

Village of



Subdivision Regulations

Revised 2004

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**ARTICLE I
GENERAL PROVISIONS**

Section 1. Short Title:

- 1.1: This ordinance shall be known and may be cited as the Village of Indian Point Subdivision Regulations.

Section 2. Authority and Purpose:

- 2.1: This ordinance is adopted pursuant to the authority contained in Chapter 89 of the Revised Statutes of Missouri.
- 2.2: The regulations contained in this ordinance are adopted for the following purposes:
- 2.2a: To protect and provide for the public health, safety and general welfare of Indian Point.
- 2.2b: To provide for adequate light, air, open spaces and to protect from flooding and other dangers.
- 2.2c: To provide for adequate transportation and circulation throughout the Village of Indian Point and to ensure the adequate provision of water, sewer and other public utilities and public services.
- 2.2d: To prevent the pollution of water resources and to ensure the adequacy of drainage facilities.
- 2.2e: To conserve and protect the natural beauty and resources of the Village of Indian Point.
- 2.2f: To preserve and protect the value of land and buildings through minimizing land development conflicts and encouraging reasonable standards of subdivision design and orderly layout of land.
- 2.2g: To establish and facilitate adequate and accurate records of land subdivision.
- 2.3: The provisions of this ordinance shall be administered to ensure orderly growth and development and shall supplement and implement the policies of the Village of Indian Point Master Plan, other planning documents and related land development ordinances, and the capital budget.

Section 3. Jurisdiction:

- 3.1: This ordinance shall be effective throughout the Village's planning jurisdiction which comprises the area within the corporate boundaries of the Village of Indian Point.

A1: S1, S2, S3

Section 4. Effective Date

4.1: This ordinance shall be in full force and effect from and after passage.

Section 5. Procedures for Amendment:

5.1: When necessary to further its purposes and to promote Village interests, this ordinance may be amended pursuant to procedures of state law (RSMo. 89.410).

Section 6. Fees:

6.1: Reasonable fees to cover the costs of administration, inspection and similar matters may be charged to applicants for subdivision plat approval, appeals and variances. A list of all established fees related to land development is available from the Chairman of the Planning and Zoning Commission.

6.2: Fees established in accordance with subsection (A) shall be paid upon submission of a signed application by the petitioner or notice of appeal.

Section 7. Burden of Proof:

7.1: The burden of proof shall be upon the applicant in all proceedings pursuant to this ordinance. The Applicant is presumed to have knowledge of the requirements of the ordinance and is obligated to meet the requirements unless a variance is granted.

Section 8. Interpretation, Conflict and Separability:

8.1: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and general welfare.

8.2: Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than conditions imposed by any other provision of this ordinance or other applicable law, ordinance, rule or regulation, the regulations which are more restrictive and which impose a higher standard shall govern.

8.3: The provisions of this ordinance are separable. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this ordinance.

Section 9. General Regulations:

9.1: Except as hereinafter specified, these regulations shall apply to all subdivisions of land within Indian Point, including:

9.1a: The division of any tract of land into two or more tracts or lots.

A1: S4, S5, S6, S7, S8, S9.1a

9.1b: Any land offered for sale, lease or development involving real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in

space in a building or other improvements (example, condominium development).

- 9.1c: The dedication or vacation of any public street, alley or easement.
- 9.1d: Re-subdivision of any tract of land or portion of a tract, vacant or improved.
- 9.1e: Development of any subdivision for which a plat has been recorded in the office of the Stone County Recorder of Deeds prior to the effective date of this ordinance, where development or improvements have not commenced within two (2) years after the effective date of this ordinance.
- 9.2: The following divisions of land are exempt from these regulations:
- 9.2a: Transfer of interests by inheritance or pursuant to court order.
- 9.2b: Transfers of remainders resulting from the exercise of eminent domain or the threat thereof.
- 9.2c: Leases for a term not to exceed ten years.
- 9.2d: Leases on federally owned land.
- 9.2e: Foreclosure of a deed of trust or other security instrument.
- 9.2f: The sale or exchange of parcels of and between owners of adjoining property if additional lots are not thereby created.
- 9.3: No Land shall be subdivided within the incorporated area except in conformance with the provisions of this ordinance.
- 9.4: The Stone County Register of Deeds shall not record a plat of any subdivision within the Village Limits unless the plat has been approved in accordance with the provisions of this ordinance. In the event any such un-approved plat is recorded it shall be considered invalid and the Board of Trustees shall institute proceedings to have the plat stricken from the records of the county.
- 9.5: No owner or designated agent of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. The description of such lot or tract by metes and bounds in the instruments of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this ordinance.
- A1: S9.1b, 9.5**
- 9.6: No certificate of occupancy shall be issued for any lot, parcel of tract of land which was created after the effective date of this ordinance and which is not in conformance with the provisions of this ordinance.

9.7: No excavation of land or construction of any public or private improvements shall take place or be commenced {prior to obtaining a compliance permit and} except in conformity with the provisions of this ordinance.

9.8: No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after final approval has been given by the Commission and endorsed in writing on the plat, unless the plat is first resubmitted to the Commission.

Section 10. Vacation of Plats:

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

10.2: Such an instrument shall be approved by the Board of Trustees in like manner as plats of subdivisions. The Board of Trustees may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or other public rights-of-way. Such an instrument shall be executed, acknowledged or approved and recorded, in like manner as plats of subdivisions. Upon recording, the instrument of vacation shall eliminate the force and effect of the recording of the plat so vacated, and will divest all public rights in the streets, public grounds and rights-of-way, and all dedications laid out or described in such plat.

10.3: Where lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such instrument.

Sections 11 through 13 reserved.

A1: S9.6, S10, S11. S12, S13

ARTICLE II DEFINITIONS AND INTERPRETATIONS

Section 1. General Interpretations:

- 1.1: Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning herein indicated. Where words have not been defined, the standard dictionary definition shall prevail. In interpreting the meaning of the Regulations, the following general rules shall apply:
- 1.1a: Words used in the present tense shall also include the future tense.
 - 1.1b: Words used in the singular number shall also include the plural and vice
 - 1.1c: The word “shall” is mandatory.
 - 1.1d: The word “may” is permissive.
 - 1.1e: The words “used” or “occupied” shall be construed to include “intended, designed, or arranged to be used or occupied.”
 - 1.1f: Where reference is made to the Regulations, it shall be construed to mean the regulations as originally passed in this ordinance and all subsequent amendments, supplements and revisions.

Section 2. Basic Definitions:

- 2.1: **Alley.** A public or private street primarily designed to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.
- 2.2: **Applicant.** A developer or any individual submitting an application for a permit or subdivision plat as required by this ordinance.
- 2.3: **Board of Trustees.** The governing body of the Village of Indian Point. Also referred to as Board.
- 2.4: **Building.** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.
- 2.5: **Common Open Space.** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

A2: S1, S2.5

- 2.6: **Commission.** The Village of Indian Point Planning and Zoning Commission.
- 2.7: **Condominium.** Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
- 2.8: **Construction.** The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
- 2.9: **Cul-de-sac.** A street having one end open to traffic and being terminated at the other end by a vehicular turnaround. Dead end streets are not cul-de-sacs.
- 2.10: **Dedication.** An act transmitting property or interest thereto.
- 2.11: **Detention Basin.** A man made or natural water collector facility designed to collect surface and sub-surfaced water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or man made drainage outlets.
- 2.12: **Developer.** The legal or beneficial owner or owners of a lot or any land included in a proposed development. Also the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.
- 2.13: **Development.** A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.
- 2.14: **Drainage.** The removal of surface water or groundwater from land by drains, grading or other means.
- 2.15: **Easement.** The right-of-way granted for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.
- 2.16: **Erosion.** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice or gravity.
- 2.17: **Engineer.** A registered professional engineer in the State of Missouri.
- 2.18: **Escrow.** A deed, bond, money, or a piece of property delivered to the Village in lieu of an amount required and still in force on a performance or maintenance bond.
- 2.19: **Final Plat.** The final map of all or a portion of a subdivision which is presented for final approval.

