

AN ORDINANCE ADOPTING THE "SUBDIVISION REGULATIONS" FOR THE CITY OF KNOB NOSTER, PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS, REPLACING CHAPTER 410 OF THE KNOB NOSTER MUNICIPAL CODE AND REPEALING ORDINANCES 524, 523, 465, 443, 378, 283, AND 261

WHEREAS, the Knob Noster Planning and Zoning Commission has provided the City of Knob Noster with proposed subdivision regulations;

WHEREAS, the Planning and Zoning Commission held a series of public meetings between April 13, 2004 and July 13, 2004 for reviewing the proposed regulations and on July 13, 2004 by an unanimous decision recommended the regulations to the Mayor and Board of Aldermen; and

WHEREAS, the Board of Aldermen had advertised in the Knob Noster Item on September 15, 2004 a public hearing to be held on October 5, 2004 for discussion of the proposed subdivision regulations and after completion of this public hearing determined that these regulations are in the best interest of the City of Knob Noster;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Knob Noster, as follows:

SECTION I The "Subdivision Regulations" for the City of Knob Noster, attached hereto and marked as "Exhibit #1", has been reviewed and recommend for approval by the Planning and Zoning Commission.

SECTION II A copy of the "Subdivision Regulations" for the City of Knob Noster, attached hereto and marked as "Exhibit #1", is hereby made a part of this ordinance and incorporated herein as though fully set out at length herein.

SECTION III The Board of Aldermen of the City of Knob Noster find that the attached "Subdivision Regulations", attached hereto and marked as "Exhibit #1" are in the best interest of the City of Knob Noster, Missouri and are hereby accepted and adopted.

SECTION IV Chapter 410 of the Knob Noster Municipal Code and ordinances 524, 523, 465, 443, 378, 382, and 261 are hereby repealed.

SECTION V This ordinance shall be in full force and effect from and after its passage and approval. Read two times, by title only, passed and approved on this 16th day of November 2004.

Approved and signed this 16th day of November 2004.

ATTEST:

EDWARD L. THERING
Mayor

ROBERT T. NIFFEN, CMC
City Clerk

**SUBDIVISION REGULATIONS
TABLE OF CONTENTS**

SECTION	NAME	PAGE
	Ordinance.....	1
	Table of Contents.....	2-7
410.010:	Title.....	8
410.020:	Authority	8
410.030:	Jurisdiction	8
410.040:	Policy	8
410.050:	Purposes	9
410.060:	Usage	9
410.070:	Interpretation, Conflict & Separability Interpretations	9
	1: Conflict with Public Provisions	9
	2: Conflict with Private Provisions	10
	3: Separability.....	10
410.080:	Saving Provision.....	10
410.090:	Amendments	10
410.100:	Conditions	10
410.110:	Re-Subdivision of Land (Lot Splits).....	10
	1: Procedure for Re-subdivision.....	10
	2: Procedure for Subdivision Where Future Re-subdivision is Indicated.....	11
410.120:	Vacation of Plats	11
410.130:	Variances	11
410.140:	Waivers	12
410.150:	Enforcement, Violations and Penalties	12
	1: Abatement and Injunctive Relief	12
	2: Unapproved Plats Not to be Recorded	12
	3: Violations and Penalties.....	12
	4: Use of Unapproved Plat.....	13
410.160:	Fee Schedule	13
ARTICLE II	SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS	
410.170:	General Procedure.....	14
	1: Classification of Subdivisions.....	14

	2: Lot Splits (Re-subdivisions).....	14
	3: Minor Subdivisions	14
	4: Major Subdivisions	14
	5: Reclassification of Minor Subdivisions.....	14
	6: Official Submission Dates	14
410.180:	Pre-filing Review	14
410.190:	Lot Split Procedure.....	15
	1: Application Procedure	15
	2: Approval Guidelines	15
	3: Filing Fee.....	16
410.200:	Review and Approval of Minor Subdivisions.....	16
410.210:	Review and Approval of Major Subdivision Plats Preliminary Plats	18
	1: Preliminary Plat Application	18
	2: Preliminary Plat-Required Information and Specifications.....	19
	3: Features	19
	4: General Layout of Improvements.....	22
	5: Public Hearing.....	22
	6: Adequacy of Notice	22
	7: Preliminary Approval	22
	8: Public Improvements.....	22
	9: Effective Period of Preliminary Approval.....	23
	10: Zoning Regulations	23
	11: Model Homes	23
410.220:	Review and approval of Major Subdivision Plats Final Plat.....	23
	1: Application Procedure and Requirements	23
	2: Construction Plans	24
	3: Final Plat Specifications	25
	4: Preparation.....	27
	5: Fees	27
	6: Public hearing and Determination.....	27
	7: Submission and Review.....	28
	8: Vested Rights	28
410.230:	Signing and Recording of Subdivision Plat	28
	1: Signing of Plat	28
	2: Recording of Plat.....	28
	3: Sectionalizing Major Subdivision Plats	28

ARTICLE III ASSURANCE FOR COMPLETION OF IMPROVEMENTS

410.240:	Improvements and Performance Bond	30
	1: Completion of Improvements	30
	2: Performance Bond	30
	3: Temporary Improvement.....	30
	4: Governmental Units	30
	5: Failure to Complete Improvements.....	30
	6: Acceptance of Dedication Offers	31
410.250:	Inspection of Improvements	
	1: General Procedure and Fees.....	31
	2: Release or Reduction of Performance Bond	31
	3: Reduction of Performance Bond.....	31
410.260:	Escrow Deposits for Lot Improvements	31
410.270:	Escrow Deposits for Lot Improvements in Lieu of Performance Bond	31
410.280:	Procedures on Escrow Fund.....	32
410.290:	Maintenance of Improvements.....	32
410.300:	Deferral or Waiver of Required Improvements	32
410.310:	Issuance of Building Permits and Certificates of Occupancy	32
410.320:	Maintenance Bonds	33

**ARTICLE IV REQUIREMENTS FOR IMPROVEMENTS RESERVATIONS
AND DESIGN**

410.330:	General Improvements.....	34
	1: Conformance to Applicable Rules and Regulations	34
	2: Self-Imposed Restrictions	34
	3: Plats Straddling Municipal Boundaries	34
	4: Monuments	34
	5: Character of the Land	35
	6: Subdivision Name	35
410.340:	Sediment and Erosion Control Regulations	35
	1: Scope of Authority.....	35
	2: Implementation.....	35
	3: Required Erosion and Sedimentation Control Plan Content	35

	4: Sediment and Erosion Control Approval.....	37
	5: Inspections	37
	6: Correction.....	38
	7: Violations.....	38
	8: Penalties.....	38
410.350:	Lot Improvements.....	38
	1: Lot Arrangement	38
	2: Lot Dimensions	38
	3: Double Frontage Lots.....	38
	4: Access from Major and Minor Arterial and Collector Streets	38
	5: Soil Preservation and Final Grading	38
	6: Lot Drainage.....	38
	7: Debris and Waste.....	38
410.360:	Road Improvements.....	39
	1: Frontage on Improved Roads	39
	2: Grading and Improvement Plan	39
	3: Topography and Arrangement	39
	4: Blocks.....	40
	5: Access to Major and Minor Arterial.....	40
	6: Road Names	41
	7: Road Regulatory Signs	41
	8: Street Lights	41
	9: Reserve Strips.....	42
	10: Construction of Roads and Dead-End Roads.....	42
	11: Road Classification	42
	12: Road Surfacing and Improvements	42
	13: Design Standards.....	42
	14: Excess Right-of-Way.....	42
	15: Railroads and Limited Access Highways.....	42
	16: Bridges	42
	17: Road Dedications and Reservations New Perimeter Streets.....	42
	18: Widening and Realignment of Existing Roads.....	42
	19: Application of Regulations.....	43
	20: Exempted Residential Activities	43
	21: Exempted Non-residential Activities	43
	22: Requirements for Exempted Activities	44

	23: Appeals	44
	24: Flood Plain Areas	44
410.370:	Drainage and Storm Sewers	44
410.380:	Water Facilities	44
410.390:	Sewerage Facilities	45
	1: Extension of Public Sewer Required - Exceptions	45
	2: Mandatory Connection to Public Sewer System	45
	3: Design Criteria for Sanitary Sewers	45
	4: Design Factors	45
	5: Minimum Size	45
	6: Minimum Slope	45
	7: Alignment	46
	8: Manhole Location	46
	9: Manholes	46
	10: Sewage Locations	46
	11: Cleanouts and Lampholes	46
	12: Water Supply Inter-Connections	46
	13: Relation of Sewers to Water Mains	47
410.400:	Sidewalks	47
	1: Sidewalks	47
	2: Pedestrian Access	47
410.410:	Utilities	
	1: Location	47
	2: Easements	47
410.420:	Public Sites and Open Spaces	47
	1: Referral to Public Body	48
	2: Notice to Property Owner	49
	3: Duration of Land Reservation	49
410.430:	Preservation of Natural Features and Amenities	49
410.440:	Non-Residential Subdivisions	49

ARTICLE V LANDSCAPING AND SCREENING

410.450:	General	51
410.460	Intent	51
410.470	Planting Requirements	51
410.480	Screening Requirements	51

410.490	Landscaping in Place Prior to Occupancy Permits.....	51
410.500	Maintenance.....	52
410.510	Plan Approval.....	52

ARTICLE VI DEFINITIONS

410.520:	Words and Terms Defined	53-58
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CHAPTER 410: SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 410.010: TITLE

These regulations shall hereafter be known, cited and referred to as the "Subdivision Regulations of City of Knob Noster, Missouri."

SECTION 410.020: AUTHORITY

By ordinance of the Board of Aldermen adopted pursuant to the powers and jurisdictions vested through Sections 89.300 through 89.480, Chapter 89, Revised Statutes of Missouri, and other applicable laws, statutes, orders and regulations of the State of Missouri and the City of Knob Noster, the Board of Aldermen does hereby exercise the power and authority to approve and disapprove plats for subdivision of land within the incorporated areas of the City. By the same authority, the Planning Commission does hereby exercise the power and authority to review and make recommendations to the Board of Aldermen on any and all plats of subdivision of land within the City.

SECTION 410.030: JURISDICTION

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the incorporated areas of the City.

No land shall be subdivided within the incorporated area of the City of Knob Noster until the sub-divider or his agent has submitted the appropriate plats to the Planning Commission for their recommendation, and obtained approval of the plat itself by the Board of Aldermen, and until the approved plat is filed with the Johnson County Recorder of Deeds. No building permit or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

SECTION 410.040: POLICY

It is hereby declared to be the policy of the City of Knob Noster to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City of Knob Noster pursuant to the Comprehensive Plan of the City of Knob Noster for the orderly, planned, efficient, physical and economical development of the City. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, City Street Plan and the capital budget and program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan, City Street Plan and Land Use Plan, and capital budget and program of the City.

SECTION 410.050: PURPOSES

These Subdivision Regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the City.
2. To guide the future growth and development of the City.
3. To protect and conserve the value of land throughout the City of Knob Noster and the value of buildings and improvements upon the land to minimize the conflicts among the uses of land and buildings.
4. To preserve the natural beauty and topography of the City of Knob Noster to insure appropriate development with regard to these natural features.
5. To provide for the proper location and width of streets and roads, building lines, open space and recreation, and for the avoidance of congestion of population.
6. To provide for the extent and manner in which streets shall be graded and improved and the extent to which water, sewer and other utility sources shall be provided to protect public health and general welfare.
7. To insure that public facilities including roads, water and sewer facilities and drainage are adequate to serve the proposed subdivision, to establish reasonable standards of design and procedures for subdivisions and re-subdivision for the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.

