

Chapter 410

SUBDIVISION REGULATIONS

ARTICLE I In General

Section 410.010. Generally — Short Title. [Ord. No. 03-31 §1, 3-26-2003]

- A. This Chapter contains subdivision regulations which shall be enforced within the City of Wellington, Missouri.
- B. This Chapter shall be known and may be cited as the Subdivision Regulations for the City of Wellington, Missouri.

Section 410.020. Purpose and Scope. [Ord. No. 03-31 §1, 3-26-2003]

The purpose of this Chapter is to establish rules, regulations and standards for the preparation, presentation and recording of plats or replats, for creating additional lots, and for the development of existing parcels lying within the City limits of Wellington, Missouri. The rules, regulations and standards shall be administered to insure orderly growth and development, the conservation, protection and proper use of land and adequate provision for traffic circulation and extension of utilities and desirable services.

Section 410.030. Definitions. [Ord. No. 03-31 §1, 3-26-2003]

As used in these regulations, the following words shall have the meanings and references given, unless the context clearly indicates otherwise. The words "*shall*" and "*must*" are always mandatory. The words "*should*" and "*may*" are permissive.

ADMINISTRATOR/CITY ADMINISTRATOR — The officer, employee or citizen designated and authorized by the Board of Aldermen to enforce the subdivision regulations.

ALLEY — A permanent public service right-of-way dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

BLOCK — A unit of property entirely surrounded by public highways, streets, railroad right-of-ways or other barriers, or combination thereof.

BOARD OF ALDERMEN — The Board of Aldermen of the City of Wellington, Missouri.

BUILDING SETBACK LINE/BUILDING LINE — A line specifically established upon the plat or established by a zoning ordinance which identifies an area into which no part of a building shall project, except as provided by the zoning ordinance.

CITY — The City of Wellington, Missouri.

CITY CLERK — The City Clerk of the City of Wellington, Missouri.

CITY ENGINEER — A registered professional engineer, registered in the State of Missouri, duly appointed by the Board of Aldermen to advise the City on matters relating to engineering, planning and surveying.

COMMISSION/PLANNING COMMISSION — The Wellington Planning Commission, if such entity exists. If not, this term shall be deemed as a reference to the Board of Aldermen or any such committee or commission which the Board of Aldermen shall designate to perform the functions of reviewing plats and/or enforcing these regulations.

COMPREHENSIVE PLAN — The complete plan, including all of its parts, for the development of the City prepared by the Commission and adopted by the Board of Aldermen in accordance with the authority conferred by Chapter 89, RSMo., as may be amended.

COUNTY — The County of Lafayette, Missouri.

CROSSWALK — A strip of land dedicated to public use which is reserved across a block to provide pedestrian access to adjacent areas.

CUL-DE-SAC (COURT OR DEAD-END STREET) — A short street having one (1) end open to public right-of-way and being permanently terminated on the other end by a vehicle turnaround.

DRAINAGE EASEMENT — The lands required for the installation of stormwater sewers or drainage ditches, or land required along an existing natural stream or watercourse for preserving the channel and providing the flow of water therein to safeguard the public against flood damage.

EASEMENT — A grant by the property owner for the use of a strip/tract of land to be used by another party for a specified purpose and extending for an infinite distance above or below the surface.

FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Commission for final approval in accordance with these regulations and which, if approved, shall be recommended to the Board of Aldermen for their acceptance and for recording with the County Recorder of Deeds.

JURISDICTION — The corporate area of the City of Wellington, Missouri.

LOT — A portion of a subdivision, or their parcel of land, intended as a unit for transfer of ownership.

MAINTENANCE GUARANTEE — Any security acceptable to the City which would ensure the maintenance of any facility planned to be accepted for municipal maintenance

covering the time period from construction or cut-off date of the performance guarantee until the facility is scheduled to be formally accepted by the municipality.

PERFORMANCE GUARANTEE — Any security which may be acceptable in lieu of requiring that certain improvements be made before the Board of Aldermen approves a final plat. Such a guarantee may include performance bonds, escrow agreements, and other similar collateral or surety agreements.

PERSON — A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

PRELIMINARY PLAT — The drawings and document described in Article II indicating the proposed layout of the subdivision which is submitted to the Planning Commission for consideration and recommendation to the Board of Aldermen.

REPLAT — A replat is the final platting of a tract or tracts previously platted and recorded as an official document at the Lafayette County Recorder of Deeds office. A replat may require the City to vacate the dedicated rights-of-way, including easements. This vacation must be an official action of the Board of Aldermen.

STREET — A right-of-way, other than an alley, dedicated or otherwise legally established for the public use, usually providing the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. For the purpose of this Chapter, streets shall be classified as follows:

1. Arterial and primary streets are those designated for large volumes of traffic movement. Certain arterial streets may be classified as limited access roadways to which entrances and exits are provided only at publicly controlled intersections and access is denied to abutting property elsewhere.
2. Collector streets are streets planned to facilitate the collection of traffic from neighborhood streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.
3. Marginal access streets are those that serve only one (1) side adjacent to limited access arterial or freeway roads.
4. Residential streets are those designed primarily to provide access to abutting properties.

SUBDIVIDER — Any owner, or authorized agent or employee of an owner, who commences proceedings to effectuate a subdivision of property under this Chapter either for himself/herself or on behalf of the owner or any group or association of all owners of such property.

SUBDIVISION —

1. The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last proceeding transfer of ownership thereof into two (2) or more parcels, sites or lots, any of which is less than five (5) acres in area for the purpose, whether immediate or future, of transfer of ownership. Provided however,

that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, or extension of any utilities and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or

2. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by the owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities; provided however, that where no new streets or roads are involved, division of land for agricultural purposes where the resulting parcels are more than three (3) acres or larger in size, divisions of property upon court order shall not be considered a subdivision.

THOROUGHFARE PLAN — That part of the Comprehensive Plan, now or hereafter adopted, which includes a major street and roadway plan and sets for the location, alignment, dimensions, identification and classification of existing and proposed streets, roadways and other thoroughfares.

