

## Chapter 430 Subdivision and Improvement Standards

### Article I Purpose and Organization

#### Section 430.000 Purpose

- A. This Chapter includes standards that regulate the physical layout and design of subdivisions within the City to ensure the protection of the health, welfare, safety, and quality of life. The purpose of this Chapter is to:
1. Establish standard requirements for the design of subdivisions;
  2. Provide for the orderly subdivision of land;
  3. Encourage the wise use and management of land and natural resources;
  4. Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
  5. Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets;
  6. Provide adequate utility systems to support the future needs of the system; and
  7. Promote efficient and logical placement of utility structures.

#### Section 430.010 Organization

- A. This Chapter is organized as follows:
1. **Article II, General Provisions**
  2. **Article III, Subdivision Standards**
  3. **Article IV, Property Owners Association and Trust Indentures**
  4. **Article V, Streets and Thoroughfares**
  5. **Article VI, Soil Preservation, Grading and Seeding**
  6. **Article VII, Drainage and Stormwater Control Standards**
  7. **Article VII, Utilities**
  8. **Article IX, Required Improvements and Guarantees**
  9. **Article X, Parks, Playgrounds and Recreation Areas**

#### Section 430.020 Applicability

- A. This Chapter shall apply to:
1. All subdivisions of land into two or more lots; and
  2. Developments that do not involve the subdivision of land if the Community Development Director or Public Works Director determines that the proposed development will create impacts similar to a subdivision of land.
- B. This Chapter shall not apply to:
1. Creation or realignment of an easement; and
  2. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional lots.

## Article II General Provisions

### Section 430.030 Conformance to Applicable Rules and Regulations

- A. All subdivision plats shall comply with the following laws, rules and regulations:
  - 1. All applicable provisions of the Missouri Statutes;
  - 2. This Code, Building Codes, and all other applicable laws;
  - 3. Any adopted polices and rules of the Public Works Department, and the Department of Natural Resources of the State of Missouri;
  - 4. The rules of the Missouri Department of Transportation if the subdivision of any lot contained therein abuts a State highway; and
  - 5. The standards and regulations adopted by the Public Works Department and all Boards, Commissions, Departments, Agencies and Officials of the City adopted pursuant to any law or ordinance.
- B. Plat approval may be withheld if a subdivision is not in conformity with any of the above or the intent and purpose of this Code.
- C. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction and to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building or premises, and these remedies shall be in addition to the penalties described in **Section 100.210** of the Municipal Code, *General Penalty*.

### Section 430.040 Filing of Approved Record Plats

- A. General
  - 1. No record plat may be recorded with the St. Charles County Recorder of Deeds until the Community Development Director has either:
    - a. Certified that the proposed plat does not constitute a subdivision; or
    - b. Determined that the land division constitutes a subdivision and has been reviewed and approved in accordance with the applicable procedures in **Chapter 405**, *Administration and Procedures*; and
    - c. The public improvements have been installed or financially assured in accordance with **Article IX**, *Required improvements and Guarantees*.
  - 2. No owner, or agent of the owner, of any land located within the City, 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 City and recorded with the St. Charles County Recorder of Deeds unless the owner or agent shall disclose in writing that such plat has not been approved by the City and the sale is contingent upon the approval of such plat by the City.
  - 3. Any person violating the provisions of **subsection A.2** shall forfeit and pay to the City a penalty not to exceed \$300 for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the

transfer or sale or agreement by legal action, and may recover the penalty in such action.

4. 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 shall not be permitted except if the subdivision results in the subdivision of two or more parcels of more than 10 acres each.

B. Submission for Filing and Review

1. Subsequent to approval of a record plat, one copy of the record plat in a form acceptable to the St. Charles County Recorder of Deeds, shall be submitted to the Community Development Director for final review.
2. The record plat shall be signed and notarized by all parties.
3. A check payable to the St. Charles County Recorder of Deeds in the amount of the current filing fee shall be provided.

C. Signing Of Plat

1. The Chairman of the Planning and Zoning Commission, Mayor, and the City Clerk shall endorse approval on the plat.

D. Recording Of Plat

1. It shall be the responsibility of the Community Development Director to file the record plat with the St. Charles County Recorder of Deeds office within 30 days of the date of the final signature.
2. Simultaneously with the filing of the plat, the Community Development Director shall record any applicable agreements of dedication and trust indentures.
3. The plat may not be recorded until all required public improvements are installed or financially assured in accordance with **Article IX, Required Improvements and Guarantees**.

**Section 430.050 Issuance of Building Permits and Certificates of Occupancy**

- A. No building permit or certificate of occupancy 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 the regulations.
- B. No building permit shall be issued until the record plat is approved and recorded with the St. Charles County Recorder of Deeds, and the public improvements are installed or financially assured in accordance with **Article IX, Required Improvements and Guarantees**.

**Section 430.060 Platted But Undeveloped Subdivisions**

- A. The City may approve or reject the development of platted subdivisions of land already recorded in the office of the St. Charles County Recorder of Deeds if such plats are entirely or partially undeveloped or deemed invalid.
- B. The subdivision shall be considered to be entirely or partially undeveloped if said plat was approved and recorded more than three years prior to granting of a building permit and the regulations for the zoning district governing the subdivision have changed since the plat was recorded.

- C. If said plat was properly recorded, then the platted subdivision shall be considered valid; however, development of the subdivision shall conform to the current zoning district regulations and not the regulations in place at the time of recording the plat.
- D. The subdivision shall be considered invalid if said plat was recorded with the St. Charles County Recorder of Deeds office without proper approval as required by this Code. Prior to any development of the subdivision, the plat shall go through the proper approval process to become valid.

### **Section 430.070 Consumer Protection Legislation and Conflict of Interest Statutes.**

- A. The City shall not grant or issue any plat, subdivision or resubdivision approval, building permit or certificate of occupancy to any applicant if it has been determined by any court of competent jurisdiction or any official Federal, State, County or municipal agency or board that said applicant has violated, or is violating, any Federal, State, County or municipal law, ordinance or regulation pertaining to consumer protection for the sale of real estate or promotion for the sale of real estate or land development practices within the City.
- B. In the event a subdivision or resubdivision has been approved or a building permit or certificate of occupancy granted or issued prior to determination of a violation as set out in **subsection A** and said approval, permit or certificate shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall rights of intervention of innocent (3rd) third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- C. Any applicant shall be subject to the provisions as set forth in **subsection A** hereinabove if it can be shown that any shareholder, partner or officer of said applicant, either individually or through a partnership or corporate interest, is currently in violation of **subsection A** hereinabove set forth.
- D. Failure to complete subdivision improvements within the City, within a reasonable time, shall be deemed as prima facie evidence of being in violation of this Section of the development regulations and procedures. Any applicant or any shareholder, partner or office of said applicant, either individually or through a partnership or corporate interest, in violation of this Section shall not have another application considered until the violations are corrected or the applicant receives written waivers from all parties who have an interest in the real estate involved, and the City shall be deemed to be an interested party for all parcels of real estate within the boundaries of the City of Lake Saint Louis.

## **Article III Subdivision Standards**

### **Section 430.080 Subdivision Name**

- A. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations.

### **Section 430.090 Surveyor's Monuments**

- A. The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by a registered land surveyor.
- B. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- C. The external boundaries of a subdivision shall be monumented in the field by surveyor's monuments of stone or concrete, not less than 30 inches in length, not less than four inches square or five 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 30 inches long and two inches in diameter. These monuments shall be placed not more than 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 shall be not less than 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.
- D. All internal subdivision boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a body of water changes its radius and at all angle points in any line.
- E. The lines of lots that extend to a lake or stream shall be monumented in the field by iron pipes at least 30 inches long and seven-eighths inch in diameter or by round or square iron bars at least 30 inches long. These monuments shall be placed at the point of intersection of the lot line with a meander line established not less than 20 feet back from the bank of the lake or stream.
- F. All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost or erosion.

### **Section 430.100 Development of Unsuitable Land**

- A. Land which may be unsuitable for development (i.e., 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 the present or future inhabitants of the subdivision and/or its surrounding areas) shall not be subdivided or developed unless adequate methods are formulated by the applicant to solve the problems created by the unsuitable land conditions.