SECTION 410.060: USAGE

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the plural number include the singular; the word "herein" means "in these regulations", the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

SECTION 410.070: INTERPRETATION, CONFLICT AND SEPARABILITY INTERPRETATIONS

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the purposes and policies as stated above for the promotion of the public health, safety and general welfare of the City.

1. Conflict with Public Provisions - These regulations are not intended to interfere with, abrogate or annul any other City of Knob Noster Ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other City of Knob Noster Ordinance, rule or regulation or other

provision of law, whichever provisions are more restrictive or impose higher standards, shall control.

2. Conflict with Private Provisions - These regulations are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations, than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission or the Board of Aldermen in approving a subdivision or in enforcing these regulations and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determination.
3. Separability - If any part or provision of these regulations or application thereof to any persons 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 these regulations or the application thereof to other persons or circumstances.

The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

SECTION 410.080: SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City of Knob Noster 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, except as shall be expressly provided for in these regulations.

SECTION 410.090: AMENDMENTS

For the purpose of providing for the public health, safety and general welfare, the Board of Aldermen may, from time to time, amend the provisions imposed by these Subdivision Regulations. Public hearings on all proposed amendments shall be held by the Board of Aldermen. Fifteen (15) days notice of the time and place of such hearing shall be published in a paper of general circulation in the City.

SECTION 410.100: CONDITIONS

The subdivision of land is a privilege conferred upon the developer by the laws of the State of Missouri and through these Subdivision Regulations. It is the developer who is seeking to acquire the advantages of lot subdivision and upon him rests the duty of compliance with reasonable conditions laid down by the Planning Commission and the Board of Aldermen for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the City of Knob Noster and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

SECTION 410.110: RESUBDIVISION OF LAND (LOT SPLITS)

1. Procedure for Re-subdivision - An existing, platted lot may be divided by a lot split into not more than two (2) parts which singularly or combined with the adjoining lot results in the two lots which meet the minimum size and area requirements of the zoning district in which the lots are located. The new lots cannot be further subdivided in the future without re-platting.
2. Procedure for Subdivisions Where Future Re-subdivision is Indicated - Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be re-subdivided into smaller building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 410.120: VACATION OF PLATS

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

Such an instrument shall be approved by the Board of Aldermen, upon recommendation of the Planning Commission, in like manner as plats of subdivisions. The Board of Aldermen may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

SECTION 410.130: VARIANCES

The board of adjustment shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the board's authorization shall be as set forth in this code.

Variance review criteria. The board of adjustment shall be permitted to approve, approve with conditions or deny a request for a variance. Each request for a variance shall be consistent with the following criteria:

1. Limitations on the use of the property due to physical, topographical and geologic features.
2. The grant of the variance will not grant any special privilege to the property owner.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner.

6. The variance requested is the minimum variance necessary to allow reasonable use of the property.
7. The grant of the variance will not be injurious to the public health, safety or welfare.
8. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.
9. The variations will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan or City of Knob Noster Street Plan.
 - a. Use variance - The Board of Adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.
 - b. Decisions - The board shall be permitted to decide in any manner it sees fit; however, it shall not have the authority to alter or change this code or zoning map or allow as a use that which would be inconsistent with the requirements of this code. Provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege.
 - c. Procedures - A petition for any such variation shall be submitted in writing by the sub-divider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SECTION 410.140: WAIVERS

Any waiver of the required improvements shall be granted only by the Board of Adjustment with the recommendation of the Planning Commission.

The burden of proof shall be on the petitioner to show that the improvement is not technically feasible.

SECTION 410.150: ENFORCEMENT, VIOLATIONS AND PENALTIES

It shall be the duty of the Building Official to notify in writing to the Board of Aldermen of violations or lack of compliance.

No owner or agent of the owner, of any parcel of land, located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Board of Aldermen, in accordance with the provisions of these regulations, and filed with the Johnson County Recorder of Deeds.

The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

1. Abatement and Injunctive Relief - In the event any subdivision of land is begun or made in violation of these subdivision regulations, the Board of Aldermen, Building Official, Planning Commission, City Attorney, or owner of any private property or any public body, the property of whom or which is or may be affected by any such violation, may institute in the Circuit Court any appropriate action or proceeding to prevent such unlawful subdivision development, or to restrain, abate or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to

prevent any illegal act, conduct, business or use in or about the premises.

2. Unapproved Plats Not to be Recorded - No plat of subdivision of land in the incorporated areas of the City of Knob Noster shall be recorded with the Johnson County Recorder of Deeds unless and until such approval is endorsed on the plat by the Chairman of the Planning Commission.
3. Violations and Penalties - Any person, firm or corporation who fails to comply with, or violates, any of these regulations shall be guilty of an ordinance violation and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) per day of offence, or by confinement in the City of Knob Noster Jail or Johnson County Jail or any suitable detention facility designated by the Court for not more than ninety (90) days, or by both such fine and confinement, pursuant to the provisions of Section 89.490 of the Revised Statutes of the State of Missouri.
4. Use of Unapproved Plat - In accordance with Section 89.450 of the Revised Statutes of Missouri, no owner, or agent of the owner, of any land located within the platting jurisdiction of the City, knowingly with intent to defraud, may transfer, sell, agree to sell, and negotiate to sell land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or Planning Commission and recorded with the Johnson County Recorder of Deeds. Any person violating the provisions of this section shall forfeit and pay to the City of Knob Noster a penalty not to exceed Three Hundred Dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of selling or transferring shall not exempt the transaction from this penalty. The City of Knob Noster may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

SECTION 410.160: FEE SCHEDULE

The applicant shall submit the following fees at the time of application to cover costs incurred by the City of Knob Noster for actions as described in these regulations:

Item	Fee
Water Meter – Per Residential Housing Unit *	\$400 (3/4 inch meter)
Filing Fee	\$69
Construction Plan Review**	Actual costs
Street Signs	\$100/Sign
Special Construction Observation Fee***	Actual costs

* Meters of larger size shall be actual price of meter and associated materials per construction unit.

** The City’s cost of consulting and staff expenses related to the project plan review will be billed to the applicant.

*** The Building Official may require inspections by a specially qualified party. The special construction observer must be approved by the Building Official. If in the opinion of the Building Official, inspection provided by the special construction observer is inadequate, the City of Knob Noster reserves the right to issue a stop order on construction until such

time that the special construction observer is improved to a level considered adequate by the Building Official, or the City of Knob Noster may employ a special construction observer and actual costs will be billed to the applicant.

ARTICLE II. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

SECTION 410.170: GENERAL PROCEDURE

1. Classification of Subdivisions - Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures outlined in this Article for either a minor subdivision, lot split, or major subdivision.
2. Lot Splits (Re-subdivisions) - Whenever a re-subdivision of an established and legally approved or recorded subdivision lot is proposed; i.e., a lot split, the sub-divider shall file an application for a lot split and comply with the provisions of these regulations pertaining to lot splits.
3. Minor Subdivisions - If the plat does not include more than three (3) lots, each of which have frontage on existing streets, does not require any new streets, the extension of City of Knob Noster facilities, the creation of any public improvements, or the vacation of any streets, alleys, or easements, it is classified as a minor subdivision and the sub-divider may proceed in accordance with the requirements of these regulations pertaining to minor subdivisions.
4. Major Subdivisions - If the plat includes four (4) or more lots or requires new streets, the extension of City of Knob Noster facilities or creation of any public improvements, it shall be classified as a major subdivision.

The designation of either a major or minor subdivision will be established at the pre-filing review meeting between the applicant and the Building Official.
5. Reclassification of Minor Subdivisions - The development of successive minor subdivisions by the same owner or developer or by a person in privity with the owner or developer, so as to circumvent the requirements of these regulations with respect to major subdivisions shall be prohibited. Whenever a minor subdivision is developed from the same general tract of land as a previously developed minor subdivision or where successive minor subdivisions are developed so as to constitute a major subdivision within the meaning of these regulations, the Planning Commission shall treat the entire development as a major subdivision and require adherence to the provisions of these regulations pertaining to major subdivisions.
6. Official Submission Dates - For the purpose of these regulations, the date of the regular meeting of the Planning Commission at which the public hearing on final approval of the subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the sixty (60) day period required by Section 89.420, Revised Statutes of Missouri, for formal approval or disapproval of the plat will commence.

SECTION 410.180: PRE-FILING REVIEW

Prior to the filing of an application for the approval of a major or minor subdivision plat, or lot split, the sub-divider shall discuss with the Building Official the procedure for adoption of a major or minor subdivision

plat or lot split and the requirements as to the general layout of streets and for reservations and dedications of land, street improvements, drainage, sewage, water supply and similar matters. The Building Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve aspects of the subdivision plat coming within their jurisdiction.

Classification of the proposed subdivision shall be made by the Building Official at the pre-filing conference. The sub-divider shall proceed in accordance with Section 2.3 of these regulations if the subdivision is classified as a minor subdivision or, if classified as a major subdivision, the sub-divider must file an application for approval of a preliminary plat, before filing for final subdivision plat approval.

SECTION 410.190: LOT SPLIT PROCEDURE

The intent of this section is to provide for the issuance of building permits in lots divided into not more than two (2) tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. The Planning Commission may approve or disapprove lot splits in accordance with the following regulations:

1. Application Procedure - Requests for lot split approval shall be made by the owner of the land to the City Clerk on forms available at City Hall. Four (4) copies of a scale drawing and legal description of the lots involved and the location of any structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.
2. Approval Guidelines - Approval or disapproval of lot splits shall be made based on the following guidelines:
 - a. No lot split shall be approved if:
 - 1) A new street or alley is needed or proposed.
 - 2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - 3) Such action will result in significant increases in service requirements, (e.g., utilities, schools, traffic control, streets, etc.) or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).
 - 4) There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - 5) All easement requirements have not been satisfied.
 - 6) Such split will result in a tract without direct access to a street.
 - 7) A substandard-size lot or parcel will be created.
 - 8) The lot has been previously split in accordance with these regulations.
 - 9) The lot split will create a lot with structures not meeting zoning requirements.

- b. The Planning Commission may make such additional recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
- c. The Planning Commission shall, in writing, either approve, with or without conditions, or disapprove, the lot split within ten (10) working days after being properly advertised for public hearing and regularly scheduled Planning Commission meeting.

3. Filing Fee - The filing fee for lot splits shall be in accordance with the City's approved fee schedule included in these regulations.

