes of this chapter, the following words, phrases, terms and their derivations shall have the meaning given herein and if not defined herein, shall have the definition as set forth in the zoning ordinance of the city.

Administrative subdivision. See definition of Subdivision.

Agent. A person legally authorized to act for another.

Arterial. A street that provides primarily for through traffic movement between areas and across the city, and has a secondary function of direct access to abutting property, subject to necessary control of entrances, exits and curbside use.

Building. Shall include any part thereof; includes the word Structure.

Collector. A street that provides for traffic movement between arterials and local streets, and for direct access to abutting property.

Commission. The Planning and Zoning Commission of the City of Columbia, Missouri.

Common lot. A platted lot in a subdivision that is dedicated to the use of more than one lot in the subdivision.

Comprehensive plan. A series of plans for the physical development of the city, consisting of the urban development goals and objectives, the transportation plan, the land use plan, and other elements the council may wish to include. The comprehensive plan is adopted by the city council pursuant to Section 89.340, RSMo., 1969.

Construction plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of proposed public improvements to be installed in the subdivision, in accordance with the requirements therefor.

Cul-de-sac. A street terminated at one (1) end by a widened pavement for the safe and convenient reversal of traffic movement.

Development. Includes development by cooperative or collective or other similar means of development through common ownership or through the use of lease hold estates.

Director. The director of planning and development for Columbia, Missouri.

Director of public work. The director of the department of public works for Columbia, Missouri.

Easement. Authorization by a property owner for the use by another party, for a specified purpose, of any designated part of said property. It shall include but not necessarily be limited to property designated for installation of storm sewers or drainage ditches, or along a natural watercourse, preservation of the channel to provide for flow of water therein, or installation of streets, sidewalks, sewer, water, gas, electric, telephone or other utility services necessary or advantageous to properly serve the public.

Estate lane. A local residential street designed to carry light volumes of traffic and to provide access to low density single-family residential and attendant uses.

Expressway. A street designed to provide for the expeditious movement of large volumes of through traffic across the city, which offers no direct land access function, but has some at-grade intersections.

Farm. A tract of land consisting of at least two and one-half (2 1/2) acres used for the growing of agricultural crops or raising livestock.

Final plat. The final map or drawing described in these regulations on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, is submitted to the county recorder of deeds for filing.

Freeway. A street designated to provide for the expeditious movement of large volumes of through traffic across the city, which offers no direct land access function and has gradeseparated intersections.

Frontage road. A street which is parallel and immediately adjacent to an arterial street, expressway or freeway, and which provides a means of access to abutting properties that are separated from through traffic.

Greenspace access easement. A perpetual interest in land as described and dedicated by subdivision plat. Designation of a greenspace access easement shall contain the same restrictions on use of property as a greenspace conservation easement, except that it shall give the public the right of entry to the area for pedestrian use only. The greenspace access easement does not confer any rights to the city to either maintain or develop the easement for recreational use. Designation of a greenspace access easement shall restrict the owner of the underlying fee from erecting barricades which interfere with lawful access. Nothing in this definition shall be construed to prevent the city from acquiring other easements in property encumbered with a greenspace access easement.

Greenspace conservation easement. A perpetual interest in land described and dedicated on a subdivision plat. By designation of a greenspace conservation easement, no right of entry is given to the city or the public. The use of area contained within a greenspace conservation easement shall be restricted as follows:

- (1) No development (as defined in section 12A-5 of this Code) of the property shall occur, except for public or private street, driveway, bridge and utility crossings, where needed.
- (2) No commercial signs or other advertising material shall be placed within the easement area.
- (3) There shall be no removal of trees, shrubs or other vegetation on the property except for the performance of acceptable timber stand improvement practices such as selective thinning. The

following may continue: mowing and cutting or removal of brush or trees necessary to:

- a. comply with health ordinances;
 - b. maintain stream beds, banks, existing agricultural, scenic or recreational uses; or
 - c. eliminate poisonous or noxious plant material.
- (4) There shall be no use of the property except for public or private street, driveway, bridge, and utility construction, private, noncommercial agricultural, or private noncommercial recreational uses which do not interfere with the growth of the trees and shrubs located on the easement. Uses and activities which are not allowed in district F-1 (floodplain overlay district) shall be prohibited.

Nothing in this definition shall be construed to prevent the city from acquiring other easements in property encumbered with a greenspace conservation easement.

Greenspace trail easement. A perpetual interest in land as described and dedicated by subdivision plat. Designation of a greenspace trail easement shall give the following rights:

- (1) Constructing or maintaining a permanent hiking or bicycle trail or path with accessory facilities or accommodation.
- (2) The right of entry of the city to maintain and develop hiking or bicycle trails or paths.
- (3) The right of entry of the public for pedestrian or bicycle use of the trails or paths which have been constructed within the easement. No right of entry for motor vehicles is granted to the public except for authorized emergency vehicles.
- (4) The right to construct public street, bridge and utility crossings as needed.

Nothing in this definition shall be construed to prevent the city from acquiring other easements in property encumbered with a greenspace trail easement.

Immediately. All land abutting the subject property and extending two hundred (200) feet therefrom or, when such property so defined includes right-of-way, it shall mean all land abutting the right-of-way and extending two hundred (200) feet therefrom.

Local street. A street designed to provide direct access to abutting properties and to provide for local traffic movement within small areas.

Lot. A tract or parcel of land which:

- (1) Is set forth as a lot on an approved recorded plat; or
- (2) a. Is zoned A-1, R-1 or R-2, or any combination thereof, and was described by a metes and

bounds description accurately describing the location, boundaries and size of the tract on a recorded instrument prior to annexation into the city or prior to October 5, 1964; or

- b. Is zoned A-1, R-1 or R-2, or any combination thereof, and was described by an accurate written description, recorded prior to annexation into the city or prior to October 5, 1964, that referred to an existing recorded subdivision or existing land survey; or
 - c. Is zoned any district and contains less than one acre of land area and is partially or fully developed with an existing principal building(s) at the time of application for a development permit and was described by a metes and bounds or other written description accurately describing the location, boundaries and size of the tract on a recorded instrument prior to annexation into the city or prior to October 5, 1964; or
- (3) Is zoned A-1, R-1 or R-2, or any combination thereof, and was described by a recorded survey prior to annexation; or
 - (4) Was platted as a lot in a recorded subdivision plat prior to October 5, 1964, or described by a recorded survey prior to October 5, 1964; or
 - (5) Is a portion of one (1) or more platted lots in a recorded subdivision plat prior to annexation or prior to October 5, 1964; and was described on a recorded instrument prior to annexation or prior to October 5, 1964 and the director, after having consulted with the director of public works and all applicable utility providers, has certified that no additional easements or right-of-way dedications relating to the property are needed.

When a portion of a tract of land is acquired for highway or other public purposes, such division of ownership shall not affect the remainder of the tract in meeting the definition of a lot so long as the original tract met the definition of a lot under one (1) of the above provisions.

For purposes of this definition, the term "recorded" means recorded in the office of the Boone County Recorder of Deeds.

Major subdivision. See definition of *Subdivision*.

Minor subdivision. See definition of *Subdivision*.

Owner. Any person or other entity having legal title to or a sufficient proprietary interest to legally effectuate transfer of the property sought to be subdivided. Proprietary interest shall include but not be limited to estate administration, trusteeship, guardianship, and actions under a valid power of attorney. Proprietary interest shall not include an agency or a bare employment relation.

Pedway. A path that is physically separated from the roadway and intended for shared use by pedestrians, joggers, skaters and bicyclists.

Perimeter street. An existing street, one (1) side of which abuts a parcel of land to be subdivided.

Person. Shall include a corporation, firm, association, syndicate, trust, a partnership and an unincorporated association such as a club.

Preliminary plat. The preliminary map or drawing described in and meeting the requirements of these regulations, indicating the proposed manner or layout of a subdivision to be submitted to the planning and zoning commission for recommendation and to the city council for approval.

Private drive. A nondedicated entrance to a lot, or an interior circulation driveway within a lot, not itself a public right-of-way.

Private street. A thoroughfare designed to provide vehicular access to two (2) or more lots or parcels which is not dedicated for public use.

Public improvements. Any drainage ditch, roadway, parkway, storm sewer, sanitary sewer, water main, electric facility, sidewalk, walkway, tree, lawn, off-street parking area, lot improvement, or other facility for which the city may assume the responsibility for maintenance and operation, or which may constitute an improvement for which city responsibility is subsequently established by the city council.

Registered professional engineer. A person licensed to practice engineering in the State of Missouri.

Registered land surveyor. A person licensed to practice surveying in the State of Missouri.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary sewer main, or for other similar uses. The usage of the term "right-of-way" for land platting purposes shall mean that right-of-way hereafter established and shown on a final plat to be separate and distinct from lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels.

Sale. Any transfer of fee ownership, or any transfer of use rights conferring exclusive possession for purpose of building development whether by metes and bounds, deed, contract, plat, map or other written instrument.

Setback or building line. A line specifically established upon the plat or established by the zoning ordinance which identifies an area into which no part of a building shall project except as provided by the zoning ordinance.

Sidewalk. A constructed, dedicated and accepted pedestrian way for public use, generally to provide for pedestrian circulation along streets and highways.

Street. A dedicated and accepted thoroughfare for public use which affords principal means of access, directly or indirectly, to abutting properties.

Structure. Includes any part thereof. See definition of Building.

Subdivider. Any owner, or the authorized agent or employee of an owner, who commences proceedings to effectuate a subdivision of property under this chapter either for himself or on behalf of the owner or any

group or association of all the owners of such property.

Subdivision.

- (1) The division of a tract or parcel of land into two (2) or more lots, tracts or parcels for sale or development or, if a new street is involved, any division of a lot, or a tract or parcel of land.
- (2) When appropriate to the context, the term "subdivision" may refer to the land subdivided.
- (3) Subdivision classifications:
 - a. *Minor subdivision.* Any subdivision containing not more than five (5) lots fronting on an existing state, county or city street or highway, and not requiring extension or improvement of any street or municipal service.
 - b. *Major subdivision.* Any subdivision not classified as a minor subdivision or tract split.
 - c. *Administrative subdivision.* Any resubdivision of previously subdivided nonresidential land in accordance with section 25-31 of this chapter.

Terminal street. A street ending at a cul-de-sac.

Through street. A public street which is not a cul-de-sac street and which provides vehicular access from an area internal to a subdivision, to the city's major thoroughfare system as shown on the major thoroughfare plan.