### **Section 430.110 Plats Traversing Municipal Boundaries**

- A. Whenever access to the subdivision is required across land in an adjacent municipality or an unincorporated portion of St. Charles County, access shall be legally established and the access road shall be adequately improved or a

performance bond duly executed and sufficient in amount to assure the construction of the access road.

B. In general, lot lines should be laid out so as not to cross municipal boundary lines.

### **Section 430.120 Self-Imposed Restrictions**

A. If an owner places more stringent restrictions on land contained in a subdivision than those required by the City, such restrictions or reference thereto shall be required to be indicated on the record plat. Enforcement of more stringent restrictions on land shall be the sole responsibility of the property owner and/or property owners association.

### **Section 430.130 Lots**

A. Lot Arrangement

1. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning regulations herein and health regulations.

B. Lot Dimensions

1. Lot dimensions shall comply with the minimum dimensional standards of the applicable zoning district.
2. The minimum lot width and minimum lot area for cul-de-sac lots may be increased to ensure adequate spacing between driveways, in accordance with the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
3. Where lots are more than double the minimum required lot area for the zoning district, the City may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots in compliance with these regulations.
4. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will result in a more desirable street or lot plat.
5. Dimensions of corner lots shall be of such dimension to allow for erection of buildings, observing the minimum front yard setback from both streets.
6. Depth and width of properties suitable for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the zoning regulations.
7. Double frontage and reversed frontage lots shall be avoided except where necessary to overcome specific disadvantages of topography or orientation. Where double frontage and reversed frontage lots are allowed, driveways are only permitted on one frontage.
8. Flag lots and other irregularly shaped lots are discouraged.

C. Buffers from Railroads and Major Streets

1. In residential districts a buffer strip at least 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.
  2. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited".
- D. Where Future Resubdivision is Indicated
1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots having the potential for additional subdivision under the provisions herein, the City may require that such parcel of land provide for the future opening of streets or the ultimate extension of adjacent streets. Easements providing for the future opening and/or extension of such streets may be made a condition of plat approval. See also **Section 430.270**, *Future Extension of Streets*.

### **Section 430.140 Blocks**

- A. The arrangement of blocks shall accommodate lots and building sites of the size and character required for the zoning district as set forth in this Code.
- B. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.
- C. Blocks in residential subdivisions shall have sufficient width to provide for two rows of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways or subdivision property lines.
- D. Pedestrian ways or crosswalks, of not less than 10 feet of right-of-way, may be required through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.
- E. Blocks designed for industrial uses shall be of such length and width as may be determined suitable for prospective use.

### **Section 430.150 Access**

- A. No subdivision shall be approved unless the area to be subdivided shall have access to and access from a City approved street; or
  1. An existing State or County highway or road; or
  2. A street shown upon a plat recorded with the St. Charles County Recorder of Deeds. Such street shall be designed in accordance with the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*, and installed or financially assured in accordance with **Article IX**, *Required improvements and Guarantees*.
  3. Roads, streets or highways which provide access to, but are outside of, proposed subdivisions shall have adequate traffic volume capacity to accommodate the total trips to be generated by the subdivision when fully developed.

- B. Where a subdivision borders on or contains an existing or proposed primary arterial, the City may require that access to such streets be limited by one of the following means:
1. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided to a subdivision lot directly from the primary arterial. Screening shall be provided in a buffer strip of land to be deeded to the City along the rear property line of such lots.
  2. A series of cul-de-sac, U-shaped streets or short loops entered from and designed generally to intersect at right angles to such streets.
  3. A secondary access or service road separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

## **Article IV Property Owners Association and Trust Indentures**

### **Section 430.160 Property Owners Association**

- A. In any case where the establishment of common ground (including pedestrian walkways and cul-de-sac islands), private streets, private street lighting, drainage facilities such as detention basins, drainage pipes, ditches, clubhouses, pools, tennis courts or any other improvement or amenity that requires continuous maintenance, trust indentures creating a Property Owners Association shall be recorded simultaneously with the record plat.
- B. The trust indentures shall provide for proper maintenance and supervision by the elected officers of the Property Owners Association who are selected to act in accordance with the terms of such indentures and the applicable provisions of this Code.
- C. For single lot developments and developments with no common ground, the Community Development Director may accept a script certifying the means of maintenance on the record plat.
- D. Common ground shall be conveyed by the owner in fee simple absolute title by warranty deed to the Property Owners Association.
- E. The trust indentures shall provide that the common ground be for the benefit, use and enjoyment of the lot owners present and future. It shall be the responsibility of the elected officers of the Property Owners Association to maintain the common ground.
- F. No lot owner shall have the right to convey his/her interest in the common ground except as an incident of the ownership of a regularly platted lot.

### **Section 430.170 Property Owners Association Trustees**

- A. Any trust indentures required to be recorded, shall provide for not less than the following representation to purchasers of developed lots among the Property Owners Association trustees:
1. After 50 percent of the lots have been sold, one-third of the trustees shall be chosen by purchasers of developed lots;



2. After 75 percent of the lots have been sold, two-thirds of the trustees shall be chosen by purchasers of developed lots;
3. After all of the lots have been sold, all of the trustees shall be chosen by purchasers of developed lots.

#### **Section 430.180 Property Owners Association Use of Funds**

- A. The trust indentures shall provide that the subdivider/developer is prohibited from assessing lot owners or otherwise using Property Owners Association funds for items or matters that are not located within the bounds of the subdivision.
- B. The trust indentures shall also provide that the subdivider/developer is prohibited from assessing lot owners or otherwise using Property Owners Association funds for items or matters that are considered as improvements required of the subdivider/developer by the approved plat or plans. Such required improvements may include, but are not limited to, landscaping, subdivision entrance enhancements, recreation facilities and common ground parks and amenities, etc.
- C. The trust indentures shall provide for the annual reporting to the property owners and members of the Property Owners Association of all financial transactions made by, or on behalf of, the Property Owners Association. The financial and other records and meeting agenda and minutes will be open and available to any resident or property owner of the subdivision.

#### **Section 430.190 Establishing Trust Indentures**

- A. Each trust indenture shall be accompanied by a written legal opinion from an attorney licensed to practice in the State of Missouri, setting forth the attorney's legal opinion as to the legal form and effect of the deeds and trust indentures.
- B. The trust indentures shall be reviewed and approved by the Community Development Director and the City Attorney, prior to being filed with the Recorder of Deeds of St. Charles County and simultaneously with the recording of the record plat.
- C. The signing and recording of the trust indentures will follow the same procedures as filing an approved recorded plat as described in **Section 430.040, *Filing of Approved Record Plats***.

#### **Section 430.200 Trust Indenture Terms**

- A. The term of any trust indentures recorded pursuant to these regulations shall be for the duration of the subdivision.
- B. In the event the subdivision is vacated, fee simple title of common ground will vest in the then lot or unit owners as tenants in common. The rights of the tenants shall only be exercisable appurtenant to, and in conjunction with, their lot or unit ownership. Any conveyance or change of ownership of any lot or unit shall convey with it ownership in the common ground.
- C. No interest in the common ground shall be conveyed by a lot or unit owner except in conjunction with the sale of a lot or unit. The sale of any lot or unit shall carry with it all the incidents of ownership of the common ground whether or not expressly

mentioned in the deed; provided however, that no right or power conferred upon the trustees shall be abrogated.