A2: S2.5, S2.19

- 2.20: **Frontage.** That part of a lot or premise immediately adjacent to a street or streets without regard to access to, or elevation of, the street or streets.
- 2.21: **Grade.** The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street an average sidewalk elevation is to be used. If there is no sidewalk, the Village Engineer shall establish the sidewalk grade.
- 2.22: **Impervious Surface.** Any part of a lot that is covered by buildings, structures, parking areas, driveways, and any other surfaces which reduce or prevent absorption of storm water.
- 2.23: **Improvements.** Physical construction or changes, such as clearing, grading, street surfacing, curbs and gutters, survey markers, sidewalks, crosswalks, culverts, bridges, water and sanitary storm sewer lines and systems, and other utilities.
- 2.24: **Lot.** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- 2.25: **Lot Area.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.
- 2.26: **Lot, Corner.** A lot abutting on two (2) or more streets at their intersection.
- 2.27: **Lot, Depth.** The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.
- 2.28: **Lot, Double Frontage.** A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
- 2.29: **Lot, Front of.** The front of a lot shall be considered to be that side of the lot which fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.
- 2.30: **Lot, Interior.** A lot other than a corner lot.
- 2.31: **Lot line.** A boundary line of a lot.
- 2.32: **Lot line, Front.** The lot line separating a lot from the street. On a corner lot, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are front lot lines; on a flag shaped lot, the front lot line is also the lot line most parallel to the front lot line abutting the street.
- 2.33: **Lot line, Rear.** Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and parallel to the front lot line.

A2: S2.20, S2.33

- 2.34: **Lot line, Side.** The lot lines that intersect with a lot's front lot line.
- 2.35: **Lot of Record.** A lot which is part of a recorded subdivision or a parcel of land on a plat or deed which has been recorded by the Stone County Recorder of Deeds.
- 2.36: **Lot, Through.** A lot having a frontage on two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.
- 2.39: **Lot width.** The mean horizontal distance between the side lot line of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear lot line of the required front yard (building line, especially on irregularly shaped lots).
- 2.40: **Master Plan.** The Indian Point Master Plan, which is a comprehensive, long range plan intended to guide the growth and development of the Village.
- 2.41: **Open Space, Public.** Land which is dedicated or reserved by any owner(s) and accepted by the appropriate governmental authority for general use by the public including, but not limited to, parks, recreation areas, and conservation areas.
- 2.42: **Open Space, Private.** Land which is dedicated or reserved by any owner(s) for private use by residents of the subdivision, such as, but not limited to, recreation areas, parks, green areas or improvements thereon.
- 2.43: **Owner of Record.** The person, corporation, or other legal entity listed as owner of a lot on records of the County Recorder of Deeds.
- 2.44: **Parking Lane.** A lane usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.
- 2.45: **Pavement Width.** The actual road surface area from curb back to curb back, which may include travel lanes, parking lanes, and deceleration and acceleration lanes, where there are no curbs, the pavement width is that portion between the edges of the paved, or hard surface, width.
- 2.46: **Paving.** Brick, stone, concrete, asphalt or other impervious dust less material placed on the surface of the land.
- 2.47: **Pedestrian Way.** A right-of-way, dedicated to or set aside for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- 2.48: **Planned Unit Development.** A tract of land planned and developed as an integral unit, which may consist of a combination of residential and nonresidential uses of land within a planned unit development (P.U.D.) district, as approved in accordance with the zoning regulations of the Village of Indian Point.

A2: S2.34, S2.48

- 2.49: **Preliminary Plat.** A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.
- 2.50: **Property Description.** Descriptions of a lot, tract or parcel by metes and bounds, by reference to a plat or by reference to government survey. Also referred to as legal description.
- 2.51: **Public.** Maintained for or used by the people of the Village of Indian Point, Missouri. Regulations. The subdivision regulations of Indian Point, Missouri.
- 2.52: **Right-of-way.** Area dedicated to provide for streets, roads, sidewalks and pedestrian ways.
- 2.53: **Setback.** The required minimum horizontal distance between the nearest front, side or rear line of every structure and the front line of the lot.
- 2.54: **Sidewalk.** A walk for pedestrians at the side of a street.
- 2.55: **Street.** A public or private way, used or intended to be used for passage or travel by motor vehicles.
- 2.56: **Street Classification.** Streets and roads are classified by function in the Village's transportation network. Design standards are related to functional classification. These functional classifications include:
- 2.56a: **Arterial.** A street or highway primarily intended to provide for high volume, moderate speed and extended trip length and traffic movements throughout the Village and between major activity centers, with access to abutting property subordinate in function to traffic movement.
- 2.56b: **Collector.** A street which collects and distributes traffic to and from the arterial system. The collector is primarily intended to provide for low to moderate volume, low speed and short length trips while providing access to abutting property.
- 2.56c: **Local.** A street primarily providing direct access to abutting property and designed to accommodate low volume, low speed traffic.
- 2.56d: **Cul-de-sac or Dead End Street.** A minor (local) street with only one outlet.
- 2.56e: **Street Line.** A dividing line between a lot and a contiguous street.
- 2.56f: **Street, Private.** A street under private ownership, control and maintenance.
- 2.58g: **Street Width.** The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

A2: S2.49, S2.58g

- 2.59: **Structure.** Anything constructed or erected, the use of which required permanent or temporary location on or in the ground.
- 2.60: **Sub divider.** Any person, firm, partnership, corporation or other entity acting as a unit, subdividing or proposing to subdivide land as herein defined.
- 2.61: **Subdivision.** The division of any parcel or tract into two or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or development.
- 2.62: **Subdivision, Major.** Any subdivision other than a minor subdivision.
- 2.63: **Subdivision, Minor.** A subdivision that does not involve any of the following:
- 2.63a: The creation of more than a total of four lots;
 - 2.63b: The creation of any new public streets;
 - 2.63c: The extension of a public water or sewer system; or
 - 2.63d: The installation of drainage improvements through one or more lots to serve one or more other lots.
- 2.64: **Surveyor.** A registered land surveyor in the State of Missouri.
- 2.65: **Tract.** A lot. The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."
- 2.66: **Variance.** A grant of permission from the Board of Trustees that allows the recipient to waive compliance with a specific provision of this ordinance, granted because of the practical difficulties or undue hardship that would be imposed by the strict application of that provision of the ordinance.
- 2.67: **Village.** The Village of Indian Point, Missouri.
- 2.68: **Working Days.** The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the Village of Indian Point.
- 2.69: **Yard.** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard or the depth of a front yard or a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

A2: S2.59, S2.69

- 2.70: **Yard, Front.** A yard extending across the front of a lot and being a minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projection of the usual uncovered steps, unenclosed balconies or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 2.71: **Yard, Rear.** A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projection of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.
- 2.72: **Yard, Side.** A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

A2: S2.70, S2.72

ARTICLE III

ADMINISTRATION

Section 1. Power and Duties of Planning and Zoning Commission:

- 1.1: Pursuant to the authority conferred by the laws of the State of Missouri, the Planning and Zoning Commission of Indian Point, Missouri, hereinafter referred to as the Commission, is hereby designated as the administrative body charged with the duty of making investigations, recommendations and determinations regarding the platting and subdivision of land and public improvements within the Village of Indian Point.