YARD — A space on the same lot with a building which is open, unoccupied and unobstructed by structures, except as provided in the Zoning Code.

ZONING CODE — Any zoning ordinances or regulations which the City may adopt, including a Zoning District Map which divides the area within the City into districts with regulations and requirements and procedures for the establishment of land use controls.

Section 410.040. General Regulations. [Ord. No. 03-31 §1, 3-26-2003]

- A. All plans, plats or replats of land creating building lots, hereafter made for each subdivision or each part thereof lying within the City limits, shall be prepared, presented and recorded as herein prescribed.
- B. No lot, tract or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale, or option be given until such subdivision plats have been properly reviewed by the Wellington Planning Commission and officially approved by the Board of Aldermen of the City of Wellington, Missouri.
- C. Infrastructure improvement, such as sidewalks, water distribution system, stormwater, drainage, sewerage collection facilities, gas distribution service, electric service or lighting or grading, paving or surfacing of any street, shall not be made within any such subdivision by any owner or owners or by his/her or their agent until the plats for the subdivision and also the plans for the improvements have been properly reviewed by the Planning Commission and officially approved by the Board of Aldermen of Wellington.
- D. Where a tract of land is proposed to be subdivided in several stages over a period of years and the subdivider requests approval in parts, he/she shall, at the time of submission of the first (1st) part, submit a plan of the entire tract owned by the subdivider or twenty (20) acres, whichever may be lesser, to be eventually

developed with appropriate phasing to demonstrate to the Planning Commission that the design as proposed for the subdivision is feasible. The Planning Commission may give preliminary approval to the overall plan and final approval on the parts as submitted from time to time.

- E. The provisions of this Chapter shall be held to be the minimum requirements necessary for the subdivision of land in the City.

ARTICLE II Procedure

Section 410.050. Preliminary Considerations. [Ord. No. 03-31 §1, 3-26-2003]

In order to make the most opportunities related to the subdivision of land to conserve time, effort and expense, the owner or subdivider shall request a concept review with the City Administrator to consult with the City Administrator, the City Engineer and other public officials, as deemed appropriate, prior to the preparation of the preliminary plat for the subdivision. Following the concept review, the City shall determine how the proposed subdivision will fit into the Comprehensive Plan. Requirements for major and minor streets; recreation sites; community infrastructure, including sanitary sewer; water distribution and drainage; and the relationship to other developments in the vicinity, either existing or proposed, shall be determined in advance of the preparation of the preliminary plat.

Section 410.060. Filing of Preliminary Plats. [Ord. No. 03-31 §1, 3-26-2003]

- A. A subdivider desiring approval of a preliminary plat of a subdivision shall submit a written application to the City Administrator. Such application shall be accompanied by the information, requirements and plans set forth in Article III, all in accordance with the requirements set forth in this Chapter and shall be forwarded to the Planning Commission for consideration at a regularly scheduled meeting. The application, drawings and plans shall be submitted to the Administrator at least fifteen (15) days prior to the Planning Commission meeting.

1. Three (3) copies of the completed application for subdivision together with at least twelve (12) prints of each drawing, submitted as part of the preliminary plat, shall be submitted to the City Administrator. A fee of one hundred dollars (\$100.00) shall be paid to the City Clerk to cover the costs associated with reviewing of the plat on said subdivision. The fee shall be paid at the time of submittal of the application, plat and plans. The City Administrator shall immediately notify the Secretary of the Planning Commission upon receipt of the application and preliminary plat.
2. When the preliminary plat is recommended for approval by the Planning Commission and approved by the Board of Aldermen, the applicant shall be authorized to proceed with preparation of the final plat. The City Clerk shall attach to a copy of the preliminary plat a certified copy of the resolution approving, approving with conditions, or disapproving the preliminary plat. In the case of approval with conditions, the conditions shall be clearly denoted

on the plat. In case of disapproval, giving reasons and specifying aspects of non-conformance with existing ordinances. A copy of the resolution shall be filed in the City Clerk's office.

3. Preliminary plat approval shall confer upon the applicant the following rights for a three (3) year period from the date of approval, provided:
 - a. The general terms and conditions under which the preliminary plat approval was granted will not be changed; and
 - b. The said applicant may submit on or before the expiration date the whole, or part, or parts of said plat for final plat approval. In the case of a subdivision being developed in stages, the application may request to have this time frame extended for a period of three (3) additional years, thus giving the preliminary plat a total life of six (6) years. Should the preliminary plat not be final platted prior to the expiration of the six (6) year time frame, the preliminary plat, or remaining portion thereof, shall be revised and resubmitted for the reconsideration and approval as deemed appropriate.

Section 410.070. Approval of Final Plats. [Ord. No. 03-31 §1, 3-26-2003]

- A. The final plat shall be submitted to the City Administrator at least fifteen (15) days prior to Board consideration. The submission shall include the plans and specifications for the required infrastructure improvements as set forth in Article V and a fee in the amount of fifty dollars (\$50.00) for the plat plus five dollars (\$5.00) for each lot/tract shown by the plat. The plat shall be submitted to the City Engineer for review and compliance with this Chapter. If the final plat is acceptable to the City Engineer and in compliance with the approved preliminary plat, the original drawing shall bear his/her signature of approval. The transmittal to the Board of Aldermen shall include a letter from the City Engineer describing such approval and setting forth an estimate to cover the cost of the proposed improvements for performance guarantee purposes.
- B. Following review by the City Engineer, the final plat shall be returned to the City Clerk for submission to the Board of Aldermen. The Board of Aldermen shall act upon the plat within thirty (30) days. Failure by the Board to take action within the specified time shall be deemed approval.
- C. The City Clerk shall attach to a copy of the final plat a certified copy of the Board of Aldermen's action approving or disapproving the final plat. In the case of disapproval, reasons and specifying aspects of non-conformance with existing ordinance shall be given. The approved copy of the final plat shall be filed in this office of the City Clerk.
- D. The approval of the final plat by the Board of Aldermen shall be indicated on the document to be filed for record by the affixing of the signatures of the Mayor and the City Clerk. The approved final plat shall then be returned to the City Clerk to be held until such time as the subdivider has posted the performance guarantee as set

forth in Article II or other documented agreement between the Board of Aldermen and the developer/subdivider.

