

Kearney, Missouri

Chapter 410. Subdivision Regulations Table of Contents

Article 1	General Provisions
Article 2	Definitions
Article 3	Procedures for Platting and Developing Land

Article 1. General Provisions

Section 410.010: Purpose ----- 2
Section 410.015: Interpretation ----- 2
Section 410.020: Application of Regulations ----- 2
Section 410.025: Exemptions from Platting ----- 3

Article 2. Definitions

Section 410.030: General Provisions ----- 4
Section 410.035: Definitions ----- 4

Article 3. Procedures for Platting and Developing Land

Section 410.040: Unsuitable Land ----- 7
Section 410.045: Advisory and Pre-Application Meeting ----- 7
Section 410.050: Studies and Data for Major Subdivisions ----- 8
 A. Stormwater Drainage Study
 B. Traffic Impact Study
 C. Park and Open Space Plan
 D. Public Safety Analysis
Section 410.055: Preliminary Plat Subdivision Process ----- 9
 A. Application and Fee Required
 B. Review Procedure
 C. Preliminary Plat
 D. Required Contents of Preliminary Plat
 E. Review of the Preliminary Plat
 F. Minimum Design Standards for Preliminary Plat
Section 410.060: Final Plat ----- 18
Section 410.065: Lot Split and Minor Subdivision ----- 20
Section 410.070: Required Improvements ----- 21
Section 410.075: Completion Guarantee Required ----- 22
Section 410.080: Open Space and Recreational Facilities ----- 22
Section 410.085: Streets in Older Subdivisions ----- 24

List of Tables

Table 1 – Minimum Right-of-Way and Curb Requirements ----- 15
Table 2 – Maximum Street Grades ----- 15
Table 3 – Minimum Curve Radius ----- 16

Article 1

General Provisions

Section 410.010	Purpose
Section 410.015	Interpretation
Section 410.020	Application of Regulations
Section 410.025	Exemptions from Platting

SECTION 410.010: Purpose.

This Article prescribes the procedures for the subdivision of land within the corporate limits of Kearney, Missouri, and comprises the requirements, standards and specifications with respect to:

- A. The proper location and width of streets, building lines, open spaces, recreational areas and public lands.
- B. The avoidance of conditions which would lead to the creation of blighted areas.
- C. The avoidance of overcrowding of population and congestion of vehicular traffic.
- D. The manner and extent to which streets, water, sewer, storm water and other utility services are to be reviewed and improved.
- E. The provision of adequate traffic movement, utility facilities, access of emergency apparatus, for the control of the number, spacing, type and design of access points to existing or future streets, for minimum width and area of lots for limit and air, and for a proper distribution of population.
- F. To guide the future growth and development of the City in accordance with the zoning regulations, comprehensive plan and all other development related policies and ordinances of the City.

SECTION 410.015: Interpretation.

This Article is intended to set minimum requirements to provide for the coordinated, efficient and economic development of the City, to insure the adequacy of street and utility facilities and to promote the public health, safety and welfare. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

SECTION 410.020: Application of Regulations.

No lot, as defined in this Article, shall be created or conveyed, nor shall any lot or tract be subdivided into lots unless a final plat of the property has been approved according to the requirements and provisions of this Article. This is supplemental to and not in derogation of the Revised Statutes of Missouri. Any plat of a subdivision of land which has not been recorded in the office of the Recorder of Deeds and which has not been accepted and approved, as herein provided, shall not be considered as a plat of any lawful subdivision. All plats shall be recorded in the plat book of Clay County, Missouri, according to requirements contained in the Revised Statutes of Missouri.

SECTION 410.025: Exemptions from Platting.

These subdivision regulations shall not apply in the following instances or transactions:

- A. The division or further division of land into lots or parcels, each of which contains more than forty (40) acres, where such subdivision does not involve the creation of any new streets, easements, driveways or access points.
- B. A conveyance of land or interest therein for use as public right-of-way or other public utilities subject to State or Federal regulation.
- C. A conveyance made to correct a description in a prior conveyance.
- D. Any transfer by operation of law.

ARTICLE 2 Definitions

Section 410.030 General Provisions
Section 410.035 Definitions

SECTION 410.030: General Provisions.

- A. General Statement. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory; the word "may" is permissive.
- B. Definitions. For the purpose of this Article, the terms used herein are defined as follows:

SECTION 410.035: Definitions.