Section 2. Power and Duties of Board of Trustees:

- 2.1: Unless otherwise specifically provided in this ordinance, in acting upon requests for subdivision plat approval and offers of dedication, and in considering amendments to this ordinance, the Board of Trustees shall follow regular, voting and other requirements as set forth in other provisions of the Village code of general law.

Section 3. Variances:

- 3.1: The Commission, when acting upon applications for preliminary plat or minor subdivision approval, shall have the power to grant such variances from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this ordinance, if the literal enforcement of one or more provisions of the ordinance is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question. The Commission shall not recommend a variance unless it is found that:
- 3.1a: The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - 3.1b: The conditions upon which the request for a variance is based are unique to the property in question and are not applicable generally to other property.
 - 3.1c: Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the literal enforcement of these regulations are carried out.
 - 3.1d: The hardship relates to the applicant's land, rather than personal circumstances.
 - 3.1e: The hardship is not the result of the applicant's own actions.
 - 3.1f: The variance will not in any manner conflict with the general purpose and intent of the subdivision regulations, nor vary the provisions of any other applicable ordinance.

A3: S1, S2, S3.1e

- 3.2: In recommending variances, the Commission may require such conditions as in its judgment will secure substantially the objectives and requirements of this ordinance.
- 3.3: A petition for any variance shall be submitted in writing by the applicant at the time when the preliminary plat or minor subdivision final plat is filed for consideration by the Commission. The petition shall state fully the variance requested, the reason and all of the facts relied upon by the applicant in requesting the variance.
- 3.4: The Commission shall maintain accurate records of all findings, decisions and recommendations pertaining to petitions for variances and shall transmit in writing to the applicant the decision of the Commission.
- 3.5: The Board of Trustees shall review requests for variances only upon an appeal by the applicant from a denial of a variance request determined by the Commission and only upon the written record made by the Commission. An appeal to the Board of Trustees shall be filed in writing by the applicant within thirty (30) working days of the decision of the Commission.

A3: S3.1f, S3.5

**ARTICLE IV
SUBDIVISION PROCEDURE**

Section 1. Purpose:

- 1.1: It is the purpose of this article to outline the subdivision platting and approval procedure. Subdivisions shall be classified as a major subdivision or a minor subdivision and shall conform to the procedures in this article.

Section 2. Submission of Sketch Plan:

- 2.1: In order to minimize development planning costs, avoid misunderstanding and ensure compliance with the requirements of this ordinance, the developer is required to submit to the Commission a sketch plan of the subdivision prior to the formal application for a preliminary plat.
- 2.2: Although not required, the developer is encouraged to discuss the subdivision proposal with the Commission prior to the formal submission of the sketch plan.
- 2.3: The sketch plan shall be reviewed by the Commission for the following criteria:
- 2.3a: Compliance with the Indian Point Master Plan.
- 2.3b: General compliance with the Indian Point subdivision regulations.
- 2.3c: General design of the subdivision.
- 2.3d: Compatibility of subdivision with surrounding development.
- 2.4: The Commission shall either approve the sketch plan, recommend changes or disapprove the sketch plan within thirty (30) working days of submission. The applicant shall be notified in writing of the Commission's action and the reasons for recommended changes or disapproval. If the Commission takes no action on the sketch plan within the thirty (30) days stipulated, the sketch plan shall be deemed to be approved.

Section 3. Submission of Preliminary Plat:

- 3.1: The preliminary plat shall be in substantial conformance with the approved sketch plan.
- 3.2: The preliminary plat, and all informational materials and procedures shall be in compliance with the applicable provisions of this ordinance.
- 3.3: The application for a preliminary plat and all informational materials shall be submitted to the Commission Secretary no less than fifteen (15) working days prior to the next regularly scheduled Commission meeting.

A4: S1, S2, S3.3

Section 4. Commission Action on Preliminary Plat:

- 4.1: At a meeting of the Commission, the Commission will review the preliminary plat application to determine; if it meets the standards set forth in these regulations. The Commission may also submit the plans to the Village of Indian Point Board of Public Works, Stone County Health Department, Missouri Department of Natural Resources, or to other appropriate local and state agencies, for review of proposed Water and Wastewater Treatment. *(Amended December 2004)*

- 4.2: The Commission shall take action on the preliminary plat application within sixty (60) working days of submission of the application. If no action is taken by the Commission within this time, the preliminary plat shall be deemed to be approved by the Commission. The sixty (60) day period for Commission action may be extended upon the request of the applicant.
- 4.3: Within ten (10) days of action by the Commission, the Commission will notify the applicant or his agent, in writing, of the action taken, specifying what changes or additions, if any, will be required for the review of the final plat.
- 4.4: Any modifications of the preliminary plat required by the Commission as prerequisites for approval shall be noted on three copies of the preliminary plat. One copy will be retained by the Commission, one copy will be returned to the applicant and one copy will be forwarded to the Board of Trustees along with the Commission's recommendation for approval of the preliminary plat.
- 4.5: If the Commission disapproves the preliminary plat application, the Commission shall attach to the preliminary plat a statement of the reasons for such action and return it to the applicant within ten (10) days of the decision.
- 4.6: Actions by the Commission regarding the preliminary plat are final unless such action is appealed by the sub divider to the Board of Trustees within sixty (60) working days of action by the Commission. The Board of Trustees review shall be based on the record made before the Commission and shall conform to the requirements of RSMo. 89.460.

Section 5. Public Notice Required:

- 5.1: The applicant for preliminary plat approval shall be required to provide postcard notices for mailing to property owners within 1000 feet of the boundary of the property to be subdivided. *(Amended December 2004)*
- 5.2: The applicant shall provide the addressed postcard notices, as well as a list of property owners to whom the notices are sent, to the Commission Secretary at the time of filing of the preliminary plat application. The Village will mail all notices within ten (10) days of the Commission meeting at which the preliminary plat will be considered.

A4: S4, S5.2

- 5.3: Notices shall conform substantially to the following format:

The Village of Indian Point Planning and Zoning Commission will consider an application from (developer name) for the preliminary plat of (insert subdivision name). The proposed development is located (insert legal description or other address). Public comment will be accepted at a meeting held on (Month, day) at (time) at the (meeting location).

