

Chapter 410

SUBDIVISION REGULATIONS

ARTICLE I Introductions

Section 410.010. Policy. [R.O. 2013 §410.010; CC 1991 §405.010; CC §43.010]

- A. The following regulations have been adopted by the City Planning Commission and the Mayor and Board of Aldermen of Tarkio: to provide for the harmonious development of Tarkio, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light, and air, for an appropriate distribution of population and traffic, and for installation of physical improvements which will tend to create conditions favorable to health, safety, convenience and prosperity.
- B. It is recommended that each subdivider confer with the City Planning Commission or City Engineer before preparing the preliminary plan in order that he/she may become familiar with the requirements of these regulations as they may apply to the land proposed to be subdivided.

Section 410.020. Definitions. [R.O. 2013 §410.020; CC 1991 §405.020; CC §43.020]

For the purpose of these regulations, certain words and terms are herewith defined; the singular includes the plural and the plural includes the singular; the word "*shall*" is mandatory and not directory.

BUILDING LINE — A line on a plat between which line and a street no building or structure may be erected.

COMMISSION — The City Planning Commission of Tarkio, Missouri.

CUL-DE-SAC — A minor street with only one (1) outlet and culminated by a turnaround.

EASEMENT — A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.

LOT — A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

MAJOR STREET — A street of substantial continuity which serves or is intended to serve fast or large volumes of traffic, including all County, State and Federal highways in the City of Tarkio and the streets designated as major streets on the land use plan for Tarkio.

MINOR STREET — A street used primarily for access to abutting property.

PERFORMANCE BOND — A surety bond or cash deposit made out to the City of Tarkio in an

amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the City Engineer or City Attorney and said surety bond or cash deposit being legally sufficient to secure to the City of Tarkio that the said improvements will be constructed in accordance with these regulations.

ROADWAY — That portion of the street available for vehicular traffic and, where curbs are laid, the portion from face to face of curbs.

STREET — Any public ways.

SUBDIVIDER — Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision, as defined herein, and includes any agent to the subdivider.

SUBDIVISION — The division of a parcel of land into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

ARTICLE II Jurisdiction and Procedure

Section 410.030. Plat — When Required. [R.O. 2013 §410.030; CC 1991 §405.030; CC §43.100]

It shall be unlawful for the owner, agent, or persons having control of any land within the corporate limits of the City to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State of Missouri and the provisions of these regulations.

Section 410.040. Procedure. [R.O. 2013 §410.040; CC 1991 §405.040; CC §43.110]

- A. In obtaining final approval of a proposed subdivision by the City Planning Commission and the Board of Aldermen, the subdivider shall submit a preliminary plan, a performance bond and a final plat in accordance with these regulations.
1. The subdivider shall first prepare and file with the City Planning Commission two (2) copies of a preliminary plan conforming to the requirements set forth in these regulations. Said plans shall be accompanied by a fee of one dollar (\$1.00) for each lot in the subdivision providing said subdivision does not consist of less than ten (10) lots in which case a minimum filing fee of ten dollars (\$10.00) shall be required.
 2. The City Planning Commission shall forthwith refer two (2) copies to the City Engineer.
 3. A hearing on the proposal will be held before the City Planning Commission at its first (1st) regular meeting following the filing. No hearing shall be held by the Commission until notice thereof, which shall include the time and place, shall be given to interested parties by the City Attorney on behalf of the Commission by publication of notice of said hearing in a daily newspaper for at least one (1) insertion one (1) week prior to the date of said hearing and by mailing a notice to the person or persons who filed the preliminary plan to the address set forth in the filing papers.

4. The City Engineer shall carefully examine said plan as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices and shall within fifteen (15) days submit his/her findings in duplicate to the City Planning Commission together with one (1) copy of the plan received.
5. The City Planning Commission shall, upon receiving the City Engineer's report, as soon as possible, but not more than thirty (30) days thereafter, and not later than sixty (60) days after receipt of the preliminary plan from the subdivider, consider said report and pass upon the plan. It shall then set forth its recommendations in writing whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The City Planning Commission shall forthwith return one (1) copy of the approved preliminary plan to the subdivider.
6. Upon approval of the preliminary plan by the City Planning Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations.
7. The approval of the preliminary plan by the City Planning Commission is revocable and does not constitute final approval or acceptance of the subdivision by the City Planning Commission or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineering proposals and plans.
8. Before submitting the final plat to the City Planning Commission for approval, the subdivider shall furnish all plans and information as listed in "Final Plat Requirements" necessary for the detailed engineering consideration of the improvements required and obtain the approval of the City Engineer which shall be endorsed thereon.
9. For final plat approval, the subdivider shall submit to the City Planning Commission:
 - a. Twelve (12) copies of the final plat.
 - b. A performance bond in the amount approved by the City Engineer or City Attorney.
 - c. One (1) copy of the certified approved plans, profiles, cross sections and specifications.
 - d. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plan as approved by the City Planning Commission.
10. Within sixty (60) days after the submission of a plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The grounds of disapproval of any plat by the Commission shall be made a matter of record.
11. When the final plat has been passed upon by the City Planning Commission, twelve (12) copies of the final plat and performance bond shall forthwith be transmitted to

the Board of Aldermen, together with a certificate showing the action of the City Planning Commission.