ARTICLE III
Requirements

Section 410.080. Preliminary Plat. [Ord. No. 03-31 §1, 3-26-2003]

- A. A preliminary plat shall be provided by the subdivider and contain the following information. The plat shall be clearly and legibly drawn at a scale of not more than one (1) inch equals one hundred (100) feet. The plat shall be prepared by a registered land surveyor or registered professional engineer of the State of Missouri and shall contain that professional's signature and seal. The preliminary plat shall encompass the entire tract under the ownership or twenty (20) acres, whichever is less.
1. *Description.*
 - a. A key map showing the entire proposed subdivision and its relationship to the surrounding area within one-quarter (¼) mile.
 - b. The title of the proposed subdivision by name and plat number.
 - c. Location of the boundary lines of the subdivision in relation to a section line or quarter-section line adjacent thereto and any corporate boundaries and streets in the immediate area.
 - d. Graphic scale, north arrow and date.
 2. *Land ownership.*
 - a. The names and addresses of the record owner(s) of the land and of the subdivider.
 - b. The names of all subdivision immediately adjacent thereto and, for unsubdivided areas, the property owners immediately adjacent as disclosed by the current records in the County Assessor's office.
 - c. Existing zoning of the subdivision and the property immediately adjacent, if applicable.
 - d. All restrictions of record, including all public and private easements, on the property which may affect the subdividing and the use of the land as contemplated by the preliminary plat.
 3. *Features.*
 - a. Location of existing property lines, buildings and structures, building setback and street plan lines, streets, utilities, watercourses, flood-prone areas, cemeteries and burial grounds, railroads, bridges, culverts, drain pipes, lagoons, ponds, and other natural features such as wooded areas within the proposed subdivision and immediately adjacent thereto.

- b. Street pavements and rights-of-way on and adjoining the site of the proposed subdivision, showing the names and including roadway widths; approximate gradients; types and width of pavement, curb and sidewalks; and other pertinent data.
- c. Five (5) foot topographic contours shall be indicated based upon City datum. On rough or flat terrain, the City may require the contour intervals to be increased or decreased to better delineate the terrain. For flat terrain (zero percent (0%) to two percent (2%)), the contour interval to be ten (10) feet.
- d. Size of proposed subdivision to the nearest one-tenth (1/10) of an acre.
- e. All lot lines and/or property lines adjacent to and abutting the subdivision.
- f. Layouts of existing lots showing approximate dimensions and numbers.
- g. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
- h. Proposed easements showing locations, widths and purposes.
- i. Building setback or front yard lines and dimensions.
- j. Proposed location and grades for all streets.
- k. Proposed names for all streets and walkways. Names are not to duplicate existing street/road names in Wellington.
- l. Proposed location of storm sewers, drainageways and sanitary sewers.
- m. Location and size of nearest water main, sewer outlet, and other pertinent utilities to which connections are proposed.
- n. A preliminary outline of the deed restrictions and covenants that would be placed upon the subdivision.
- o. Landscaping plans and proposed limits on the location and intensity of signs, advertising, street and area lighting, and off-street parking shall be included in the case of a proposed subdivision for commercial or industrial use.
- p. Proposed location, dimension and use of all lots.

Section 410.090. Final Plat. [Ord. No. 03-31 §1, 3-26-2003]

- A. Following the approval of the preliminary plat, the subdivider may file an application for final plat approval with the Administrator in order to complete the subdivision process.
 - 1. The final plat may include all or only part of the preliminary plat which has been approved by the Board.

2. The original drawing of the final plat shall be drawn on single- or double-matter polyester film, or an approved equivalent, to a scale of at least one hundred (100) feet to one (1) inch. When necessary, the plat may be on several sheets accompanied by an index showing the entire subdivision. Ten (10) prints shall be submitted with two (2) original final plats. The final plat submitted shall be accompanied by a check, made payable to the City of Wellington, sufficient to cover all plat recording fees as established by the Lafayette County Recorder of Deeds.
3. The final plat shall be in substantial compliance with the preliminary plat as approved, including conditions.
4. The developer/subdivider shall obtain from the private utility companies a letter of commitment stating that they will provide their utilities to the proposed development.
5. The final plat shall be accompanied by final construction plans for the required public improvements. These plans shall be developed by a registered professional engineer in the State of Missouri or under his/her direct supervision. Two (2) sets of the plans shall be submitted for review. Following plan review, three (3) sets of the final plans shall be submitted for the records.
6. The final plat application shall be accompanied by an improvement guarantee acceptable to the Board and in form satisfying the City Attorney. In lieu of the guarantee, the improvements for development can be constructed according to the approved plans. The final plat will not be recorded until the guarantee is provided.
7. The following basic information shall be shown. A survey for a final plat shall be made under the active and personal direction of a registered land surveyor in the State of Missouri.
 - a. Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract mathematically, closing with an error of not more than one (1) foot in ten thousand (10,000) feet. All interior areas (i.e., lots) must be mathematically close to one (1) foot in five thousand (5,000) feet.
 - b. Legal description by metes and bounds of the tract of land.
 - c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - d. An accurate metes and bounds description of the boundary and the included are to the nearest one-hundredth (1/100) of an acre.
 - e. Right-of-way line of street, easements and other rights-of-way, and the property lines of lots and other tracts with accurate dimensions, bearings and curve data including radii, arcs and chords, point of tangency and central angles.