Tract split. Any subdivision which involves division of a tract of land for sale or transfer but not for development containing not more than five (5) tracts, fronting on existing state, county or city streets or highways.

Transportation plan. An element of the comprehensive plan for the city describing transportation policies for all modes of travel. The major thoroughfare plan, a part of the transportation plan, shows the approximate location of existing and proposed collector streets, arterial streets, expressways and freeways throughout the city.

Used or occupied. Shall be construed to include the words "intended, arranged or designed to be used or occupied."

Walkway. A pedestrian way designed to provide pedestrian access to abutting properties, deemed to be a public walkway if located within a dedicated right-of-way and accepted for public maintenance. (Code 1964, § 19.515; Ord. No. 10099, § 1, 3-5-84; Ord. No. 10414, § 1, 1-7-85; Ord. No. 13602, § 1, 3-1-93; Ord. No. 14828, § 1, 5-6-96; Ord. No. 15847, § 1, 1-4-99; Ord. No. 17860, § 1, 10-6-03; Ord. No. 18097, § 1, 6-7-04; Ord. No. 18814, § 1, 12-19-05; Ord. No. 18840, § 1, 1-3-06)

Sec. 25-4. Authority.

The city council enacts this chapter pursuant to the authority conferred by Article VI, Section 19(a) of the Missouri Constitution, the Home Rule Charter of the City of Columbia, Missouri, Chapters 20 and 29 of the Revised Ordinances of the City of Columbia, and Chapter 89 RSMo., 1969, provided that Chapter 89 RSMo., 1969, shall not be deemed as limiting any authority the city may have under its home rule charter. By authority of the powers and jurisdictions vested under the Missouri Constitution, Article VI, Section 19(a), the Home Rule Charter of the City of Columbia, Chapters 20 and 29, Revised Ordinances of the City of Columbia, and Chapter 89 RSMo., 1969, the planning and zoning commission does hereby exercise the power and authority to review and recommend to the city council, and the city council does hereby exercise the power to approve and disapprove plats which show lots, blocks or sites, with or without new streets or highways, for subdivision of land within the city.

(Code 1964, § 19.502; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-5. Jurisdiction.

From and after April 1, 1984, these regulations shall govern each and every subdivision of land within the corporate limits of the city as now or hereafter established. Preliminary plats approved under subdivision regulations in force and effect prior to April 1, 1984, shall be governed by the regulations in force and effect at the time of plat approval and shall become null and void at the expiration of the time period for filing of a final plat under such regulations, provided that the applicant may submit on or before expiration date the whole or any part of the preliminary plat for final approval, and that the time for filing such final plat may be extended by the council.

(Code 1964, § 19.503; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-6. Enactment.

In order that land may be subdivided in accordance with these purposes, these subdivision regulations are hereby adopted.

(Code 1964, § 19.504(1); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-7. Reservation and repeal.

Upon the adoption of these regulations according to law, all prior subdivision regulations of the city are hereby repealed except as to such sections expressly retained.

(Code 1964, § 19.504(2); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-8. Savings.

This chapter shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing or altering the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the city, under prior subdivision regulations, except as shall be expressly provided for in this chapter.

(Code 1964, § 19.505; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-9. Amendments.

For the purpose of providing for the public health, safety and general welfare, the city council may from time to time amend the provisions imposed by this chapter. Public hearings on all proposed amendments shall be held by the commission and the council in accordance with state statute.
(Code 1964, § 19.506; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-10. Conditions.

Regulation of the subdivision of land and the attachment of reasonable conditions thereto is an exercise of the valid police power delegated by the State of Missouri to the city. The subdivider has the duty of compliance with reasonable conditions laid down by the commission and the council for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the city, and to promote the safety and general welfare of the future lot owners in the subdivision and of the community at large; the subdivision of land being a privilege conferred through these regulations.
(Code 1964, § 19.507(1); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-11. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
(Code 1964, § 19.507(2); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-12. Conflict with public and private provisions.

(a) *Public provisions.* This chapter is not intended to interfere with, abrogate or annul any other city regulation, ordinance, statute or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other provision or regulation, whichever provisions are more restrictive or impose a higher standard shall control.

(b) *Private provisions.* This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. When such private provisions are more restrictive or impose higher standards than the requirements of this chapter or the determinations of the commission and the council in approving a subdivision or in enforcing these regulations or determinations hereunder, then such private provisions shall be operative and supplemental to this chapter and determinations made thereunder.
(Code 1964, § 19.507(3); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-13. Enforcement.

In accordance with the other provisions of Chapters 20 and 29 of this Code, the provisions of this section shall be administered by the director. This in no way removes the obligatory duties of the director of public works or any other person required by the charter or ordinances to participate in subdivision control.
(Code 1964, § 19.508(1); Ord. No. 10099, § 1, 3-5-84)

ARTICLE II.

PLATS, PERMITS, EXCEPTIONS

Sec. 25-14. Recording of subdivision plats and deeds.

(a) *Deeds.* It shall be unlawful for any person to file or record with the recorder of deeds of Boone County, Missouri, any instrument of sale, transfer or conveyance including a description by metes and bounds when the sale or transfer of that land effects a subdivision of land located within the corporate limits of the city within the meaning of this chapter and before such land has been subdivided in accordance with the provisions of this chapter and the plat, if required, has been approved by the city council and recorded in the office of the recorder of deeds, Boone County, Missouri. Any deed or instrument of sale filed with the county recorder before full compliance with the requirements of this chapter shall be deemed to be null and void.

(b) *Plats.* The recorder of deeds of Boone County, Missouri, shall not file or record a subdivision plat of any land located within the corporate limits of the city unless the plat has endorsed upon it the approval of the council under the hand of the city clerk, and the seal of the city or, in the case of an administrative plat, with the signature of the director of public works. The plat shall show with particularity what part of the land shown thereon is within the corporate limits of the city. The landowner shown on the plat shall cause to be filed with the director a statement by a registered land surveyor, set out on the plat and acknowledged by some official authorized by law to take acknowledgments or conveyances of real estate, stating that the land so shown on the plat as being within the corporate limits of the city is in fact within the corporate limits of the city. Any subdivision plat filed with the county recorder before full compliance with the requirements of this chapter shall be deemed to be null and void.

(Code 1964, § 19.508(2); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-15. Use of unapproved plat in sale of land.

It shall be unlawful for any owner, or agent of the owner, of any land located within the city limits knowingly or with intent to defraud, to transfer or sell, that land by reference to or by other use of a plat or any purported subdivision plat of the land before the plat has been approved by the council and recorded in the office of the county recorder of deeds.

(Code 1964, § 19.508(3); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-16. Sale of land prior to subdivision.

It shall be unlawful for any owner, or agent of the owner, of any land located within the city, knowingly or with intent to defraud, to directly or indirectly transfer or sell any land by metes and bounds description or otherwise when the sale, transfer or development of that land would effect a subdivision of land within the meaning of this chapter and before such land has been subdivided in accordance with the provisions of this chapter and the plat has been approved by the city council and recorded in the office of the county recorder of deeds.

(Code 1964, § 19.508(4); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-17. Services and permits.

(a) No street shall be constructed nor shall any street be accepted or maintained by the city upon any tract or parcel of land; no street lighting, water or sewer service shall be extended to or connected with any tract

or parcel of land; no building, electrical, plumbing, occupancy or other permit or license shall be issued by any department of the city or by any officer or employee for the construction of any building or improvement on land which does not meet the definition of "lot" in section 25-3. This requirement shall not apply to alterations of existing buildings and systems. For purposes of constructing a building, permits may be issued for a tract or parcel of land consisting of two (2) or more contiguous lots or one lot and a portion of another lot and considered as a single lot under the following conditions:

- (1) Building(s) shall cross interior lot lines rather than being placed closer to a lot line than otherwise allowed.
- (2) Record lots which are not to contain a part of any building shall not be included as a means to achieve required lot area per family.
- (3) Lots containing off-street parking only associated with the building(s) or used by other activities in a lawful manner shall not be included as part of the building permit application.
- (4) The development shall meet all other applicable requirements of city ordinances.

(b) Permits may be issued on parts of lots in commercial and industrial subdivisions as specified in section 25-31.

(c) Permits may be issued on existing lots as defined in section 25-3.

(Code 1964, § 19.508(6); Ord. No. 10099, § 1, 3-5-84; Ord. No. 10414, § 1, 1-7-85; Ord. No. 13793, § 1, 9-7-93; Ord. No. 18840, § 1, 1-3-06)

Sec. 25-18. Exemptions.

A transaction involving the sale or exchange of small tracts or parcels of land to or between adjoining properties where such sale or exchange does not create additional lots or violate the zoning ordinance shall be exempt from the requirements of this chapter.

(Code 1964, § 19.508(7); Ord. No. 10414, § 1, 1-7-85)

Sec. 25-19. Notice of comprehensive plan and power of condemnation.

All persons are hereby notified of the existence of the comprehensive plan of the city, and all amendments thereto that have heretofore or may hereafter be adopted, and of any sites or areas within any proposed subdivision that may be designated on the comprehensive plan, or such amendments as sites or areas for possible acquisition by condemnation or purchase by the city for public uses and purposes.

(Code 1964, § 19.509; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-20. Variances and exceptions.

(a) *General.* Where the commission finds that undue hardships or practical difficulties may result from strict compliance with this chapter, it may recommend and the council may approve variances from this chapter so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of this chapter; and further provided, that the

commission shall not recommend variances unless it finds and determines that:

- (1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out; and
- (4) The variance will not in any manner abrogate the provisions of the comprehensive plan of the city.

(b) *Conditions.* In recommending variances and exceptions, the commission may recommend and the council may require such conditions as will, in the judgment of each, secure substantially the objectives of the standards or requirements of this chapter.

(c) *Procedures.* A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for consideration by the commission; provided, when cause is shown, such petition may be considered by the commission at any time thereafter. The petition shall state fully the grounds for the petition and all the facts relied upon by the petitioner.
(Code 1964, § 19.510; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-20.1. Notes on plats.

(a) The council may allow the subdivider to place notes on the plat that are explanatory or that impose obligations on the property owner or that restrict use of the property.

(b) Obligations and restrictions set forth in notes on a plat may be eliminated only by ordinance or resubdivision. Such obligations and restrictions shall not be eliminated unless the council determines that the elimination will not be detrimental to any land in the subdivision or to any neighboring property.
(Ord. No. 19049, § 1, 6-5-06)

ARTICLE III.

