

CHAPTER 405: SUBDIVISION REGULATIONS

SECTION 405.010: PURPOSES

The owners of any land or lots as defined in this Chapter who may desire to develop or subdivide the same for residential purposes, shall before undertaking such development or subdivision, comply fully with all of the following provisions.

SECTION 405.020: DEFINITIONS

For the purpose of this Chapter, certain terms and words are defined as follows:

ALLEY: Minor ways which are used primarily for vehicular service access to the back or side of properties abutting street.

BUILDING LINE: A line on a plat between which line and street or private way no building or structures may be erected. Said building line designates the set back required prior to construction.

BUILDING OFFICIAL: Such person or persons as may be directed by the Board of Trustees to inspect property on behalf of the Village.

EASEMENT: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

MAY: An action which is permissive.

MONUMENTS:

Lot Corners: An iron pipe not less than 1” outside diameter or a reinforcing bar not less than ½” in diameter and not less than 30” in length set not less than 24” in the ground.

Control Points: An iron pipe or reinforcing bar as described in “Lot Corners” set in concrete 4” in diameter and 12” in depth, or a 4”x4” concrete post set not less than 24” in the ground with the top of the post adequately marked to define the control point. A permanent pavement marker acceptable to the Village Engineer may be utilized to define the centerline of right-of-way at the control points in lieu of the above described monuments.

OWNER: Any person, corporation, partnership or other business entity owning fee title or possessing a superior right to develop and/or subdivide.

PLAT: A map, drawing or chart on which the subdivider's plan of the subdivision is presented, and which he/she submits for approval and intends in final form to record as prepared by a Civil Engineer licensed or qualified by registration in the State of Missouri.

Preliminary Plat: The preliminary map indicating the proposed layout of the total subdivision, so designated on the plat and meeting the requirements of Section 405.080.

Final Plat: The final map of all or a portion of the subdivision, so designated on the plat and meeting the requirements of Section 405.080 and prepared for official recording with the Recorder of Deeds of St. Louis County, Missouri.

SUBDIVISION/SUBDIVIDE: A parcel of land divided 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.

Minor Subdivision: Any subdivision containing not more than five (5) lots and not involving any new street or roadway.

Major Subdivision: Any subdivision not classified as a minor or agricultural subdivision.

Agricultural Subdivision: Any transfer of land which is to be used primarily for agricultural activity. An agricultural subdivision is exempt from these regulations and the transfer of agricultural lands may proceed after a Letter of Exemption is obtained from the Village Clerk

The term “subdivision” shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

SECTION 405.030: USE OF UNAPPROVED PLAT IN SALE OF LAND

No owner, or agent of the owner, of any land located within the Village of Wardsville, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that 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 trustees and recorded in the office of the Recorder of Deeds of Cole County. Any person violating the provisions of this section shall forfeit and pay to the Village of Wardsville, a penalty not to exceed five hundred dollars (\$500.00) for each lot transferred or sold or agreed to negotiate to be sold; and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The Village of Wardsville may re-join or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

The provision of this ordinance requiring preparation and submission of a subdivision plat shall not apply to the sale of all or a part of a recorded lot of record

provided that not more than one additional building lot is created and no new street is created. Both the original and the newly created lot shall meet the minimum public street frontage and the yard lot area and width requirements of the Zoning Code and shall have access to all public utilities. Whenever possible the division line between the two lots shall be a straight line. A registered land surveyor shall prepare and affix his seal to a permanent, reproducible survey document which shall show the boundaries of both lots, existing streets and easement and a legal description of both lots. Neither the original nor the newly created lot shall be transferred, sold, or offered for sale until both have the written endorsement of the Chairpersons of Planning and Zoning Commission and the Public Works Committee, and the Village Engineer, and have been recorded in the office of the Recorder of Deeds.

The Village shall not issue a building permit for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein

SECTION 405.040: SMALL SUBDIVISIONS

The provisions of this chapter shall apply to all subdivisions except those containing less than five (5) acres and which are also not subdivided into more than three lots at least one of which lots will be retained b the developer as a personal residence, and no public streets, water lines, or sewer lines will be installed. Such subdivision may be approved. (Source Ord. 77)

SECTION 405.050: LARGE AREA SUBDIVISION; GENERAL PLAN

A subdivision may be developed in separate tracts or sections which shall be successively numbered and identified under the name of the subdivision as Section or tract One, Two, Three, etc. In such instance, the owner shall cause to be prepared by a registered surveyor a general plan of the entire subdivision showing the approximate location of all arterial streets and/ or highways, collateral streets, and the public sanitary sewer and storm sewer drainage facilities contemplated and reasonably required to serve the entire subdivision.