Section 6. Board of Trustees Action on Preliminary Plat:

- 6.1: Following action by the Commission to recommend approval of the preliminary plat, or upon appeal by the developer of the disapproval of the preliminary plat, the Commission shall forward the preliminary plat application and the Commission's recommendations for approval of the plat to the Board of Trustees for action.
- 6.2: In deciding whether to approve the preliminary plat application, the Board of Trustees shall proceed according to the following format:
- 6.2a: The Board of Trustees shall consider whether the application is complete. If no member moves that the application be found incomplete, then it shall be taken as an affirmative finding that the application is complete.
- 6.2b: The Board of Trustees shall consider whether the application, including any modifications or changes as required by the Commission, complies with all the applicable regulations and requirements of this ordinance. If the Board of Trustees determines that the application fails to comply with one or more requirements of the ordinance, then the preliminary plat application shall be denied. Insofar as is practical, the motion shall include the reasons for denial.
- 6.2c: Subject to subsection 6.3, the Board of Trustees may attach such reasonable requirements in addition to those specified in this ordinance as will ensure that the development:
- 6.2c(1): Will not endanger the public health or safety.
- 6.2c(2): Will not injure the value of adjoining or abutting property.
- 6.2c(3): Will be in harmony with the area in which it is located.
- 6.2c(4): Will be in conformity with the Master Plan, Major Street Plan or other plan officially adopted by the Board of Trustees.
- 6.3: The Board of Trustees may not attach additional requirements or conditions to the preliminary plat that modify or alter the specific requirements of this ordinance unless the subdivision in question presents extraordinary or unique circumstances that justify variation from the specified requirements.
- A4: S5.3, S6.3**
- 6.4: If the Board of Trustees concludes that the preliminary plat application meets the applicable requirements of the ordinance, it shall approve the preliminary plat. Any additional conditions or requirements determined by the Board of Trustees in approving the preliminary plat shall be noted on three (3) copies of the plat and in the records of the Board. One copy of the plat shall be retained by the Board of Trustees, one copy shall be forwarded to the Commission and one copy shall be returned to the applicant.
- 6.5: Approval of the preliminary plat by the Board of Trustees constitutes approval of the subdivision as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots and other planned features, and authorizes the

applicant to proceed to prepare reports and construction plans (for public improvements) {necessary to obtain a compliance permit} (and the final plat). Approval of the preliminary plat shall not authorize the sale of lots or construction of any public or private improvements.

Section 7. Effective Period of Preliminary Plat Approval:

- 7.1: The application for final plat approval must be made within one (1) year of the date of approval of the preliminary plat by the Board of Trustees. Any final plat which is not submitted to the Commission within one (1) year of this date shall be null and void, except as provided in Subsections 7.2 and 7.3 below.
- 7.2: The Commission may at its discretion and upon written application by the subdivider, extend the effective period of preliminary plat approval by one (1) year.
- 7.3: Phasing of the final plat and the proposed development shall be permitted, subject to the requirements of Article V, Section 4. Submission of the final plat for any approved phase (s) of the subdivision shall automatically validate the remainder of the preliminary plat for a period of one (1) year from the date the final plat is submitted.

Section 8. Submission and Approval of Final Plat:

- 8.1: The Commission shall approve or disapprove subdivision final plats in accordance with the provisions of this Section.
- 8.2: The final plat shall be submitted to the Commission for approval fifteen (15) working days prior to the scheduled Commission meeting. The Commission shall approve the final plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this ordinance or that the final plat substantially differs from the approved preliminary plat. The Commission shall have thirty (30) days to rule on the final plat.
- 8.3: If the final plat is disapproved by the Commission, the applicant shall be furnished with a written statement of the reasons for the disapproval and recommended changes, if applicable.
- 8.4: Approval of the final plat by the Commission is contingent upon the plat being recorded within sixty (60) days after the approval certificate is signed by the Village Clerk.

A4: S6.4, S7, S8.4

Section 9. Uniform Condominium Act - Subdivision Procedures:

- 9.1: All proposed subdivision development involving real property designated for common ownership of open space and other common improvements, shall be classified as a major subdivision and subject to review and approval in accordance with the provisions of Article IV. Amendments or revisions to the Village approved subdivision plat containing common open space and common improvements may be classified as a minor subdivision in accordance with the provisions of Article IV.
- 9.2: Notwithstanding any other requirement of Article IV, all plats and plans submitted for a proposed subdivision subject to the Uniform Condominium Act shall include all such

information and materials in accordance with the requirements of RSMo 448.2-109 or subsequent amendments.

Section 10. Minor Subdivision Procedure and Approval:

- 10.1: The Commission shall approve or disapprove minor subdivisions in accordance with the provisions of this section.
- 10.2: The applicant for a minor subdivision approval shall submit a sketch plan, in accordance with the provisions of Article V, Section 2, for determination whether the minor subdivision approval process can and should be utilized. The Commission may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years.
- 10.3: If the Commission approves the minor subdivision process, the applicant shall prepare and submit three (3) copies of a land survey of the minor subdivision. Certificates of approval as required in Article V, Section 5 shall be attached to the survey.
- 10.4: The Commission shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Article II, Section 2 or the proposed subdivision fails to comply with subsection 10.8 or any other applicable requirement of this ordinance.
- 10.5: Approval of the minor subdivision is contingent on the survey and attached certificates being recorded within sixty (60) days after the date the Certificate of Approval is signed by the Commission Secretary.
- 10.6: If the Commission finds that the subdivision does not meet the requirements of the minor subdivision process, the applicant shall submit a final plat, in accordance with the provisions of Article V, Section 4.
- 10.7: Approval of the final plat is contingent upon the plat being recorded within sixty (60) days after the date the Certificate of Approval is signed by the Commission Secretary.
- 10.8: No more than a total of four (4) lots may be created out of a tract using the minor subdivision plat process, regardless of whether the lots are created at one time or over an extended period of time.

A4: S9, S10.8

Section 11. Acceptance of Dedication Offers:

- 11.1: Approval of a preliminary plat does not constitute acceptance by the Village of Indian Point of the offer of dedication of any streets, alleys, sidewalks, parks, or other public facilities shown on the plat. However, the final plat is an acceptance of dedications if the preliminary plat is approved by ordinance, subject to final plat approval by the Commission.

A4: S11

**ARTICLE V
PLATS AND REQUIRED INFORMATION**

Section 1. General:

- 1.1: Applications and materials submitted under the provisions of this ordinance shall conform to the specifications prescribed in this Article. The sketch plan is intended to be conceptual in nature and, while accuracy and legibility are essential, the submission of detailed finished plans at the sketch plan stage are discouraged. Rather, the material should provide sufficient information to determine general compliance with these regulations. The preliminary plat and final plat shall be prepared by qualified personnel in accordance with the requirements of this Article.

Section 2. Sketch Plans:

- 2.1: The sketch plan shall be drawn to an approximate scale (1" = 100 feet). Seven (7) copies of the sketch plan shall be submitted.
- 2.2: The sketch plan shall contain:
- 2.1a: Name and address of the developer.
 - 2.1b: Tract boundary and principal features within 1000 feet.
 - 2.1c: The proposed name of the subdivision and location by section, township and range.
 - 2.1d: Approximate north point and scale.
 - 2.1e: The approximate total acreage of the subdivision
 - 2.1f: Existing streets on and adjacent to the tract, including the width of rights-of-way.
 - 2.1g: The tentative street and lot arrangement.
 - 2.1h: Topographic lines (contours in accordance with the latest U.S.G.S. topographic maps).
 - 2.1i: Proposed wastewater disposal facilities and proposed water supply.
 - 2.1j: Existing drainage ways and any proposed modifications to drainage ways.
 - 2.1k: Unique topographical and physical features.
 - 2.1l: Existing utilities.

A5: S1, S2.11

Section 3. Preliminary Plats:

- 3.1: The preliminary plat application shall be accompanied by eleven (11) black line or blue line print paper copied of the preliminary plat. The preliminary plat sheet size shall be 24" x 36". The plat shall be drawn at a scale no greater than 100 feet to the inch and which is in increments of ten (10) feet.
- 3.2: The preliminary plat shall contain the following information:
- 3.2a: The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Stone County Registry.
 - 3.2b: The name(s) and address(es) of the subdivision owner or owners.