### **Section 430.210 Trust Indenture Amendments**

- A. Amendments to trust indentures must be reviewed and approved by the Community Development Director and City Attorney, prior to being filed with the Recorder of Deeds of St. Charles County.
- B. The signing and recording of the amended trust indentures will follow the same procedures as filing an approved recorded plat as described in **Section 430.040, *Filing of Approved Record Plats.***

### **Section 430.220 Trust Indentures Content**

- A. Should the subdivider/developer be required to or choose to impose trust indentures on a parcel of property or subdivision within the City of Lake Saint Louis, the trust indentures should include, at a minimum, the following items and conditions:
  - 1. General Provisions
    - a. Definitions applicable to the land subdivision, the proposed development, and the responsibilities of both the subdivider/developer and the new property owner.
    - b. Applicable provisions from this Section establishing the trust indentures and terms.
    - c. General provisions identify other rights and restrictions that may be applicable to either the individual property owners or the Property Owners Association. These could include, but not be limited to:
      - (1) Enforcement of trust indentures
      - (2) Severability of trust indentures
      - (3) Amendments
      - (4) Utility easements
      - (5) Care and appearance of premises
      - (6) Garages
      - (7) Leases
      - (8) Noise
      - (9) Improvements
      - (10) Insurance
      - (11) Change of ownership
      - (12) Exterior planting
      - (13) Sidewalks
      - (14) Repair, maintenance, and replacement
      - (15) Trash containers
      - (16) Trash pick-up
      - (17) Fines
  - 2. Property Owners Association Provisions
    - a. General

- (1) Applicable provisions from this Section establishing Property Owners Associations and the terms.
  - (2) This section should establish association membership and voting rights of each individual lot owner and subdivider/developer of the project.
  - (3) This section should identify the process by which the subdivider/developer will turn over complete ownership of, and responsibility for, all common ground, elements and amenities.
- b. Property Rights
- (1) This section should establish the rights of each individual lot owner as well as the Property Owners Association, which shall be organized to maintain all elements and amenities of the development owned collectively by the individual lot owners.
  - (2) This section could also include details regarding fencing (if permitted in accordance with **Section 425.110**, *Fencing*), playground-type equipment and/or other structures that may be placed within the common elements.
- c. Funding
- (1) Association assessments and dues should detail how funding is determined for the maintenance and care of all common ground, elements and land in the development and the conditions under which both regular and special funding assessments are developed.
- d. Maintenance Responsibilities
- (1) This section shall identify and detail the responsibilities of both the Property Owners Association and individual lot owners of both the living units and common elements of the overall development.
- e. Architectural Control
- (1) This section identifies and details the type and material of such items as, but not necessarily limited to:
  - (2) Alterations, additions, changes and materials used within the development;
  - (3) Rules for dealing with requests for such items from the lot owners;
  - (4) Composition of any review board organized to address such requests;
  - (5) Fees (if any) for reviewing such requests;
  - (6) Fines for violations; and
  - (7) Requirement of City of Lake Saint Louis approval for any alterations, additions and/or changes, etc.
- f. Use Restrictions
- (1) This section shall identify the permitted type of dwelling unit allowed in the project as well as actions and/or items not permitted in the project. Such prohibitions could include, but not be limited to, the following subject matter:
    - (a) Fences and pools
    - (b) Commercial activities
    - (c) Livestock other than house pets

- (d) Parking of motor vehicles, boats and trailers
- (e) Overhead wiring
- (f) Laundry poles
- (g) Antennas
- (h) Fuel tanks
- (i) Temporary structures
- (j) Signs
- (k) Drilling and quarrying
- (l) Dumping
- (m) Sewage disposal
- (n) Water supply
- (o) Organized sporting events
- (p) Patios
- (q) Driveways
- (r) Hot tubs, jacuzzi, etc.
- (s) Exterior faucets
- (t) Pets
- (u) Fireplaces
- (v) Firewood

#### **Section 430.225 Business Associations**

##### **A. Applicability**

1. This Section shall apply to any Business Association as defined in **Section 410.090, General Terms.**

##### **B. Declaration**

1. The declaration, and any amendment thereto, shall be prepared and recorded in accordance with the requirements of this Article.
2. Any declaration, including any amendments thereto, existing as of September 21, 2020, but which have not been recorded with the St. Charles County Recorder of Deeds, must be recorded not later than January 10, 2021.

##### **C. Incorporation**

1. Upon approval of any nonresidential subdivision, if not already provided to the City, the developer thereof shall provide the City with proof that the business association has been organized or incorporated in the State of Missouri.
2. Upon request by the City, the business association shall provide to the City proof that the business association is in good standing with the State of Missouri.

##### **D. Governing Documents**

1. The governing documents of any business association, as well as any rules or regulations adopted by the business association, including amendments thereto, must be:
  - a. Made accessible to a member upon the request of the member in a reasonably accessible format, including by electronic mail (unless the member has requested a different format);

- b. Posted in a conspicuous place in a common area in the nonresidential subdivision; or
    - c. Available on an internet website maintained by the business association, where they may be downloaded by a member.
  - 2. Upon request by the City, the business association will provide the City with a copy of its current governing documents, if any.
- E. Meetings
  - 1. A business association shall hold member meetings at least annually or more frequently as set forth in accordance with the declaration.
- F. Failure to Create or Maintain a Business Association
  - 1. In the event that any now or hereafter existing nonresidential subdivision either fails to have a business association organized or incorporated, or such business association is allowed to be dissolved or otherwise fails to perform the obligations required of it under the declaration, then, in any such event, the following provisions shall apply:
    - a. The members of the nonresidential subdivision shall be responsible for the maintenance, repair, improvement, or replacement of common ground or common elements in the nonresidential subdivision.
    - b. In the event the members of the nonresidential subdivision fail to maintain, repair, improve, or replace the common ground or common elements in the nonresidential subdivision, and, in the reasonable judgment of the City Administrator, such failure results in a violation of the City's Code, then, in such event, the City may make such necessary maintenance, repair, improvements, or replacements, and shall assess the costs incurred by the City against the members as provided in the declaration, or if there is no method for assessment provided in the declaration, on a pro rata basis as reasonably determined by the City.

## **Article V Streets and Thoroughfares**

### **Section 430.230 General**

- A. Roads shall be graded and improved and conform to the City of Lake Saint Louis street and highway construction standards and specifications and shall be approved as to design and specifications by the Public Works Director in accordance with the improvement plans required to be submitted prior to record plat approval.

### **Section 430.240 Street Names**

- A. To avoid duplication and confusion, the proposed names of all streets shall be approved by St. Charles County prior to preliminary plat approval and such names being assigned or used.
- B. A street which is or is planned as a continuation of an existing road shall bear the same name.

- C. 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 Public Works Director.

#### **Section 430.250 Street Lights**

- A. Installation of street lights shall be required in accordance with design and specification standards included in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

#### **Section 430.260 Street Arrangement and Connectivity**

- A. Street alignments shall conform to the maximum degree possible to the existing topography.
- B. Local roads shall be designed to:
  - 1. Discourage through traffic, except when creating a street network to distribute traffic across multiple roads as recommended by a traffic engineer to provide desired levels of service on roads;
  - 2. Permit efficient drainage and utility systems;
  - 3. Obtain as many as possible of the building sites at, or above, the grades of the streets. A combination of steep grades and curves shall be avoided; and
  - 4. Meet specific standards contained in this Article and the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
- C. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
- D. Arterial streets shall be properly related to special 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.
- E. In commercial and industrial developments, street and other access ways shall be planned taking into consideration the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

#### **Section 430.270 Future Extension of Streets**

- A. The arrangement of streets shall provide for the continuation of arterial, collector or local streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the adopted plans and policies of the City.
- B. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions.
- C. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary turn around shall be provided in accordance with the adopted Fire Code.
- D. See also **Section 430.130, Lots**.

### **Section 430.280 Dead-End Streets (Permanent)**

- A. A cul-de-sac turnaround shall be provided at the end of permanent dead-end streets in accordance with construction standards and specifications for streets herein for convenience to traffic and effective access by emergency vehicles and first responders, except where acceptable alternative means of turnaround or access is provided, as determined by the Public Works Director following consultation with emergency service providers.
- B. The City may require dedication of appropriate right-of-way and/or the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities.

### **Section 430.290 General Design Standards for Streets**

- A. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to emergency response vehicles, snow removal, sanitation, and street maintenance equipment and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the streets shall be designed in accordance with the standards outlined in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

### **Section 430.300 Street Surfacing and Improvements**

- A. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced streets to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Public Works Director. Adequate provision shall be made for culverts, drains and bridges.
- B. All street pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the improvement plans required to be submitted by the developer for plat approval. See *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

### **Section 430.310 Excess Right-Of-Way**

- A. Right-of-way widths in excess of the standards designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of 3-to-1 except where embankments in excess of this ratio are otherwise stabilized to the satisfaction of the Public Works Director.