SUBDIVISION PROCESS

Sec. 25-21. Sequence of subdivision process.

Whenever any subdivision of land is proposed, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

- (1) Minor subdivision.
 - a. Concept review;
 - b. Final plat.
- (2) Major subdivision.
 - a. Concept review;
 - b. Preliminary plat;
 - c. Final plat.
- (3) Administrative subdivision.
- (4) Tract split.
 - a. Concept review;
 - b. Tract split.

(Code 1964, § 19-520; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-22. Coordination with planned districts of the zoning ordinance.

(a) Whenever the submission of a development plan for approval of any planned development under the zoning regulations involves the subdivision of land, as defined in this chapter, approval of the subdivision of land shall be required in addition to all other procedures and approvals required in the zoning ordinance.

(b) Subdivision review may be carried out prior to or simultaneously with the review of the development plans, according to the procedures set forth herein.

(c) An application for approval of a development plan for a planned district required by the zoning ordinance shall include all information normally required for submission and approval of a preliminary plat.

- (1) Review and recommendation of the preliminary plat shall be accomplished at the time of, and as a part of, review and recommendation of the development plan as required in the zoning ordinance.
- (2) Approval of the development plan for a planned district shall constitute approval of the preliminary plat required herein.

(Code 1964, § 19.521; Ord. No. 10099, § 1, 3-5-84; Ord. No. 18410, § 1, 2-21-05)

Sec. 25-23. Concept review--Generally.

- (a) Before preparing the preliminary plat of a major subdivision or the final plat of a minor

subdivision, the subdivider shall discuss with the director the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the availability of existing services. The director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those city officials who must recommend approval of certain aspects of the subdivision plat coming within their jurisdiction. This concept review shall be an informal review of land use and development concepts, pertinent regulations and required public improvements. The geographic scope of this review shall include the whole property held in common ownership for which whole or partial subdivision platting is desired by the subdivider, as well as the surrounding property which might reasonably be affected by subdivision of the subject property.

(b) The concept review is an informal discussion and review made available to the subdivider, and the subdivider may, after meeting with the director, proceed to prepare and submit a preliminary or final plat, as required for the classification of the subdivision as a major or minor subdivision.
(Code 1964, § 19.522; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-24. Same--Materials.

The subdivider shall provide the legal description of the property, the ownership and any existing land uses of the property and for all properties immediately adjacent, the proposed uses for the property, all restrictions of record on the property and information on utility service, easements and right-of-way affecting the property. The director may require such additional information as may be necessary to complete the concept review.

(Code 1964, § 19.523; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-25. Preliminary plat review.

(a) Application for preliminary plat.

(1) The application shall include all land which the subdivider proposes to subdivide. All contiguous unplatted land under single ownership or control shall be included as part of the preliminary plat; however, no more than eighty (80) acres shall be required to be included in any preliminary plat. A preliminary plat which does not comply with this subsection (1) shall not be accepted for review. The application shall show all land which is immediately adjacent to the property proposed for subdivision, with the name of all subdivisions immediately adjacent, and for unsubdivided areas, the property owners as disclosed by records in the county assessor's office. This information may be shown on a separate map or exhibit.

(2) The application shall be accompanied by a minimum of nine (9) copies at the time of filing, with ten (10) additional copies to be provided by the applicant at the time of referral of the preliminary plat to the commission for review and recommendation.

(b) The director shall refer the proposed preliminary plat to the appropriate city departments, together with an indication of its tentative agenda placement before the commission, and shall receive reports from the departments as to the conformance of the proposed plat with this chapter.

(c) The director shall request the subdivider to make such changes to the plat as are necessary to

cause the plat to be in conformance with the regulations and design standards contained herein.

(d) The director shall forward the plat to the commission and advise the commission of the conformance or nonconformance of the plat with these regulations and standards.

(e) After the commission has reviewed the preliminary plat, it shall approve, approve conditionally or disapprove the preliminary plat.

(f) Failure of the commission to act within forty-five (45) calendar days after the date of application of the plat shall be deemed approval, except that the commission or director, with the consent of the subdivider, may extend this period to a stated future date.

(g) If the commission approves a preliminary plat, a notation to that effect shall be made on the original tracing. If the commission approves the preliminary plat conditionally, a notation of the conditions or a reference to the same shall be entered on the original tracing itself and a record of the conditions shall be maintained in the city clerk's office. If the commission disapproves the preliminary plat, a notation shall not be made on the original tracing, but the commission shall forward a recommendation for disapproval with the reasons therefor to the council and such recommendation and reasons for disapproval shall be made a matter of record on the city clerk's office. The council, by a vote of not less than two-thirds of its entire membership, may overrule the disapproval.

(h) The preliminary plat shall be forwarded to the council with the recommendation of the planning and zoning commission. The council shall take action on the plat by resolution.

(i) Approval of a preliminary plat by the council shall confer upon the applicant for a period of seven (7) years, beginning at the effective date of council approval, the following rights:

(1) The terms and conditions under which the preliminary plat was given approval shall not be changed.

(2) The subdivider may submit on or before the expiration date the whole or any part of the subdivision for final approval.

(3) The time for filing of a final plat may be extended by the council for a specified period on such terms and conditions as the council may approve.

(Code 1964, § 19.524; Ord. No. 10099, § 1, 3-5-84; Ord. No. 15582, § 1, 4-20-98)

Sec. 25-26. Preliminary plat specifications.

The preliminary plat shall be clearly and legibly drawn at a scale of not more than one (1) inch equals one hundred (100) feet under the supervision of a registered land surveyor or registered professional engineer, attested to by his seal and signature on the plat. The preliminary plat shall include the following information:

(1) Description.

a. A key map showing the entire subdivision and its relationship to the surrounding area;

- b. The title of the subdivision by name and plat number, graphic scale, and north arrow;
- c. Location of the boundary lines of the subdivision in relation to any section, quarter-section, and any corporate boundaries immediately adjacent.

(2) Name and ownership.

- a. The names and addresses of the record owner(s) of the land and of the subdivider;
- b. The name of all subdivisions immediately adjacent and, for unsubdivided areas, the property owners immediately adjacent as disclosed by current records in the county assessor's office;
- c. Existing zoning of the subdivision and property immediately adjacent;
- d. All restrictions of record on the property which in the opinion of the director may affect the division and use of the land as contemplated by the subdivision.

(3) Features.

- a. Location of existing property lines, buildings and structures, building setback and street plan lines, streets, utilities, watercourses, flood-prone areas (floodway, floodway fringe, and/or one hundred-year floodplain delineated on the December 1, 1981, flood hazard boundary map and amendments thereto) and stream buffer limits, if applicable, cemeteries and burial grounds, railroads, bridges, culverts, drain pipes, lagoons and any natural features such as wooded areas within the proposed subdivision and immediately adjacent thereto, including the location and width of existing street rights-of-way, alleys, roads, railroad rights-of-way, and recorded easements;
- b. Five-foot topographic contours shall be indicated based upon city datum. On rough or flat terrain, the director may require the contour intervals to be as needed to better delineate the terrain;
- c. Size of the proposed subdivision to the nearest one-tenth of an acre;
- d. Proposed location and grades for all streets. When the proposed grades are not easily attainable due to the existing terrain, additional information shall accompany the plat showing how the surveyor or engineer intends to achieve the grades indicated;
- e. Proposed names for all streets and walkways;
- f. Proposed location, dimension, and use of all lots, including designation of areas for any proposed park, church, school site, or any other special uses of land or features. All lots shall be numbered;

g. Proposed location of required storm sewers and sanitary sewers.

(4) Restrictions.

- a. Any existing obligation or restriction affecting any part of the land to be subdivided that was set forth on a previous plat of the land. Subdivider may omit any obligation or restriction that subdivider wishes to eliminate but the subdivider must then submit a letter with the application that identifies each omitted obligation or restriction and states the justification for the omission.

(Code 1964, § 19.525; Ord. No. 10099, § 1, 3-5-84; Ord. No. 19049, § 1, 6-5-06; Ord. No. 19343, § 2, 1-2-07)

Sec. 25-27. Final plat review.

(a) Following the approval of the preliminary plat of a major subdivision or completion of the concept review for a minor subdivision, the subdivider may file an application for final plat approval with the director, in order to complete the subdivision process. The application shall:

- (1) Be accompanied by a check made payable to the City of Columbia, sufficient to cover all plat recording fees established by the Boone County Recorder of Deeds;
- (2) Include the entire subdivision, or a section thereof, which derives access from an existing road;
- (3) Be accompanied by a minimum of nine (9) copies of the final plat and three (3) copies of the construction plans as described herein;
- (4) Be in substantial compliance with the preliminary plat, as approved;
- (5) The final plat shall be accompanied by final construction plans for the requisite public improvements, drawn under the supervision of a registered professional engineer and attested to by his signature and seal, all in accordance with the applicable standards;
- (6) Be accompanied by an improvements guarantee offered for acceptance by the city council, in a form satisfactory to the city counselor.

(b) The director shall refer the proposed plat to the appropriate city departments, together with an indication of its tentative agenda placement before the council, and shall receive reports from each department as to its conformance with these regulations and the approved preliminary plat.

(c) As a result of review by the other departments, the director shall request the subdivider to make such changes necessary to cause the plat to be in conformance with the regulations contained herein and the preliminary plat.

(d) For a major subdivision, the director shall forward the plat to the city manager for council consideration and advise the council as to its conformance or nonconformance with the regulations contained herein. The city manager shall certify to the council that the final plat is in accordance with the approved preliminary plat and that all conditions precedent established by the council have been met. Following

certification by the city manager to the council, the council shall take action on the final plat.

(e) For a minor subdivision, the director shall forward the plat to the commission and advise the commission as to its conformance or nonconformance with the regulations contained herein. The commission shall take action on the plat in the manner prescribed for preliminary plats.

(f) The council shall take action by ordinance on the final plat within forty-five (45) calendar days after its submission to the council, and failure of the council to act within that time period shall be deemed approval, except that the council, with the consent of the subdivider, may extend this period to a stated future date.

(g) Revision. No changes, erasures, modifications or revisions shall be made on any final plat of a subdivision after approval has been given by the council, and endorsed in writing on the plat, unless the plat is first resubmitted and reapproved by the council.

(Code 1964, § 19.526; Ord. No. 10099, § 1, 3-5-84; Ord. No. 14276, § 1, 11-7-94)

Sec. 25-28. Final plat specifications.