SECTION 410.200: REVIEW AND APPROVAL OF MINOR SUBDIVISIONS

If the proposed subdivision is classified as a minor subdivision at the pre-filing conference between the sub-divider and the Building Official, the sub-divider shall submit five (5) copies of a final subdivision plat under seal of a licensed land surveyor, registered in the State of Missouri, and accompanied by a fee in accordance with the current fees schedule included in these regulations. The subdivision plat shall include the following information and data:

- 1. A legal description of the property to be subdivided and the total acreage.
- 2. Name and address of the owner and sub-divider making the plat.
- 3. Scale of the plat, which shall be one (1) inch equals one hundred (100) feet or larger, unless specifically waived by the Building Official.
- 4. Date and north point.
- 5. Flood boundaries and elevations (when available) of the 100 year flood plain from the official Flood Insurance Study (F.I.S.) for City of Knob Noster, Missouri.
- 6. Current and proposed zoning classification.
- 7. Predominant Soil Types.
- 8. The following notation shall also be shown:
 - a. Explanation of drainage easements, if any.
 - b. Explanation of site easements, if any.
 - c. Explanation of reservations, if any.
 - 4. Endorsement of owner as follows:

Approved for filing:

_____ _____
Owner Date

9. Proposals for connection with existing water supply and sanitary sewage systems; provisions for

collecting and discharging surface water drainage.

10. A vicinity map showing streets and other general development of the surrounding area.

11. Existing conditions:

- a. Location, width of right-of-way, and name of each existing or platted street, or other public way, railroad and utility rights-of-way, parks and other open spaces, and the permanent buildings, within or adjacent to the proposed minor subdivision.
- b. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed split lot or minor subdivision, or immediately adjacent thereto, with pipe size, and location shown.
- c. Names of adjacent subdivisions, if any, and owners of adjacent parcels of un-subdivided land.

12. Proposed development:

- a. Layout, lot numbers, dimensions of lots and the values of all required true bearings, angles, and curve radii dimension in degrees, minutes, and seconds and square footage or acreage of each lot.
- b. Building setback lines with dimensions.
- c. Indication of any lots on which a use other than residential is proposed.
- d. A written and signed statement explaining how the sub-divider proposes to provide for treatment and disposal of sanitary wastes.
- e. A written and signed statement indicating how the sub-divider proposes to provide water supply to the minor subdivision.
- f. A vicinity sketch, at a legible scale, to show the relation of the proposed subdivision or lot split to its surroundings. Utility connections must be shown on the sketch.
- g. For all residential developments which anticipate the selling of structures and land for individual ownership, (i.e. condominiums, single family dwellings, town homes, duplexes), a schedule of market values of the proposed units, including the land value, shall be set out per lot. The number of units proposed in each of the following value ranges shall be identified;

- To \$119,000.00
- \$120,000 to \$139,000
- \$140,000 to \$159,000
- \$160,000 to \$179,000
- \$180,000 to \$210,000
- Above \$220,000

The lot numbers indicated on the preliminary plat shall be used to indicate which lots fall into each price range. This schedule will be referenced by the building department as building permits are issued to insure a balance of dwelling values is maintained.

However in order to preserve property values of developed or developing lots with in a

subdivision, the building official reserves the right to deny building permit for proposed structures of substantially different in value, function, or quality to the surrounding structures of the area.

The Planning Commission shall consider housing market indicators for Johnson County in determining an appropriate mix of values for the preliminary plat being considered. The Planning Commission shall also consider current, residential property value concentrations in City of Knob Noster as presented annually through county property value assessments

The intent of this requirement is to provide the Planning Commission information necessary to insure a variety of home values will be available within City of Knob Noster in the future. A range of housing values encourages a diversified citizenry which in turn makes the community less vulnerable to fluctuations in the economy and thereby promotes stability within the City of Knob Noster as a whole.

13. The dedication of all public right-of-ways and easements with the following statement:

DEDICATION: The undersigned proprietors of the tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat which subdivision and plat shall hereafter be known as "Name of Plat".

STREETS: Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

BUILDING LINES: Building lines or setback lines are hereby so established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

EASEMENTS: As easement or license is hereby granted to the City of Knob Noster, Missouri, a trustee for the public, to locate, construct and maintain or authorize the locations, construction and maintenance and use of all conduits for: water, gas, sewer, poles and wires or all of them over, under and along the strips designated "Utility Easement" or "U/E".

14. Standards of Review - The Planning Commission shall review the information provided by the sub-divider for conformance with applicable zoning requirements, determine whether the division will adversely affect development of the remainder of the parcel or adjoining property, whether the division is in conflict with any Comprehensive Plan and regulations, and determine whether the division is otherwise in conformance with the purposes and standards of these Subdivision Regulations.

15. Approval or Disapproval of Plats - The Planning Commission shall approve, approve conditionally, or reject the plat. If approved, the applicant's plat shall be stamped "approved" and signed by the Chairman of the Planning Commission.

Approval or disapproval shall be conveyed to the sub-divider in writing within sixty (60) days of the filing of the application. In case the plat is disapproved, the sub-divider shall be notified of the reasons for such action and what requirements will be necessary to meet the approval of the Planning Commission. If conditionally approved, the conditions imposed shall be complied with prior to the plat being stamped and signed.

The proposed final plat shall be submitted to the Board of Aldermen as a report and recommendation of the Planning Commission and the Board shall review and may by ordinance approve, conditionally approve, or disapprove the plat as provided by law, and shall approve the performance bond as provided in these regulations. The reasons for disapproval shall be shown upon the records of the Board of Aldermen and certified by the Planning Commission. The approved plat shall be endorsed

by
the City Clerk together with the seal of the City of Knob Noster and the Chairman and/or Secretary of the Planning Commission. An approved plat shall be recorded with the Johnson County Recorder of Deeds by the Building Official, before the land may be sold as lots and before certificates of occupancy

shall be issued.

SECTION 410.210: REVIEW AND APPROVAL OF MAJOR SUBDIVISION PLATS - PRELIMINARY PLATS

1. Preliminary Plat Application - After pre-filing review, as required in Section 2.2 of these regulations, the applicant shall file in duplicate an application for approval of a preliminary plat. The application shall:

- a. Be made on forms available at the City Hall and accompanied by a fee in accordance with the City's approved fee schedule included in these regulations.
- b. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (185) feet there from, or of that directly opposite thereto, extending one hundred (185) feet from the street frontage of such opposite land, with the names or the owners as shown in the ownership report from the title company doing business in Johnson County, Missouri.
- c. Be accompanied by a minimum of six (6) copies of the preliminary plat as described in these regulations together with two (2) copies reduced to eight and one-half (8-1/2) inches by eleven (11) inches.
- d. Be accompanied by a minimum of three (3) copies of the general layout of improvements as described in these regulations.
- e. Include an address and telephone number of an agent located within the City of Knob Noster who shall be authorized to receive all notices required by these regulations.
- f. Be presented to the Building Official at least four (4) weeks prior to a regular meeting of the Commission.
- g. Include all contiguous holdings of the owner including land in the "same ownership", as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded with the Johnson County Recorder of Deeds. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract of sale was executed and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock.

2. Preliminary Plat - Required Information and Specifications - The preliminary plat shall be prepared by an urban design professional including planners, landscape architects, architects, professional

engineers, or licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet. The preliminary plat may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing with the Johnson County Recorder of Deeds, but shall not be more than thirty-four (34) by forty-four (44) inches.

3. Features - The preliminary plat shall show the following:

- a. The location of property with respect to surrounding property and streets; the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.
- b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot, as well as topography (unless specifically waived) with a contour interval of not more than two (2) feet referred to U.S.G.S. datum.
- c. The location of existing streets, property lines, easements, water bodies, streams, existing sewers, water mains, storm drainage facilities and other utilities, and other pertinent features such as alleys, right-of-ways, building setback lines, swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, as determined by the Planning Commission.
- d. Flood boundaries and elevations (when available) of the 100 year flood plain from the official Flood Insurance Study (F.I.S.) for City of Knob Noster, Missouri.
- e. The locations, dimensions and areas of all proposed or existing lots.
- f. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations, with designation of the purpose thereof, and conditions, if any, of the dedications or reservation.
- g. The name and address of the owner or owners of land to be subdivided, the name and address of the sub-divider if other than the owner, and the name of the design professional preparing the plat.
- h. Current and proposed zoning classification.
- i. Predominant Soil Types.
- j. Approximate street gradients.
- k. Proposed phasing if the plat is to be developed in stages.
- l. The date of the map, approximate true north point, scale and title of the subdivision.
- m. Sufficient data acceptable to the Building Official to determine readily the boundary lines of the property.
- n. Names of the subdivision and all new streets.
- o. Indication of the use of any lot (single-family, two-family, multi-family, town house) and all uses other than residential proposed by the sub-divider.

p. Blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions.

q. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.

r. The following notation shall also be shown:

- 1) Explanation of drainage easements, if any.
- 2) Explanation of site easements, if any.
- 3) Explanation of reservations, if any.
- 4) Endorsement of owner as follows:

Approved for filing:

_____	_____
Owner's Name	Date

s. Proposals for connection with existing water supply and sanitary sewage systems; provisions for collecting and discharging surface water drainage.

t. A vicinity map showing streets and other general development of the surrounding area.

u. Form for endorsement by Planning Commission Chairman as follows:

Approved by the
City of Knob Noster Planning Commission.

_____	_____
Chairman	Date

v. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.

w. A Certificate of Design shall be executed by the design professional indicating he has prepared the preliminary plat to the best of their professional ability in accordance with the City's Comprehensive plans, the Zoning Ordinance, and these Subdivision Regulations, with

all

of which the design professional is personally familiar.

x. For all residential developments which anticipate the selling of structures and land for individual

owner ship (i.e. condominium, single family dwellings, town homes, duplexes) a schedule of market value of the proposed units including the land value shall be set out per lot. The number units anticipated at each of the following value ranges shall be identified;

To \$119,000.00

\$120,000 to \$139,000
\$140,000 to \$159,000
\$160,000 to \$179,000
\$180,000 to \$210,000
Above \$220,000

The lot numbers indicated on the preliminary plat shall be used to indicate which lots fall into each price range. This schedule will be referenced by the building department as building permits are issued to insure a balance of dwelling values is maintained.

However in order to preserve property values of developed or developing lots with in a subdivision, the building official reserves the right to deny building permit for proposed structures of substantially different in value, function, or quality to the surrounding structures of the area.

The Planning Commission shall consider housing market indicators for Johnson County in determining an appropriate mix of values for the preliminary plat being considered. The Planning Commission shall also consider current, residential property value concentrations in City of Knob Noster as presented annually through county property value assessments

The intent of this requirement is to provide the Planning Commission information necessary to insure a variety of home values will be available within City of Knob Noster in the future. A range of housing values encourages a diversified citizenry which in turn makes the community less vulnerable to fluctuations in the economy and thereby promotes stability within the City of Knob Noster as a whole.

4. General Layout of Improvements - The preliminary plat shall identify all required improvements together with preliminary engineering calculations showing the impact of the proposed development on existing water, sanitary, and storm drainage systems.
5. Public Hearing - Upon receipt of the formal application and all accompanying material, the Planning Commission shall hold a public hearing on the preliminary plat. This hearing shall be for the next scheduled meeting of the Planning Commission to be held at least twenty (20) days after the date of the application.

The applicant shall notify by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval at least fifteen (15) days prior to the public hearing. The applicant shall furnish to the City of Knob Noster copies of return receipts from all notified property owners prior to the Public Hearing.

The Planning Commission shall submit a notice for publication in one (1) newspaper of general circulation to be published at least fifteen (15) days prior to the public hearing and mail notices to all property owners, as specified above, and will maintain file copies of the plat and construction plans for public review prior to the hearing.

If the applicant also seeks a rezoning of the subject property, then the public hearing on the rezoning application and the public hearing on the preliminary plat may be combined and the respected matters heard simultaneously.