- 3.2c: Date of preliminary plat submittal.
- 3.2d: Property description of the subdivision.
- 3.2e: Approximate north arrow and the scale in which the plat is drawn in (1) feet per inch or scale ratio, and (2) bar graph.
- 3.2f: A listing of the following information:
 - 3.2f(1): Total acreage of the subdivision
 - 3.2f(2): Total number of lots
 - 3.2f(3): The proposed land use
 - 3.2f(4) Smallest lot with lot number and area
 - 3.2f(5): Largest lot with lot number and area
- 3.2g: Vicinity map, showing the location of the proposed subdivision and all streets, roads and municipal boundaries existing within 1000 feet of any part of the property to be subdivided.
- 3.2h: Contours at vertical intervals of five (5) feet. Datum shall be determined by reference to the appropriate U.S.G.S. Topographic Maps.
- 3.2i: The names and locations of immediately adjoining subdivisions and the names of immediately adjoining property owners.
- 3.2j: Approximate tract boundaries.
- 3.2k: The general location and approximate dimensions of any existing street right-of-way intersecting or paralleling the boundaries of the tract, as well as the distance from the centerline of adjacent streets to the tract boundaries.

A5: S3.1, S3.2k

- 3.2l: The general location and approximate dimensions of any easements existing within or adjacent to the tract boundaries.
- 3.2m: The location and dimension of all existing streets, roads, public sewers, water mains and feeder lines, gas, electric and oil transmission lines, water courses, detention areas, drainage easements, and other significant features within five hundred (500) feet of any part of the tract to be subdivided.
- 3.3n: The approximate location and extent of all existing structures and tree masses within the tract.
- 3.3o: The full plan of development detailing the following information on a single sheet:
 - 3.3o(1) The location of all proposed and existing streets, roads, easements, parks, playgrounds and other public areas and facilities, sewer and water facilities.
 - 3.3o(2) Lot lines and the approximate dimensions of all lots and lot numbers in consecutive order.
 - 3.3o(3) All streets and other areas designated for pertinent facilities, public use or proposed to be dedicated or reserved for future public use, including the conditions of such dedication.
- 3.3p: All storm sewers and other drainage facilities with the size and material of each indicated and any proposed connection to existing facilities.
- 3.3q: The location, size and material of any capped sewers, house connections, mains and laterals, and proposed connection to existing facilities.
- 3.3r: A draft of any proposed restrictive covenants.
- 3.3s: Records of a title search, indicating any existing covenants on the land to be subdivided. This may be provided as a separate statement.
- 3.3t: Location of any proposed culverts and bridges.
- 3.3u: Approximate grade and gradients of each proposed street.

A5: S3.2l, S3.3u

Section 4. Final Plats:

- 4.1: The final plat shall be drawn in waterproof ink on mylar and have dimensions as follows: 24 inches wide by 36 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets. There shall be a binding margin of 1 ½ " on the left side of the 36 inch length, and one (1) inch margins on all other sides. The plat shall be drawn at a scale of 100 feet or less to the inch. The scale shall be indicated on the plat graphically. The applicant shall submit ten (10) copies of the final plat of the subdivision. Of these, two (2) shall be of mylar and eight (8) shall be blue line or black line paper prints.
- 4.2: In addition to the appropriate certifications as provided for in Article V, Section 5, the final plat shall contain the following information:
- 4.2a: The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Stone County Registry. If the name of the final plat is different from the approved preliminary plat, the preliminary plat name shall be noted on the final plat.
- 4.2b: The name(s) and address(es) of the subdivision owner or owners.
- 4.2c: Date of final plat submittal.
- 4.2d: The township, county and state where the subdivision is located.
- 4.2e: The name of the surveyor, the surveyor's registration number and the date of the survey.
- 4.2f: The scale in which the plat is drawn in: (1) feet per inch or scale ratio, and (2) bar graph.
- 4.2g: True north arrow.
- 4.2h: All boundary lines with lengths and courses to hundredths of a foot and bearings to half minutes (to be determined by an accurate survey with an error of not more than 1:5,000).
- 4.2i: The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.
- 4.2j: The true bearings and distances to nearest established street boundaries, patent or other established survey lines, or other official monuments, which shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, including their names.
- A5: S4.1, S4.2j**
- 4.2k: The accurate location and material of all permanent reference monuments, complying with the latest Missouri Minimum Standards for Property Boundary Surveys.

- 4.2l: The length of all arc--radii points of curvature and tangent bearings.
 - 4.2m: Street and alley lines (their names, bearings, angles of intersection and widths, including the widths along the line of any obliquely intersecting street).
 - 4.2n: All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
 - 4.2o: All easements and rights-of-way, with limitations of the easement rights stated on the plat.
 - 4.2p: Lots numbered in consecutive order. Plats with more than one block shall also be numbered in consecutive order. In the case of re subdivision of lots in any block, the re-subdivided lots shall be designated by their original number prefixed with the term most accurately describing such division or they shall be designated numerically, beginning with the number following the highest lot numbered in the block.
 - 4.2q: All water courses.
 - 4.2r: Sight triangles for intersections, setback lines as fixed by the zoning map or major street plan and any other setback lines established by public authority.
 - 4.2s: Accurate dimensions of existing public land and of all property to be dedicated or reserved for public use.
 - 4.2t: Private restrictions, if any, including boundaries of each type of restriction. Where applicable, restrictive covenants are required governing the use and maintenance of all common areas, improvements and facilities.
 - 4.2u: The names and locations of adjoining subdivisions and the location and ownership of adjoining subdivided property.
 - 4.2v: Any changes or conditions required by the Commission and Board of Trustees in the approval of the preliminary plat.
 - 4.2w: Certificate of Ownership and Dedication.
 - 4.2x: Certificate of Survey and Accuracy.
 - 4.2y: Certificate of Approval.
- A5: S4.2k, S4.2y**
- 4.2z: If applicable, a statement indicating that the land lies within an approved planned unit development district.
 - 4.3: The application for final plat shall also be accompanied by a notarized statement verifying that taxes on the property are not delinquent.

Section 5. Certificates of Approval for Major Subdivision Plats:

5.1: All major subdivision plats shall contain the following endorsed certificates, with updated specific language to be provided by the Village of Indian Point at the time of the preliminary plat application, to substantially include as follows: *(Amended December 2004)*

5.1a: Certificate of Approval - Board of Trustees

I hereby certify that all streets shown on this plat are within the Village of Indian Point and other improvements shown on this plat have been installed or completed or that their installation or completion, within 12 months after the date below, has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Indian Point Subdivision Regulations, and therefore this plat has been approved by ordinance by the Village of Indian Point Board of Trustees, subject to its being recorded in the Stone County Registry within 60 days of the date below.

Date _____ Village Clerk _____

5.1b: Certificate of Approval - Planning and Zoning Commission

I hereby certify that the subdivision shown on this plat is in all respects in compliance with the Indian Point Subdivision Regulations and that this plat has been approved by the Village of Indian Point Planning and Zoning Commission on the _____ day of _____, 20 ____.

5.1c: Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property described hereon, which property is located within the jurisdiction of the Village of Indian Point, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically denoted as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for any other public use authorized by law when such other use is approved by the Indian Point Board of Trustees in the public interest.

Date _____

Owner _____

Notary

A5: S4.2z, S5.1c

5.1d: Certificate of Survey and Accuracy

I, _____, hereby state that this plat was prepared under my supervision from an actual survey of the land herein described, and that the corner monuments and lot corner pins shown hereon were placed under personal supervision

of _____, in accordance with the Missouri Minimum Standards for Property Boundary Surveys, for the Village of Indian Point, Missouri.