- f. Name and right-of-way width for each street or other right-of-way.
- g. Location, dimensions and purposes of any easement shown by light dashed lines.
- h. Number to identify each lot.
- i. Purpose for which sites other than residential lots are dedicated or reserved.
- j. Building setback or front yard lines and dimensions.
- k. Location of all existing structures within the proposed subdivision.
- l. Location, type, material and size of all monuments and lot markers.
- m. A key map showing the entire subdivision and its relationship to the surrounding area. Graphic scale shall be shown.
- n. Names of record owners of adjoining unplatted land shown by dashed or dotted lines.
- o. Reference to recorded subdivision plats of adjoining land by record name shown by dashed or dotted lines.
- p. Referenced to any related documents required to be recorded with the plat.
- q. Titles, north arrow, scale (both written and graphic) and date.
- r. Certification by registered land surveyor in the State of Missouri, with registration number, signature and seal affixed to all documents of the final plat, that the survey was executed in accordance with the current Missouri Minimum Standards for Property Boundary Surveys.
- s. Certification by registered land surveyor or registered professional engineer stating that all lots conform to the requirements of the zoning district in which it is located.
- t. Certificate of dedication of all public areas, easements, rights-of-way by the owner(s), that they are the legal owner(s), and that they have given consent to the subdivision and dedication of lands.
- u. Certificate of approval by the City Engineer.
- v. Certificate by the Planning Commission as executed by its Presiding Officer.
- w. Certificate for approval by the Board of Aldermen containing the signature of the Mayor and attested by the City Clerk.
- x. The Board shall take action by ordinance on the final plat within forty-five (45) days after its submissions to the Board for consideration. Failure of the Board to act within that time frame shall be deemed

approval. The Board may, with consent of the developer, extend this period to a stated future date.

Section 410.100. Improvement Plans and Specifications. [Ord. No. 03-31 §1, 3-26-2003]

The final plat shall not be considered for approval by the Board of Aldermen until the plans and specifications for the improvements required under Article V have been approved by the City Engineer. The plans and profiles for all streets, storm sewers and sanitary sewers, water lines and drainage structures shall be prepared on standard plan and profile sheets and shall bear the seal and signature of the registered professional engineer responsible for their preparation. Calculations for stormwater runoff shall be part of the plan submittal. Runoff shall be based on the 10-year rainfall event for residential areas and the 25-year rainfall event for all other areas and collector and arterial streets. A cross section of the proposed streets shall be included, showing the widths of roadway sections and the width of sidewalks and the location of underground utilities. Three (3) sets of prints of the approved documents shall be considered part of the final plat submission. After the completion of the construction of the improvements, a set of reproducible prints showing the as-built details and changes shall be filed with the City Administrator.

Section 410.110. Performance Guarantee. [Ord. No. 03-31 §1, 3-26-2003]

A. The subdivider shall be required to complete all improvements and utilities required by the Board 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 under one (1) of the following two (2) procedures as designated by the Board:

1. *Performance contract.* Prior to final approval, the Board may require an agreement, signed by the subdivider, in which the subdivider guarantees completion of all required infrastructures within two (2) years following the approval of the final plat by the Board. The obligations of the subdivider under the agreement shall not be assigned without the express consent of the Board. Upon breach of any part of the agreement by the subdivider, the Board will, at its option, pursue any legal or equitable remedy, including the halting of issuance of all building permits within the development, necessary to ensure completion and payment by the subdivider for the required improvements and utilities.
2. *Performance bond.* Prior to final plat approval, the Board may require a bond, or other such surety as it may deem appropriate, to assure such construction to be completed within two (2) years following the approval of the final plat by the Board, and expressed in the bond or other surety, in an amount and with surety conditions satisfactory to the Board.

Section 410.120. Failure To Complete Improvements. [Ord. No. 03-31 §1, 3-26-2003]

- A. If any improvement or utility is not completed 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 Board may, at its option:
1. Declare any bond or other approved surety device to be forfeited and pursue legal and equitable action to obtain necessary funds from the sureties to cause satisfactory completion and installation of all improvements and utilities;
 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 Board may extend the time limit set for satisfactory completion of the improvements and utilities for up to two (2) years upon the request of the subdivider and his/her showing of a reasonable necessity for such extension. In the event that an extension of the time limit is granted, the Board may require further assurances for completion in the form of a performance bond or other equitable surety device; or
 4. Pursue any legal or equitable action, including the halting of the issuance of all building permits within the development, necessary to ensure satisfactory completion of the improvements or utilities.

ARTICLE IV

Minimum Design and Development Standards

Section 410.130. Minimum Design and Development Standards. [Ord. No. 03-31 §1, 3-26-2003]

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof.

Section 410.140. General. [Ord. No. 03-31 §1, 3-26-2003]

- A. The streets and alley layout shall provide access to all lots and parcels of land within the subdivision. Street jogs of less than one hundred twenty-five (125) feet shall be avoided. Cul-de-sac length shall not exceed seven hundred fifty (750) feet in length, as measured from the edge of street to center of cul-de-sac, unless necessitated by site topography.
- B. Residential neighborhood streets should be designed so as to discourage through traffic.
- C. Proposed streets should be designed to follow the contour of the land so as to produce usable lots and streets of reasonable gradient.
- D. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity. Streets extending to the boundary of the tract being subdivided shall terminate either in a temporary or permanent cul-de-sac or other device to allow for

easy turning around of vehicles. Dead-end streets without such a device shall be prohibited.