At the public hearing, applicant shall furnish an affidavit as to service of notice of the public hearing and

the Planning Commission shall give an opportunity to any interested party to examine or comment upon the plat and construction plans.

6. Adequacy of Notice - The notice requirements set forth herein far exceed that which is required by law.

Therefore, the receipt of actual notice shall not be jurisdictional and these regulations shall apply notwithstanding the fact that an interested party is not given actual notice of the proceedings.

7. Preliminary Approval - After the Planning Commission has reviewed the preliminary plat and construction plans, any protests or recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after the date of the regular meeting of the Planning Commission at which the public hearing on preliminary approval including adjourned date there of, is closed. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat. Before the Planning Commission approves a preliminary plat showing park reservations or land for other municipal use proposed to be dedicated to the City, the Planning Commission shall obtain approval from the City.

8. Public Improvements - The Planning Commission may require that all public improvements be installed

and dedicated prior to the signing of the subdivision plat by the Chairman of the Planning Commission.

If the Planning Commission shall not require that all public improvements be installed and dedicated prior to signing of the subdivision plat by the Chairman of the Planning Commission, the amount of a bond to assure installation of all public improvements shall be established by the Planning

Commission

based upon the recommendation of the Building Official, which bond shall be submitted by the applicant at the time of application for the final subdivision plat approval.

The Planning Commission shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, and any other special requirements deemed necessary by the Planning

Commission in order to conform the subdivision plat to the City Street Plan and the Comprehensive Plan of the City.

9. Effective Period of Preliminary Approval - The approval of a preliminary plat shall be effective for a period of two (2) years at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the Johnson County Recorder of Deeds. Any plat not receiving final approval within the period of time set forth herein shall be null and void and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.

10. Zoning Regulations - Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat non-conforming as to bulk or use, provided that final approval is obtained within the two (2) year period.

11. Model Homes - For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a subdivision involving no more than two

(2) lots to be created for minor subdivisions, provided said portion derives access from an existing city,

township, county or state highway, and provided that no future road or other improvement is anticipated where said lots are proposed. The subdivision plat for this portion shall be submitted to

the

Planning Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary approval, the model may be constructed, subject to such additional requirements that the Planning Commission or Board of Aldermen may require.

SECTION 410.220: REVIEW AND APPROVAL OF MAJOR SUBDIVISION PLATS - FINAL PLAT

1. Application Procedure and Requirements - Following the approval of the preliminary plat, the applicant, if they wish to proceed with the subdivision, shall file with the Planning Commission an application for

final approval of the subdivision plat. The application shall:

- a. Be made on forms available at the Office of City Hall and accompanied by a fee in accordance with the City's approved fee schedule included in these regulations.
- b. Be accompanied by a minimum of six (6) paper copies of the subdivision plat and the construction plans as described in these regulations, computer CAD files if available, and one (1) Mylar reproducible at a scale of not more than one hundred (100) feet to the inch and one (1) Mylar reproducible at two hundred (200) feet to the inch together with two (2) copies reduced to eight and one-half (8-1/2) by eleven (11) inches.
- c. Comply substantially in all respects with the preliminary plat and planning commission requirements.
- d. Be presented to the Building Official or Chairman of the Planning Commission at least four (4) weeks prior to a regular meeting of the Planning Commission in order that a public hearing may be scheduled and the required fifteen (15) days notice given. The date of the regular meeting of the Planning Commission, at which the public hearing on final approval, including any adjourned dates thereof, is closed, shall constitute the official submittal date of the plat for the purpose of these regulations.
- e. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, municipal uses, utilities, parks and easements, in a form approved by the City Attorney; and the subdivision plat shall be marked with a notation indicating said formal offers of dedication as follows:

DEDICATION: The undersigned proprietors of the tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat which subdivision and plat shall hereafter be known as "Name of Plat".

STREETS: Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

BUILDING LINES: Building lines or setback lines are hereby so established as shown on the accompanying plat and no building or portion thereof shall be built between this line and the street line.

EASEMENTS: An easement or license is hereby granted to City of Knob Noster, Missouri, a trustee for the public, to locate, construct and maintain or authorize the locations, construction and maintenance and use of all conduits for: water, gas, sewer, poles and wires or all of them over, under and along the strips designated "Utility Easement" or "U/E".

- f. The applicant shall also deliver a preliminary title report.
- g. Be accompanied by the performance bond in a form satisfactory to the City Attorney and in an amount established by the Planning Commission upon recommendation of the City Engineer or Building Official as required in these regulations.
- h. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed, and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval. The applicant shall also pay a fee for installation of street signs as shown on the approved construction plans in accordance with the City's approved fee schedule included in these regulations.

2. Construction Plans - Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale no more than one (1) inch equals fifty (50) feet, and map sheets shall be twenty-four (24) inches by thirty-six (36) inches. The following shall be shown:

- a. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Radii of all curves, lengths of tangents and central angles on all streets.
- b. The Planning Commission may require, where steep slopes exist, that cross-sections of all proposed streets at no greater than one hundred (100) foot stations shall be shown on a line at right angles to the center line of the street, as follows: at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.
- c. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights-of-way, manholes and catch basins; the locations of street trees, street lighting standards and street signs; the location, size and inverse elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas or other underground utilities or structures.
- d. Location, size, elevation and other description of any existing facilities or utilities including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings and each tree with a diameter of eight (8) inches or more measured twelve (12) inches above ground level, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams shall be shown. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high water mark of such waterways shall be shown.
- e. Topography with a maximum contour interval of two (2) feet, referred to U.S.G.S. datum. A minimum of two (2) project bench marks shall be shown on the plans.
- f. All specifications and references required by the City's construction standards and specifications, including a site-grading plan for the entire subdivision.

g. A plan showing how erosion and sedimentation will be controlled at the construction site in accordance with Section 4.2 of these regulations.

h. Notation of approval as follows:

Approved by:

Owner Date

Building Official Date

i. Title, name, address and signature of professional engineer and surveyor, and date including revision dates.

3. Final Plat Specifications - The final subdivision plat shall be presented in ink on reproducible Mylar at a minimum scale of one hundred (100) feet to the inch. The final plat shall substantially conform to the preliminary plat. In addition, the final plat shall be drawn by a land surveyor licensed in the State of Missouri and shall show and conform to all of the following:

a. A title block which shall contain the following:

- 1) The name of the subdivision, which shall not duplicate or be similar in spelling, or in pronunciation, to any other recorded subdivision name in City of Knob Noster.
- 2) The words "Major Subdivision" and "Final Plat".
- 3) The name of the County and State.
- 4) The dedication of all public road right-of-ways, public easements and all other types of improvements and facilities that are to be for public use.

b. The legal description for the entire subdivision including total acreage.

c. North point.

d. Scale.

e. Vicinity sketch which shall show the location of the subdivision referenced to government survey lines and major streets, roads and highways. If more than two (2) sheets are required for the plat, the vicinity sketch shall show the number of the sheet for each area.

f. Sheet size shall be no larger than twenty-four (24) inches by thirty-six (36) inches, unless waived by the Building Official.

g. Date of preparation and revisions of the plat.

h. The length of all plat boundary lines and lot lines dimensioned in feet and decimals, and the values of all required true bearings and angles dimensioned in degrees, minutes, and seconds as required.

- 1) Plat boundary lines shall be indicated with a heavy line and shall be labeled "Plat Boundary".
 - 2) Lot lines shall be indicated with medium fine lines.
 - 3) The reference line or meridian for bearing shown on the plat. The Building Official may require adjustment in such line in the interest of consistency and orderly relation to other plats and surveys in the area.
- i. The location of boundary lines of adjoining lands, indicated with fine lines. Adjacent plats shall be identified by official names.
 - j. The center lines of all proposed streets, fully dimensioned by lengths and bearing of angles.
 - k. The right-of-way width and names of all proposed streets and of all properly located adjacent streets and easements.
 - l. The outline of any property which is offered for dedication to public use, fully dimensioned by lengths and bearings, and angles with the area marked "public".
 - m. The acreage or square footage of each lot, out lot and public area. In calculating the acreage or square footage, right-of-ways shall not be included in the calculations.
 - n. The location of all front yard setback lines and easements for public services or utilities with dimensions showing their location and description of utilities located therein.
 - o. The location of all easements for drainage with dimensions showing their location.
 - p. The location of water bodies and water courses.
 - q. The location of any 100-year flood plains within the proposed subdivision and within one hundred fifty (150) feet of the subdivision.
 - r. The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns.
 - s. Names and addresses of the landowners, the sub-divider and the land surveyor who prepared the plat.
 - t. Owner's certificate and dedication signed and acknowledged.
 - u. Registered land surveyor's certificate of survey signed and sealed.
 - v. A signature and date blocks for the following:
 - 1) Owner or owners of the land
 - 2) Notary public
 - 3) Planning Commission Chairman and Secretary
 - w. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas shall be so labeled. The sub-divider shall also include a legal document giving evidence of such dedication, signed by the property owner and contain

a

legal description of the land proposed to be dedicated.

x. Notation of any self-imposed restrictions and locations of any building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.

y. Endorsement of the State Department of Health if individual sewage treatment systems are proposed.

z. Lots numbered as approved by the City.

aa. All monuments erected corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, diameter, length and weight per lineal foot of the monuments.

4. Preparation - The final subdivision plat shall be prepared and sealed by a land surveyor licensed by the State of Missouri.

5. Fees - Each final plat submitted to the Planning Commission shall be accompanied by the appropriate fee, in accordance with the City's approved fee schedule included in these regulations.

6. Public Hearing and Determination - If a public hearing is held, the Planning Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans. The Planning Commission shall, within sixty (60) days of the submission of the final plat if no hearing

is

held or within sixty (60) days after the close of the public hearing, if held, approve, modify and approve or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In the final resolution the Planning Commission shall stipulate the period of time within which the performance bond shall be filed or the required improvements installed, whichever is applicable. In no event shall a performance bond be submitted later than six (6) months from the date of final resolution, together with all required documents and completion of required procedures. In no event shall the period of time stipulated by the Planning Commission for completion of required improvements exceed two (2) years from the date of the final resolution or the approval is null and void.

One copy of the final subdivision plat shall be returned to the sub-divider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

The proposed final subdivision plat shall be submitted to the Board of Aldermen as a report and recommendation of the Planning Commission and the Board shall review the final subdivision plat and may by ordinance approve, conditionally approve or disapprove the plat as provided by law, and shall approve the performance bond as provided in these regulations. The reasons for the approval or disapproval shall be spread upon the records of the Board of Aldermen and certified to the Planning Commission. The approved plat shall be endorsed by the City Clerk together with the seal of the City of Knob Noster and the Chairman and/or Secretary of the Planning Commission.

Failure to hear and approve, disapprove or table the plat within sixty (60) days as indicated above shall

be deemed approval by the Planning Commission, except that the Planning Commission with the written consent of the applicant may extend the period.

7. Submission and Review - Subsequent to the resolution of the Planning Commission, three (3) paper copies of the construction plans, and one (1) copy of the original of the subdivision plat on reproducible Mylar, and two (2) copies of the subdivision plat on paper together with two (2) copies reduced to eight and one-half (8-1/2) inches by eleven (11) inches shall be submitted to the Building Official for final review. A check payable to the Johnson County Recorder of Deeds in the amount of the current filing fee shall be provided. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met.
8. Vested Rights - No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat and all requirements, conditions or regulations adopted by the Planning Commission applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Secretary of the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the final plat, the Planning Commission shall not unreasonably modify the conditions set forth in the final approval.