12. When the final plat has been approved by the Board of Aldermen, the performance bond accepted and all twelve (12) copies duly certified, six (6) copies shall be delivered to the City Planning Commission, one (1) copy to the City Engineer and one (1) to the City Clerk for their respective files, and one (1) to the subdivider for filing with the Recorder of Deeds of Atchison County. If said plat is disapproved by the Board of Aldermen, such disapproval shall point out in writing wherein said proposed plat is objectionable.
13. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat and shall be endorsed by the City Clerk and the Seal of the City placed thereon, but the owner shall cause such plat to be recorded in the office of the Recorder of Deeds of Atchison County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.
14. Upon receipt of the duly certified copies of the final plat by the City Planning Commission, the Secretary of the City Planning Commission will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Engineer, to the subdivider, the water company, the gas company, and the telephone company.
15. Receipt of the duly certified final plat by the subdivider is authorization that he/she may proceed with the installation and construction of the required improvements.
16. The Board of Aldermen will return the performance bond to the subdivider upon certification by the City Engineer of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the Board of Aldermen. Prior to certification by the City Engineer, the subdivider shall file with the City Engineer plans, profiles and cross sections of the required improvements as they have been built.

ARTICLE III

General Requirements

Section 410.050. Acreage Subdivisions. [R.O. 2013 §410.050; CC 1991 §405.050; CC §43.200]

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration must be given to the highway, street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements providing for the future opening and extension of such streets may at the discretion of the Board of Aldermen be made a requirement of the plat.

Section 410.060. Relation to Existing Streets. [R.O. 2013 §410.060; CC 1991 §405.060; CC §43.210]

The arrangement of highways and streets in new subdivisions shall make provisions for the continuation of the existing highways and major streets (or their proper projection where

adjoining property is not subdivided) insofar as they may be deemed necessary by the Board of Aldermen for public requirements. The width of such highways and streets in new subdivisions shall not be less than the minimum street widths established herein. The highway and street arrangements shall also be such as to avoid hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

Section 410.070. Streets in Relation to Railroads. [R.O. 2013 §410.070; CC 1991 §405.070; CC §43.215]

When the area to be subdivided adjoins a railroad right-of-way, the intersection of the centerline of any street or highway paralleling the railroad with that of any street that crosses the railroad shall not be less than one hundred fifty (150) feet from the line of the railroad right-of-way.

Section 410.080. Minimum Street and Alley Widths. [R.O. 2013 §410.080(A); CC 1991 §405.080; CC §43.220]

The minimum width of a minor street shall be sixty (60) feet. Where streets adjoin unsubdivided property, a half street at least thirty (30) feet in width shall be dedicated and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated. No homes shall be constructed on half streets.

Section 410.090. Cul-De-Sac and Dead-End Streets. [R.O. 2013 §410.090; CC 1991 §405.100; CC §43.230]

- A. Except in cases where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply:
1. Maximum length of five hundred (500) feet.
 2. Vehicular turnaround at the closed end of a street having a minimum radius of fifty (50) feet and a roadway having a minimum radius of forty (40) feet to the interior curb line.
 3. In the case of temporarily dead-end streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the City Planning Commission may require a temporary easement for a turnaround of the nature indicated above, or an appropriate area for a backaround, or a roadway at least twenty-six (26) feet in width of not excessive length to connect the temporary dead end with an existing street.

Section 410.100. Street Grades. [R.O. 2013 §410.100; CC 1991 §405.110; CC §43.235]

- A. Streets shall be so arranged that grades shall not exceed ten percent (10%) for major thoroughfares and fifteen percent (15%) for minor streets. The City Planning Commission may permit variation from these grades where it deems modification advisable to adjust to topographic situations.
- B. Gutter grades on paved gutters shall not be less than one-half of one percent (.5%).
- C. All changes in street grades shall be connected by a vertical curve of reasonable length to

assure adequate visibility.

- D. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding five percent (5%) and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible permitting proper drainage.

Section 410.110. Intersections. [R.O. 2013 §410.110; CC 1991 §405.120; CC §43.240]

- A. Street intersections shall be rounded by radii of at least twelve (12) feet.
- B. Streets should be laid out to intersect at right angles and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty degrees (60°).
- C. The design of the intersection should be such that a clear sight distance will be maintained for seventy-five (75) feet at the roadway centerline with no obstruction to sight within the triangle formed by these points.