(a) The final plat shall be prepared under the supervision of a registered land surveyor and attested to by his signature and seal on the plat, in compliance with the current Missouri Minimum Standards for Property Boundary Surveys and to the following standards:

- (1) Drawn in ink on eighteen-inch by twenty-four-inch or twenty-four-inch by thirty-six-inch sheets of single or double matted polyester film or an approved equivalent, at a scale of at least one (1) inch equals one hundred (100) feet. When necessary the plat may be on several sheets, accompanied by an index showing the entire subdivision;
- (2) The title of the subdivision and a graphic scale;
- (3) A key map showing the entire subdivision and its relationship to the surrounding area;
- (4) Legal description of the property to be subdivided;
- (5) The boundary of the subdivision may mathematically close to one in ten thousand (1:10,000), and all interior areas must mathematically close to one in five thousand (1:5,000).
- (6) Designation of all lots with lot numbers and the location of all lot setback lines along street rights-of-way;
- (7) The size of the subdivision and any lot of one (1) acre or more shall be shown to the nearest one-hundredth of an acre;
- (8) The location and names of all streets and adjacent subdivision;
- (9) The relationship of the boundary lines to section lines, quarter section lines, and corporate boundaries;

- (10) The location and designation of all easements;
 - (11) The location of all existing buildings on the tract;
 - (12) Location of all flood-prone areas (floodway, floodway fringe and/or one hundred-year floodplain as delineated on the December 1, 1981, flood hazard boundary map and amendments thereto) and stream buffer limits, if applicable;
 - (13) Reference to any related documents required to be recorded with the plat;
 - (14) Restrictions of record on the property which in the opinion of the director may affect the division and use of the land as contemplated by the subdivision.
 - (15) Any existing obligation or restriction affecting any part of the land to be subdivided that was set forth on a previous plat of the land. Subdivider may omit any obligation or restriction that subdivider wishes to eliminate but the subdivider must then submit a letter with the application that identifies each omitted obligation or restriction and states the justification for the omission.
- (b) The following certifications shall be shown:
- (1) Certification that the survey was executed in accordance with the current Missouri Minimum Standards for Property Boundary Surveys;
 - (2) Certification that the owner is the legal owner and has given consent to the subdivision and irrevocable dedication of street rights-of-way, easements, and all land intended for public use;
 - (3) Certification of the final plat approval to be signed by the mayor and attested to by the city clerk. (Code 1964, § 19.527; Ord. No. 10099, § 1, 3-5-84; Ord. No. 14482, § 1, 5-15-95; Ord. No. 19049, § 1, 6-5-06; Ord. No. 19343, § 2, 1-2-07)

Sec. 25-29. Signing and recording.

(a) Upon approval of a final plat by the council, the mayor shall affix his signature thereto, and this shall be attested to by the city clerk, and the seal of the city affixed thereto.

(b) Upon signing of the plat, it shall be the responsibility of the city clerk to file the plat with the office of the county recorder of deeds. Simultaneously, the city clerk shall cause to be recorded all other documents required to be recorded therewith, pursuant to council approval and as determined by the city counselor.

(c) Upon final approval, copies of the final plat as certified, recorded and signed shall be filed by the director with such city officials, utility companies and other agencies as he may deem appropriate. (Code 1964, § 19.528; Ord. No. 10414, § 1, 1-7-85)

Sec. 25-30. Resubdivision.

- (a) Resubdivision shall be required to change an approved or recorded final plat if such change affects any street layout thereon, areas reserved thereon for public use, or any lot line, dimension or bearing, provided that areas reserved for public use and dedicated to the city on the plat may be vacated by the city council pursuant to applicable procedures. Only that portion of the plat being changed must be resubdivided.
- (b) Application for resubdivision shall be made to the director under the following procedure:
- (1) *Resubdivision of a major subdivision.* The director shall review the application for resubdivision. If the director determines the proposed resubdivision is in substantial conformance with a valid approved preliminary plat, the subdivider shall apply for and secure approval of a final plat to effectuate the resubdivision. If the director determines that proposed resubdivision constitutes a substantial change from the approved preliminary plat, the subdivider shall apply for and secure approval of a revised preliminary plat, and, subsequently, of a final plat to effectuate the resubdivision.
- (2) *Resubdivision of a minor subdivision.* The subdivider shall apply for and secure approval of the final plat to effectuate the resubdivision.
- (c) A plat that resubdivides land shall be labeled a replat.
- (d) A resubdivision of land shall not be approved by the council if the council determines that:
- (1) The replat would eliminate restrictions on the existing plat upon which neighboring property owners or the city have relied; or
- (2) The replat would be detrimental to other property in the neighborhood and the detriment to the property in the neighborhood outweighs the benefits to the subdivider and the public.

(Code 1964, § 19.530; Ord. No. 10099, § 1, 3-5-84; Ord. No. 19049, § 1, 6-5-06)

Sec. 25-31. Administrative plat review.

- (a) The subdivider may file an administrative plat with the director of public works for lots in nonresidential subdivisions, provided the tract meets the following criteria:
- (1) No new streets are involved;
- (2) The tract has previously been subdivided through planning and zoning commission review;
- (3) If a public utility extension is necessary, the following are required:
- a. Approval of construction plans;
- b. A performance bond, irrevocable letter of credit, or an approved equivalent, to guarantee the completion of such extensions;

c. Dedication of all necessary easements by separate documents.

(b) An administrative plat may be filed for residential lots, subject to the criteria listed in (a) above, except that no additional lot or lots may be created as a result of a residential administrative plat.

(c) The application shall be accompanied by:

(1) An appropriate fee for recording the plat with the recorder of deeds;

(2) Three (3) copies of construction plans.

(d) On approval of the administrative plat, the director of public works shall sign the plat and cause the same to be recorded with the recorder of deeds.

(e) No occupancy permit shall be issued under this section unless and until the requirements of this section are met and such extensions are completed.

(f) If the director of public works refuses to approve an administrative plat, the director of planning and development shall, at the request of the subdivider, forward a replat of the property to the city manager for council consideration.

(Code 1964, § 19.531; Ord. No. 10099, § 1, 3-5-84; Ord. No. 14483, § 1, 5-15-95; Ord. No. 15165, § 1, 3-3-97)

Sec. 25-32. Administrative plat specifications.

(a) The administrative plat shall be prepared under the supervision of a registered land surveyor and attested to by his signature and seal on the plat, in compliance with the current Missouri Minimum Standards for Property Boundary Surveys, and to the following standards:

(1) Drawn in ink on eighteen-inch by twenty-four-inch or twenty-four-inch by thirty-six-inch sheets of single or double matted polyester film or an approved equivalent, at a scale of at least one (1) inch equals one hundred (100) feet. When necessary the plat may be on several sheets, accompanied by an index showing the entire subdivision;

(2) The title of the subdivision and a graphic scale. The title of the subdivision shall contain the words "administrative plat";

(3) A key map showing the entire subdivision and its relationship to the surrounding area;

(4) Legal description of the property to be subdivided;

(5) The boundary of the subdivision must mathematically close to one in ten thousand (1:10,000), and all interior areas must mathematically close to one in five thousand (1:5,000);

(6) Designation of all lots with lot numbers and the location of all lot setback lines along street rights-of-way;

- (7) The size of the subdivision and any lot of one (1) acre or more shall be shown to the nearest one-hundredth of an acre;
- (8) The location and names of all streets and adjacent subdivisions;
- (9) Include all the lot(s) being administratively subdivided;
- (10) The location and designation of all easements;
- (11) The location of all existing buildings on the tract;
- (12) Location of all flood-prone areas (floodway, floodway fringe and/or 100-year flood plain as delineated on the December 1, 1981, flood hazard boundary map and amendments thereto).

(b) The following certifications shall be shown:

(1) Certification that the survey was executed in accordance with the current Missouri Minimum Standards for Property Boundary Surveys;

(2) A space for the signature of the director of public works approving the administrative plat.
(Code 1964, § 19.532; Ord. No. 10099, § 1, 3-5-84; Ord. No. 14482, § 1, 5-15-95)

Sec. 25-33. Tract split--Generally.

(a) In order to facilitate the orderly subdivision of large tracts of land for separate parcel sale, the tract split procedure may be used, by which subdivision authorization is given administratively, and ordinary subdivision plat preparation, review and commission or council approval is not required. The tract split procedure is not intended to and does not exempt property from normal subdivision platting and improvement requirements for its development, in accord with these and other applicable regulations. It may, however, provide a means by which those platting and public improvement responsibilities can be placed primarily with the developer of such land, parcel by parcel, at the time such development actually occurs, rather than at the time of initial large-tract subdivision into suitably smaller parcels for separate sale.

(b) Application for approval of a tract split shall be made to the director. The application shall:

(1) Be on forms supplied by the director;

(2) Be accompanied by drawings, sketches or written information and documentation sufficient to demonstrate compliance with the definition of "tract split" in section 25-3, and the requirements of paragraph (c) of this section, section 25-54, and all other requirements of this chapter.

(c) Upon filing of an application for approval of a tract split, the director shall examine the same, in the nature of a concept review, and consult with other city departments as he may deem necessary. No tract split shall be approved by the director unless he determines that the proposed tract split meets the following criteria:

(1) The property shall be divided into not more than five (5) parcels.

- (2) Adequate provision shall be made for future subdivision of the resultant parcels for development, for the opening of future streets to serve the parcels, and for the extension of utilities or related public improvements and facilities, in accordance with normal requirements.
- (3) Resultant parcel configuration shall not adversely affect development of the balance of the tract or parcels, nor of adjoining properties, nor be in conflict with any provision of the comprehensive plan, zoning ordinance, or other provision of these regulations.
- (d) The director shall approve or disapprove the request, and notify the subdivider in writing of such action within fourteen (14) calendar days of filing of the application.
- (e) The director, on approval of a tract split, shall certify to the recorder of deeds that the survey required hereunder complies with all the provisions of this chapter.
- (f) If the director disapproves the tract split or fails to approve or disapprove the same within fourteen (14) days, the subdivider may within five (5) days after the expiration of such fourteen-day period, request the director to transmit the tract split to the commission for its approval or disapproval. The request shall be in writing and dated and signed by the subdivider or his duly authorized agent. Upon such written request, the director shall transmit the tract split to the commission. The commission shall approve or disapprove the tract split at its next regular meeting which is not less than seven (7) days after the date shown on the written request to the director to transmit the tract split to the commission.
- (g) The commission shall forward the tract split and its recommendation thereon to the city council for consideration at the council's next regular meeting which is not less than three (3) days after the date of the commission's consideration. The city council shall approve or disapprove the tract split at the regular meeting. Failure of the city council to act within the time prescribed shall be deemed approval.
- (h) Except as may otherwise be provided, no permit for street or utility extension, nor permit for building development, shall be issued for any of the resultant parcels, unless or until such parcel or portion thereof has been platted in accordance with this chapter.
(Code 1964, § 19.540; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-34. Same--Materials.