Date

Surveyor

Section 6. Certificates of Approval for Minor Subdivision Plats:

6.1: All minor subdivision plats shall contain the following endorsed certificates, with updated specific language to be provided by the Village of Indian Point at the time of the preliminary plat application, to substantially include as follows:

6.1a: Certificate of Ownership

I hereby certify that I am the owner of property described hereon, which property is within the jurisdiction of the Village of Indian Point, Missouri, and that I freely adopt this plan of subdivision.

Date

Owner

Notary

6.1b: Certificate of Approval

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Indian Point Subdivision Regulations, and that therefore this plat has been approved by the Indian Point Planning and Zoning Commission, subject to its being recorded in the Stone County Registry within 60 days of the date below.

Date

Secretary, Planning and Zoning Commission

6.1c: A certificate of survey and accuracy, in the form stated in Article V, Section 5.1d.

A5: S5.1d, S6.1c

Section 7. Planned Unit Developments:

7.1: In the case of Planned Unit Developments which are approved by the Commission and the Board of Trustees in accordance with the Village of Indian Point Zoning Ordinance, the approved Planned Unit Development shall be considered to be an approved sketch plan and the sub divider may proceed to submit a preliminary and final plat, as necessary, in accordance with these Regulations. The Commission may grant such

variances as are necessary in the preliminary and final plat to accomplish the purposes of the approved Planned Unit Development.

Section 8. Required Engineering Report:

8.1: Three (3) copies of a report signed and sealed by a registered engineer shall be submitted with the preliminary plat which shall present a study of the following items as pertaining to the proposed subdivision development:

8.1a: Storm water Drainage:

8.1b: Drainage basin map showing site boundary, on-site drainage areas and upstream off-site drainage areas.

8.1c: Drainage area and estimated peak flow for each off-site area draining onto the site. Peak flows shall be estimated assuming fully developed conditions in the drainage basin.

8.1d: Map showing soil types and indicating the hydrologic soil type.

8.1e: Schematic layout of the proposed storm water drainage system.

8.1f: Schematic layout of the proposed sediment and erosion control measures.

8.1g: Sufficient information to demonstrate that proposed drainage easements and street rights-of-way are wide enough to contain runoff from a 1% AEP (100 year) storm.

8.1h: If applicable, location and size of drainage structures or constrictions located within five hundred (500) feet downstream of the site.

8.1i: If detention facilities are proposed, identify location of proposed detention facilities, location of discharge points and preliminary storage volume computations.

8.2: Wastewater Disposal:

8.2a: Wastewater disposal systems shall meet the requirements of the Rules and Regulations of the Village of Indian Point Board of Public Works. The Engineering report shall include at a minimum. (*Amended December 2004*)

8.2a(1) Lot sizes

A5: S7, S8.2a(1)

8.2a(2) Soil limitations based on soil type, depth

8.2a(3) Topography

8.2a(4) Geologic setting

8.2a(5) Proximity to property line, stream, lake, impoundment, spring, sinkholes, caves, wells.

- 8.2a(6) Any other information as may be required by the Village of Indian Point Board of Public Works, Stone County Department of Health, or other agencies with applicable jurisdiction in review of the wastewater disposal system. *(Amended December 2004)*
- 8.2b: Subdivisions that are fifteen (15) lots or greater in size are also subject to review by the Missouri Department of Natural Resources.
- 8.3: Traffic Analysis and Street Capacity:
- 8.3a: Traffic counts for each outlet from the proposed subdivision in vehicles per day.
- 8.3b: Description of the types of traffic expected and the effects on existing roads.
- 8.3c: The traffic analysis must extend from the proposed subdivision to the nearest arterial. Existing traffic counts may be estimated from a study of the area served by the subject road, or by actually counting vehicles consistent with good engineering practice.
- 8.3d: Evaluation of the capacity of the proposed and existing road system.
- 8.3e: A listing of each proposed street by name and classification. Proposed right-of-way and design specifications must be listed.
- 8.4: General Planning Information:
- 8.4a: Area of development utilized by road right-of-way.
- 8.4b: Area of development dedicated to open space.
- 8.4c: Area of the smallest lot.
- 8.4d: Area of the largest lot.
- 8.4e: Schematic diagram showing significant natural features such as stands of trees, sinkholes, rock outcroppings, etc.

A5: S8.2a(2), S8.3, S8.4e

Section 9. Required Construction Plans:

- 9.1: Following approval of the preliminary plat by the Board of Trustees, the sub divider shall provide for review by the Commission the required construction plans, including:
- 9.1a: Street / Road plans
- 9.1b: Grading plan

- 9.1c: Sediment and erosion control plan
- 9.1d: Storm water drainage plan
- 9.2: All such plans shall meet the requirements of the Village of Indian Point Design Standards for public improvements. Three (3) copies of each plan shall be submitted. Such plans may be submitted prior to or concurrent with the final plat application.

A5: S9

ARTICLE VI REQUIRED PUBLIC IMPROVEMENTS

Section 1. General Requirements:

- 1.1: Improvements may be installed only in accordance with a final plat that has been approved under the provisions of this ordinance and construction plans that have been approved by the Village Engineer in accordance with the requirements of this ordinance.

Section 2. Assurances for Completion of Improvements:

- 2.1: Before the final plat of any subdivision shall be recorded, the sub divider shall provide for the installation of all improvements described in this article and as required as a condition of final plat approval.
- 2.2: In lieu of the installation or final completion of said improvements prior to recording of the final plat, the sub divider may post an irrevocable letter of credit, surety bond, escrow or other appropriate security agreement executed by a corporate surety or a state or federally chartered bank or savings and loan institution, approved by the Village Attorney and the Board of Trustees, which shall insure to the Village that the improvements will be completed by the sub divider. The security shall:
- 2.2a: Be made payable to the Village.
- 2.2b: Be in an amount determined by the Board of Trustees to be sufficient to complete the improvements and installation in compliance with this ordinance.
- 2.2c: Specify the time for the completion of the required improvements by the sub divider
- 2.3: All improvements, except sidewalks, shall be completed within one year after recording of the final plat. The Board of Trustees may, upon proof of hardship, extend the completion date set forth in said security agreement for a maximum period on one additional year. A request for such an extension must be made prior to the end of the year following recording of the final plat and the amount of the security shall be revised if warranted pursuant to revised estimates from the Village Engineer. If the improvements are not completed within the specified time, the Village may use the funds from the security, or any necessary portion thereof, to complete the improvements.
- 2.4: The time for construction of sidewalks may be extended until the construction of improvements on the lot is completed, upon the provision of security for the sidewalk construction for an additional year, but if the improvements are not completed within the additional year the developer shall deposit the cost of the sidewalk in cash with the Village so that the sidewalks can be completed by the Board when the Board determines the construction is necessary to provide a sidewalk system for the subdivision.
- A6: S1, S2.4**
- 2.5: The Village may require that certain improvements, such as storm drainage improvements, be made and refuse to accept security for such improvements when it determines that the improvements are necessary for the immediate protection of adjacent property.
- 2.6: The Board of Trustees shall release or reduce said security posted by the sub divider when it determines that all required improvements have been satisfactorily completed and the sub divider's engineer or surveyor has certified to the Village through the submission of detailed "as built" plans, that the improvements have been constructed substantially in conformance with the plans and specifications, are free and clear of any and all liens and encumbrances and are ready for dedication to the Village.