### **Section 430.320 Road Dedications and Reservations**

- A. Where a subdivision borders an existing street of substandard width or when plans adopted by the City, St. Charles County, or the Missouri Department of Transportation identify the realignment or upgrading of a street that would require

use of some of the land in the subdivision, the applicant shall, at the applicant's expense, be required to improve, dedicate, and/or reserve such areas for widening or realignment of such streets.

- B. Such streets shall be improved, dedicated, and/or reserved by the applicant at his/her own expense to the full width as required by these regulations.
- C. Land dedicated or reserved for any street purposes may not be counted in satisfying yard or area requirements.

## **Article VI Soil Preservation, Grading and Seeding**

### **Section 430.330 Soil Stabilization During Construction**

- A. Prior to issuance of a permit for lot or common improvements including streets and other public areas, the applicant shall submit an erosion and sediment control plan per **Chapter 540, *Erosion and Sedimentation Control Regulations***, and in accordance with regulations and standards found in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
- B. Sediment control elements shall be installed and implemented prior to commencement of the development process.
- C. Piles of dirt located on the development site shall be leveled within 60 days after excavation. Piles of dirt may remain longer with approval from the Public Works Director based on erosion and sediment control measures remaining in place.

### **Section 430.340 Soil Preservation and Final Grading**

- A. No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved grading plans.
- B. Each lot shall be covered with topsoil containing no particles over two inches in diameter except where the grade has not been changed or natural vegetation seriously damaged.
- C. Topsoil shall be stabilized by sod and planting or another method approved by the Public Works Director.
- D. Where inadequate natural vegetation exists or where it becomes necessary to remove existing natural vegetation, temporary vegetation or mulching should be installed promptly to minimize inevitable soil loss and to ensure that soil losses are kept within tolerable limits as prescribed in **Section 430.330, *Soil Stabilization During Construction***.

### **Section 430.350 Lot Drainage**

- A. Lots shall be laid out so as to provide positive drainage away from all buildings.
- B. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- C. Drainage shall be designed in accordance with regulations included in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.



### **Section 430.360 Lawn-Grass Sod**

- A. All exposed earth except gardening beds shall be planted.
- B. No certificate of occupancy shall be issued until vegetation has been established, except in accordance with **Section 425.050, *Installation***.
- C. Sod may be used to comply with any requirement of seeding set forth herein.

### **Section 430.370 Debris and Waste**

- A. The burying of organic matter, junk, and rubbish shall be prohibited. Other material such as rock fill may be placed with guidance from a qualified engineer.
- B. All trucks and other mobile construction equipment shall be cleaned on site and prior to leaving the site to prevent soil deposits on City streets.

### **Section 430.380 Bank Stabilization**

- A. All existing and proposed subdivision lots and other water frontage shall be stabilized in accordance with adopted City standards.
- B. Existing subdivision lots not in conformance with City standards, shall have three years from adoption of the standards to comply.
- C. Penalty for non-compliance shall be in accordance with **Section 100.210** of the Municipal Code, *General Penalty*.

### **Section 430.390 Safety Barrier**

- A. Subdivisions may be required to include safety barriers wherever a hazardous condition may exist.
- B. The safety barrier shall be constructed according to standards established by the Public Works Director.
- C. Safety barrier maintenance shall be the responsibility of the individual property owner unless otherwise provided for by subdivision covenants and restrictions.
- D. No certificate of occupancy shall be issued until said improvements have been installed.

## **Article VII Drainage and Stormwater Control Standards**

### **Section 430.400 Purpose**

- A. Two consequences of construction and development are the increased runoff created by the changed properties of the ground surface and the rate of discharge of this increased runoff. These are both of great relevance to stormwater management.
- B. The natural condition of the land before development is in relative balance with the natural capacity of the receiving creeks. Normally, the undeveloped conditions provide greater permeability and longer times of concentration.
- C. By modification of the ground surface from the irregular, pervious and vegetation-covered, the areas are changed to more impervious, more quickly drained and, in some cases, denuded of vegetation.
- D. It is the policy of the City to protect and promote the public health, safety and general welfare.

- E. The management of stormwater will reduce the erosion on land and creek channels, will reduce the possibility of damage to public and private property, will assist in the attainment and maintenance of water quality standards and will preserve the environmental quality of the watercourses in the City.

#### **Section 430.410 Enforcement**

- A. This Article shall be managed and enforced by the Public Works Director.
- B. Any person who violates any provision of this Article and is found guilty in Municipal Court shall be subject to the penalties administered by the courts with a fine not to exceed \$500.

#### **Section 430.420 Permit Required**

- A. No person shall uncover, make any connection with or opening into, use, alter or disturb any public or private storm sewer, stormwater facility or stormwater structure without first obtaining a written permit from the Public Works Director.
- B. All plans for stormwater construction or alteration shall be approved by the Public Works Director prior to the beginning of any such work.
- C. A permit application form will be provided by the City and be made available through the Public Works Department.
- D. The permit application shall be supplemented by plans, specifications and other information as required in this Article or by the Public Works Director.
- E. A permit cannot be issued without the completed application form, permit fees and all the supplemental plans, specifications and other information as required.

#### **Section 430.430 Permit Fees and Guarantees**

- A. The permit fee for storm drainage facilities shall be set annually and maintained on the official fee schedule with the Public Works Department. This charge is not refundable.
- B. The provisions of **Article IX, *Required Improvements and Guarantees*** shall apply to any stormwater facility modification or construction.
- C. The Public Works Director shall establish the amount of the required financial guarantee, if any, required as part of the permit application.

#### **Section 430.440 Permit Procedure**

- A. Preliminary Construction Plans
  - 1. In advance of any planned storm sewer work, the owner of the site or his agent shall cause to have submitted preliminary construction plans on the project to the Public Works Director for review and comment.
- B. Final Construction Plans
  - 1. After approval of said preliminary plans, the owner or his agent shall submit final plans, specifications, calculations, all required additional information, a permit application form, all financial guarantees and the permit fee to the Public Works Director for approval.
- C. Staff Review

1. These submitted materials will be reviewed for compliance with the ordinances and standards of the City.
2. Any and all errors or omissions on any part of the submitted material shall be corrected by the owner or the owner's agent prior to issuance of a permit for the work.
3. The Public Works Director may impose such conditions or requirements upon the issuance of a permit as the Public Works Director deems necessary or proper to assure the safety of the public and faithful compliance with City ordinances and standards.
4. All appropriate approvals from the United States Army Corps of Engineers and Missouri Department of Natural Resources must be acquired and submitted to the Public Works Director prior to issuance of a stormwater permit.
5. Only after review and approval by the Director of Public Works of all the required documents as detailed in this Article and payment of all fees, financial guarantees, a permit will be issued for the proposed work.

D. Additional Permits

1. A separate excavation permit will be required for any portion of the work within City rights-of-way.

E. Permit Violations

1. If any action is taken that is inconsistent with a permit, or if any remedial action required by the City is not taken as directed, the Public Works Director may issue a stop-work order.
2. The stop-work order shall direct all parties to cease and desist any or all portions of the work, except such work necessary to comply.
3. If such stop-work order is ignored, the parties shall be in violation of this Chapter and shall be subject to the penalties contained herein.

F. Permit Period of Validity

1. A permit issued under this Article shall expire one year from the date of issuance.

G. Extensions

1. The Public Works Director may, for due cause shown, extend any permit for additional one year periods after complete review of all plans and examination of work accomplished and proposed.
2. Requests for extensions shall be made at least 30 days prior to the expiration date of such permit. In no case shall permit be extended if the provisions of this Article have not been complied with.

### **Section 430.450 Standards**

A. Intent

1. The purpose of this Section is to establish standards for maintenance of detention basins and stormwater management systems. Standards for maintenance will ensure that detention basins and stormwater management systems function properly after they are constructed.