The tract split information required with an application shall be a survey of the property proposed for division. The survey must be prepared under the supervision of a registered land surveyor and attested to by his seal and signature on the survey.
(Code 1964, § 19.541; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-35. Conformance with applicable laws, rules and regulations.

The subdivider shall adhere to design standards as established in these regulations. In addition, all subdivisions shall comply with the following laws, rules and regulations:

- (1) *State and federal provisions.* All applicable provisions of state and federal laws and regulations;

- (2) *Plans.* The comprehensive plan, plans of public utilities and the capital improvements program, including the showing of all streets, drainage systems, school sites, parks and other public facility sites shown on the officially adopted plans;
- (3) *City of Columbia laws.* The zoning ordinance, building and housing codes, health regulations, and all other applicable laws of the city;
- (4) *City of Columbia regulations.* The standards and regulations promulgated by the city including street and storm sewer specifications and design standards; the sanitary sewer specifications, the specification for water main construction, extensions and alterations; design standards for streets, sidewalks and bikeways; and specifications for all other public improvements and utilities which are hereafter promulgated by the city. The director of public works and the director of the water and light department are hereby authorized to promulgate and establish design standards and specifications for the construction of public improvements and utilities in subdivisions in the city, which shall ensure a high quality construction of such public improvements and utilities such that these public improvements and utilities will serve the public need and be suitable for acceptance and maintenance by the city. The design standards and specifications shall be in substantial conformance with design standards and specifications for construction of similar public improvements and utilities by the city. All promulgated design standards and specifications shall be on file in the office of the city clerk.

(Code 1964, § 19.543(1); Ord. No. 10099, § 1, 3-5-84; Ord. No. 18097, § 1, 6-7-04)

Sec. 25-36. Self-imposed restrictions.

Any restrictions on any of the land contained in the subdivision greater than those required by this chapter or other city ordinances, which in the opinion of the director may affect the division and use of the land as contemplated by the subdivider, shall be indicated on the subdivision plat by a statement of such restrictions or by reference to the recordation of such restrictions in the office of the county recorder of deeds. Any such restrictions may be eliminated only by ordinance or resubdivision. Such restrictions shall not be eliminated unless the council determines that removal of such restrictions will not be detrimental to any land in the subdivision or to any neighboring property.

(Code 1964, § 19.543(2); Ord. No. 10099, § 1, 3-5-84; Ord. No. 19049, § 1, 6-5-06)

Sec. 25-37. Monuments.

(a) Monuments shall be selected from the types described by the "Minimum Standards for Property Boundary Surveys" of the Missouri Department of Natural Resources.

(b) Monuments shall be set or confirmed at all controlling corners on the boundary of the subdivision and all block corners, points of intersections, points of curvature and points of tangency within the subdivision prior to the approval of the final plat by the city council.

(c) On an individual lot within a subdivision, monuments shall be set or confirmed at all the corners of the lot prior to the issuance of a building permit.

(d) Corners of those separate parcels of land within a planned unit development lot, boundary lines of which are located entirely within the perimeter lot lines of the lot containing such parcels, need not be monumented.

(Code 1964, § 19.543(3); Ord. No. 10099, § 1, 3-5-84; Ord. No. 10414, § 1, 1-7-85)

Sec. 25-38. Character of the land.

(a) Land shall be neither subdivided nor developed, except under appropriate special safeguards, where the commission finds that a proposed subdivision or development poses a potential or existing threat to the safety, health and general welfare of inhabitants of the land or surrounding areas due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, topography, utility easements or other adverse conditions.

(b) Prior to subdivision or development of any area subject to the above adverse conditions, the commission shall require a detailed development proposal for the subdivision which sufficiently safeguards inhabitants of the land and surrounding areas and their property from such potential or existing threat thereto.

(c) Portions of the proposed subdivision or development which cannot be prepared properly for the development shall be set aside for such use as shall not pose an undue hazard to life and property.

(Code 1964, § 19.543(4); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-39. Natural features.

Natural features, such as trees, brooks, hilltops and views, shall be preserved wherever practicable in designing any subdivision containing such features. Artificial and natural lakes and wooded areas are to be preserved and encouraged as much as possible.

(Code 1964, § 19.543(5); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-40. Subdivision name.

The proposed name of the subdivision shall not duplicate or sound like the name of any other subdivision, any existing or platted street, or any established business or development in Boone County. Whenever final plats of a subdivision are approved in steps or phases, each submittal for final approval shall be numbered consecutively.

(Code 1964, § 19.543(6); Ord. No. 10099, § 1, 3-5-84; Ord. No. 14481, § 1, 5-15-95)

ARTICLE IV.

STREETS

Sec. 25-41. Street names and numbers.

(a) *Names.* Names of new streets shall not duplicate or sound like existing or platted street names in Boone County unless the new street is a continuation of an existing or platted street. Names of new streets shall not duplicate or sound like any established business or development in Boone County. Names shall be easily spelled and pronounced.

- (b) *Suffixes.* All streets should conform to standard street suffixes as follows:
 - (1) Major thoroughfares designated as such in the transportation plan should be designated as boulevards or avenues, or other suffixes appropriate to the context.
 - (2) Thoroughfares of more than one thousand (1,000) feet should be designated as streets, avenues, drives or roads, or other suffixes appropriate to the context.
 - (3) Streets of less than one thousand (1,000) feet should be designated as courts, places, ways, circles, lanes or terraces, or other suffixes appropriate to the context.
- (c) *Signs.* Street signs shall be installed and readable from each direction of travel.

(d) *Addresses.* Addresses shall be assigned to comply with the addressing system of the city. Garth Avenue shall be the north-south base line and the designation of north and south shall be indicated on either side of Broadway. Broadway shall be the east-west base line and the designation of east and west shall be shown on either side of Garth Avenue.

(Code 1964, § 19.543(7); Ord. No. 10099, § 1, 3-5-84; Ord. No. 14481, § 1, 5-15-95)

Sec. 25-42. Street improvements generally.

Streets and curbs and gutters shall be improved to comply with the standards contained herein, and in the city street and storm sewer specifications and design standards, and all design standards and specifications now or hereafter promulgated by the director of public works or adopted by the council, in accordance with the final construction plans required to be approved prior to final plat approval.

- (1) *Responsibility for improvements costs.* It is the policy of the city to participate in or contribute only to certain additional costs of construction of major thoroughfares over and above the normal costs of local standard streets, when streets are designated at higher standards by the city. Such participation, and its timing, is not mandated and is solely at the election of the council, according to the needs of the community.
- (2) *Arrangement.* All streets shall be located properly with respect to extending existing and platted streets, to traffic generators, to population densities, and to the pattern of existing and proposed land uses.
 - a. Local streets shall be designed to provide convenient and safe access to all properties and to permit efficient drainage and utility systems. The use of through streets shall be encouraged to connect adjoining areas and to facilitate the delivery of public and emergency services; however, straight streets more than eight hundred (800) feet long shall be avoided to discourage speeding. Individual local residential street segments should serve no more than fifty (50) dwelling units without additional street connections. Local streets with connections to arterial and collector streets shall be designed to avoid cut-through traffic. Curvilinear streets are encouraged to minimize speeding and the amount of grading. Cul-de-sacs and loop (U-shaped) streets should be short in length,

less prevalent than through streets, and may be especially appropriate to avoid steep slopes, major creeks, floodplains, wetlands and other sensitive environmental areas. A street connectivity index (consisting of the number of intersections divided by the combined number of intersections and cul-de-sacs) shall be calculated for proposed new subdivisions.

- b. Where a subdivision abuts or contains an existing arterial street or highway having limited access, the commission may require the arrangement of residential lots with rear yards abutting the major street, or the provision of frontage roads, or other such treatment as may be necessary in order to provide for adequate protection of residential properties, to afford separation of through and local traffic, and to provide for suitable access to the property involved.
- c. Interconnection of adjacent subdivisions with compatible land uses shall be encouraged. When a new subdivision adjoins unplatted or undeveloped land, the new streets shall be carried to the boundaries of such land unless vehicular access is unnecessary or inappropriate. A temporary turnaround approved by the director of public works shall be installed at this point, except when the terminus of the street is less than three hundred (300) feet from an intersecting street right-of-way. Where street connections to adjoining land are not provided and there is a need for non-vehicular public access to a school, park, trail or other area or use, the city may require the dedication and improvement of a green space access easement or green space trail easement. Whenever such public improvements are required and the landowner conveys fee title in lieu of an easement, the city shall accept ownership and maintenance.
- d. Private drives may be allowed only to provide internal circulation within a single lot or parcel, except when approved in conjunction with a planned district.

- (3) *Blocks.* Streets should generally intersect at intervals not exceeding one thousand (1,000) feet or less than four hundred (400) feet. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block depth shall be encouraged in blocks adjacent to major streets, railroads or waterways.

(Code 1964, § 19.544(1); Ord. No. 10099, § 1, 3-5-84; Ord. No. 15847, § 1, 1-4-99; Ord. No. 17228, § 1, 3-18-02; Ord. No. 18097, § 1, 6-7-04)

Sec. 25-43. Street widths.

The right-of-way width required to be dedicated and the pavement width required to be constructed for streets, according to street classification, shall be:

		Pavement Width	
		(back to back of curb)	
	Minimum Feet	Maximum	Minimum
Type of Street	Right-of-Way	(Feet)	(Feet)
Freeway	Variable	96*	48*
Expressway	Variable	72*	48*
Arterial, major**	106--110	68	60

Arterial, minor**	84--100	52	40
Collectors, major**	66--76	44	32
Collectors, neighborhood**	60	34	30
Local, nonresidential, central traffic zone	66		44
Local, nonresidential, all other**	60--66	38	30
Local, residential**	40--50	32	20-32
Cul-de-sacs, residential (stem portion)**	44--50	32	24--28
Alleys	18		16
Estate lanes	50		28
Frontage roads	30		20

*In addition to road pavement, two (2) paved, ten-foot shoulders are required.