SECTION 405.060: FILING FEES

- A. Subdivision Plats: The following schedule of fees is hereby adopted; such fees are to be paid by all persons or corporations submitting preliminary plats for approval by the Commission and shall be computed to the nearest dollar.

Basic Fee: \$50.00 Plus a Fee per lot of: \$2.00 Maximum Fee: \$300.00

This fee shall be paid at the time the preliminary plat is submitted to the Village Clerk and shall apply to the review of a preliminary plat and review of the preliminary plat, improvement plans and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plat.

SECTION 405.070: APPROVAL AND ACCEPTANCE

A. Preliminary Approval By Village Planning And Zoning Commission.

1. Whenever the owner of any tract or parcel of land within the corporate limits of the Village of Wardsville wishes to make a subdivision of same, he/she shall cause to be prepared a preliminary plan of said subdivision and shall submit said preliminary plan and other information to the Board of Trustees to pass on to the Village Planning and Zoning Commission and Public Works Committee for its preliminary study and approval. The preliminary plan shall contain such information and data as is outlined in [Section 405.050](#).

2. The Village Planning and Zoning Commission and Public Works Committee shall study such preliminary plat to see if it conforms with the minimum standards and requirements as outlined in this Chapter and shall approve or reject such plat within sixty (60) days after the date of submission thereof to the Board of Trustees. If the Commissions do not act within said period of sixty (60) days, the preliminary plat shall be deemed to be approved; provided however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days.

3. A certificate or statement shall accompany this preliminary and final plat or map, showing the compliance with the requirements under this Chapter.

4. The subdivider shall also submit to the Village Board of Trustee to pass on to the Village Planning and Zoning Commission and Public Works Committee, for its approval or rejection, a final plat of the subdivision which shall contain the data and information outlined in [Section 405.050](#) of this Chapter. The final plat and plans relating to construction data shall be prepared and shall bear the signature and seal of a Civil Engineer licensed to practice professional engineering in the State of Missouri. If the Commissions approve the plat, such approval and date thereof shall be noted on the plat over the signatures of the Chairperson of the Village Planning and Zoning Commission.

5. Any such plan submitted to the Village shall include an original, five copies and one electronic version submitted on a flash drive or CD.

B. Approval By The Board Of Trustees.

1. After approval of the subdivision by the Village Planning and Zoning Commission and Public Works Committee, it shall be submitted to the Board of Trustees for final approval or rejection, and for acceptance or rejection of streets, sidewalks, sewers, alleys, ways, easements, parks, or other areas preserved for or dedicated to the public. The opinions and findings of the Public Works Committee shall be advisory in nature.

2. If the Village Planning and Zoning Commission does not approve the final plan of the subdivision, the Board of Trustees may approve said plan and accept the public

areas and easements thereon only by a four-fifths (4/5) majority vote of the entire membership of the Board. Similarly, the Board of Trustees may reverse an affirmative decision of the Village Planning and Zoning Commission by a four-fifths (4/5) majority vote of the entire membership of the Board. Two (2) copies of all final plans shall be filed with the Village Clerk after approval by the Board.

SECTION 405.080: INFORMATION REQUIRED ON PRELIMINARY AND FINAL PLATS

Each subdivider of land should confer with the Village Planning and Zoning Commission or with the Village Officials before preparing the preliminary plat in order to become thoroughly familiar with the proposed comprehensive plan or with regulations of the Village affecting the territory in which the proposed subdivision lies.

1. *Preliminary plan.* In seeking to subdivide land, the owner shall submit seven (7) copies of a preliminary sketched plan to the Village Planning and Zoning Commission before submission of the final plat. The preliminary plan shall be drawn to scale and shall show the topography of the tract, the location of the proposed streets, lot lines, building lines and any parks or open spaces. The plan shall also show surrounding streets, lots, watercourses and sewers or water mains. The scale of such preliminary plans shall not be less than one (1) inch to one hundred (100) feet. The subdivider shall submit a statement of the type of character of the improvements that he/she proposes to install and an outline of the deed restrictions and covenants that will be placed upon the subdivision.