2. No developer, trustee or owner of property regulated by this Article shall permit stormwater to be collected or discharged in detention basins or stormwater management systems in any manner that injures the property of others.
3. Detention basins and stormwater management systems shall be maintained to a reasonable degree of maintenance.
4. No modifications shall be made to any detention basins or stormwater management systems without a permit from the City.

**B. Aeration Requirements**

1. When retention ponds are planned in a subdivision to control stormwater runoff, the developer shall provide a means of aerating or circulating the water in the retention ponds to minimize future water stagnation and the breeding of mosquitoes.
2. The equipment installed to aerate or circulate the water shall be installed upon the completion of the retention pond, establishment of ground cover after rough grading, and prior to the release of erosion control and/or stormwater financial guarantees.
3. The City shall approve the proposed method by the developer to aerate or circulate the water in the retention pond. Methods used to aerate or circulate the water in the retention ponds may include, but are not limited to, systems such as fountains, circulation or bubblers.

**C. Nature of Stormwater Facilities**

1. Location
  - a. To carry away surface water that may exist either previously to, or as a result of, the subdivision.
  - b. Such drainage facilities shall be located in perpetual unobstructed easements of appropriate width.
2. Effect on Downstream Drainage Areas.
  - a. Where it is anticipated that the additional runoff incident to the development of the subdivision will adversely impact an existing downstream drainage facility, the Planning and Zoning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.
  - b. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

**Section 430.460 Maintenance and Inspection**

**A. Maintenance**

1. The developer of a subdivision shall have responsibility for the maintenance of detention basins and stormwater management systems in the subdivision until such time as the construction financial guarantee for the development of the subdivision has been released.
2. Prior to the release of the construction financial guarantee, the developer shall establish an indenture of trust for the subdivision.

3. Upon release of the construction financial guarantee for the development of the subdivision, the responsibility for the maintenance of detention basins and stormwater management systems in the subdivision shall vest in the trustees of the subdivision pursuant to the indenture of trust.
  4. In absence of an enforceable or valid indenture of trust or trustees for a subdivision, responsibility for the maintenance of detention basins and stormwater management systems in the subdivision shall vest jointly and severally in the owners of property in the subdivision.
  5. Single Lot Developments
    - a. The responsibility for maintenance of detention basins and stormwater management systems in a single-lot development shall vest jointly and severally in the developer and owner of the single-lot development until final inspection of the single-lot development is approved and an occupancy permit is issued.
    - b. Upon occupancy, responsibility for the maintenance of detention basins and stormwater management systems in a single-lot development shall vest in the owner of the single-lot development.
  6. Unsafe Conditions
    - a. Causing any detention basin or stormwater management system to be a danger to the public health and safety because of any unsafe condition or because of any failure to provide a reasonable degree of maintenance shall constitute a violation of this Code. Each day on which any such condition is caused to exist shall be deemed a separate offense.
    - b. Any defendant charged with a violation of this Section shall be issued a summons directing an appearance before the Municipal Court of the City for purpose of adjudicating the violation. Any defendant found to violate this Section shall, upon conviction, be fined not more than five hundred dollars \$500 or imprisoned as determined by the Judge, or any combination of both, and pay court costs.
    - c. Nothing herein shall preclude the City from taking such other lawful action as is necessary to prevent or remedy any violation.
- B. Inspection
1. The Public Works Director, or the Public Works Director's designee, shall inspect, or cause to be inspected, all detention basins and stormwater management systems in the City. Following any inspection, the Public Works Director shall determine the condition of any detention basin and stormwater management system and whether developers, trustees or owners provided a reasonable degree of maintenance to the same.
  2. If a detention basin or stormwater management system is a danger to the public health and safety because of an unsafe condition or because one or more developers, trustees or owners failed to provide a reasonable degree of maintenance, such condition is hereby declared to be a nuisance. The Public Works Director shall take such action as may be necessary to protect the public

health and safety, including requiring the abatement of any nuisances described herein under the procedures set forth in Sections **220.010** through **220.200**.

### **Section 430.470 Easements**

#### **A. General Requirements**

1. Where a subdivision is traversed by a watercourse drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose.

#### **B. Drainage Facilities**

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 15 feet in width shall be provided across property outside the road lines and with satisfactory access to the road.
2. The minimum width and location of the drainage easements may be modified by the Public Works Director upon consideration of the proposed width of lots in the subdivision, the overall subdivision drainage plan, and the minimum width needed for repair and service vehicle access.
3. Easements shall be indicated on the preliminary plat and improvement plans.
4. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
5. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the subdivision plat and detailed site plan.
6. The applicant shall dedicate to the City, either in fee simple or by drainage or conservation easement, land on both sides of existing streams and drainage areas to a distance to be determined by the City. Alternatively, the City may require drainage areas be established by subdivision indenture to be maintained in perpetuity by the subdivision property owners.
7. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Permanent structures shall not be allowed on such land or lands subject to periodic flooding.

### **Section 430.480 Variances**

- A. Where undue hardship results from compliance with this Article, a developer, trustee or owner of property may petition for a variance following the procedure outlined in **Section 405.230**, *Variance*.
- B. The Board of Adjustment may approve a variance so that substantial justice may be done, and the public interest may be served, provided that any such variance shall not have the effect of nullifying the purposes of this Article and further provided that the Board of Adjustment shall not grant the variance unless it determines that:

1. The granting of the variance will not be detrimental to the public health and safety or injurious to other property or improvements;
  2. The conditions upon which the request for variance is based are unique to the property for which the variance is sought, are not applicable generally to other property and are not self-imposed; and
  3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the developer, trustee or owner would result, as distinguished from a mere inconvenience.
- C. In recommending a variance, the City may require such conditions as will secure substantially the objectives of the standards of this Article.
- D. A petition for a variance shall be submitted at the time of filing for a preliminary plat or for application for a building permit. The petition shall state fully the grounds for the request and all facts relied thereon.

## **Article VIII Utilities**

### **Section 430.490 Public Water Supply**

- A. Necessary action shall be taken by the applicant to obtain water for the purpose of providing water to the subdivision suitable for human consumption, normal residential, business and industrial uses, and fire protection.
- B. Where the public water supply main is reasonably accessible, the subdivision shall be provided with a complete water distribution system adequate to serve the needs of the area being platted or developed, including a connection for each lot and appropriately spaced fire hydrants.
- C. Individual water systems (wells) shall not be allowed on lots of less than three acres in area.
- D. The subdivider shall install adequate water facilities (including water hydrants) subject to the specifications of the City and the appropriate water company.
- E. Water main extensions shall be approved by the appropriate water company.
- F. The location of all fire hydrants, all water supply improvements and the boundary lines of the 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 construction financial guarantee provided by the developer.

### **Section 430.500 Fire Hydrants**

- A. Fire hydrants shall be required for all subdivisions.
- B. Fire hydrant locations shall be approved by the applicable fire protection district.
- C. All underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements in the street right-of-way, shall be installed before any final paving of a street shown on the subdivision plat.

### **Section 430.510 Private Wells**

- A. Standards Adopted

1. The Missouri Private Well Construction Standards — Rules and Organizational Structure for Section 256.600, RSMo., is hereby adopted in its entirety. A copy of said document shall be on file in the office of the City Clerk.

**B. Other Standards**

1. All private wells are to be constructed in accordance with Missouri Private Well Construction Standards and Missouri Public Drinking Water Regulations.
2. All properties contained within the City operating on a private well at the time this Article is adopted will be grandfathered. The property owners will be permitted to complete maintenance and repair work on their well. Providing the use of the property and boundary limits do not change, a replacement well will be permitted. All new wells are to be constructed in accordance with Missouri Private Well Construction Standards.
3. Every abandoned or contaminated well shall be sealed in accordance with the recommendations of the Missouri Department of Natural Resources groundwater geologist. For the purposes of this Section, the term “contaminated” shall mean any condition which is hazardous to the aquifer and thereby endangers neighboring property or people.
4. Irrigation wells are permitted for the purpose of irrigating crops, lawns and recreational facilities such as golf course. Such wells are to be constructed to non-community water supply specifications, 10CSR 60-3.010 of the Missouri Public Drinking Water Regulations.