Section 3. Protection Against Defects:

- 3.1: Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, the performance bond or the surety that is posted shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
- 3.2: Whenever all public facilities or improvements intended for' dedication are installed before occupancy, use or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that the developer will correct all defects in such facilities or improvements that occur within one year after the offer of dedication of such facilities or improvements is accepted.
- 3.3 An engineer or architect retained by the developer shall certify to the Village that all facilities and improvements to be dedicated to the Village have been constructed in accordance with the requirements of this ordinance. This certificate shall be a condition for acceptance by the Village of the offer of dedication of such facilities or improvements.
- 3.4: The term "defects" refers to any condition in facilities or improvements dedicated to the public that requires the Village to make repairs in such facilities or improvements over and above the amount of maintenance that normally would be required. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this ordinance.

Section 4. Monuments and Markers:

- 4.1: Monuments shall be placed at all block corners, at the point where the curve in a street right-of-way meets with the tangent to the curve, and at all controlling corners of the subdivision. Monuments shall be one of the following and shall have the registration number of the land surveyor in charge or the corporate registration number or name legibly stamped or imprinted thereon. Monuments shall be placed so as to be free of movement:

A6: S2.5, S3, S4.1

- 4.1a: Concrete monuments consisting of reinforced concrete at least four inches (4") in width or diameter and no less than twenty-four inches (24") in depth with its precise position marked by either a point on a brass cap, a formed cross, or a metal rod.
- 4.1b: Manufactured cast iron or aluminum survey markers approved by the state land surveyor no less than twenty-four inches (24") in depth unless encased in concrete with its precise position marked by a point or cross.
- 4.1c: Brass disk not less than two inches (2") in diameter, countersunk and well cemented in a drill hole in either solid rock or concrete and its precise position marked by a point or cross.

- 4.2: Markers shall be placed at each corner of all lots flush with the finish grade or countersunk to afford protection from disturbance. Markers shall also be placed at the point where lot lines intersect curves, either front or rear. Markers shall be placed at all angles in property lines. Markers shall be 5/8 inch steel rod, eighteen inches (18") in length or more and shall have affixed thereto a copy or other device bearing the registration number of the land surveyor in charge. All marker caps one inch (1") in diameter and larger shall have the precise position of the corner marked by a point or cross.
- 4.3: Monuments and markers shall be inspected to determine that they have not been destroyed by construction prior to certification of completion of improvements.

Section 5. Streets - General Requirements:

- 5.1: The classification, extent, width, grade and location of all streets shall conform to the Master Plan and Major Street Plan. Where not shown, the arrangement and design standards of streets shall conform to the provisions herein.
- 5.2: The arrangement of streets in new subdivisions shall be coordinated with existing, proposed and anticipated streets outside of the subdivision. Provision shall be made for the continuation of existing streets in adjoining areas.
- 5.3: When a new subdivision adjoins a tract susceptible to being subdivided, new streets shall be extended to the boundaries of such tract.
- 5.4: Streets shall be related appropriately to the topography and street grades shall conform as closely as practical to the original topography. Street grades shall be in accordance with the Village of Indian Point Design Standards for Public Improvements.
- 5.5: Street jogs with centerline offsets of less than 150 feet shall be prohibited.
- 5.6: Local streets shall be laid out so as to discourage through traffic.

A6: S4.1(a), S5.6

- 5.7: Permanent dead-end streets or cul-de-sacs shall be no longer than eight hundred (800) feet and shall provide at the closed end a turn around having an outside roadway diameter of at least eight (80) feet and a street property line diameter of at least one hundred (100) feet. Where a dead-end street is temporary in nature, additional driveway access shall be provided at the end of the street to allow for maneuvering of emergency vehicles.
- 5.8: Every lot shall have access to a road that provides reasonable ingress and egress for emergency vehicles as well as for the intended use of the lot.
- 5.9: When a subdivision abuts or contains an arterial street, the Commission may require marginal access streets or other streets as may be necessary for adequate protection of residential properties and to provide separation of through and local traffic.

- 5.10: Half-streets shall be prohibited except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates a street that meets the right-of-way and pavement requirements of this ordinance.

Section 6. Street Right-of-Way and Pavement Requirements:

- 6.1 All streets shall be constructed with curb and gutter and shall conform to the minimum right-of-way and pavement standards of this section. Street pavement width shall be measured from curb back to curb back where 90 degree curb is used, and from the center of the curb where roll-type curb is used. Roll type curb shall be permitted along local streets in residential subdivisions.

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)
Residential/Local	50	27 (no on-street parking) 33 (parking one side only)
Collector	60	31 (no on-street parking)
Arterial	60	39 (no on-street parking)

Section 7. Street Intersections:

- 7.1: Intersections involving the junction of more than two (2) streets shall be prohibited
- 7.2: Streets shall intersect as nearly as possible at right angles and no two streets shall intersect at less than 60 degrees.

A6: S5.7, S6, S7.2

- 7.3: Except where- no other alternative is practical or legally possible, no two (2) streets may intersect with any other street on the same side at a distance of less than 240 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1500 feet.
- 7.4: Street curb intersections shall be rounded by a tangential arc with a minimum radius of 25 feet for Intersections of two (2) residential local streets and thirty (30) feet for intersections involving collector or arterial streets. Where substantial use is anticipated by large vehicles, such as recreational vehicles or semi-trailers, the curb radius shall be Increased to accommodate the anticipated use.
- 7.5: All driveway entrances and other openings onto streets shall be constructed to meet the following standards:

- 7.5a: Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling on the street or abutting streets.
- 7.5b: Adequate ingress and egress points shall be provided for all developments taking access to an arterial street.

Section 8. Street Construction Standards and Specifications:

- 8.1: All streets, curbs and gutters shall be designed and constructed in accordance with the Village of Indian Point Design Standards for Public Improvements.

Section 9. Private Streets:

- 9.1: Private streets are discouraged and shall be permitted only where the Board of Trustees finds that:
 - 9.1a: The private ownership, control and maintenance of the street is integral to the design and function of the subdivision.
 - 9.1b: Provision has been made for continuing and adequate maintenance of the streets.
 - 9.1c: There is evidence that the property rights, including rights of access of persons purchasing property rights or land within and adjacent to the subdivision, are safeguarded to the degree they would be protected if the streets were dedicated to the public.
 - 9.1d: The public interest and welfare is not jeopardized.
- 9.2: Private streets shall meet the minimum standards and be improved in accordance with the Village's Design Standards for Public Improvements.
- 9.3: A sign or signs shall be provided by the developer at the intersection of the private street with the public street, indicating that the street is a private street and is not maintained by the Village. Adequate provision will be made for perpetual maintenance of the sign or signs. **A6: S7.3, S8, S9.2**
- 9.4: A private drive may be utilized by no more than two (2) tracts or lots without public road frontage.

Section 10. Street Names and Numbers:

- 10.1: Street names shall be assigned by the developer with the approval of the Commission. Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of, or in alignment with the existing or platted street. In such cases, it shall carry the name of the existing street. Building numbers shall be assigned by the Village.

Section 11. Street Signs:

- 11.1: Street name signs shall be placed at all intersections. The sign shall be constructed to meet the standards established by the Board of Trustees.
- 11.2 Private street name signs shall be provided at the connection of the private street with the public road in compliance with the standards set by the Board of Trustees.

Section 12. Disabled Access:

- 12.1: Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the provisions of the Village of Indian Point Design Standards for Public Improvements.

Section 13. Blocks:

- 13.1: Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by this ordinance or the Zoning Ordinance and to provide for convenient access, circulation and safety of street traffic.
- 13.2: Block lengths shall not exceed 1500 feet, nor be less than three hundred (300) feet, except under unusual conditions.
- 13.3: A block should be arranged so as to provide two (2) tiers of lots and to allow for adequate pedestrian access through the subdivision and to adjoining properties.