SECTION 410.230: SIGNING AND RECORDING OF SUBDIVISION PLAT

1. Signing of Plat - The Chairman of the Planning Commission and the Building Official shall endorse approval on the plat after the bond has been approved by the Board of Aldermen and all the conditions of the resolution pertaining to the plat have been satisfied.

When installation of improvements is required, the Chairman and/or Secretary of the Planning Commission and Building Official shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City of Knob Noster signed by the Building Official stating that the necessary dedication of public lands and improvements has been accomplished.

2. Recording of Plat - The Chairman and Secretary of the Planning Commission and City Clerk will sign the reproducible Mylar original of the subdivision plat.

It shall be the responsibility of the Secretary of the Planning Commission to transmit the plat to the Building Official and the Building Official shall file the plat with the Johnson County Recorder of Deeds within thirty (30) days of the date of signature. Simultaneously, with the filing of the plat, the Building Official shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney. The Developer shall be required to record the plat.

3. Sectionalizing Major Subdivision Plats - Prior to granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Commission shall require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are

offered for filing. The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission, shall be granted concurrently with the final approval of the plat. In the event of approval of sectionalizing the entire approved subdivision plat including all sections shall be filed within ninety (90) days after date of final approval with the City Clerk's office and such sections as have been authorized by the Planning Commission shall be filed with the Johnson County Recorder of Deeds. Such section must contain at least ten percent (10%) of the total number of lots contained in the approved plat. The approval of all remaining sections not filed with the Johnson County Recorder of Deeds shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance bonds approved and actually filed with the Johnson County Recorder of Deeds within three (3) years of the date of final approval of the subdivision plat.

ARTICLE III. ASSURANCE FOR COMPLETION OF IMPROVEMENTS

SECTION 410.240: IMPROVEMENTS AND PERFORMANCE BOND

1. Completion of Improvements - Before the plat is signed, all applicants may be required to complete, to the satisfaction of the Planning Commission, all the street, sanitary and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Planning Commission, and to dedicate same to the City of Knob Noster free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
2. Performance Bond - The Planning Commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and, that as an alternative the applicant post a bond at the time of application for final subdivision approval in an amount estimated by the Planning Commission as sufficient to secure to the City of Knob Noster the satisfactory construction, installation and dedication of the incomplete portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

Such performance bond shall comply with the requirements of Section 89.410 of the Revised Statutes of Missouri and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final approval.

Such bond shall be approved by the Board of Aldermen as to amount and with surety and conditions satisfactory to the Board of Aldermen. The Planning Commission may, upon proof of difficulty, recommend to the Board of Aldermen extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Board of Aldermen may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Planning Commission.

The applicant shall submit a construction cost estimate for all public improvements following approval of construction plans by the Building Official. The construction cost estimate shall be approved by the Building Official prior to submission of a performance bond and said estimate shall be the basis for the bonding requirements.

3. Temporary Improvement - The developer shall build and pay for all costs of temporary improvements required by the Planning Commission, and shall maintain same for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the City of Knob Noster a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.
4. Governmental Units - Governmental units to which these bonds and contract provisions apply may file in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

5. Failure to Complete Improvements - If the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Board of Aldermen may thereupon declare said bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.
6. Acceptance of Dedication Offers - Acceptance of formal offers of dedication of streets, easements and parks shall rest with the Board of Aldermen. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of Knob Noster of any street, easement or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

SECTION 410.250: INSPECTION OF IMPROVEMENTS

1. General Procedure and Fees - The City of Knob Noster shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City of Knob Noster an inspection fee in accordance with the City's approved fee schedule included in these regulations. The subdivision plat shall not be signed unless such fee has been paid at the time of application. Said fees shall be due and payable upon demand of the City of Knob Noster and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Building Official finds upon inspection, that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing said improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing said improvements according to specifications. Developers shall be given immediate notice of deficiency and are entitled to the results of all inspections.
2. Release or Reduction of Performance Bond - Certificate of Satisfactory Completion - The Board of Aldermen will not accept dedication of required improvements, nor release nor reduce a performance bond, until the Building Official has submitted a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Building Official through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, construction materials and the dimensions and other information required by the Planning Commission or Building Official that the lay-out of the line and grade of all public improvements is in accordance with the construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements shall have been completed, are ready for dedication to the City of Knob Noster and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Board of Aldermen shall thereafter accept the improvements for dedication in accordance with the established procedure.
3. Reduction of Performance Bond - A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvements dedicated bear to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

SECTION 410.260: ESCROW DEPOSITS FOR LOT IMPROVEMENTS

Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Building Official for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

SECTION 410.270: ESCROW DEPOSITS FOR LOT IMPROVEMENTS IN LIEU OF PERFORMANCE BOND

If the applicant is unable to secure adequate or satisfactory arrangements for a performance bond, the Board of Aldermen, upon recommendation of the Planning Commission, may accept a cash escrow deposit in lieu thereof for the cost of lot improvements, in an amount to be determined by the Building Official, provided there is no danger to health, safety or general welfare upon accepting a cash escrow deposit for the cost of said improvements. The escrow deposit shall be sufficient to cover the cost of the improvements.

SECTION 410.280: PROCEDURES ON ESCROW FUND

All required improvements for which escrow monies have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine

(9)

months from the date of deposit and issuance of the certificate of occupancy. In the event that said improvements have not been properly installed at the end of said time period, the Building Official shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same

are not installed properly in the discretion of the Building Official, the Building Official may request the Board of Aldermen to authorize the City of Knob Noster to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Building Official, the developer shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the developer.

SECTION 410.290: MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Board of Aldermen.

SECTION 410.300: DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment are not requisite in the interest of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer shall pay his share of the costs of the future improvements to the City of Knob Noster prior to signing of the final division plat, or the developer may post a bond insuring completion of said improvements upon demand of the City.

SECTION 410.310: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the Planning Commission's final approval of the subdivision plat. In general, the extent of said street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall, at the time of the dedication, submit monies in escrow to the City of Knob Noster in a sum determined by the Board of Aldermen for the necessary final improvement of the street.

No building permit shall be issued for the final twenty percent (20%) of lots in a subdivision, or if twenty percent (20%) be less than four (4), for the final four (4) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the City.

SECTION 410.320: MAINTENANCE BONDS

Prior to acceptance by the City of Knob Noster of the improvements required herein, the applicant shall provide one of the following to guarantee the improvements against defects in workmanship and materials, and providing for any required repairs for the first three (3) years after the date of acceptance of such improvements:

- a. Maintenance bond issued by a bonding company approved by the City.
- b. Cash deposited in escrow from which the applicant would be entitled to any interest income.
- c. Irrevocable Letter of Credit

Such guarantee shall be in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS RESERVATIONS AND DESIGN

SECTION 410.330: GENERAL IMPROVEMENTS

1. Conformance to Applicable Rules and Regulations - In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:

- a. All applicable provisions of the Missouri Statutes.
- b. The City Zoning Ordinance, building and housing codes, and other applicable laws of the City.
- c. The official plans and programs including, but not limited to, streets, drainage systems and parks as adopted by the City.
- d. The rules of the Missouri Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
- e. The standards and regulations adopted by all Boards, Commissions, Agencies and Officials of the City.
- f. All pertinent standards contained within these regulations.

2. Self-Imposed Restrictions - If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions

or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the Johnson County Recorder of Deeds in a form to be approved by the City Attorney. Such indication or recording of these greater restrictions shall in no way impart any liability to the City of Knob Noster or its officials for any purposes.

3. Plats Straddling Municipal Boundaries - In general, lot lines should be laid out so as not to cross municipal boundary lines. However whenever access to the subdivision is required across land within another municipality, the Planning Commission may request an opinion from the City Attorney that access is legally established, and also from the Building Official to assure that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient to assure construction of the access road.

4. Monuments - The sub-divider shall place permanent reference monuments in the subdivision as required herein and as approved by a Land Surveyor registered in the state of Missouri. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners.

Markers shall be a three-eighth (3/8) inch iron bar which is a minimum of twenty-four (24) inches long. The external boundaries of a subdivision shall be monumented in the field with monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod or other durable material securely embedded; or by iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter. These monuments shall be placed not more than one thousand four hundred (1,400) feet apart in any straight line and at all corners at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when

such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost. All monuments shall be properly set in the ground and approved by a Land Surveyor registered in the state of Missouri prior to the time the Planning Commission recommends approval of the final plat after final grading of streets, easements, etc.

5. Character of the Land - Land which the Planning Commission finds to be unsuitable for subdivision or

development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the Building Official, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as shall not involve such a danger.

6. Subdivision Name - The proposed name of the subdivision shall not duplicate or too closely resemble the name of any subdivision

a. Erosion and sediment control plans submitted to the Building Official shall include specifications showing proposed excavation, grading or filling and will include the following:

material.

proposed

- 1) Full name and address of property owner.
- 2) Designation of property address and a location map.
- 3) Portion of the property that is to be excavated, graded or filled with excavated material.
- 4) Location of any sewage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading, or filling area and the location of any pipeline operated at a maximum service pressure in excess of two hundred (200) p.s.i., any part of which is within one hundred (100) feet of the proposed excavation, grading, or filling area.
- 5) Existing grade and topography of the premises and the proposed finished grade and final contour elevation at a contour interval of not more than two (2) feet on the U.S.G.S. datum.
- 6) Location and present status of any previously permitted grading operations on the property.
- 7) Details of any temporary drainage system proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams or other natural drains following heavy rains during grading operations.
- 8) Details of proposed water impoundment structures, embankments, sediment or debris basins, grass or lined waterways and diversions with the details and locations of proposed stable outlets and the location of any downstream impoundments which could be affected by the proposed grading.
- 9) Details of soil preparation and re-vegetation of the finished grade and of other methods of soil erosion control.
- 10) Proposed truck and equipment access ways to the work site.
- 11) Delineation of the 100 year flood plain and floodway.
- 12) Statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. This statement shall also contain assurance that all City of Knob Noster property or roads will be adequately protected.

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b. The proposed phasing of development of the site, including clearing, rough grading, and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary sediment control measures, installation of drainage, paving streets and parking areas, and establishment of temporary and permanent vegetative cover.

The Building Official may waive specific requirements for the content of submissions upon

finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations. The Building Official may also, require a separate erosion and sediment control plan be drawn in order to get greater detail of the site where unusual topography, drainage or other unusual physical conditions exist, or where the development project is so large as to necessitate the need for a separate plan.

4. Sediment and Erosion Control Approval - All excavations, grading, or filling shall have a finished grade not to exceed a 3:1 slope thirty-three percent (33%). Steeper grades may be approved by the Building Official if the excavation is through rock or if the excavation or the fill is adequately protected (a designed head wall or toe wall may be required). Permanent safety guards will be constructed in accordance with the appropriate section(s) of the adopted City of Knob Noster building code.

Where natural vegetation is removed during development one or more of the following measures shall be implemented:

- a. Debris basins/silt basins.
- b. Silt fencing.
- c. Staked straw bales.
- d. Retention structure.
- e. Diversions.
- f. Other measures as approved by the Building Official.