**Section 430.520 Sanitary Sewers**

- A. The applicant or its successors shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications.
- B. All parcels of land improved for human occupancy in the City of Lake Saint Louis, after the date of adoption of this code, shall be required to connect to the area public sewer system.
- C. On-site sanitary sewer package plants are prohibited within the corporate limits.

**Section 430.530 Other Utilities**

- A. All utility facilities including, but not limited to, gas, electric cables and telephone cables shall be located underground throughout the subdivision.
- B. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat.
- C. Underground service connections to each platted lot shall be installed at the developer's expense.
- D. 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 principal use.



### **Section 430.540 Easements**

- A. Easements at least 15 feet in width shall be provided for utilities (private and municipal). Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements.
- B. Where topographical or other conditions are such as to make impractical the inclusion of utilities along rear lot lines, perpetual unobstructed easements shall be provided alongside lot lines with satisfactory access to the road or rear lot lines, in accordance with the following:
  - 1. Lots wider than 50 feet shall provide 7.5 foot or wider easements creating a 15-foot or wider utility easement corridor along all side yards.
  - 2. Lots 50 feet or less in width shall provide easements on one side yard in a manner that creates a minimum 15-foot utility corridor at every other side yard.
  - 3. Corner lots shall provide 15-foot or wider utility easement corridors along both sides of the lot.

## **Article IX Required Improvements and Guarantees**

### **Section 430.550 Improvement Plans**

- A. It shall be the responsibility of the developer to have an engineer registered in the State of Missouri prepare a complete set of engineering plans in accordance with all applicable City codes for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat and/or site plan.
- B. All plans and supporting engineering reports for improvements required by this Article shall be reviewed and approved in accordance with **Section 405.180, *Improvement Plans***.

### **Section 430.560 Improvements Required**

- A. Developers are responsible (both physically and financially) for the installation of the following subdivision improvements in accordance with the standards of this Code in addition to any federal, state or local standards:
  - 1. Monuments
  - 2. Sidewalks
  - 3. Utilities
  - 4. Fire hydrants
  - 5. Erosion control measures
  - 6. Streets
  - 7. Street lights
  - 8. Topsoil, landscaping and screening
  - 9. Traffic control signs and markings
  - 10. Easements
  - 11. Any other subdivision improvements required as a condition of plat approval
- B. Required improvements shall be installed within the improvement completion period approved by the Public Works Director, which shall not exceed two years, unless an

extension is granted pursuant to **Section 430.630, Release of Construction Financial Guarantees.**

**Section 430.570 Inspections and Fees**

A. Inspections

1. The Public Works Director shall inspect each category of improvement or utility work within 20 business days after a request for such inspection has been filed with the Public Works Director by the developer, and no inspection shall be required until such request is received by the Public Works Director. For purposes of this Article, an inspection request shall constitute and occur only on a completed written request on a form that shall include:
  - a. The category of improvement reflected in the financial guarantee agreement that is requested to be inspected; and
  - b. A verified statement from the representative officer of the developer attesting that the information in the inspection request is true and accurate.
2. Nothing herein shall preclude the Public Works Director from completing additional inspections at his/her discretion or as a courtesy to the developer.

B. Inspection Fees

1. The inspection fees listed in **Table 430.570.B, Inspection Fees** are required for all projects subject to this Article and shall be paid in full prior to the recording of the subdivision plat, the issuance of any permits, and the performance of any inspections:

**Table 430.570.B, Inspection Fees**

Estimated Cost of Improvements	Inspection Fees
Less than \$1,000,000	3% of the estimated cost of improvements
\$1,000,000 to \$4,000,000	\$30,000 + 2% of the estimated cost of improvements above \$1,000,000
\$4,000,000 to \$6,000,000	\$90,000 + 1% of the estimated cost of improvements above \$4,000,000
Greater than \$6,000,000	Negotiable

**Section 430.580 Completion of Improvements**

- A. After the improvement plans have been approved and all inspection fees paid, but before the record plat is approved by the City for recording, the developer must complete or guarantee the completion of required improvements and guarantee maintenance of such improvements. Except as expressly provided in **subsection B**, the developer must either:
  1. Complete the required improvements in accordance with the approved improvements plans and provide a maintenance agreement and maintenance financial guarantee; or

2. Establish a construction financial guarantee and a separate maintenance financial guarantee.
- B. No financial guarantee is required with the City for water, gas, electric or sanitary sewers required by another political subdivision of this State if such political subdivision confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any existing guarantee, escrow or renewal, extension or replacement thereof.
- C. The Public Works Director may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.

### **Section 430.590 Financial Guarantee Options**

- A. Required construction financial guarantees and maintenance financial guarantees may be in the form of cash, letter of credit or surety bond. A financial guarantee agreement in accordance with **Section 430.610, *Financial Guarantee Agreements***, must be provided with each financial guarantee.
- B. Cash Deposits
  1. Interest on cash deposits will accrue to the City to offset administrative and other costs of maintaining the cash deposits.
- C. Letters of Credit
  1. Letters of credit must be in the form of an irrevocable letter of credit drawn on a local financial institution, in a form approved by the City Attorney.
  2. The instrument may not be drawn on any financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the developer.
  3. A letter of credit must provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the developer's improvement and maintenance obligations and may be reduced from time to time in writing upon direction of the Community Development Director.
  4. A letter of credit must be irrevocable for least one year, provide for automatic renewal and no termination without notice to the City.
- D. Surety Bond
  1. Surety bonds must be issued by one of the top three rated surety bond carriers (as rated by A.M. Best and Company), in a form approved by the City Attorney.
  2. Surety bonds must be payable at a local financial institution, with a final expiration date of not less than six months after the initial period allowed for completion of the required improvements.
  3. Surety bonds must be drawn in favor of the City and guarantee to the City the unlimited availability, from time to time upon demand, of the balance under the financial guarantee agreement to guarantee the improvement and maintenance obligations of the developer.

### **Section 430.600 Amount of Financial Guarantees**

- A. The amount of a required construction financial guarantee must be at least equal to 110 percent of the City's estimate of the cost of the construction, completion and installation of required improvements.
- B. The amount of a required maintenance financial guarantee must be at least equal to 10 percent of the City's estimate of the cost of the construction, completion and installation of required improvements.
- C. If improvements are required to be installed before recording of the record plat, the construction financial guarantee amount must be reduced by the estimated cost of already-installed improvements.

### **Section 430.610 Financial Guarantee Agreements**

- A. Separate financial guarantee agreements must be provided with each construction and maintenance financial guarantee.
- B. The financial guarantee agreements shall be entered into with the City, shall require the developer to agree to fulfill the obligations imposed by this Article and shall have such other terms as the City Attorney may require consistent with this Article.
- C. The financial guarantee agreements shall be approved by the Board of Aldermen by ordinance. At the discretion of the Public Works Director or the Community Development Director, permits may be issued prior to ordinance approval upon receipt of a signed financial guarantee agreement, financial guarantee, and inspection fees.

### **Section 430.620 Acceptance of Dedication Offers**

- A. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by ordinance of the Board of Aldermen. The approval of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any streets, public areas, easements or parks shown on said plat.

### **Section 430.630 Release of Construction Financial Guarantees**

- A. Authority
  - 1. The Public Works Director or the Community Development Director may authorize release or reduction of required construction financial guarantees. Such releases or reductions may be authorized only upon completion, inspection and approval of required improvements by the Public Works Director.
- B. Extension of completion period
  - 1. If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the Public Works Director or the Community Development Director may grant an extension to the improvement completion period for a period of up to two years
  - 2. In order to grant the extension, the Public Works Director or the Community Development Director must determine that the extension is necessary to facilitate

adequate and coordinated provision of transportation, sanitary sewer, playgrounds, or other improvements, facilities or requirements.

3. In the event of an extension, financial guarantees must be extended and approved by the Public Works Director or the Community Development Director.
4. The City may require as a condition of the extension, execution of a new agreement, recalculation of financial guarantee amounts, or satisfaction of new development ordinance requirements or other reasonable conditions.