Section 14. Lots-General:

- 14.1: All lots shall abut by their full frontage on the street.

A6: S9.3, S10, S11, S12, S13, S14.1

- 14.2: Side lot lines shall be at approximate right angles to straight street lines or radial to curved street lines.
- 14.3: Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets
- 14.4: Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome site specific difficulties of topography or orientation.
- 14.5: Single family and duplex lots should not be designed to front on collector streets and shall not front on arterial streets.
- 14.6: Lots designed for multifamily, commercial or industrial use shall have limited entrances onto collector and arterial streets.
- 14.7: Lots subject to flooding and deemed uninhabitable by the Commission shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate flood hazards. Such land within the plat shall be

set aside for such uses that shall not be endangered by periodic or occasional inundation or shall not result in unsatisfactory living conditions.

14.8: All land included within the plat shall either be designated as a lot, dedicated to and accepted by the Village, or designated for particular use with adequate provisions for continued maintenance.

14.9: Building lines shall be shown on all lots intended for residential use and in some cases may be required on lots intended for business use.

Section 15. Minimum Lot Size and Width:

15.1: Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of intended development.

15.2: Unless more stringent requirements are required by any other Village ordinance, minimum lot dimensions shall conform as follows:

15.2a: Residential lots shall be not less than 9000 square feet in area and shall be not less than eighty (80) feet in width at the building line.

15.2b: Depth and width of subdivisions platted for commercial or industrial purposes shall be adequate to provide for off street service, parking and the use contemplated, but in no case shall the lot frontage on a public street be less than one hundred (100) feet.

A6: S14.2, S15.2b

Section 16. Building Setback Requirements:

- 16.1: No portion of any building shall be located on any lot closer to any lot line or to the street right-of-way line than is authorized by zoning district as identified in Article V of the Zoning Ordinance adopted October 14, 1997 with the exception noted in section 16.2 below.
- 16.2: Setback yards shall be established, specified and required in all zoning districts from all lot lines as set forth in 16.1 above, except that no setback shall be required when such lot line is the Corps of Engineers take line for Table Rock Lake. Normal setback requirements as set forth herein shall apply for all other Corps of Engineers take lines, however.

Section 17. Sidewalks:

- 17.1: Sidewalks shall be provided along one side of arterial and collector streets. Sidewalks may be required along local streets if the Commission finds that a walkway is necessary to ensure safe Pedestrian access to schools, parks, other public use areas or adjoining streets,
- 17.2: Sidewalks shall be at least four (4) feet in width. Sidewalks shall be constructed in conformance with the Village of Indian Point Design Standards for Public Improvements. Sidewalks may be constructed of other suitable materials if the Commission determines that:
- 17.2a: Such sidewalks will serve the residents of the development as adequately as concrete walks; and
- 17.2b: Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; and
- 17.2c: The Village will not incur greater than normal expense in maintaining such sidewalks dedicated for public use.

Section 18. Utilities:

- 18.1: All utilities, including electric, telephone and cable television shall be installed according to the specifications and minimum standards of the controlling utility company.
- 18.2: All electric, telephone and cable television service distribution lines shall be installed underground. Cable switching enclosures, pad mounted transformers and service pedestals may be installed above ground.
- 18.3: In any particular case where the developer can show reason of exceptional topographical or other physical conditions that compliance with underground placement of such utilities would cause exceptional and undue hardship, the Board of Trustees may modify such requirement to the extent deemed proper in order to relieve the hardship. Such modification shall not be a detriment to the public interest and shall not impair the intent and purpose of this regulation or the desirable general development of the neighborhood and community.

A6: S16, S17, S18.3

Section 19. Lighting:

- 19.1: The minimum requirement for street lighting facilities shall be one 250 watt high pressure sodium light (cobra head fixture) at each street intersection, but not further apart than three hundred (300) feet within or abutting the subdivision. Light standards shall have a maximum height of thirty (30) feet from the ground, shall be constructed of steel, and shall be approved by the Board of Trustees.

Section 20. Easements:

- 20.1: An easement for utilities, at least five (5) feet wide, shall be provided along the side or the rear line of lots where necessary to form a continuous right-of-way, at least ten (10) feet in width. If necessary for the installation of water or sewer mains or similar utilities, easements of greater width may be required along lot lines or across lots.
- 20.2: Utility easements shall connect with easements established in adjoining properties.
- 20.3: Where the Board of Trustees has granted a variance for overhead power or telephone lines, additional easements for pole guys shall be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.
- 20.4: Drainage easements for storm sewers or open channel drainage may be required. These easements may be along side of lot lines, but it is encouraged that the design should be such that the drainage will be carried along the rear of lots. If open channel drainage is to be carried in the street right-of-way, additional right-of-way shall be provided. The size and location of such easements for open channel drainage shall be approved by the Village Engineer.

Section 21. Wastewater Disposal:

- 21.1: Wastewater disposal systems shall be provided in accordance with the Rules and Regulations of the Village of Indian Point Board of Public Works with the approved engineering report and a construction permit from the Village of Indian Point Board of Public Works, and where applicable the Missouri Department of Natural Resources.

Section 22. Water Supply:

- 22.1: All development shall be served by an adequate source of water. Private well construction shall be in accordance with the requirements of the Department of Health.
- 22.2: At such time that a Village water supply becomes available to a property, the property owner shall discontinue use of the private well and connect to the Village water supply. The public water source shall be deemed available when within one hundred (100) feet of the subject property line.

A6: S19, S20, S21, S22

Section 23. Storm Drainage:

- 23.1: All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site.
- 23.2: All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters resulting from such development.
- 23.3: To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall be maintained.
- 23.4: Storm drainage in public streets and rights-of-way shall be limited to the depths and recurrence frequencies established in the Design Standards for Public Improvements.
- 23.5: Drainage easements shall be provided encompassing all land inundated by the runoff from a storm having a 100-year recurrence Interval under fully developed conditions. Drainage easements shall extend to a point where the upstream drainage area is no greater than five (5) acres.
- 23.6: All storm drainage facilities shall be constructed in accordance with the Design Standards for Public Improvements. No storm drainage facility may be constructed or altered without the approval of the plans by the Village Engineer.
- 23.7: Provisions of the 1987 Clean Water Act require that certain storm water discharges obtain a National Pollutant Discharge Elimination System (NPDES) Storm water Permit. Where applicable, the developer shall submit the necessary NPDES permit with the plans for storm water drainage facilities. The NPDES permits are administered by the Missouri Department of Natural Resources.

Section 24. Sedimentation and Erosion Control:

- 24.1: The developer shall prepare a sedimentation and erosion control Plan to insure effective control of soil losses within tolerable limits. The Commission may submit the sediment and erosion control plan to the Conservation District or other qualified authority for review in conformance with this ordinance and the Design Standards for Public Improvements.

A6: S23, S24

**ARTICLE VII
ENFORCEMENT AND PENALTIES**

Section 1. Persons Liable:

- 1.1: Any person, firm or corporation who fails to comply with or violates any of these regulations may be held responsible for the violation and be subject to the penalties and remedies herein provided.

Section 2. Penalties:

- 2.1: Violations of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment in the county jail for a period not exceeding one (1) year, or both, such fines and imprisonment pursuant to the provisions of RSMo. 89.490.
- 2.2: Each day that any such violation continues after written notification by the Village, delivered by certified mail, that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified herein.

Section 3. Civil Enforcement:

- 3.1: Appropriate actions and proceedings may be taken by law or in equity pursuant to RSMo. Section 89.490, to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

A7: S1, S2, S3

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