Permanent type grasses shall be established, weather permitting, as determined by the Building Official, when grading or construction has been completed. Work shall be deemed to have been completed if work has ceased for a six (6) month period unless that area is a borrow area as designated on either the preliminary plat or construction plans. Prior to acceptance of any public improvements permanent type grasses shall be established. Permanent grass must be established at a density to provide erosion control on the site.

Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after grading. Un-vegetated open channels shall be designed

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that gradients result in velocities of five (5) fps (feet per second) or less. Open channels with velocities more than five (5) fps and less than ten (10) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock rip-rap or concrete or other suitable materials such as sod as approved by the designated official. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above ten (10) fps.

The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion during development. Run-off water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters, and/or underground outlet systems. Sufficiently anchored straw bales may be temporarily substituted with the approval of the designated official. F.E.M.A.

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U.S. Army Corps of Engineers guidelines shall be followed where applicable regarding site development areas designated as flood plains and wet lands.

All lots shall be seeded and mulched or sodded before an occupancy permit may be issued except that a temporary occupancy permit may be issued by the Building Official in cases of undue hardship because of unfavorable ground conditions.

5. Inspections - By applying for a grading permit, the applicant consents to the City of Knob Noster inspecting the proposed development site and all work in progress. The City of Knob Noster may require additional erosion and sediment control measures be implemented where existing erosion and sediment control methods are not, or will not, adequately handle drainage conditions.
6. Correction - All violations shall be corrected within the time limit set forth by the Building Official specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this regulation.
7. Violations - In the event of a violation, the Building Official shall have the authority to issue a stop work order on construction of all public improvements until compliance with the written notice is achieved.
8. Penalties - Any person, firm or corporation who fails to comply with, or violates, any of these regulations shall be guilty of an ordinance violation and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) per day of offence, or by confinement in the City of Knob Noster Jail or Johnson County Jail or any suitable detention facility designated by the Court for not more than ninety (90) days, or by both such fine and confinement, pursuant to the provisions of Section 89.490 of the Revised Statutes of the State of Missouri.

SECTION 410.350: LOT IMPROVEMENTS

1. Lot Arrangement - The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of arrbtion -A14uEu00053925 0 TD0.0003 Tc-0.0027 Twt thge conditio,nt isec(ou(inb BuildinRe)Tj1.94138 0 T

exclusively from a major and minor arterial or collector street. Where driveway access from a major and minor arterials or collector streets may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and minor arterials or collector streets.

5. Soil Preservation and Final Grading - No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final construction plan.
6. Lot Drainage - Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. All drainage shall be in compliance with these regulations.
7. Debris and Waste - No cut streets, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision. Nor shall any be left or deposited in any areas of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

SECTION 410.360: ROAD IMPROVEMENTS

1. Frontage on Improved Roads - No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the City Street Plan, or if there is no City Street Plan, unless such street is: (1) an existing state, county or township highway; or (2) a street shown upon a plat approved by the Planning Commission and recorded with the Johnson County Recorder of Deeds.

Such street or highway must be suitably improved as required by the City highway rules, regulations, specifications or orders or be bonded by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the City Street Plan.

Whenever the area to be subdivided is to utilize existing road frontage, said road shall be suitably improved as provided herein above. The Planning Commission shall further require that the entire right-of-way required by these subdivision regulations and the City Street Plan be dedicated to the City of Knob Noster as a condition of final plat approval.

2. Grading and Improvement Plan - Roads shall be graded and improved and conform to the City of Knob Noster construction standards and specifications, and shall be approved as to design and specifications by the Building Official, in accordance with the construction plans required to be submitted prior to final plat approval.

3. Topography and Arrangement - Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and

dedicated rights-of-way as established on the City Street Plan or Comprehensive Plan. The arrangement of streets in new subdivisions shall make provisions for continuation of the arterial and collector streets in adjoining subdivisions or their proper projections where adjoining property is not subdivided. All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in

a

more desirable layout.

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development or adjacent tracts. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Traffic Impact studies will be required for all developments with the following exemptions:

- a. Single Family Residential Developments meeting any of the following:
 - 1) Densities of less than one (1) dwelling unit per acre.
 - 2) The entire development includes less than twenty (20) dwelling units.
 - b. Traffic Impact Studies in other specialized cases may also be waived at the direction of the Building Official. Reason for waived requirements shall be placed in written form and attached to the file.
4. Blocks - Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred (1,300) feet, nor be less than four hundred (400) feet in length. Whenever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.

In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

5. Access to Major and Minor Arterials - Where a subdivision borders on or contains an existing or major/minor arterial, the Planning Commission may require that access to such streets be limited by one of the following means:
 - a. The subdivision of lots so as to back onto the major arterial and front onto a parallel local street; no access shall be provided from major/minor arterial and screening shall be provided in a strip of land along the rear property line of such lots.
 - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.
 - c. A marginal access or service road (separated from the major/minor arterial by a planting or grass strip and having access thereto at suitable points).
 - d. The number of residential or local streets entering a primary arterial shall be kept to a minimum.
6. Road Names - Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should be dissimilar to already platted street names. Street and house numbers shall be numbered in accordance with the house numbering policy of the City. The Planning Commission shall have final authority to designate the name of the roads which shall be determined at preliminary plat approval.
7. Road Regulatory Signs - The sub-divider shall pay a fee for installation of road regulatory signs as shown on the approved construction plans in accordance with the City's approved fee schedule included in these regulations. The City of Knob Noster shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Building Official.
8. Street Lights - All plans shall meet the design criteria of the KC-APWA Standard Specifications and Design Criteria manual and the following:
 - a. All plans shall have the design criteria including area and roadway classification, pavement classification, average luminance, average/minimum luminance, maximum/minimum luminance, and maximum veiling luminance ratio for all unique configurations on roadway plans (photometric data/calculations). The street lighting design shall satisfy the luminance, illuminance, veiling luminance and pedestrian lighting horizontal illuminance standards set forth in ANSI/IES RP-8.
 - b. All plans shall have details of pole type (aluminum or steel), height (25 feet to 40 feet in increments of 5 feet), arm length, manufacturer information and location relative to curb (setback), property lines, building lines, fire hydrants, catch basins, etc.

- c. All plans shall have details on lamina type (cobra head or shoe box), type of distribution (type II, III, etc.), type of optics (cutoff, semi-cutoff, etc.), operating voltage (240 V, single phase), and manufacturer.
 - d. All electrical cable in new subdivisions shall be buried.
 - e. Lighting poles on residential streets shall be spaced in a uniform manner on the same side of the roadway. The Building Official shall apply a standard of a minimum of 250' to a maximum of 350' of spacing between lights with consideration given to population density, number of driveways, adequacy of sidewalks, and the overall environment of the neighborhood. Pole heights in residential neighborhoods shall be 30' and will be equipped with lights of at least 7700 lumens.
 - f. Street lights shall at a minimum be located at intersections of local residential streets, at or near the end of cul-de-sacs longer than one hundred fifty (150) feet, or at changes of alignment which are two hundred (200) feet or more from an intersection.
 - g. All plans shall indicate pole spacing as accurately as possible for the given photo metrics. ANSI/IES, RP-8 standards are the minimum acceptable standards.
 - h. There shall be no staggered spacing or randomly located staggered street lights. Collector roads shall be designed to have uniform spacing on one side while Major and Minor Arterial roads shall use opposite spacing.
 - i. Traffic conflict areas may require special consideration. Calculations shall be submitted for intersections, railroad crossings, curves, and other conflict areas. (See IES RP-8, Section 3.8)
 - j. The street lighting system shall be designed based upon use of the following lamina photo metrics: LTL03022 IES; LTL03025 IES; and OVM3S4D IES.
 - k. Where sidewalks are present or proposed, the average maintained horizontal illuminance on the sidewalks shall meet or exceed the standards set forth in Table 4 of ANSI/IES RP-8.
9. Reserve Strips - The creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall not be permitted.
10. Construction of Roads and Dead-End Roads - All roads and streets shall be designed in accordance with the latest edition of KC-APWA Specifications unless otherwise modified in these regulations.
11. Road Classification - The classification for roads shall be in accordance with the Comprehensive Plan, or City Street Plan; or as determined by the Planning Commission.
12. Road Surfacing and Improvements - After sewer and water utilities have been installed by the developer, the sub-divider shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of such character as is specified by Ordinance of the City.
13. Design Standards - All roadway surfacing and improvements shall conform to the latest edition of KC-APWA Standard Specifications and Design Criteria. Construction shall conform to the latest edition of KC-APWA Specifications. All storm drainage systems shall be designed and constructed in conformance with the latest edition of KC-APWA Standard Specification and Design Criteria. The

following modifications are made to the above referenced specifications:

14. Excess Right-of-Way - Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one.

15. Railroads and Limited Access Highways - Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows: In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plan:

"This strip is reserved for screening. The placement of structures is prohibited."

16. Bridges -Bridges of primary benefit to the developer, as determined by the Planning Commission, shall be constructed at the full expense of the developer without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the developer as determined by the Planning Commission will be fixed by special agreement between the Planning Commission and the developer. Said cost shall be charged to the developer pro rata for the percentage of his land developed and so served.

17. Road Dedications and Reservations - New Perimeter Streets - Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the sub-divider. The Planning Commission may authorize a new perimeter street where the sub-divider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

18. Widening and Realignment of Existing Roads - Where a subdivision borders on an existing narrow road or when the Comprehensive Plan, City Street Plan or zoning setback regulations indicate plans for realignment or widening of a road that would require use of some of the land in the subdivision, the sub-divider shall be required to improve and dedicate at his expense, such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the developer at his own expense to the full width as required by these subdivision regulations.

Land reserved for any road proposed may not be counted in satisfying yard or area requirements of the Zoning Ordinance, whether the land is to be dedicated to the City of Knob Noster in fee simple or an easement is granted to the City.

19. Application of Regulations - The regulations of this section shall be applicable to landowners developing or building upon those properties lying within one thousand three hundred twenty (1,320) feet of the centerline of one or more peripheral streets; provided, however, that such landowners, or prior landowners, have:

- a. Not previously paid for the improvement of said peripheral street to either collector or arterial street standards as set forth in the City of Knob Noster Manual of Technical Specifications and Design Criteria for Public Improvement Projects, as amended, by establishment of an improvement district; or
- b. Not previously paid for the improvement of the peripheral street to the aforementioned street standards by a City-approved construction contract funded by the landowner/developer.

20. Exempted Residential Activities - The requirements of Section(s) "Application of Regulations" shall not apply to the following residential activities:
- a. Construction of a single-family or two-family dwelling on an un-platted parcel of land or on a platted lot within residentially-zoned subdivision approved prior to the effective date of these regulations;
 - b. Development of a single-family or two-family residential subdivision with lot sizes of less than one (1) acre and which the total subdivision area is six (6) acres or less and which is not part of a larger development; or
 - c. Development of a single-family or two-family residential subdivision in which all lots exceed a minimum size of one (1) acre.
21. Exempted Non-residential Activities - The requirements of Section "Application of Regulations" shall not apply to the following non-residential activities:
- a. Establishment of a non-residential activity on a platted lot within a non-residentially-zoned subdivision approved prior to the effective date of these regulations which has previously guaranteed its participation in an improvement district by means of a consent and agreement of non-opposition;
 - b. Any change of ownership or use of an existing non-residential structure which does not alter its building area or off-street parking requirements;
 - c. Any alteration of an existing non-residential structure which does not increase its building area by more than ten percent (10%); or,
 - d. Any alteration of an existing non-residential off-street parking area which does not increase the number of parking spaces by more than ten percent (10%).
22. Requirements for Exempted Activities - The following requirements shall apply to those activities exempted as above:
- a. The landowner/developer of an exempted activity shall submit to the City of Knob Noster an executed consent and agreement of non-opposition which guarantees participation of the subject property in a future street improvement district.
 - b. The landowner/developer of an exempted activity may be required to provide temporary street improvements in accordance with the provisions of Section "Temporary Improvements to Peripheral Streets" as determined by the City Engineer.
23. Appeals – Shall comply with the INTERNATIONAL ZONING CODE.
24. Flood Plain Areas - The Planning Commission may, when it deems it necessary for the health, safety or welfare of the present and future population of the areas and necessary to the conservation of water, drainage and sanitary facilities prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the Planning Commission.