- E. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley shall be platted to the prescribed width with the proposed subdivision, if planned for extension within that development.
- F. Reserve strips (also called spite strips) controlling access to streets shall be prohibited.
- G. Widths of arterial, primary and secondary street rights-of-way shall conform to the width specified later in this Chapter. These widths may be changed or varied, in unusual circumstances, by the Planning Commission following the recommendation of the City Engineer.
- H. The minimum right-of-way for residential neighborhood streets, including cul-de-sacs, shall be fifty (50) feet. The minimum right-of-way for commercially/industrially zoned streets shall be sixty (60) feet. Any marginal access street shall have a minimum right-of-way of forty (40) feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet under normal conditions.
- I. Subdivisions that adjoin or include existing streets that do not conform to the required width shall dedicate additional width along either or both sides of said street. Half of the additional right-of-way should be dedicated from each side of an existing street.
- J. Street centerlines shall intersect at not more than ten degrees (10°) from perpendicular to each other.
- K. At the intersection of all residential neighborhood streets, the property line corners shall be rounded by arcs of not less than twenty (20) feet or chords of such arcs. A radii of not less than thirty (30) feet, or chords of such arcs, shall be used for all other street or roadways.
- L. At intersections of streets and alleys, the property line corners shall be rounded by arcs of not less than fifteen (15) feet or chords of such arcs.
- M. Intersection of more than two (2) streets at one (1) point shall be avoided.
- N. Where parkways or special types of streets are involved, the Planning Commission may apply special standards to be followed in the design of such parkways or streets.
- O. Whenever the subdivision contains or is adjacent to a highway designated as a "limited access highway" by the appropriate highway authorities, provisions shall be made for a marginal access street or a frontage street, or parallel street at sufficient distance, acceptable for the appropriate use of the land between the highway and such streets.
- P. Vertical visibility on all streets shall be maintained along the centerline as follows:

1. *Arterial and primary streets.* Five hundred (500) feet.
 2. *Collector streets.* Two hundred (200) feet.
 3. *Residential streets.* Two hundred (200) feet.
- Q. Horizontal curvature measured along the centerline shall have a minimum radius as follows:
1. *Arterial and primary streets.* Seven hundred fifty (750) feet.
 2. *Collector streets.* Two hundred thirty (230) feet.
 3. *Residential streets.* One hundred (100) feet.
- R. All changes in grade shall be connected by vertical curves of sufficient length to provide smooth transitions and required sight distances.
- S. All horizontal curves on arterial and primary streets shall be connected with a tangent of not less than one hundred (100) feet. All collector and neighborhood streets shall be connected with a tangent of not less than forty (40) feet.
- T. Maximum grades for streets shall be as follows:
1. *Arterial and primary streets.* Not greater than six percent (6%) or as recommended by the City Engineer and approved by the Planning Commission.
 2. *Other streets and alleys.* Not greater than ten percent (10%) or as recommended by the City Engineer and approved by the Planning Commission.
- U. The minimum grade of any street gutter should not be less than one percent (1%). The City Engineer may consider grades between one percent (1%) and three-fourths of one percent (.75%) on individual locations. Grades less than three-fourths of one percent (.75%) shall not be allowed.
- V. Names of new streets shall not duplicate or sound like existing street names or street names committed on approved preliminary plats unless the new street is a continuation of an existing street or an approved name on a preliminary/final plat. Plat names should be easily pronounced and spelled.
- W. Alleys should be discouraged in residential areas but may be included in commercial and industrial areas where needed for loading and unloading or access purposes and, where platted, shall be at least twenty (20) feet in width.
- X. Dead-end alleys shall be avoided unless determined necessary by the Planning Commission.
- Y. Half street right-of-ways will not be accepted for access to lots. No lot shall be platted adjacent to a half right-of-way.

Section 410.150. Blocks. [Ord. No. 03-31 §1, 3-26-2003]

- A. Blocks in residential developments shall not normally exceed one thousand (1,000) feet in length, unless unusual circumstances justify greater length and are recommended by the City Engineer and approved by the Planning Commission.
- B. Blocks in commercial/industrial developments should not normally exceed six hundred (600) feet in length, unless circumstances justify and are recommended by the City Engineer and approved by the Planning Commission.
- C. No other specific rule is made concerning the shape of the block, however, blocks shall fit easily into the overall plan of the subdivision and the design should consider subdivision planning, traffic flow (both vehicular and pedestrian) and public areas.
- D. Within blocks of seven hundred (700) feet in length, the Planning Commission may recommend, and the Board may require at or near the middle of the block, a public walk connecting adjacent streets or other public areas, shopping center, etc. Width of right-of-way for such walks shall be at least ten (10) feet and should be intended for the use of pedestrians only.

Section 410.160. Lots. [Ord. No. 03-31 §1, 3-26-2003]

- A. All lots shall abut on a street public right-of-way.
- B. Side lines of lots should be approximately right angles to straight streets and on radial lines on curved street. Some variation from this rule is permissible, but pointed or very irregular shaped lots shall be avoided.
- C. Double-frontage lots should not be platted, except that where desired along arterial streets, lots shall face on an interior street and back on such thoroughfare. Direct vehicular access should be prohibited along arterial streets from individual lots. In that event a planting strip or a planting screen, at least twenty (20) feet in width along or near the lot, may be required by the Planning Commission.
- D. Minimum lot areas, widths and building setback lines shall be as required by the Zoning Code for the district in which the subdivision is located within the incorporated area of the City or by any ordinance or regulation adopted by the Board of Aldermen. All lots in the incorporated area shall utilize the City water and sanitary sewer system, unless otherwise approved by the Planning Commission.
- E. Whenever possible, a unit shopping center, based on sound development standards, shall be designed in contract to the platting of lots for individual commercial use.
- F. Corner residential lots shall be wider than normal to permit appropriate setbacks from both streets.

Section 410.170. Easements. [Ord. No. 03-31 §1, 3-26-2003]

- A. Where alleys are not provided, easement for utilities shall be provided. Such easements shall have a minimum width of fifteen (15) feet, and where located along interior lot lines, one-half ($\frac{1}{2}$) the width shall be taken from each lot. Before determining the location of easements, the subdivision plan should be discussed

with the local utility companies to assure the proper location for the installation of services.

- B. Whenever a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage right-of-way which shall be for the purpose of widening, improving or protecting the stream at the developer's and/or subsequent owner's expense. The width of the drainage right-of-way shall be adequate for any necessary channel relocations and straightenings, and shall be approved by the City Engineer, and shall relate as closely as possible to the intent of the most recently adopted Comprehensive Plan. Parallel streets or parkways may be required in connection therewith.