C. Financial Guarantee Release Procedure

1. After completion of any component of the required improvements, the City shall release the original construction financial guarantee in accordance with Section 89.410, RSMo., as amended.
2. The City is authorized to establish the improvement categories, which may consist of improvement components or line items to be utilized for calculation of financial guarantee amounts, but such categories, components, and line items in no way modify or reduce the developer's guarantee as to all required improvements, irrespective of any release or completion of any category, or underlying component or line item.
3. All improvements in a category may be deemed complete only when:
  - a. Each and every component and line item within a category for the entire subdivision has been constructed and completed as required;
  - b. The developer has notified the City in writing of the completion of all components of the category, provided all necessary or requested documentation, and requests an inspection;
  - c. The developer is not in default or in breach of any obligation to the City under this Article including, but not limited to, the City's demand for maintenance or for deposit of additional sums for the subdivision; and
  - d. The inspection has been completed and the results of the inspection have been approved in writing by the Public Works Director.

D. Effect of Release

1. After release of the construction financial guarantee, the developer will continue to be responsible for defects, deficiencies and damage to public streets and other required improvements during development of the subdivision.
2. Inspection and approval of any or all required improvements does not constitute acceptance of the improvement by the City as a public improvement for which the City bears any responsibility.

E. Final Construction Financial Guarantee Release

1. Upon final inspection and approval of all required improvements, as determined by the Public Works Director or the Community Development Director, the remaining amount of the construction financial guarantee must be released.

## **Section 430.640 Maintenance Guarantees**

### **A. Scope**

1. Upon commencement of installation of the improvements within the subject subdivision, the developer is responsible for maintenance of those improvements including those on undeveloped lots and landscaping in common areas. This maintenance shall include:
  - a. Repair or replacement of all defects, deficiencies and damage to improvements that may exist or arise;
  - b. Abatement of nuisances caused by improvements;
  - c. Removal of mud and debris from construction sites and streets;
  - d. Erosion control;
  - e. Grass cutting and replacement of dead and damaged landscaping; and
  - f. Removal of construction debris from building lots and common/open space tracts.
- B. Duration
  1. Maintenance guarantees must remain in place until occupancy permits have been issued on 80 percent of the buildable lots in the subdivision or plat.
  2. The maintenance obligation for improvements to existing public streets or other existing public infrastructure already maintained by a governmental entity terminate after the date that such improvements have been accepted.
  3. The developer's street de-icing and snow removal obligations terminate on the date that the subject street is accepted for public maintenance.
- C. Amount and Use
  1. Maintenance financial guarantees will be retained by the City to guarantee maintenance of required improvements.
  2. Maintenance financial guarantees may be used, by order of the Public Works Director or Community Development Director, to defray or reimburse any costs to the City of maintenance or repair of improvements related to the subdivision that the developer fails or refuses to perform. Such costs include off-site damage caused by deficiencies in the improvements or failure of maintenance.
  3. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the Public Works or Community Development Director must provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City.
  4. The Public Works Director and Community Development Director have authority to require the maintenance financial guarantee to be replaced or replenished by the developer in any form permitted for an original financial guarantee where the amount remaining is determined to be insufficient or where the maintenance financial guarantee was drawn upon by the City for maintenance.
  5. In determining the amount of maintenance financial guarantee to be held, portions of the financial guarantee amount that were attributable to improvement that have been accepted by any third-party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by the entity. The Public Works or Community Development Director may approve such further releases if they determine, after

inspection of the improvements, that the total maintenance amount retained exceeds the amount necessary for completion of the maintenance obligation, after all reasonable contingencies are considered.

D. Final Maintenance Financial Guarantee Release

1. Upon expiration of the developer's maintenance obligations, the Public Works Director must perform a final inspection of the required improvements. Funds must then be released if there are no defects or deficiencies found and all other obligations are shown to be satisfied during the inspection, or at such time as any defects or deficiencies are cured with the permission of, and within the time allowed by, the Public Works Director. This release does not constitute indemnification or release of any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any financial guarantee have been released.

**Section 430.650 Failure to Complete Improvements**

- A. The obligation of the developer to construct, complete, install and maintain improvements shown on the approved engineering plans and provide continuing street maintenance does not cease until the developer is officially released from such obligations by the City.
- B. No financial guarantees, agreements or obligations may be assigned by the developer without the express written approval of the City, in a form approved by the City Attorney.
- C. If, after the improvement completion period and any extensions granted, the improvements indicated on the approved engineering plans are not constructed, completed, installed, accepted and maintained as required, or if the developer violates any provision of the financial guarantee agreement, the Public Works Director or Community Development Director may notify the developer to show cause, within 10 days, why the developer should not be declared in default.
- D. Unless good cause is determined to exist by the Public Works Director or Community Development Director, no building or other permit may be issued to the developer in the subdivision during any period in which the developer is in violation of the financial guarantee agreement or City Code relating to the subdivision.
- E. If the developer fails to cure any default or present compelling reason why no default should be declared, the Public Works Director or Community Development Director must declare the developer in default and take any one or more of the following actions:
  1. Deem the balance under the financial guarantee agreement forfeited to the City, in which case the funds will be placed in an appropriate account subject to the order of the Public Works Director or the Community Development Director for the purpose of letting contracts to bring about the completion or maintenance of the improvements indicated on the approved engineering plans or other appropriate purposes in the interest of the public safety, health and welfare;
  2. Require the developer or surety to pay to the City the balance of the surety; or

3. Require the developer to submit an additional cash sum sufficient to guarantee the completion or maintenance of the improvements indicated on the approved engineering plans after recalculation in order to allow for any inflated or increased costs of constructing or maintaining the improvements.
- F. The failure of a developer to complete the improvement obligations within the time provided by the agreement (or any extension granted by the City), and including the payment of funds to the City due to such failure or an expiration of a letter of credit, will be deemed an automatic act of default entitling the City to all available remedies without further or prior notice.
- G. It is the developer's sole responsibility to request an extension of any financial guarantee agreement if the improvements are not completed in the original time period provided by the financial guarantee agreement. No right to extension exists or should be assumed.

### **Section 430.660 Other Remedies for Default**

#### **A. Applicability**

1. The other remedies provided in this Section may be used if:
  - a. The developer or surety fails to comply with the Public Works Director's or Community Development Director's requirements for payment; or
  - b. The developer fails to complete the improvements as required; or
  - c. The developer otherwise violates the financial guarantee agreement provisions; or
  - d. There is a risk that development will continue in the subdivision without the timely completion of improvements or compliance with financial guarantee agreement provisions.

#### **B. Available Remedies**

1. The following "other remedies" are authorized:
  - a. The Public Works Director or Community Development Director may suspend the right of anyone to build or construct on the undeveloped portion of the subdivision.
    - (1) For the purpose of this provision, the undeveloped portion of the subdivision means all lots other than lots that have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy.
    - (2) The Public Works Director or Community Development Director must give the developer at least 10 days written notice of an order under this subsection, with copies to all sureties who have outstanding obligations for any undeveloped portion of the subdivision.
    - (3) If, within the 10-day period after notice is given, the Public Works Director or Community Development Director determines that completion of the improvements and maintenance of streets has not been adequately assured, they may order construction suspended on the undeveloped portion of the subdivision.



- (4) The order must be served on the developer, with a copy to the issuer of the surety, and a copy recorded with the County Recorder of Deeds. Public notice of the order must be conspicuously and prominently posted by the Public Works Director or Community Development Director at the subdivisions or lots subject to the order. No City official may authorize construction to take place contrary to the order.
  - (5) The suspension may be rescinded in whole or in part only when the Public Works Director or Community Development Director is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance provided.
- b. The Public Works Director or Community Development Director may suspend the rights of the developer, or any related entity, to construct structures in any development platted after the effective date of the suspension throughout the City's jurisdiction.
- (1) The Public Works Director or Community Development Director must give the developer at least 10 days written notice of an order under this clause, with a copy to sureties known to have obligations outstanding on behalf of the developer or related entities.
  - (2) Public Works Director or Community Development Director must record an affidavit of the notice with the County Recorder of Deeds.
  - (3) If, within the 10-day period after notice is given, the Public Works Director or Community Development Director determines that completion of the improvements and maintenance of streets has not been adequately assured, they may order construction suspended.
  - (4) The order must be served upon the developer, with a copy to the surety, and a copy recorded with the County Recorder of Deeds. No City official may authorize construction to take place contrary to the order.
  - (5) The suspension may be rescinded in whole or in part only when the Public Works Director or Community Development Director is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance provided.
- C. Related Entities
1. For purposes of this section, a developer is a "related entity" of another person:
    - a. If either has a principal or controlling interest in the other; or
    - b. If any person, firm, corporation, association, partnership, or other entity with a controlling interest in one has a principal or controlling interest in the other.
  2. The identification of related entities must be supported by documentation from the Secretary of State's Office, for the State of Missouri.