**See Appendix A - "Design Standards for Streets, Sidewalks and Bikeways," which is filed in the office of planning and development and in the office of the city clerk, for additional standards and criteria for the application of these requirements.*

* **Editors Note:** Appendix A - "Design Standards for Streets, Sidewalks and Bikeways" has not been included within this Code, but in accordance with § 2 of Ord. No. 18097, "A copy of Appendix A shall be on file in the office of planning and development and in the office of the city clerk."

- (1) Proposed subdivisions that include existing street rights-of-way narrower than required herein shall provide for dedication of appropriate additional width along one (1) or both sides of the street. Proposed subdivisions abutting only one (1) side of such streets shall provide for dedication of additional width to constitute one-half (1/2) of the right-of-way required.
- (2) In low density, single-family residential subdivisions, the width of local residential streets may be reduced from thirty-two (32) feet to twenty-eight (28) feet (estate lanes) if the subdivision complies with all of the following criteria:
 - a. Lots abutting the proposed estate lane may not exceed an overall density of one (1) dwelling unit per acre.
 - b. No lot abutting the proposed estate lane may be less than one hundred twenty-five (125) feet wide at the building line.
 - c. The street may not be designed to accommodate through traffic. Cul-de-sac, loop and horseshoe streets beginning and ending within a main block will ordinarily satisfy this requirement.
 - d. In all other respects, street paving and related public improvements design for estate lanes shall be according to the design standards for local residential streets contained or referenced herein.

(Code 1964, § 19.544(2)(A); Ord. No. 10099, § 1, 3-5-84; Ord. No. 15847, § 1, 1-4-99; Ord. No. 18097, § 1, 6-7-04)

Sec. 25-44. Street grades.

The grades of streets shall comply with the following range:

	Maximum	Minimum
Type of Street	(Percent)	(Percent)
Freeway	4	0.3
Expressway	4	0.3
Arterial, urban	6	0.5
Arterial, rural	7	0.5
Collector	8	0.5
Local, nonresidential	8	0.75
Local, residential	10	0.75

Note: Where it is impracticable to comply with these standards, a written approval to deviate therefrom must be obtained from the director of public works.

(Code 1964, § 19.544(2)(B); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-45. Curves.

Curves shall comply with the following design criteria unless the director of public works determines that a more restrictive requirement is necessary to safeguard the public health, safety and general welfare from potentially hazardous street design.

- (1) When street pavement lines or street right-of-way lines deflect, the lines shall be connected by a horizontal curve having a maximum degree of center line curvature of 57° 29' for local residential streets, 25° 00' for local nonresidential streets, 12° 30' for collector streets, 7° 30' for arterial streets, and 5° 00' for freeways, except that street right-of-way lines may deflect, provided the deflection angle is less than or equal to 10° 00'.
- (2) A tangent segment at least two hundred (200) feet in length shall be maintained between curves on all streets, except for local residential streets.
- (3) All vertical grade changes shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance. Vertical grade changes of two (2) percent or less algebraically may be connected by chords if the design engineer encounters unusual circumstances such as facilitating drainage; however, sight distances must be maintained.

(Code 1964, § 19.544(2)(C); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-46. Intersections.

(a) Streets shall intersect one another at as near a ninety-degree angle as possible. No intersection of streets at angles less than sixty (60) degrees shall be approved.

(b) When streets intersect at a ninety-degree angle or when a street intersects with a cul-de-sac terminal bulb, the intersection right-of-way lines shall be rounded by a curve with a radius of not less than twenty (20) feet for residential streets and not less than thirty (30) feet for nonresidential streets.

(c) When streets intersect at an angle of less than ninety (90) degrees, the director of public works may require the intersecting right-of-way lines to be rounded by a curve with a radius greater than, required for streets intersecting, at a ninety-degree angle.

(d) The intersection of more than two (2) streets at, any one (1) point shall be avoided except where necessary; to secure a proper street system.

(e) Intersecting streets shall have center lines as nearly straight as possible. Streets with center line offsets at intersections shall be offset by less than five (5) feet or more than one hundred twenty-five (125) feet. (Code 1964, § 19.544(2)(D); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-47. Terminal streets.

(a) Permanent terminal streets shall not be longer than seven hundred fifty (750) feet, measured from the center of any cul-de-sac to the right-of-way line of the nearest through street from which it derives.

(b) Terminal streets shall also have a turnaround at the closed end with an outside roadway diameter of at least seventy-six (76) feet and right-of-way diameter of at least ninety-four (94) feet.

(c) Residential alleys shall be permitted in all residential areas.

(d) Nonresidential alleys shall be provided in commercial and industrial districts when off-street loading and parking are not otherwise provided.

(1) The right-of-way width of an alley shall be twenty (20) feet and the pavement width shall be sixteen (16) feet.

(2) When alleys intersect, the intersection right-of-way lines shall be rounded by a curve with a radius of five (5) feet in length.

(Code 1964, § 19.544(2)(E); Ord. No. 10099, § 1, 3-5-84; Ord. No. 18097, § 1, 6-7-04)

ARTICLE V.

IMPACT FEE REGULATIONS

Sec. 25-47.1. Definitions.

As used in this article, the following words and terms shall have the meaning designated, unless another meaning is plainly intended:

(1) *Final plat approval*--Approval of a final plat for a major or minor subdivision, or resubdivision, or of an administrative plat, but not a tract split.

(2) *Impact fee*--A regulatory fee required by the city to be paid as a condition of final plat approval in an amount not to exceed the local street portion of costs, as defined below, or the city's actual costs of constructing the local portion of collector and arterial streets abutting the subdivision, whichever is less.

(3) *Local street portion of costs*--An amount not to exceed ninety (90) percent of the city's average cost of constructing the pavement portion of local streets and the local pavement portion of collector and arterial streets during the two (2) calendar years prior to the year in which the amount of the impact fee is determined.

(4) *Revolving fund*--The street improvement revolving fund.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.2. Imposition of impact fee.

(a) All subdividers shall be required, as a condition of final plat approval, to either construct that part of each collector and arterial street which abuts the subdivision, or to pay an impact fee for that subdivision's share of the local street portion of costs for that part of each collector or arterial street which abuts the subdivision, state and federal highways excepted, whether such street has been constructed, is to be constructed in conjunction with the new subdivision or is on the major thoroughfare plan for such construction.

(b) Whenever an urban highway that was once maintained and operated by the State Highway Commission has reverted to the city for maintenance and operation, the public works director shall evaluate the construction of such roadway and determine whether the existing traveled lanes of such roadway shall be designated an improved type roadway. Such evaluation shall occur as soon as circumstances permit after the reversion of the roadway to city control.

(c) Whenever an urban highway previously maintained by the State Highway Commission has reverted to city control and been determined by the public works director to be an improved roadway, the property abutting the improved roadway shall not be subject to an impact fee.
(Ord. No. 10833, § 5, 12-16-85; Ord. No. 10991, § 1, 4-21-86)

Sec. 25-47.3. Calculation of impact fee.

(a) The local street portion of costs or the actual construction costs per foot, whichever is applicable, shall be determined by the director of public works prior to final plat approval.

(b) The number of abutting feet shall then be calculated and multiplied by the local street portion of costs, or the actual construction costs per foot to determine the total amount of the impact fee.

(c) If a special assessment has been levied against the property a proportionate amount shall be subtracted from the impact fee.

(d) The director of public works shall certify the amount of the impact fee to the director of planning and development for collection.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.3.1. Exempt property.

Properties which have had a special assessment levied against them prior to enactment of this article for the full cost of the local portion of any collector or arterial street which abuts such property shall be exempt from the imposition or assessment of an impact fee.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.4. Payment of impact fee.

Payment of the total impact fee shall be a condition of final plat approval.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.5. Extended payment option.

(a) At the option of the subdivider, the impact fee may be paid in increments over a period of not more than three (3) years, with interest computed on the unpaid balance at the rate of nine (9) percent; provided, however, that the balance of the impact fee, and accrued interest shall become due and payable, in full, upon completion of the subdivision prior to the expiration of the three-year period. "Completion of the subdivision," for purposes of this section, shall mean the issuance of a building permit for the last remaining lot in the subdivision. If the subdivider chooses this extended payment option, he shall, as a condition of final plat approval, sign and file with the city clerk and consent to the recordation of, a "notice of impact fee due" which shall be recorded as a lien against the subject property. The lien may be released only upon payment in full of the impact fee. The lien may be released, in part, upon payment of the increments so that the amount of land or number of lots released is roughly equivalent to the proportion of impact fee paid. The initial incremental impact fee payment shall be due not later than one (1) year from the date of final plat approval. Subsequent incremental impact fee payments shall be due not later than two (2) and three (3) years respectively from the date of final plat approval. Payments may be made in advance at the option of the subdivider. Late payments shall subject the subdivider to a penalty of ten (10) percent of the amount due and additional interest in addition to all other remedies available to the city as a lien holder.

(b) No final plat or administrative plat shall be recorded by the city clerk unless the impact fee is paid in full or a notice of impact fee due is filed with the city clerk and recorded as a lien against the subject property.

(c) Upon payment of the impact fee in full by the subdivider, the city clerk shall record a release of lien for impact fee which shall read as follows:

RELEASE OF LIEN FOR IMPACT FEE DUE

The City hereby acknowledges receipt of all Impact Fees due in connection with the _____ subdivision which were imposed as a condition of final plat approval pursuant to Article V of Chapter 25 of the Code of Ordinances of the City of Columbia, Missouri.

No such release shall be recorded until the impact fee has been paid in full.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.6. Use of funds collected.

The funds collected from impact fees shall be used solely for the purpose of construction of the local street portion of collector and arterial streets or for the retirement of debt incurred by the city for financing construction of the local street portion of collector and arterial streets or for the reimbursement of the street improvement revolving fund. Funds collected shall not be used to maintain, repair, or operate the existing street system, nor to finance the nonlocal portion of constructing collector or arterial streets, nor to finance the construction of local streets. The construction of all unconstructed collector or arterial streets for which impact fees have been collected, shall be undertaken by the city within a reasonable time, as determined by the council, after impact fee funds have been received by the city. In making its determination as to what is a reasonable time, the council shall give consideration to the major thoroughfare plan, the capital improvement program, the street improvement revolving fund, the needs of the abutting properties and such other matters as the council may deem necessary.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.7. Street improvement revolving fund.