2. *Final plan.* The final plan map on mylar and five (5) prints thereof, together with an electronic version on a flash drive or CD shall be submitted to the Village Planning and Zoning Commission. It shall show:

a. The block, section, United States survey or part thereof, it purports to represent.

b. The boundaries of the property; the lines of all proposed streets and alleys with their width and names; and any other areas intended to be dedicated to public use.

c. The lines of adjoining streets and alleys, with their width and names.

d. All lot lines, building lines and easements with figures showing their dimensions.

e. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area or of the lots, streets, alleys, easements and building line set-backs, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

f. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

g. All monuments together with their descriptions.

h. Title and description of property subdivided, showing its location and extent, points of compass, scales of plans and name of subdivider and of engineer staking the lots.

i. Plan and profile of all streets, storm and sanitary sewers, water lines and drainage structures together with their drainage area, cross sections of street and sidewalk gradients and proposed construction.

j. Any private restrictions and trusteeships of expiration or reference made to them on the plat; the plat shall contain proper acknowledgements of owners and mortgagees accepting said plat and restrictions.

k. A certificate shall accompany the final plat showing that all taxes due shall have been previously paid.

SECTION 405.090: PLAT TO BE ACKNOWLEDGED AND RECORDED--ACCEPTANCE BY VILLAGE

Such map or plat shall be acknowledged by the owner before some official authorized by law to take acknowledgments of conveyances of real estate, and recorded in the office of the Recorder of Deeds of Cole County provided however, that if such map or plat be of land situated within the corporate limits of the Village, it shall not be placed of record until it shall have been submitted to and approved by the Board of Trustees of the Village, by ordinance, duly passed and approved by the Chairperson, and such approval endorsed upon such map or plat under the hand of the Clerk and the Seal of the Village, nor until all taxes against the same shall have been paid; and before approving such plat, the Board of Trustees may, in its discretion, require such changes or alterations thereon as may be found necessary to make such map or plat conform to any zoning or street development plan which may have been adopted or appear reasonably related to the requirements of the duly enacted ordinances of the Village appertaining to the laying out and platting of subdivisions of land within their corporate limits.

SECTION 405.100: MINIMUM STANDARDS OF DESIGN AND OF DEVELOPMENT

No subdivision plat shall be approved by either the Planning and Zoning Commission or by the Board of Trustees unless it conforms to the following minimum standards and requirements:

1. *Relation to adjoining street system.* The arrangement of streets in new subdivisions shall make provisions for the proper location and width of streets. The subdivider may be required to continue certain existing or planned streets through or adjacent to the area that is being subdivided, whenever same is necessary to provide for local movements of vehicles or to enable adjoining property to be properly subdivided.

2. *Streets and alley widths.*

a. All major through streets shall have a fifty (50) foot right-of-way in width with a minimum paved width of thirty (30) feet. The paved width shall be measured from back to back of curbs and gutters.

b. All minor streets shall have a forty-five (45) foot right-of-way with a minimum paved width of twenty-six (26) feet. The paved width shall be measured from back to back of curbs and gutters.

c. Alleys should not be provided in residential districts. Alleys will, however, be required in the rear of all business lots and shall be at least twenty (20) feet wide.

d. Where it is desirable to subdivide a tract of land, which because of its size or location, does not permit a normal street arrangement, there may be established one or more "places". Such a place may be in the form of a court, a cul-de-sac, or other arrangement, except that it shall not end in a dead-end street. All "places" or cul-de-sacs shall have a circle at the end with a minimum of sixty (60) feet turning radius.

e. Adequate provision shall be made adjacent to commercial buildings for public street parking areas in accordance with minimum standards and requirements in conformity with other laws of the Village of Wardsville.

3. *Easements.*

a. Where alleys are not provided, easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and side lines where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

b. Whenever any creek, stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provisions for straightening or widening the channel so that it will properly carry the surface water and shall stabilize and secure the creek banks so that the same will be free from erosion, and the subdivider shall also provide and dedicate to the Village an adequate easement along each side of the watercourse, which easement shall be for the purpose of widening, improving or protecting the same and for recreational uses.