## Article X Parks, Playgrounds and Recreation Areas

### Section 430.670 Applicability

- A. The provisions of this Article shall apply to new residential development, including the residential component of mixed-use development.

### Section 430.680 Park Land Principles and Standards

- A. It is the policy of the City to develop park and recreational facilities which comply with the following standards and planning principles:
1. The minimum amount of park land to be provided City residents shall be seven acres for every 1,000 residents.
  2. Both public and private park lands should be suitable in location, topography, and environmental characteristics to afford residents a maximum opportunity to use such amenities.
  3. Hiking, walking and bicycle trails should be developed to connect public park and facilities.
  4. Park land sites should drain well; however, land located in flood plains is acceptable for recreational purposes.
  5. Park land sites should contain large areas with slopes of no more than five percent.
  6. Ponds of water at least one acre in size may be counted as park land when the pond can be used for recreational activities such as fishing or boating.
  7. Stormwater dry detention basins may be located in recreational areas; however, to receive credit as recreational space, the basin must be a grassy area which can be easily mowed and maintained.

### Section 430.690 Requirements for Park Land Dedication

- A. The applicant shall be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development or to make a payment in lieu of actual land dedication or a combination of both at the option of the City.
- B. The Board of Aldermen, upon recommendation of the Planning and Zoning Commission, will determine the nature and manner in which the City's park land requirements shall be satisfied.
- C. The City may choose to have sites dedicated to the City or to a private entity established for the purpose of providing and maintaining community or neighborhood not-for-profit amenities.
- D. Articles of agreement which provide for the maintenance of such sites must be approved by the City and must be recorded with the record plat, with a notation on the plat referring to the existence of any such documents.
- E. All lands dedicated shall be free of any liens or encumbrances.

**Section 430.700 Park Land Dedication Formula**

- A. Park land shall be dedicated to the City at a ratio of seven acres per 1,000 residents (0.007 acres per resident) of the proposed development, using the following formula:  
 Park Land Dedication = Ultimate Population X 0.007
- B. **Table 430.700**, *Average Household Sizes by Types of Dwelling Units*, shall be used to determine the ultimate population of a proposed development for purposes of determining the amount of park land each development will be required to provide.
- C. In the event an applicant files a written objection to **Table 430.700**, the applicant shall submit a demographic study to support the applicant’s population projection. Said demographic studies must contain data which can be empirically verified and not based on national surveys or theoretical models.

**Table 430.700, Average Household Sizes by Types of Dwelling Units**

Type of Unit	Average Household Size
<b>Detached House</b>	
<i>2 Bedroom</i>	2.409
<i>3 Bedroom</i>	3.451
<i>4 Bedroom</i>	4.435
<i>5 Bedroom</i>	5.067
<i>Unknown</i>	3.709
<b>Duplex and Townhouse</b>	
<i>1 Bedroom</i>	1.901
<i>2 Bedroom</i>	2.119
<i>3 Bedroom</i>	3.056
<i>Unknown</i>	2.719
<b>Multi-Unit</b>	
<i>1 Bedroom</i>	1.362
<i>2 Bedroom</i>	2.148
<i>3 Bedroom</i>	3.482
<i>Unknown</i>	1.901

**Section 430.710 Credit for Private Park Land**

- A. Generally
  - 1. Depending upon the size of the development and the nature of the recreational facilities to be provided, the City may allow "private" park land in lieu of dedicated "public" park land.
  - 2. The amount of credit shall be determined on a case-by-case basis by the Board of Aldermen based on the projected recreational needs of the future residents and in conformance with the park land policies and standards as provided in the City's park and recreation and comprehensive plans.
  - 3. Detailed plans of such areas, including specifications of facilities to be installed, may be required by the Board of Aldermen.

4. The applicant shall guarantee that private recreational areas will be permanently maintained for such use by the execution of the appropriate legal documents.

B. Credit

1. Up to 50 percent of the total park land dedication requirements specified in **Section 430.700** may be satisfied by the establishment and improvement of private recreational amenities.
2. The remaining 50 percent of the total park land dedication requirements may be satisfied through any combination of park land dedication in accordance with **Section 430.700** or payment in lieu of park land dedication in accordance with **Section 430.720**.

C. Private park land shall meet the following standards:

1. Yards, ditches, setbacks, courtyard areas, rights-of-way and other open areas are not included in the computations of such park land; and
2. The maintenance of said private park land is adequately provided for by a recorded written agreement, conveyance or deed restriction; and
3. The private park is restricted for recreational purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City; and
4. The proposed park land is reasonably suited for recreational purposes; and
5. The facilities proposed are in substantial accordance with the City's long-range park and recreational plans and policies.

### Section 430.720 Payment In Lieu Of Park Land Dedication

A. Generally

1. Where a subdivision or development is too small to include an adequate park site, or when the available land is inappropriate for recreational uses, or when the City determines that the recreational needs of the residents of a proposed development would be better served through the development of land outside of a proposed project boundary, the City shall require the applicant to pay a fee in lieu of the park land dedication requirement.

B. Calculation

1. The payment in lieu of park land dedication shall be equal to one of the following:
  - a. \$900 per detached house, duplex, or townhouse lot/dwelling unit; and \$700 per multi-unit dwelling unit; or,
  - b. The fair market value of land that otherwise would have been dedicated as park land less any land that otherwise would have been dedicated as park land less any land the applicant is given credit for pursuant to **Section 430.710**, *Credit for Private Park Land*.

- (1) The applicant shall submit a fair market value appraisal, prepared by an MAI appraiser, which indicates the projected improved per acre value of land within the proposed project.

- (2) The "improved value" shall mean the average per acre value of all land within a project following the completion of all required subdivision or development improvements, such as streets, platting and utilities.
2. Where public improvements to publicly dedicated land are provided by an applicant, the City may grant a credit to the required payment in lieu of park land contribution. The Board of Aldermen shall determine the actual monetary value of such improvements and may determine that as much as 100 percent of the value of the improvements may be counted as a credit against the total dollar value of a project's park land contributions. The following illustrates this formula: Final Amount of Money in Lieu of Land = (Total Park Land Required - Total Park Land Dedicated, either Public or Private) (Fair Market Value) - Value of the Improvements to Public Land.

C. Payment

1. Payment in lieu of park land dedication shall be required as a condition of the project's approval and shall be made prior to the issuance of a building permit or filing of the record plat, whichever occurs first.
2. Such payment shall be held by the City in a special fund and dispersed for the acquisition and development of a park land for the benefit of the future residents of such subdivisions and developments.

**Section 430.730 Public Uses**

A. Generally

1. Whenever a tract to be subdivided includes a school, recreation uses (in excess of the requirements of this Article) or other public use as proposed in a City policy or plan, such space shall be suitably incorporated by the applicant into the preliminary plat.
2. After proper determination of its necessity by the Board of Aldermen, the City and/or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and record plats.

B. Referral to Public Body

1. The City shall refer the preliminary plat to the public body concerned with acquisition for its consideration and report.
2. The City may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply.
3. 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.

C. Notice Of Property Owner

1. Upon a receipt of an affirmative report, the City shall notify the property owner and shall designate on the preliminary and record plats that area proposed to be acquired by the public body.

**D. Duration of Land Reservation**

1. Land reserved for public use on an approved record plat shall be acquired by the appropriate public body within three years of the date of filing of the record plat.
2. Upon expiration of the designated purchase period, the applicant may remove the "reserved" designation by filing an amended plat for the site to be reviewed and acted upon in accordance with the provisions of this Code.