BARRIER (NATURAL OR ARTIFICIAL): Any street, highway, river, pond, canal, railroad, levee, embankment or screening by a fence or hedge.

BLOCK: An area of land entirely bounded by streets, highways or ways, except alleys, pedestrian ways or exterior boundaries of a subdivision unless such exterior boundary is a street, highway or way or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulk headlines or shorelines or waterways, or corporate boundary lines.

BUILDING: Any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

BUILDING INSPECTOR: The City Building Inspector appointed by the Board of Aldermen.

BUILDING LINE: See "SETBACK LINE".

COMMISSION: Planning and Zoning Commission of Kearney, Missouri.

COMPREHENSIVE PLAN: The plan or any portion thereof adopted for the coordinated physical development of the City of Kearney, including, among other things, plans and programs regarding the location, character and extent of utilities, highways, transportation routes, bridges, public buildings, schools, parks, forests, wildlife refuges, dams and projects affecting the conservation of natural resources.

CUL-DE-SAC: A short street having only one (1) end open for vehicular traffic and the other permanently terminated by a full turnaround for vehicles.

DESIGN: The arrangement of land for easements, lots and rights-of-way including materials, alignment, grade and width of these elements.

EASEMENT: A grant by the property owner to a person, corporation or the public of the right to the use of designated land area for specified purposes.

FLOOD HAZARD AREA: All land subject to periodic inundation from overflow of natural waterways when subjected to the maximum possible runoff from three (3) inches of rain per hour as calculated by approved engineering methods.

HEALTH DEPARTMENT: Health Department of Clay County, Missouri.

IMPROVEMENT PLANS: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed, both in or in conjunction with the plat.

LOT: A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT AREA: The total horizontal area within the boundaries of a lot, exclusive of any land designated for roadway purposes.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

MASTER PLAN: The "Comprehensive Plan" made and adopted by the Planning and Zoning Commission and Board of Aldermen.

NET AREA: The entire area within the boundary lines of the site, less the area of any street right-of-way.

PARKING AREA OR PARKING SPACE: An area set aside, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking.

PARKING LANE: An auxiliary lane of a roadway used primarily for vehicular parking.

PEDESTRIAN WAY: A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PERSON: Any individual, firm, association, partnership or corporation.

PLAT: See "SUBDIVISION".

RECREATION OR PLAYGROUND: A useable parcel of land suitably drained, free of stagnant pools of water, with sufficient soil to support the growth of plant material and containing a variety of recreational facilities.

ROADBED: The portion of a street, including shoulders, for vehicular usage.

SETBACK LINE: The line generally parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

SLOPE: The degree of natural inclination of the existing ground which is used as the basis for determining the hillsides.

STREET: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way. It shall also include such other designation for a street as a highway, major or minor arterial, collector, local, residential access street, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

STREET CLASSIFICATION:

1. **Major Arterial Streets:** Streets that serve the highest traffic volume corridors and the longest trip. Provides travel between business districts and outlying residential areas, between major inner city communities and between major suburban centers, and connects communities to major state and interstate highways. No or limited access is allowed from residential streets. Access is usually partially controlled. Spacing of major arterial streets is generally from one mile to five miles.
2. **Minor Arterial Streets:** Streets that interconnect and augment the major arterial streets. No or limited access is allowed from residential lots. Accommodate trips of moderate length at a lower level of travel mobility than major arterial streets. Spacing of minor arterial streets is generally from one-half mile to three miles.

3. Industrial/Commercial Collector: Streets that collect traffic to and from commercial or industrial area and distribute it to arterial streets.
4. Residential Collector Streets: Streets that collect traffic to and from residential areas and distribute it to arterial streets. Limited access is allowed from residential lots. Desirable maximum Average Daily Trips (ADT) = 3,000 for residential collector streets. (Ten trips per day per typical single family residence.)
5. Residential Local Streets: Street that only carry traffic having its origin or destination within the immediate neighborhood. Desirable maximum ADT = 1,000 for local streets. (Ten trips per day per typical single family residence.)
6. Residential Access Streets: Streets that carry traffic between residential lots and residential local streets or residential collector streets. Residential access streets usually carry no through traffic and include short loop streets, cul-de-sacs, and courts. Desirable maximum ADT = 200 for cul-de-sacs and 400 for loop streets. (Ten trips per day per typical single family residence.)

STRUCTURE: Anything constructed which requires permanent or having a permanent or temporary location on the ground.