Section 410.180. Public Use Areas. [Ord. No. 03-31 §1, 3-26-2003]

- A. Where sites for parks, playgrounds or other public areas as shown in the most recently adopted Comprehensive Plan are located within subdivision area, the Board of Aldermen shall require that such areas be so designated on the final plat. Within two (2) years after the approval of the final plat, the authority having jurisdiction shall acquire the designated land or commerce proceedings to acquire the land by condemnation.
- B. Otherwise the owner may make any other permitted use of the site as permitted by the zoning district with which it lies. This may include the replatting of the land.

Section 410.190. Topography, Natural Vegetation and Flooding. [Ord. No. 03-31 §1, 3-26-2003]

- A. In the subdividing of any land within the incorporated limits of the City, due regard shall be shown for all natural features such as tree growth, watercourses or other similar elements which, if preserved, would add attractiveness to the proposed development.
- B. The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
- C. Floor elevations of all buildings should be carefully studied in relation to existing topography, proposed street grades, and other pertinent site features including existing trees having a caliper diameter of eight (8) inches or more.
- D. Consideration should be given to varying the setback lines required by the zoning regulations to retain existing topography and large trees.
- E. Where there is a question as to the suitability of a lot for their intended use due to factors such as flooding conditions or similar circumstances, the Commission may recommend withholding approval of such lots for building permits.

ARTICLE V
Improvements

Section 410.200. Improvements. [Ord. No. 03-31 §1, 3-26-2003]

Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following Sections.

Section 410.210. Streets. [Ord. No. 03-31 §1, 3-26-2003]

- A. Streets shall be completed in accordance with the plans, profiles and specifications and cross sections prepared for the subdivider by a registered professional engineer and approved by the City Engineer.
1. The streets shall be surfaced to a minimum width, according to the type of street, as identified in this Chapter.
 2. The streets shall be graded, surfaced and improved to the dimensions required by the cross sections and work shall be performed and material provided in the manner prescribed in the specifications contained in this Chapter. Residential streets shall be surfaced to a minimum width of thirty-two (32) feet back to back of curbs. Other streets shall have a width as determined by the preliminary plat. Alleys shall be surfaced to a minimum of sixteen (16) feet with a similar cross section to that of a collector street. Cul-de-sac pavement shall have a minimum radius of forty (40) feet. Grading for street improvements shall not create a soil slope exceeding vertical rise of one (1) foot for each two (2) feet of horizontal distance.
 3. The street surface shall be of Portland cement concrete or a flexible asphalt pavements and shall be constructed in accordance with design characteristics at least equal to those given below and specifications approved by the City Engineer.
 4. Prior to the construction of street or alley pavements, adequate surface and subsurface (if required by the City Engineer) drainage facilities shall be installed by the subdivider. Pipe used for drainage purposes shall be bituminous or galvanized-coated corrugated metal, reinforced concrete, or high-density polyethylene of an approved design, size and strength to meet the requirements of the specific conditions which may be encountered. Minimum diameters of pipe to be used shall be as follows:
 - a. Roadway crossdrains: fifteen (15) inches.
 - b. Entrance culverts: twelve (12) inches.
 - c. Perforated underdrains: four (4) inches.
 5. All construction shall be completed in accordance with the specific conditions in the agreement for improvements and the accepted plans and specifications. When changes from the approved plans and specifications become necessary during construction, written approval from the City Engineer shall be secured prior to the execution of such changes.

6. Adequate provisions for the maintenance of all street improvements should be made by dedication to and acceptance for maintenance by the City. During the construction of the street improvements, periodic inspections will be made by designated City staff to accept the subgrade base, pavement base and the pavement surface. Failure to have the acceptance of the phases of construction may result in the non-acceptance of the streets and withholding of building permits. Developer shall coordinate with the City for all inspections.
7. The minimum twenty-eight (28) day compressive strength of all concrete shall not be less than four thousand (4,000) psi.

DESIGN CHARACTERISTICS OF STREET PAVEMENT

Kind of Pavement

Portland Cement

Concrete	Arterial/Primary	Collector	Residential
Design thickness	8 inches*	7 inches**	6 inches**
Minimum thickness	7 3/4 inches ¹	6 3/4 inches ¹	6 inches ¹

* Concrete pavement to be placed on six (6) inches of stone base rolled in place (materials and placement to be as per Missouri Department of Transportation specifications).

** Same as * except reduce six (6) inches to four (4) inches.

¹Any pavement thickness discovered at less than minimum shall be removed and replaced. As an alternate, the cost estimated by the City Engineer for removal and placement may be deposited with the City for future maintenance of substandard pavement.

FLEXIBLE ASPHALT PAVEMENT

Asphaltic surface	2 inches	2 inches	1.5 inches
Coarse base	9 inches	8 inches	5.5
Bituminous coated	(2 lifts)	(2 lifts)	inches (2 lifts)
Subbase: compacted aggregate crushed stone or as approved but City Engineer	6 inches	4 inches	4 inches

Alternate pavement cross sections as recommended by the City Engineer and approved by the Board of Aldermen may be substituted for the residential street requirement.

The minimum twenty-eight (28) day compressive strength of all concrete shall not be less than four thousand (4,000) psi.

Section 410.220. Curbs and Gutters. [Ord. No. 03-31 §1, 3-26-2003]

- A. Curbs and gutters shall be constructed in conjunction with the street pavements on all streets where parking is to be permitted and shall be of Portland cement concrete at least twenty-four (24) inches wide and not less than six (6) inches thick where the gutter abuts the street pavement. At least two (2) one-half (1/2) inch rebar shall be placed continuous in the curb and gutter section.
- B. Curb construction for concrete pavements shall be integral with the pavement. Roll-back type curbs may be permitted, when recommended by the City Engineer and approved by the Planning Commission, and where the distance between the back of the curb and the nearest sidewalk is at least four (4) feet on residential streets, and additional height is required.
- C. All plans for the installation of the curb and gutter shall be approved by the City Engineer.
- D. The minimum twenty-eight (28) day compressive strength of all concrete shall not be less than four thousand (4,000) psi.