SECTION 410.370: DRAINAGE AND STORM SEWERS

The Planning Commission shall not recommend for approval any plat or subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Design of storm water conveyance facilities shall be in conformance with the latest edition of KC-APWA Standard Specifications and Design Criteria.

SECTION 410.380: WATER FACILITIES

Necessary action shall be taken by the developer to extend the water supply for the purpose of providing a water supply system capable of providing domestic water use and fire protection.

The sub-divider shall install adequate water facilities (including fire hydrants) subject to the specifications of the Missouri Department of Natural Resources. All water mains shall be at least six (6) inches in diameter. Dead end water mains shall not exceed seven hundred (700) feet in length. All dead end mains over five (5) feet in length shall have an approved blow-off assembly. Lines shall loop with each other wherever possible and fire hydrants shall be provided at a maximum of five hundred (500) feet intervals. An engineer licensed in the state of Missouri shall certify that the water system serving the subdivision will provide adequate water pressure and quantity to each building that could be constructed in the subdivision. All subdivisions shall only use the City of Knob Noster water supply. Gate valves shall be installed at the following locations as an absolute minimum:

- Two (2) valves at every tee fitting;
 - Three (3) valves at every cross fitting; and
 - One (1) in-line valve at a maximum spacing of every one thousand one hundred (1,100) feet.
- All valves shall use City of Knob Noster approved trench adaptors.

For residential fire protection, the system must be capable of delivering not less than one thousand (1,000) gallons per minute for fire protection on the day of maximum customer demand with a residual pressure of not less than twenty (20) pounds per square inch to at least one point within three hundred (300) feet of each building to be served or proposed to be served by such a system.

For other than residential fire protection, the system must be capable of providing water in such quantity as to adequately protect life and adjoining properties, as determined by the Building Official, consistent with the international Fire Code latest addition.

Water main extensions shall be approved by the Building Official.

To facilitate the above, the location of all fire hydrants, all water supply improvements and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.

Fire Hydrants - Fire hydrants shall be required for all subdivisions in accordance with the specifications of the City. No more than one (1) fire hydrant shall be located on any six (6) inch dead end main.

Fire Hydrants shall be Waterous Pacer Hydrants approved by Building Official.

SECTION 410.390: SEWAGE FACILITIES

The sub-divider shall install sanitary sewer facilities in a manner prescribed by the City of Knob Noster construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the Building Official, the Missouri Department of Natural Resources. Plans shall be approved by the above agencies. Necessary action shall be taken by the developer to extend facilities to the subdivision for the purpose of providing c where none exists for the land to be subdivided.

1. Extension of Public Sewer Required - Sanitary sewage facilities shall connect with public sanitary sewage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted except as provided for in the following paragraph.

Exception (Lots 2 acres or Larger) - In areas proposed to be platted where public sewers are not available and where the extension of public sewers would create a financial hardship to the development as well as a burden to the City of Knob Noster and where the proposed use of the land would be such that it could be served by private sanitary sewage facilities in compliance with the specifications, rules and regulations and guidelines of the Missouri Department of Natural Resources and the Johnson County Health Department and where each lot has a minimum area of two (2) acres, exception may be allowed to not require extension of and connection to the public sewer system.

2. Mandatory Connection to Public Sewer System - If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley, abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.
3. Design Criteria for Sanitary Sewers - These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the City Engineer.
4. Design Factors - Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage together with an adequate allowance for infiltration and other extraneous flow.
5. Minimum Size - No public sewer shall be less than eight (8) inches in diameter, size to be approved by the City Engineer.
6. Minimum Slope - All sewers shall be designed to give mean velocities when flowing full of not less than 2.0 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The following slopes shall be minimum for the size indicated:

MINIMUM SLOPE IN	
<u>SEWER SIZE</u>	<u>FEET PER 100 FEET</u>
8"	0.60
10"	0.44
12"	0.36
15"	0.26
18"	0.20

24"	0.14
27"	0.12
30"	0.11

7. Alignment - All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Building Official.
8. Manhole Location - Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than four hundred (400) feet for sewers fifteen (15) inches and smaller, and five hundred (500) feet for sewers eighteen (18) inches in diameter and larger.
9. Manholes - The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches except where required to match crowns. Where the difference in elevation between inverts entering and leaving a manhole is over 24 inches, outside drop manholes are required. Inside drop manholes will not be allowed. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.
10. Sewage Locations - Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be to all manholes. Easements shall be centered on the sewer line and a minimum of fifteen (15) feet in width. Additional width may be required by the Building Official for sewers more than ten (10) feet deep. A manhole shall be provided at each street or alley crossing. Each line shall be extended to provide access from street or alley right-of-ways where possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over top of pipe in street and alley rights-of-way or three (3) feet in all other areas. Street crossing of all sewer lines are to be backfilled with wet crusher run rock and compacted in lifts not over one (1) foot with pneumatic or Mechanical Tamps. All sewer crossing drainage ways with less than three (3) feet of cover shall be encased in concrete, or the pipe material at the crossing shall be ductile iron.
11. Cleanouts and Lampholes - Cleanouts and lampholes will not be permitted.
12. Water Supply Inter-Connections - There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures. No sewer line shall be closer than twenty-five (25) feet of any well and all sewer lines within one hundred (100) feet of any well shall be cast iron pipe with a mechanical or slip joint or lead.
13. Relation of Sewers to Water Mains - A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two (2) feet above the sewer.

SECTION 410.400: SIDEWALKS

1. Sidewalks - Where sidewalks are required, they shall be included within the dedicated non-pavement

right-of-way of all roads in accordance with the latest edition of KC-APWA. Sidewalks shall be constructed on both sides of all streets and may be reduced to four (4) feet widths on local residential streets.

2. Pedestrian Access - The Planning Commission may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easement shall be indicated on the plat.

SECTION 410.410: UTILITIES

1. Location - All utility facilities including but not limited to gas, electric power, telephone and CATV cables shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and right-of-way, they shall be removed and

placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the sub-divider's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

2. Easements - Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least fifteen (15) feet wide. Proper coordination shall be established between the sub-divider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

SECTION 410.420: PUBLIC SITES AND OPEN SPACES

All areas to be reserved for or dedicated to public use, such as schools, recreation and open space uses, or other public use, shall be suitably incorporated by the sub-divider into his preliminary plat, in order that it may be determined if and in what manner such areas will be dedicated to, or acquired by, the appropriate agency. After proper determination of its necessity by the Planning Commission, and the appropriate City Official or other public agency involved in the acquisition and use of each site and a determination has been made to acquire the site by purchase or dedication, the site shall be suitably incorporated by the sub-divider into the final plat.

- a. Dedication of Public Open Spaces. In order to meet the recreational need of the residents of City of Knob Noster, all subdivision developments are required to contribute either park land or fee in lieu of park land. Park land/ fee dedications shall be calculated during the preliminary plat process as specified in these regulations and dedicated with the final plat. The Planning Commission shall determine whether the park land offer should be accepted, accepted with

conditions, or if the offer should be declined and a payment of funds in lieu of park land dedication. Dedication of land for park use must be reflected and dedicated as such on the final plat. The park land contribution is a one time assessment based on the number of persons expected to reside within a development. Park/recreational areas shall include playgrounds, grass areas, golf courses, tennis courts, swimming pools, or similar areas as determined by the Planning Commission. Private open space shall not be credited as Public Park/ Recreational Area.

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b. Amount of Park/Recreational Area Required - There shall be park land dedicated at a rate of one and quarter (1.25) acres per every one thousand (1,000) persons. In order to determine the expected population of a proposed development, the average household size of City of Knob Noster, as determined by the most recent figures for the City of Knob Noster from the U.S. Census Bureau shall be used. However, the total amount for park/recreational area to dedicated shall not be less than one-half (1/2) acre in size.

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Commercial and Industrial - In order to calculate the amount of park and recreational area needed for a commercial and industrial development it will be assumed that there would be equivalent of four single-family residential lots per acre of commercial and industrially zoned property. The equivalent number of single family residential lots for the development will be multiplied by the average household size in City of Knob Noster. The resulting number shall then be divided by 1000 and multiplied by the amount of acreage required per 1000 persons section 4.10. B. That resulting number shall be the amount of acres required to be dedicated as park/recreational area.

c. Recreation Sites - Land reserved for recreational purposes shall be of a character and location suitable for use as a playground, playfield or other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. A park/recreational area shall not be located in any of the following areas:

- 1) Deep ravines,
- 2) Densely wooded areas,
- 3) Areas where the average slope of the Entire Park / recreational area exceeds six (6) percent,
- 4) Wetlands as determined by the U.S. Army Corp of Engineers,
- 5) Floodways as determined by the regulations and guidelines of F.E.M.A. floodplain maps; and/or
- 6) Other areas that are not conducive to park/recreational areas as determined by the Planning Commission.

d. Other Recreation Reservations - The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreational purposes in addition to the requirements of this section.

1. Referral to Public Body - The Planning Commission shall refer the preliminary plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose

alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply.

The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

2. Notice to Property Owner - Upon receipt of an affirmative report the Planning Commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body.
3. Duration of Land Reservation - The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a preliminary plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with said regulations.

SECTION 410.430: PRESERVATION OF NATURAL FEATURES AND AMENITIES

Existing features which would add value to residential development or to the City of Knob Noster as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required, shall be well and protected against change of grade. The preliminary plat shall show the number

and location of existing trees as required by these regulations, and shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by these regulations.

SECTION 410.440: NON-RESIDENTIAL SUBDIVISIONS

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require.

A non-residential subdivision shall also be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan, City Street Plan and Zoning Ordinance.

Standards - In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the sub-divider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel land block pattern is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the City of Knob Noster with respect to street, curb, gutter and sidewalk design and construction.

4. Special requirements may be imposed by the City of Knob Noster with respect to the installation of public utilities, including water, sewer and storm water drainage and parking.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed non-residential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- f. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE V. LANDSCAPING AND SCREENING

SECTION 410.450: GENERAL

1. All plans submitted in support of a building permit application shall hereafter include a landscaping and screening plan.
2. All land areas which are to be unpaved or not covered by building shall be brought to finished grade planted to grass or other ground cover and receives trees and shrubs in reasonable quantity and size.

SECTION 410.460: INTENT

The purpose of such landscaping is to provide greenery to visually soften paved areas and buildings, provide shade, give maximum absorption of surface water and generally enhance the quality and appearance over the entire area of the project. Plant material shall be generally native to the area and shall consist, for the most part, of growing vegetation.