Section 410.120. Street Names. [R.O. 2013 §410.120; CC 1991 §405.130; CC §43.245]

Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall determine street names and house numbers.

Section 410.130. Blocks. [R.O. 2013 §410.130; CC 1991 §405.140; CC §43.250]

- A. No block shall be longer than one thousand two hundred (1,200) feet between street lines. An easement near the center of the block not less than ten (10) feet wide for a crosswalk may be required on blocks that are over seven hundred fifty (750) feet in length.
- B. The width of blocks, except for special reasons, shall not be less than two hundred (200) feet and not more than three hundred fifty (350) feet.

Section 410.140. Lots. [R.O. 2013 §410.140; CC 1991 §405.150; CC §43.255]

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites properly related to topography and the character of surrounding development.
- B. The width and area of all lots shall comply with the requirements of the zoning district in which they are located. Unless otherwise determined by zoning regulations, no residential lot shall be less than eighty (80) feet in width at the building line, or less than one hundred twenty (120) feet in depth, or less than nine thousand six hundred (9,600) square feet in area.
- C. The foregoing requirements apply only to residential lots served by public sanitary sewers. In the case of lots not so served, such lots shall be of sufficient additional area to properly accommodate a suitable private sewage disposal device. The City Planning Commission will determine the required lot size upon report of appropriate tests and adequate

determination and recommendation of the County Health Officer or State Board of Health.

- D. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.
- E. In all lots, so far as possible, the side lines shall be at right angles to straight street lines or radial to curbed street lines, except where a variation of this rule will provide a better street and lot layout.
- F. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.

Section 410.150. Building Lines. [R.O. 2013 §410.150; CC 1991 §405.160; CC §43.260]

Building lines conforming with zoning regulations shall be shown on all lots within the platted area. The minimum building line permitted for residential lots shall be thirty (30) feet. Provisions shall be made by the owner's declaration of plat requiring all enclosed parts of buildings to be set back to such building lines.

Section 410.160. Exceptions in Neighborhood or Community Unit Developments. [R.O. 2013 §410.160; CC 1991 §405.170; CC §43.265]

Whenever a subdivision is developed as a modern neighborhood or community unit, wherein adequate park area is provided and through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type, the Commission may vary the requirements of Sections 410.080, 410.090, 410.130, 410.140 and 410.150 of this Article in order to allow the subdivider more freedom in the arrangements of the streets and lots, but at the same time protect the convenience, health and safety of the probable future residents of the subdivision as well as the general welfare of the surrounding area.

Section 410.170. Character of Development. [R.O. 2013 §410.170; CC 1991 §405.180; CC §43.270]

The City Planning Commission and Board of Aldermen may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision as well as that of the surrounding development.

Section 410.180. Easements for Public Utilities. [R.O. 2013 §410.180; CC 1991 §405.190; CC §43.275]

Where alleys are not provided in the plat, easements of not less than five (5) feet in width shall be granted to the City by the owner on each side of all rear lot lines and, where necessary, side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements without authorization of the Board of Aldermen.

Section 410.190. Easements Along Streams and Watercourses. [R.O. 2013 §410.190; CC 1991

§405.200; CC §43.280]

Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall at his/her own expense make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City of Tarkio an easement along said streams and watercourses meeting the approval of the City Planning Commission.

Section 410.200. Monuments. [R.O. 2013 §410.200; CC 1991 §405.210; CC §43.285]

Monuments shall be placed at block corners, points of curves, change in direction along lot lines and at each lot corner in accordance with specifications of the City Engineer.

Section 410.210. Open Spaces Other Than Streets. [R.O. 2013 §410.210; CC 1991 §405.220; CC §43.290]

Where an area being subdivided includes lands proposed to be used for parks or schools, the subdivider shall indicate the location of such areas on the subdivision plat. Park sites are to be purchased within one (1) year of the recording date of the subdivision by the City at the appraised raw land value prior to subdivision plus one-half (½) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site. School sites are to be reserved for two (2) years giving the appropriate school district the right to purchase the land at the appraised raw land value prior to subdivision plus one-half (½) the cost of grading and paving, including curbs, of any streets contiguous to the site. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

ARTICLE IV Improvements

Section 410.220. General Requirements. [R.O. 2013 §410.220; CC 1991 §405.230; CC §43.300]

The subdivider shall install and construct all improvements required by this Article. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Board of Aldermen and to its satisfaction.

Section 410.230. Streets and Alleys. [R.O. 2013 §410.230; CC 1991 §405.240; CC §43.310]

All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Board of Aldermen and after receiving the report and recommendations of the City Engineer.

Section 410.240. Roadways. [R.O. 2013 §410.240; CC 1991 §405.250; CC §43.320]

All roadways shall be hard surfaced to the grade as approved by the City Engineer.