Section 410.230. Sidewalks. [Ord. No. 03-31 §1, 3-26-2003]

- A. Sidewalks on each side of a street shall be provided within a subdivision when the subdivision averages two and one-half (2½) lots or more per gross acre. Construction of sidewalks shall be the responsibility of the individual lot developer/property builder. Sidewalks shall be of Portland cement concrete with a minimum thickness of four (4) inches on a four (4) inch gravel or crushed stone base and a minimum width of four (4) feet, and the edge of walks adjacent to the property line on the street shall be placed at least one (1) foot from the property line.
- B. If, for any reason, sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.
- C. The minimum twenty-eight (28) day compressive strength of all concrete shall not be less than four thousand (4,000) psi.

Section 410.240. Sewage Disposal and Water Safety. [Ord. No. 03-31 §1, 3-26-2003]

- A. The subdivider shall provide for the disposal of sewage in the subdivision by a public collection system. In all cases, the subdivider shall construct a sanitary sewer system which shall connect to the public sewerage system of the City and provide service to each lot.

- B. The subdivider shall provide the subdivision with a source of water for domestic use by a complete water main supply which should be connected to the water facility system serving the City. Fire hydrants shall be spaced a maximum of six hundred (600) feet apart in residential developments ("R-1" and "R-2" zones) and three hundred (300) feet apart for all other zones. All water mains shall be a minimum of six (6) inches in size. Additional water line size may be required in commercial/industrial areas.
- C. Plans and specifications for public sewage disposal and water supply shall be prepared for the subdivider by a registered professional engineer in accordance with the requirements of the Missouri Department of Natural Resources and the City Engineer. Private sewage disposal systems shall not be installed within the City limits of Wellington.
- D. The subdivider shall furnish the City a complete set of plans and profiles as approved by the various utility companies. Plans and specifications for water and sewage improvements shall not be submitted to the Department of Natural Resources until approved by the City Engineer.

Section 410.250. Storm Drainage. [Ord. No. 03-31 §1, 3-26-2003]

- A. The subdivider shall provide adequate surface and subsurface drainways for the removal of stormwater. The extent to which storm drainage facilities shall be required shall be based upon the analysis of need prepared for the subdivider by a registered professional engineer. The analysis for residential developments shall be based upon the Rational Method of computing stormwater runoff using the one (1) hour rainfall to be expected at a 5-year rainfall frequency. The frequency for commercial/industrial areas and for arterial and primary streets shall be calculated base on the 10-year rainfall frequency. Times of concentration, soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with and approved by the City Engineer during the preliminary consideration of the subdivision.
- B. A stormwater conveyance system, which shall be separate and independent of the sanitary sewer system with surface inlets, shall be provided by the subdivider in all cases where curb and gutter is to be installed and whenever the available evidence indicates that such a system is necessary due to the inadequacy of the natural surface drains.
- C. Any person proposing to locate a structure or a use within one hundred (100) feet of any stream or main drainage channel servicing more than ten (10) acres shall include a statement by a registered professional engineer that based on a study of the water shed area and the probable runoff that the flow of floodwater will not raise the flood plain elevation for the 100-year rainfall frequency.
- D. The subdivider shall furnish the City a complete set of plans and profiles as approved by the various authorities.

Section 410.260. Public Utilities. [Ord. No. 03-31 §1, 3-26-2003]

- A. All utility lines for telephone and electric service when carried on overhead poles shall be provided for with rear and side lot line easements. The utility company shall identify the needed easement at the time of platting.
- B. Where telephone and/or electrical service lines are to be placed underground throughout the subdivision, the conduit or cables shall be located within easements of public rights-of-way in separate trenches in a manner which will not conflict with other underground services. Furthermore, all transformers and terminal boxes shall be located so as not to be hazardous to the public. The street plans shall include the layout for all underground utilities.
- C. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place or other materials as approved by the City Engineer.

Section 410.270. Street Lighting. [Ord. No. 03-31 §1, 3-26-2003]

- A. The subdivider shall make provisions for the adequate lighting of public streets within the subdivision in accordance with the standards and requirements of the City and the electric company. The City Engineer shall approve the location of the street lights.
- B. Street lights located in residential neighborhoods shall be provided with a minimum spacing of three hundred (300) feet and as directed by the City Engineer with wood, fiberglass, concrete or steel poles connected by underground wiring.

Section 410.280. Street Signs. [Ord. No. 03-31 §1, 3-26-2003]

- A. Appropriate street signs of aluminum extrusions with reflectorized lettering mounted on aluminum posts shall be furnished and installed by the City at all street intersections. Signs indicating both streets shall be erected at each location mounted as close to the corner as practical facing traffic on the cross street with the nearest portion of each sign not less than one (1) foot nor more than eight (8) feet back from the curb line.
- B. Before the final plat is approved, the subdivider shall submit to the City Administrator a statement from the local postmaster approving names of the proposed streets. From that approval, the Administrator shall assign the street addresses in accordance with the accepted system currently in use.

Section 410.290. Landscape Development. [Ord. No. 03-31 §1, 3-26-2003]

- A. A plan shall be developed for stormwater/water erosion management.
 - 1. All unpaved or otherwise unimproved areas within the public rights-of-way or public use areas shall be graded and seeded in an approved manner. This seeding shall occur within thirty (30) days of the excavation.
 - 2. Street trees maybe provided by the subdivider along all residential streets where trees do not exist. The trees shall be of a species suitable for local soil

and climatic conditions, adapted to street use and of at least two and one-half (2½) inch caliper. At street corners, the trees shall be located a minimum of twenty-five (25) feet from the intersection of the street right-of-way lines, otherwise they shall be located so as not to interfere with utilities or sidewalks and placed forty (40) to fifty (50) feet apart. The trees shall be placed in the grass area between the curb and sidewalks unless this space is less than six (6) feet wide, in which case the trees shall be planted on the lots.