SECTION 410.470: PLANTING REQUIREMENTS

1. Shade trees shall be planted on all projects and shall include such species as ash, sycamore, maple, oak or comparable trees suitable to the growing environment, which prevails.
2. Shade trees shall be of two (2) inch trunk diameter or greater, measured one (1) foot above the ground.
3. Shade trees shall be planted in not less than the following quantities:
 - a. In lawn areas or landscaped open space, one (1) shade tree per three thousand (3,000) square feet of lot size.
 - b. In or adjacent to parking lots, one (1) tree for each ten (10) parking spaces. If islands are provided for landscaping each island shall be protected by Portland cement concrete, vertical curbs or similar permanent structure, be not less than the size of one (1) parking space, contain one (1) or more shade trees, shrubs and ground cover.
4. In addition to the above minimum shade tree requirements, reasonable quantities of ornamental trees, shrubs and foundation plantings shall be included.

SECTION 410.480: SCREENING REQUIREMENTS

1. All multi-family residential projects and all commercial, office and industrial projects, shall include on the landscape plan a detailed drawing of enclosure and screening methods to be used in connection with trash bins, storage yards, parking lots and equipment areas on the property.
2. A permanent masonry or frame enclosure shall be provided each trash bin, unless the trash dumpsters or bins are not visible from any street or highway.

SECTION 410.490: LANDSCAPING IN PLACE PRIOR TO OCCUPANY PERMITS

All landscaping and screening shall be in place prior to issuance of a final occupancy permit; however, a temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting, provided assurances are given that the planting will take place when the season arrives.

SECTION 410.500: MAINTENANCE

- A. The trees, shrubs and other landscaping materials depicted on plans approved by the City of Knob Noster shall be considered as elements of the project, the same as parking areas, building materials and other plan details.
- B. Should such planting not be installed, maintained and replaced as is needed to comply with the approved plan, the owner shall be considered to be in violation of the terms of the building or occupancy permit and appropriate action may be taken.
- A. Properly located hose connections and other watering facilities shall be provided to allow the required maintenance without undue difficulty or hardship on the tenant.

SECTION 410.510: PLAN APPROVAL

1. All landscape and screening plans shall be approved by the Planning Commission as to adequacy and suitability to the site.
2. Plans shall include complete and accurate scientific or common names of each plant material, the number of trees or plants to be planted, the size at planting, and areas to receive seed or sod.

ARTICLE VI. DEFINITIONS

SECTION 410.520: WORDS AND TERMS DEFINED

Alley - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant - The owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.

APWA – American Public Works Association

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-ways, shorelines or waterways, or boundary lines of municipalities.

Bond - Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Board of Aldermen. All bonds shall be approved by the Board of Aldermen wherever a bond is required in these regulations.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels or moveable property of any kind, and includes any structure.

Building Official – The City Building official or the City Building Official's designee.

Capital Improvements Program - A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditures of public funds, over and above the annual City of Knob Noster operating expenses, for the purchase, construction or replacement of the physical assets for the community are included.

Central Water System - A private water company formed by a developer to serve a new community development in an outlying area. It includes water treatment and distribution facilities.

Central Sewage System - A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

City - The City of Knob Noster, Missouri.

City Attorney - The City Attorney or such licensed attorney designated by the Board of Aldermen to furnish legal assistance for the administration of these regulations.

City Engineer - The City Engineer or other such person as shall be appointed by the Board of Aldermen to administer these regulations.

City Street Plan - The plan established by the City of Knob Noster pursuant to Section 89 of the Revised Statutes of Missouri showing the streets, highways, parks, drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

Collector Roads - A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Construction Plan - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of said plat.

Comprehensive Plan - A comprehensive plan for development of the City of Knob Noster prepared and adopted by the Planning Commission, pursuant to Section 89 of the Revised Statutes of Missouri, and includes any part of such plan, or parts thereof.

Cul-De-Sac - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Dam - An artificial barrier or embankment having greater than six (6) feet difference in elevation between the crest of the emergency spillway and the lowest point in the cross section taken along the centerline of the dam, which does or may impound water.

Detention Basin - Any man-made area or structure which serves as a means of temporarily storing storm water run-off .

Detention Storage - The temporary detaining or storage of storm water on or beneath the ground surface, on rooftops, parking lots, or by other means under predetermined or controlled conditions.

Development - Any change in land use or improvement on any parcel of land.

Discharge - The rate of outflow of water from detention storage.

Drainage Area - The geographical area contributing storm water run-off to a point under consideration; i.e., a watershed, tributary area or catchment area.

Dry Bottom Basin - A detention basin or facility not intended to have a permanent pool.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Building Official - The person (and his duly authorized assistants) designated by the Board of Aldermen to enforce the Zoning Ordinance and Subdivision Regulations of the City of Knob Noster and to administratively assist other City of Knob Noster Boards or Commissions.

Escrow - A deposit of cash with the City of Knob Noster in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Building Official in a separate account.

Flood Plain - The channel of a river or stream or lake or other body of water and the land adjacent thereto, regardless of physical obstructions, which is subject to inundation in the event of a regulatory flood.

Freeboard - The difference in elevation between the design water surface in the detention facility and the elevation at which uncontrolled overtopping of the facility begins.

Frontage - That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Street - Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Grade - The slope of a road, street or other public way, specified in percentage (%) terms.

High Density - Those residential zoning districts in which the density is equal to or greater than one (1) dwelling unit per fifteen thousand (15,000) square feet.

Highway Limited Access - A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Hydrograph - Flow rate distribution of a storm water run-off with respect to time at the point under consideration or of detention basin outflow.

Hyetograph - Intensity distribution of a rainfall event with respect to time.

Improvements - See Lot Improvements or Public Improvements.

Individual Sewage Disposal System - A septic tank, seepage tile sewage disposal system or any other sewage treatment device approved by the City of Knob Noster Health Officer, the Missouri State Water Pollution Board and the City Engineer.

KC-APWA – American Public Works Association

Lot - A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot, Corner - A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot Improvement - Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot Split - The division, into two (2) or more parcels, plots, sites or units, of an established and legally approved or recorded subdivision lot for the purpose of offer, sale, lease or development.

Mid-America Regional Council - The Planning Agency established for the Metropolitan Kansas City Region to carry on comprehensive planning. The official title of such agency is Mid-America Regional Council.

Missouri Clean Water Commission - The official State agency delegated with responsibility for the control of water pollution.

Model Home - A dwelling unit initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in Section 2.3 of these regulations.

Municipality - For the purposes of these regulations, any city, township, village or county established pursuant to the Revised Statutes of Missouri.

Non-Residential Subdivision - A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Off-Site - Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision.

One Hundred (100) Year Flood - A flood having one percent (1%) chance of occurrence in any given year. The one hundred (100) year flood is assumed to be caused by a one hundred (100) year storm.

One Hundred (100) Year Storm - A rainstorm of a given duration and depth of precipitation having a one percent (1%) chance of occurrence in any given year.

Open Space - That space remaining on a lot which is not occupied by buildings, structures, parking areas or driveways and which is either landscaped with shrubs or planted with grass. That area which is used for intensive recreation purposes such as playground equipment or organized activities is not be considered as open space.

Owner - Any person, group or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Ownership Same - See Same Ownership.

Perimeter Street - Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Planning Commission - The City of Knob Noster Planning Commission established in accordance with Chapter 89 of the Revised Statutes of Missouri.

Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Probable Maximum Precipitation - An estimate of the greatest theoretical depth of precipitation for a given duration over a particular drainage area. Values of PMP for various durations and areas are given in Hydrometeorological Report No. 51, Probable Maximum Precipitation Estimates, United States East of the 105th Meridian, published by the U. S. Department of Commerce, June 1978.

Project - Any development involving the construction, reconstruction, or improvement of structures and/or grounds.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement or other facility for which the City of Knob Noster may ultimately assume the responsibility for maintenance and operation of which may affect an improvement for which City of Knob Noster responsibility is established. All such improvements shall be properly bonded.

Registered Engineer - An engineer properly licensed and registered in the State of Missouri.

Registered Land Surveyor - A land surveyor properly licensed and registered in the State of Missouri.

Re-subdivision - A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

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

intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roads, Classification - For the purpose of providing for the development of the street, highways, roads and rights-of-way in the City of Knob Noster and for their future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way, and those located on approved and filed plats, have been designated on the City Street Plan of the City of Knob Noster and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the City of Knob Noster and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the City. The required improvements shall be measured as set forth for each street classification on the City Street Plan.

Road, Dead End - A road or a portion of a street with only one (1) vehicular-traffic outlet.

Road, Right-of-Way Width - The distance between property lines measured at right angles to the center of the street.

Sale or Lease - Any immediate or future transfer of ownership, including contract of sale or transfer, or an interest in a subdivision or part thereof, whether by metes or bounds, deed, contract, plat, map or other written instrument.

Same Ownership - Ownership by the same person, corporation, form, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner or associate or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

Screening - Either (A) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs and trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high, or (B) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Either (A) or (B) shall be maintained in good condition at all times, and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Setback - The distance between a building and the street line nearest thereto.

Shade Tree - A tree in a public place, street, or special easement adjoining a street as provided in these regulations.

Storm Water Run-off - Waters derived from precipitation falling within a drainage area, flowing over the surface of the ground or collected in channels or conduits.

Street, Major - A Street providing through traffic movement between areas and across the City of Knob Noster and direct access to abutting property, subject to necessary control of entrances, exists and curb use. Major streets are identified on the major street plan and are given a functional designation as either "primary" or "secondary" arterials.

Street, Perimeter - Existing traveled roadways whether improved to City of Knob Noster standards or not, and with or without dedicated rights-of-way, and located along the periphery of the proposed development.

Street, Private - A roadway or street used for internal vehicular circulation within a development, which has been identified as such on the development plan or preliminary plat and is located within the access easement recorded on the plat.

Structure - Any construction above or below ground.

Sub-divider - Any person who, (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who, (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development, a subdivision, or any interest, lot, parcel, site, unit or plot in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control, with any of the foregoing.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests of less than five (5) acres, for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. Subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument and further includes the creation of a condominium, town home or any other division of property into units and common elements.

Subdivision Agent - Any person who represents, or acts for or on behalf of, a sub-divider or developer, in selling, leasing or developing or offering to sell, lease or develop any interest, lot, parcel, unit, site or plot in a subdivision, except an attorney-at-law whose representations of another person consists solely of rendering legal services and who has not other interest, direct or indirect, in the subdivision.

Subdivision Plat - The final map or drawing, described in these regulations, on which the sub-divider's plan of subdivision is presented to the Planning Commission for recommendation and which, if approved by the Board of Aldermen, shall be submitted to the Johnson County Recorder of Deeds for filing.

Ten (10) Year Flood - A flood having a ten percent (10%) chance of occurrence in any given year.

Ten (10) Year Storm - A rainstorm of a given duration and depth of precipitation having a ten percent (10%) chance of occurrence in any given year.

U.S.G.S. - U.S. Geological Survey

Wet Bottom Basin - A detention basin intended to have a permanent pool. Also called "retention basin".

Zoning Ordinance - The official zoning ordinance of the City, together with any and all amendments thereto, adopted pursuant to Chapter 89 of the Revised Statutes of Missouri.