Section 410.250. Water Lines. [R.O. 2013 §410.250; CC 1991 §405.260; CC §43.330]

Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with City standards, procedure and supervision.

Section 410.260. Sewers. [R.O. 2013 §410.260; CC 1991 §405.270; CC §43.340]

- A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the Board of Aldermen and Board of Health of the State of Missouri and the construction subject to the supervision of the City Engineer.
- B. Where sanitary sewers are not available, other facilities as approved by the Board of Aldermen and the Board of Health of the State of Missouri must be provided for the adequate disposal of sanitary wastes.
- C. Adequate provisions shall be made for the disposal of storm water subject to the approval of the Board of Aldermen and to the supervision of the City Engineer.

ARTICLE V
Preliminary Plan

Section 410.270. Preliminary Plan. [R.O. 2013 §410.270; CC 1991 §405.280; CC §43.400]

The preliminary plan shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less and shall be plainly marked "preliminary plan".

Section 410.280. Preliminary Plan Requirements. [R.O. 2013 §410.280; CC 1991 §405.290; CC §43.410]

- A. The preliminary plan requirements shall be as follows:
 - 1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.
 - 2. The name and address of the owner and the name, address and profession of the person preparing the plan.
 - 3. The date, scale and north point and a key map showing the general location of the proposed subdivision in relation to surrounding development.
 - 4. The legal description of the area being platted, including the block, section, United States survey or part thereof.
 - 5. The boundary line (accurate in scale), the dimension and location of the property to be platted and the location of section lines, quarter section lines, or United States survey lines.
 - 6. Contours with intervals of not more than five (5) feet.
 - 7. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.
 - 8. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.

9. The zoning classification and proposed use for the area being platted.
10. The layout, numbers and appropriate dimensions of proposed lots.
11. The layout of all existing and proposed building lines and easements.
12. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use.
13. Proposed names for all streets in the area being platted.
14. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures.
15. Written and signed statements of the appropriate officials on the availability of gas, electricity and water to the proposed subdivision.
16. Any restrictions proposed to be included in the owner's declaration of plat.

ARTICLE VI
Final Plat Requirements

Section 410.290. Final Plat. [R.O. 2013 §410.290; CC 1991 §405.300; CC §43.500]

The final plat shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less as approved by the City Engineer and in ink on tracing cloth.

Section 410.300. Final Plat Requirements. [R.O. 2013 §410.300; CC 1991 §405.310; CC §43.510]

A. The final plat requirements shall be as follows:

1. The title under which the subdivision is to be recorded.
2. The name or names of the owners and subdividers.
3. The date, scale and north point, and a key map showing the general location of the proposed subdivision.
4. The legal description of the area being platted, including the block, section, United States survey or part thereof.
5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, quarter sections, United States Survey and Congressional township lines.
6. Centerlines of all proposed and adjoining streets with their right-of-way widths and names.
7. Lines of all lots with a simple method of numbering to identify all lots and blocks.
8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.
9. Any and all dimensions necessary for accurate location of the boundaries of the site to

be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.

10. All radii, arcs, point of tangency, central angles and lengths of curves.
11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.
12. All survey monuments and benchmarks, together with their description.
13. Private restrictive covenants and their period of existence.
14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

ARTICLE VII Improvement Plans

Section 410.310. Plans, Profiles and Cross Sections. [R.O. 2013 §410.310; CC 1991 §405.320; CC §43.600]

- A. The subdivider shall submit to the City Engineer the following plans, profiles and cross sections drawn to the horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less and specifications for the construction of the improvements for the subdivision as required in this regulation. All elevations shall be referred to mean sea level.
 1. The plan and profile of each street with tentative grades and street intersection elevations.
 2. The cross sections of proposed streets showing the width or roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than one hundred (100) feet along the centerline, unless otherwise required by the City Engineer, and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.
 3. The plan and profile of proposed sanitary sewers and storm water sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 4. Specifications for the required improvements. Standard specifications approved by the City Engineer may be used.

ARTICLE VIII Exceptions, Changes and Amendments

Section 410.320. Modification of Requirements. [R.O. 2013 §410.320; CC 1991 §405.330; CC §43.700]

Whenever the strict enforcement of these regulations would entail unusual difficulties or

hardships, the Commission and Board of Aldermen may vary or modify them in such a way that the subdivider be allowed to plan and develop his/her property and record a plat of same, provided however, that the public welfare and interests of the municipality be fully protected and the general intent and spirit of the regulations preserved.

Section 410.330. Changes and Amendments. [R.O. 2013 §410.330; CC 1991 §405.340; CC §43.710]

Any regulations or provisions of these regulations may be changed and amended from time to time by the Board of Aldermen; provided however, that such change or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City of Tarkio at least fifteen (15) days prior to such hearing.