(a) Moneys deposited to the street improvement revolving fund from the collection of impact fees shall be accounted for on a project basis. At the discretion of the council, other revenues as may legally be used for such projects, may be deposited to the revolving fund. Impact fee funds shall be used solely for the construction of the local street portion of collector and arterial streets in accordance with the provisions of this article.

(b) Impact fee funds deposited to the revolving fund which are not immediately necessary for expenditure or reimbursement shall be placed in an interest-bearing account and such funds and the interest thereon shall be used solely for the construction of the local street portion of collector and arterial streets.

(c) The finance department shall maintain and keep records which shall show the source and disbursement of all funds; account for all funds received; and ensure that the disbursement of impact fee funds shall be used solely and exclusively for the construction of the local street portion of collector and arterial streets.

(d) Disbursement of funds from the revolving fund shall be authorized by the council at such times as are reasonably necessary to carry out the purposes and intent of this article.

(e) The finance director shall, not less often than annually, prepare a statement of the revolving fund which shall show funds received, funds disbursed and status of projects.

(Ord. No. 10833, § 5, 12-16-85)

Sec. 25-47.8. Variances/waiver of impact fee.

The provisions of section 25-47.1 et seq. relating to impact fees may be varied or waived pursuant to a petition for variance filed in accordance with section 25-20 of these subdivision regulations under the following circumstances:

- (1) The impact fee shall be varied or waived if the development of the subject property is not reasonably related to the amount of the impact fee. In determining whether the development of the subject property is reasonably related to the amount of the impact fee, consideration will be given to all relevant factors including, but not limited to, the following:
 - (a) Size of the subject property;
 - (b) Location of the subject property;
 - (c) Zoning of the subject property;
 - (d) Anticipated use of the subject property;
 - (e) Density of development of the subject property;
 - (f) Relationship of the subject property to abutting collector or arterial streets;
 - (g) Accessibility of the subject property to abutting collector or arterial streets;
 - (h) Number of abutting collector or arterial streets for which impact fees may be imposed.
- (2) The impact fee shall be varied or waived if the collector or arterial street for which the impact fee would be imposed has not been constructed and will not be constructed within a reasonable time. In determining whether the street will be constructed within a reasonable time, consideration will be given to:
 - (a) The major thoroughfare plan;
 - (b) The capital improvement program;
 - (c) The street improvement revolving fund;
 - (d) The needs of the abutting properties;
 - (e) Such other matters as may be deemed necessary.

In considering variances or waivers pursuant to this section, the commission may recommend and the city council may require such conditions as will substantially secure the objectives of the city in enacting the impact fee requirement. A petition for a variance or waiver of the impact fee may be filed at any time.
(Ord. No. 11689, § 1 11-16-87)

Sec. 25-47.9. Impact fee reduction.

- (a) As used in this section, "development charge amount" means the amount of development charges which would have been imposed for construction in a subdivision had the development charge ordinance

(Chapter 26, Article VI) been in effect from January 1, 1986, to the effective date of this section.

(b) As used in this section, "subdivision" means a subdivision which has been assessed an impact fee which is higher than the development charge amount.

(c) The impact fee assessed against each subdivision is hereby reduced to the development charge amount.

(Ord. No. 12176, § 1, 3-6-89)

Sec. 25-47.10. Expiration of impact fee.

The provisions of sections 25-47.1 through 25-47.10 shall not apply to final plats approved after April 11, 1989.

(Ord. No. 12176, § 1, 3-6-89)

ARTICLE VI.

SIDEWALKS

Sec. 25-48. Sidewalks generally (plats approved before January 1, 2001).

(a) Sidewalks shall be constructed and installed in compliance with the city street and storm sewer specifications and design standards and all applicable design standards and specifications now or hereafter promulgated by the director of public works or adopted by the council, on all walkways and on both sides of all streets unless otherwise specified in this chapter.

(b) This section shall not apply to any subdivision that receives final plat approval after January 1, 2001.

(Code 1964, § 19.545; Ord. No. 10099, § 1, 3-5-84; Ord. No. 16715, § 1, 12-18-00)

Sec. 25-48.1. Sidewalks generally (plats approved after January 1, 2001).

(a) Sidewalks shall be constructed within all pedestrian easements and on both sides of all internal streets and on the abutting side of any adjacent street unless otherwise specified in this chapter. A sidewalk shall not be required along a residential access street which is less than two hundred-fifty (250) feet in length and terminates in a cul-de-sac. Sidewalks shall be a minimum of five (5) feet in width along all other streets.

(b) The city council may require a sidewalk to be constructed to standards higher than the minimum standards of this chapter; provided, that the city compensate the property owner for the additional cost of constructing the sidewalk.

(c) A request for a variance to any sidewalk requirement or standard may be filed in accordance with the provisions of section 25-20. A variance to the requirement to construct a sidewalk may be conditioned on the property owner paying the city an amount equivalent to the cost of construction of a standard sidewalk; provided however, where an alternate walkway system is approved as a substitute for standard sidewalks, no payment shall be required. Each payment collected shall be used solely to construct or improve a sidewalk or

other pedestrian infrastructure improvement that benefits the property for which the payment was collected. In cases where no equivalent payment has been made or no alternate walkway system has been approved, the grant of a variance to the requirement that a sidewalk be constructed shall not affect the power of the city council to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of the sidewalk.

(d) Sidewalks shall be constructed to comply with the standards contained herein and with the city design standards and specifications established by the director of public works or adopted by the council. Sidewalks shall be installed prior to issuance of a certificate of occupancy for the subject property unless otherwise specified as a note on the plat or in a performance contract between the developer and the city.

(e) Where a final plat creates a common lot or a nonbuildable lot, a sidewalk shall be constructed along the portion of each street abutting the lot at the same time the abutting street is constructed. Where a final plat creates a common lot or a nonbuildable lot adjacent to an existing street, a sidewalk shall be constructed along the portion of the street abutting the lot no later than one year after approval of the final plat.

(f) Subsections (a) through (d) shall not apply to any subdivision that received final plat approval before January 1, 2001. Subsection (e) shall not apply to any subdivision that received final plat approval before January 1, 2006.

(Ord. No. 16715, § 1, 12-18-00; Ord. No. 17111, § 1, 12-3-01; Ord. No. 18097, § 1, 6-7-04; Ord. No. 18814, § 1, 12-19-05)

Sec. 25-49. Estate lanes.

Sidewalks shall be constructed on at least one (1) side of estate lanes. The side where the sidewalk is to be installed shall be designated by the commission, if only on one (1) side.

(Code 1964, § 19.545(1); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-50. Freeways.

Sidewalks are not required along streets classified as freeways.

(Code 1964, § 19.545(2); Ord. No. 10099, § 1, 3-5-84; Ord. No. 15847, § 1, 1-4-99)

Sec. 25-51. Expressways and frontage roads.

Sidewalks shall be required on both sides of expressways and frontage roads unless the council determines that potential or existing pedestrian volumes do not necessitate sidewalks to safeguard the public health, safety and general welfare.

(Code 1964, § 19.545(3); Ord. No. 10099, § 1, 3-5-84; Ord. No. 15847, § 1, 1-4-99)

Sec. 25-52. Bike lanes and pedways.

Bicycle lanes and pedways shall be designed and constructed in accordance with Appendix A - "Design Standards for Streets, Sidewalks and Bikeways" and all applicable design standards and specifications now or hereafter promulgated by the director of public works or adopted by the council.

(Ord. No. 18097, § 1, 6-7-04)

Editors Note: Ord. No. 15847, § 1, adopted Jan. 4, 1999, repealed § 25-52, which pertained to sidewalks in industrial zoned

districts and derived from Code 1964, § 19.545(4); and Ord. No 10099, § 1, adopted March 5, 1984. Ord. No. 18097, § 1, adopted June 7, 2004, added new provisions to the Code as § 25-52 as herein set out. Appendix A - "Design Standards for Streets, Sidewalks and Bikeways", referred to in section 25-52 above, has not been included within this Code, but in accordance with § 2 of Ord. No. 18097, "A copy of Appendix A shall be on file in the office of planning and development and in the office of the city clerk."

ARTICLE VII.

LOTS

Sec. 25-53. Lot arrangement.

Lots shall be arranged to comply with building permit requirements of the zoning ordinance as to size, access, relation to topography, provision of utility service, or other conditions therein specified.

- (1) *Corner lots.* Corner lots shall have sufficient width for compliance with front and side yard building setback requirements of the zoning ordinance.
- (2) *Side lot lines.* Side lot lines should generally be at right angles to straight streets and radial to curved streets.
- (3) *Tier lots.* The commission may allow tier lots on previously unplatted land when the following criteria are met:
 - a. Tier lot design is the only feasible means to access lots due to extreme topographic conditions;
 - b. The stem of a tier lot, that is, the portion of the lot which connects its required yard area and its buildable area with its public access, shall not be less than twenty (20) feet nor more than fifty-nine (59) feet in width and not shorter than twenty-five (25) feet nor longer than two hundred fifty (250) feet in length and may not be included within any required yard area under the zoning ordinance.
 - c. The allowance of tier lots will not endanger the public health, safety and general welfare.
- (4) Any subdivision of land intended for single-family or two-family residential development shall be prohibited from taking driveway access onto the roadways listed below. Such access prohibition shall be indicated on the subdivision plat by way of a notation on each lot subject to this regulation. The provisions of this subsection shall not apply to any subdivision, the preliminary plat of which was approved before June 17, 1996.