4. *Lots.* The minimum area of any lot in a subdivision shall not be less than the minimum lot area requirements of the zoning districts in which the area is located.

5. *Building lines.* Building lines shall be shown on all lots intended for residential use of any character, and on commercial lots immediately adjoining residential areas. Such building lines shall not be less than required by the Zoning Code of the Village.

6. *Improvements.* Before the final plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements described in this Subsection. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider will post a surety bond, which bond will insure to the Village that the improvements will be completed by the subdivider within one (1) year after the final approval of the plan. The amount of the bond shall not be less than the estimated cost of improvements, and the amount of the estimate must be approved by the Board of Trustees. If the improvements are not completed within the specified time, the Board of Trustees may use the bond or any necessary portion thereof to complete the same.

The minimum improvements installed in any subdivision before the plat can be finally approved shall be in accordance with the following Subsections:

a. The subdivider shall grade and improve all new streets within the subdivision area. All such streets shall conform to the minimum structural standards as established by Cole County. The paving on all new streets shall be concrete. Curbs and gutters shall be of concrete and conform to the minimum requirements and standards as established by Cole County.

b. The subdivider shall pay the cost of all labor, materials, and incidental expense required for the installation of water mains and fire hydrants in the subdivided area. Such installation of the water mains and fire hydrants aforesaid shall be done by the Developer in accordance with the standards and specifications as approved by the Board of Trustees. The water mains and hydrants, when approved and accepted, shall become the property of the Village who shall have exclusive control and use thereof.

c. The subdivider shall install sanitary sewers in conformance with the minimum requirements and receive prior approval of the Board of Trustees and provide a connection with each lot. Before the improvement is started, the plan therefore shall be approved by the Board of Trustees of the Village of Wardsville.

d. The subdivider shall, when necessary, install storm sewers to provide drainage of the development in conformance with minimum requirements and receive prior approval of the Board of Trustees. Before the improvement is started, the plan therefore shall be approved by the Board of Trustees.

7. *Street names.*

a. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. New street names shall be approved by the Board of Trustees.

b. Before the final plan for the subdivision shall be approved, the subdivider shall submit to the Board of Trustees a statement from the local Postmaster approving the name of the proposed streets and of the proposed system of postal addresses along such streets.

SECTION 405.120: VARIATIONS AND EXCEPTIONS

Whenever the strict enforcement of these regulations would entail unusual difficulties or hardships, the Planning and Zoning Commission and Board of Trustees of Wardsville may vary or modify them in such a way that the subdivider be allowed to plan and develop the property and record a plat of same; provided however, that the public welfare and interests of the Village be fully protected and the general intent and spirit of the regulations preserved.

SECTION 405.130: ENFORCEMENT

A. No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein.

B. The Board of Trustees of the Village of Wardsville shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that was platted after August 30, 1995, unless such subdivision or street has been approved in accordance with the provisions contained herein.

C. Any person who deems himself/herself aggrieved by any final action of the Board of Trustees in refusing to approve a plan for the design or development of new subdivisions, as herein provided for, may appeal to the Circuit Court of Cole County, from such final order or decision of the Board of Trustees.

SECTION 405.140: PENALTY

Any owner violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the County jail for not more than one (1) year, or by both such fine and confinement.

SECTION 405.145: DEVELOPER'S RESPONSIBILITY FOR PROFESSIONAL FEES

Any person or entity submitting a plat, replat, zoning change request, application for conditional use permit; application for variance or other land use application to the Village for approval or consideration shall be liable to the Village for the actual costs incurred by the Village in fully and thoroughly evaluating and investigating such application or plat. Any such costs incurred by the Village in excess of the stated filing fee associated therewith shall be paid in full by said person or entity prior to receiving a final ruling on said application, plat or request. In the event said person or entity disputes the cost or fee incurred by the Village, the Village shall provide full and complete documentation and proof of the costs so incurred. The Village agrees to not incur costs greater than the filing fee associated with said submission without first receiving the approval of the person or entity submitting the application. Should the person or entity refuse to give consent to the Village to undertake such investigation at increased cost, the person or entity making such submission has the option of providing to the Village the requested information through a person or party approved first by the Board of Trustees of the Village.