3. In commercial or industrial developments at least fifteen percent (15%) of the total tracts (lots) shall be devoted to landscaping. The landscaping shall be in accordance with an approved landscape development plan.
4. All residential lots shall have an appropriate cover of undisturbed existing vegetation, seeding, fresh cut sod, plugs or spot sod.
5. A landscaping strip, having a minimum width of ten (10) feet, shall be maintained in all commercially zoned areas along all street rights-of-way and adjoining residential zoned lands. Driveways/entrances may cross the strip. The strip shall contain a minimum of one (1) tree, having a mature height of at least thirty (30) feet, for every fifty (50) feet of adjoinment. Trees having a mature height of less than thirty (30) feet shall be placed at intervals not exceeding twenty (20) feet. At least fifty percent (50%) of the visual exposure shall be screened during the foliage period.
6. All lighting on commercial/industrial parking/loading areas shall be directed away from the adjoining street and nearby residential areas.

Section 410.300. Monuments and Markers. [Ord. No. 03-31 §1, 3-26-2003]

- A. Monuments shall be set:
 1. At the intersection of all lines in the boundary of the subdivision.
 2. At the intersection of street property lines and at the beginning and ends of all curves along street property lines.
- B. Markers shall be set, unless otherwise located by a monument:
 1. At all points where lot lines intersect street right-of-way lines.
 2. At all angles in the property lines.
 3. At all other lot corners.
- C. Monuments shall comply with the requirements of the Missouri Land Survey authority. The monuments shall bear the identification of the land surveyor placing the monument. Markers shall consist of galvanized steel or wrought-iron pipe or steel bars at least twenty-four (24) inches in length and one-half (½) inch in outside diameter.

- D. Monuments and markers shall be provided by the subdivider and so placed that the center points shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

Section 410.310. Privately Developed Facilities. [Ord. No. 03-31 §1, 3-26-2003]

- A. Where a development is to contain privately owned utility systems, roadway network, and other physical facilities normally maintained by public agencies, the provisions shall be proposed to the Planning Commission for acceptance and to the Board of Aldermen for approval. The acceptance and/or approval shall require that all facilities equal or exceed the provisions of this Chapter. The responsibility for the maintenance and operation of the utilities and roadways shall be passed on to the owners by deed restrictions.
- B. Consideration shall be given to the City's participation in the expense of privately developed utility lines which, due to their physical location and sequence of construction, shall be of a size to service future community growth as determined by the Planning Commission and the City Engineer and accepted by the Board of Aldermen. The arrangement could be one in which the developer would install utilities adequate to his/her immediate needs but increased in size to meet future needs, as determined above, for which the City would pay the material costs and related installations costs for the amount of sizes above the developers actual need.

ARTICLE VI
Administration and Penalty

Section 410.320. Inspections. [Ord. No. 03-31 §1, 3-26-2003]

The City Engineer or a duly designated representative of the City shall inspect all public improvements proposed to be made under the provisions of this Chapter during the course of construction.

Section 410.330. Variations and Exceptions. [Ord. No. 03-31 §1, 3-26-2003]

- A. Whenever a subdivider can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to and when, in the opinion of the Planning Commission, because of topographical or other conditions peculiar to the site, and a departure may be made without destroying the intent of such provision, the Planning Commission may recommend a variance or modification to the Board of Aldermen. The subdivider shall apply in writing for the variance. The minutes shall reflect the reasoning on which the departure was justified and recommended. Any variance or modification authorized by the Board shall be made by resolution, and a copy thereof shall be recorded and referenced on the final plat.
- B. Any exception may be made from the specifications and procedures in the case of a subdivision containing more than three (3) lots fronting on an existing street not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel and not in conflict with any provision or portions of the Comprehensive Plan, Zoning

Ordinance or this Chapter. A plat of the proposed subdivision shall be submitted to the City Administrator at least fifteen (15) days prior to the planning meeting at which consideration is desired along with twelve (12) prints of the proposed subdivision. In turn, the Planning Commission will forward their recommendation and the plat to the Board for action. Action by the Board shall take place at its next scheduled meeting. Approval of the Board shall be indicated on the original drawing by affixing the signatures of the Mayor and City Clerk. The plat will be recorded by the City. The application shall deposit with the City fees adequate for the filing of the plat.

Section 410.340. Building Permit — Zoning Certificate. [Ord. No. 03-31 §1, 3-26-2003]

No building permit or zoning certificate shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision, as defined herein, which has been approved for platting or replatting until all requirements have been fully complied with.

Section 410.350. Approval of Plats Required For Recording. [Ord. No. 03-31 §1, 3-26-2003]

No County Recorder shall receive for filing or recording any subdivision plat required to be approved by the Board of Aldermen or Planning Commission unless the plat has endorsed upon it the approval of the Board of Aldermen under the hand of the Clerk and the seal of the City or by the Secretary of the Planning Commission.

Section 410.360. Record of Plats. [Ord. No. 03-31 §1, 3-26-2003]

All such plats of subdivision, after the same have been submitted and approved, shall be filed in the records of the Lafayette County Recorder. A copy of the plat shall be retained in the book of plats of the City of Wellington and shall be filed and kept by the City among the records of the City.

Section 410.370. Validity. [Ord. No. 03-31 §1, 3-26-2003]

If any Section, Subsection, sentence, clause or phrase is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions.

Section 410.380. Violation and Penalty. [Ord. No. 03-31 §1, 3-26-2003]

- A. Any person, firm or corporation who constructs any public improvements or portion thereof on violation of the provisions of this Chapter shall be upon conviction fined not more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Whoever shall sell or offer to sell, lease or offer to lease, while a subdivision regulation ordinance is in effect, any lot or lots, block or blocks within the incorporated limits of the City or any addition thereto or any resubdivision of any lot or block therein, before all of the requirements of the Chapter have been

complied with, shall be fined not more than five hundred dollars (\$500.00) for each lot, block or part thereof so disposed of, offered for sale or lease.