Alfalfa Drive

Ash Street (west of Clinkscals)

Ballenger Lane extension

Bearfield Road (south of Nifong Boulevard)

Bernadette Drive

Bethel Church Road

Bethel Street

Blackfoot Road

Blue Ridge Road (west of Northland Drive)

Blue Ridge Road (from Northland Drive to Parker Street extension)

Bluff Creek Drive

Brickton Road

Broadway

Brown Station Road

Brown School Road

Business Loop 70 West

Business Loop 70 East

Chapel Hill Road

Clark Lane

Clearview Road

Conley Road

Crabapple Lane

Creasy Springs Road

Derby Ridge Drive (north of Brown School Road)

East Pointe Drive

East Boulevard

Fairview Road (north of Broadway)

Forum Boulevard

Gans Road

Gans Creek Road

Gibbs Road

Gillespie Bridge Road

Grace Lane

Green Meadows Road

Grindstone Avenue

Hanover Boulevard

Harvestor Road

Heller Road

Highway 40

Hinkson Creek Road

I-70 Drive Southeast

I-70 Drive Southwest

I-70 Drive Northwest

Keene Street

Kircher Road

Lenoir Street

Louisville Drive

Mexico Gravel Road

New Haven Road

Nifong Boulevard

North Browns Station Road

Northland Drive

Oakland Church Road

Oakland Gravel Road (north of Smiley Lane)

Obermiller Road

Old 63

Old Mill Creek Road

Old Plank Road

Olivet Road

Olympic Boulevard

Palmer Road

Parker Street

Phillips Farm Road

Ponderosa Street

Prathersville Road

Providence Road

Range Line Street

Rangeline Road

Richland Road

Rock Quarry Road

Roemer Road

Rogers Road

Rolling Hills Road

Route PP (Ballenger Lane)

Route B (Paris Road)

Route ZZ (Strawn Road)

Route E (Stadium Boulevard)

Route HH

Route K

Route KK

Route PP (north of Mexico Gravel Road)

Route UU

Route VV

Route Z

Scott Boulevard

Silvey Lane

Sinclair Street

Smiley Lane

Smith Drive

Southampton Drive

St. Charles Road

Starke Avenue

Sunflower Street

Vandiver Drive (Providence Road to Route B)

Vawter School Road

Waco Road

Woodhaven Drive

Worley Street (west of Clinkscates Road)

Wyatt Lane

(Code 1964, § 19.560(1); Ord. No. 10099, § 1, 3-5-84; Ord. No. 14885 § 1, 6-17-96; Ord. No. 18773, § 1, 11-21-05)

Sec. 25-54. Lot frontage.

Except as otherwise provided and specifically authorized, as in the approval of a planned unit development or other special district, all lots, tracts or parcels hereafter created shall have actual frontage upon a street.

(Code 1964, § 19.560(2); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-54.1. Maximum number of lots having a single access.

(a) Not more than one hundred (100) R-1 zoned lots nor more than fifty (50) R-2 zoned lots nor more than six (6) acres of R-3 zoned land nor more than the number of acres of PUD-zoned land that would permit more than one hundred (100) dwelling units may be final platted when the design of the subdivision is such that only one (1) point of public street access is provided for those lots or tract of land. Once two (2) points of public street access have been provided, not more than two hundred (200) R-1 zoned lots, one hundred (100) R-2 zoned lots, twelve (12) acres of R-3 zoned land or no more than the number of acres of PUD-zoned land that would permit more than two hundred (200) dwelling units may be final platted unless one (1) of the two (2) points of public street access is an arterial or collector street located through or directly adjacent to the subdivision or a third point of public street access is provided. The above limitations shall also apply to land having a mixture of different residential zoning districts on a proportional basis. A point of public street access shall consist of a connection to a through street.

(b) Streets which dead-end or "stub" into property which is adjacent to the property being subdivided shall not count as a second access until such time as the dead-end or "stub" street is connected to a through street and constructed to city standards.

(Ord. No. 13602 § 1, 3-1-93; Ord. No. 17230, § 1, 3-18-02)

Sec. 25-54.2. Lot shape.

Nonresidentially zoned lots shall not be created which have protrusions, extensions or stems of less than thirty (30) feet in width.

(Ord. No. 15165, § 1, 3-3-97)

ARTICLE VIII.

PUBLIC IMPROVEMENTS

Sec. 25-55. Drainage and storm sewers.

(a) *Flood-prone areas.* Any portion of land being subdivided which is located within the limits of maximum flooding of the 100-year flood, as determined by December 1, 1981, flood insurance rate maps and amendments thereto on file with the director of public works, shall be developed so as not to endanger the health, safety and general welfare of the inhabitants thereof, and in compliance with the provisions of the zoning ordinance related thereto.

(b) *Storm sewers.* Storm sewers with curbs and gutters shall be provided for lots; however, open channels may be allowed where deemed appropriate and when design features, such as vegetated swales and check dams, are used to reduce runoff velocity and allow infiltration. Sidewalks and pedways shall not be located between the street and open channel. Improvements shall conform to standards contained in the city street and storm sewer specifications and design standards, and the city storm drainage standards, and all applicable design standards and specifications now or hereafter promulgated by the director of public works or adopted by the council.

(c) *Driveways across drainage features.* Driveways that cross drainageways or ditches to connect to public streets shall be constructed in a manner and method approved by the director of public works consistent with the public health, safety and welfare.

(d) *Streets crossing streams.* Streets that cross streams shall be designed and constructed in a manner that minimizes the disruption to the stream channel and buffer zone. Streams should be crossed only when necessary to connect the street network.

(Code 1964, § 19.561; Ord. No. 10099, § 1, 3-5-84; Ord. No. 18097, § 1, 6-7-04)

Sec. 25-56. Utilities.

Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities which have been or are hereafter adopted by the council or promulgated by the city departments or utility companies responsible therefor. Easements for public and private utilities shall be provided adjacent to all street right-of-way and in other locations in accordance with facility requirements and design standards. To the maximum extent feasible, utilities shall be located in designated easements and not in street right-of-way.

(Code 1964, § 19.562; Ord. No. 10099, § 1, 3-5-84; Ord. No. 18097, § 1, 6-7-04)

Sec. 25-57. Completion and dedication.

The subdivider shall be required to complete all improvements and utilities required by the council, and upon completion shall dedicate such improvements and utilities to the city, free and clear of all liens and encumbrances on the property or public improvements dedicated. The subdivider shall construct and complete all required improvements and utilities under one (1) of the following two (2) procedures, as designated by the council:

- (1) *Performance contract.* Prior to final plat approval, the council may require an agreement signed by the subdivider in which the subdivider guarantees completion of all required improvements within a reasonable period specified by the council. The obligations of the subdivider under the

agreement shall not be assigned without the express written consent of the council. Upon the breach of any part of the agreement by the subdivider, the council may at its option pursue any legal or equitable remedy necessary to ensure completion and payment by the subdivider for the required improvements and utilities.

- (2) *Performance bond.* Prior to final plat approval, the council may require a bond or such other surety as it may deem appropriate to secure such construction to be completed within a reasonable period specified by the council and expressed in the bond or other surety, in an amount and with surety and conditions satisfactory to the council.

(Code 1964, § 19.563(1); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-58. Failure to complete improvements.

If any improvement or utility is not completed or installed and duly accepted for dedication within the time period specified in the performance agreement or bond, either by reason of incompleteness or by reason of substandard construction, the council may, at its option:

- (1) Declare any bond or other approved surety device to be forfeited, pursue legal and equitable action to obtain necessary funds from the sureties, and cause satisfactory completion and installation of all improvements and utilities previously required;
- (2) Declare an applicable improvements guarantee agreement to be breached and pursue legal and equitable action to cause satisfactory completion and installation of the improvements and utilities;
- (3) The council may extend the time limit set for satisfactory completion of the improvements and utilities for up to five (5) years upon the request of the subdivider and showing of a reasonable necessity for such extension. In the event that an extension of the time limit is granted, the council may require further assurances for completion in the form of a performance bond or other acceptable surety device;
- (4) Pursue any legal or equitable action necessary to ensure satisfactory completion of the improvements or utilities.

(Code 1964, § 19.563(2); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-59. Reduction and release of guarantees.

(a) *Reduction.* In those cases where a performance or other surety guarantee has been made in accordance with section 25-30, the amount of guarantee may be reduced upon public acceptance of dedicated portions of the required improvements. The amount of surety shall not be reduced to an amount less than the estimated cost of constructing the required improvements which have not yet been accepted by the city. In no case shall the amount retained by the city be less than fifteen (15) percent of the original amount, pending completion and acceptance of all of the required improvements.

(b) *Release.* Upon acceptance of the dedication of the final portion of the improvements, the city shall authorize the release of the remaining portion of the improvements guarantee.

(Code 1964, § 19-564; Ord. No. 10099, § 1, 3-5-84)

Sec. 25-60. Installation of improvements.

(a) *Improvements required.* All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the design standards and requirements contained in sections 25-27--25-33, or in related public improvements standard specifications or policies established by the city departments charged with responsibility therefor.

(b) It is the intention of this chapter to cause completion of installation of all water, sewer or other underground utilities prior to construction of streets, so that any breaking through of streets will be held to an absolute minimum. It is also the intention of this chapter to provide for the continued carrying out of existing city policy regarding the installation of street lights, electric lines, fire hydrants, water mains and other utilities until such policies are changed by the council.

(c) *Inspection and certification.* Inspection of required improvements shall be made during construction and installation to ensure satisfactory completion thereof, in accordance with inspection requirements adopted by the council or promulgated by the city departments charged with responsibility therefor.

(d) *Disclaimer of estoppel.* The level of public improvements established at the time of subdivision is taken to be that required to provide an adequate level of service for the land use or uses contemplated by the subdivision itself. Approval of a final plat, and acceptance of improvements therein by the council, shall not be construed to prevent the council from causing public improvements to be enhanced, enlarged or upgraded, in order to accommodate a higher level of service demand attendant to any subsequent change in the use of land within the subdivision, whether by benefit assessment, agreement among the parties or by such other mechanism as may be available now or may subsequently become available to the council.

(e) *Submission of tracings.* Upon notice that the improvements have been completed in accordance with the city's requirements, the engineer shall, under his seal and signature, submit as-built tracings for the street, storm sewer and sanitary sewer construction.

(Code 1964, § 19-565; Ord. No. 10099, § 1, 3-5-84)

ARTICLE IX.

SEPARABILITY, VIOLATIONS AND PENALTIES

Sec. 25-61. Separability.

If any part or provision of this chapter or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The planning and zoning commission and the city council hereby declare that they would have enacted the remainder of this chapter even without any such part, provision or application.

(Code 1964, § 19.507(4); Ord. No. 10099, § 1, 3-5-84)

Sec. 25-62. Violations and penalties.

(a) Any person violating the provisions of this chapter shall forfeit and pay to the city, a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalty. Any transfer or sale of land in violation of this chapter shall be deemed to be null and void and the city may enjoin or vacate the transfer or sale by legal action, and may recover the penalty in such action. In addition, the city may take any appropriate actions and proceedings in law or equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

(b) Any person violating the provisions of this chapter, the penalty for which is not herein otherwise specified, shall upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.
(Code 1964, § 19.508(5): Ord. No. 10099, § 1, 3-5-84)