SUBDIVIDER: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined. The term "subdivider" shall include any agent of any subdivider.

SUBDIVISION: The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development. Excluded from this definition is the division of land for agricultural purposes; division of land for cemetery usage; division and distribution of land pursuant to law or court order; and the conveyance of any tract of land constituting either one-half (1/2), one-fourth (1/4), one-eighth (1/8) or one-sixteenth (1/16) section of land as defined in Sections 60.210, 60.220, 60.230, 60.240, RSMo. The term "subdivision" shall also include all resubdivision of land or lots.

SUBDIVISION, MINOR: A division of land into two (2) but not more than four (4) lots, which does not include any new streets, improvements, easements or rights-of-way; the division of land held by a bona fide partnership in existence for two (2) or more years upon dissolution thereof; or a division of land among the immediate members of a family for personal use which does not include any new streets, improvements, easements or rights-of-way.

TRAVELED WAY: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

YARD: Any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory buildings or projections as are permitted on the lot.

YARD, FRONT: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the front building line.

YARD, REAR: A yard extending along the rear of a lot between the side yard lines and being the minimum horizontal distance between the rear lot line and the rear building line.

YARD, SIDE: A yard extending along each side of a lot between the front yard line and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

ARTICLE 3

Procedures for Platting and Developing Land

Section 410.040:	Unsuitable Land
Section 410.045	Advisory and Pre-Application Meeting
Section 410.050	Studies and Data for Major Subdivisions
Section 410.055	Preliminary Plat Subdivision Process
Section 410.060	Final Plat
Section 410.065	Lot Split and Minor Subdivision
Section 410.070	Required Improvements
Section 410.075	Completion Guarantee Required
Section 410.080	Open Space
Section 410.085	Streets in Older Subdivisions

SECTION 410.040: Unsuitable Land.

Land unsuitable for subdivision development due to poor drainage, flooding, steep slope, extensive rock formation, lack of sanitary facilities or any other conditions and prima facie constituting a danger to health, life or property shall not be approved for subdivision development unless an applicant presents evidence or data satisfactory to the Planning and Zoning Commission establishing that the methods proposed to meet any such condition are adequate to avoid any danger to health, life or property.

SECTION 410.045: Advisory and Pre-Application Meeting.

Before proceeding, the applicant shall familiarize themselves with the standards established in these regulations along with the provisions of the comprehensive plan affecting the applicant's project. A pre-application conference is required prior to the preparation of a plat and affords an applicant the opportunity to meet with the Director of Community Development or his/her authorized representative and receive assistance and exchange information before formal work commences on a project. The conference consists of the following steps:

STEP ONE: Contact the Director of Community Development in Kearney, Missouri at 100 E. Washington.

STEP TWO: With staff assistance, determine the legal description and legal ownership of the land. Second, with staff assistance determine the current zoning designation and intended use for the property to be subdivided. If the land is not zoned for the intended use, review the Kearney Comprehensive Plan and read the contents of the plan with regard to future intentions.

STEP THREE: The staff will review pertinent requirements for platting, including roads, easements, physical arrangement and density, and general regulations for public water/sewer connections. Preliminary plans for providing water and sewage disposal shall be approved by the applicable local agency or department for compliance with State health agency regulations prior to filing a preliminary plat with the Planning and Zoning Commission.

STEP FOUR: Contact a licensed Missouri land surveyor, Registered P.E. (Civil Engineer) or Landscape Architect to begin the initial phase of subdivision. A Missouri Licensed Land Surveyor must conduct the actual certificate or survey of plat/condominium.

SECTION 410.050: Studies and Data for Major Subdivisions.

Depending upon circumstances at the time of preliminary plat review, the Community Development Director may require additional information regarding, but not limited to, the following:

- A. Stormwater Drainage Study. Conceptual stormwater management plan prepared by a licensed professional engineer, showing techniques to control runoff, including but not limited to natural overland flow, open channels, swales, retention or detention basins. All development shall control any stormwater drainage which occurs off the property according to adopted City standards.
- B. Traffic Impact Study. Traffic impact study for large developments or for those in heavy traffic areas. The specific purpose of these studies is to:
 - 1. Provide guidance for short and long-range planning of site access.
 - 2. Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic.
 - 3. Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily.
- C. Park and Open Space Plan. All proposed residential development plats that propose to dedicate open space for public use, shall be accompanied with a "Park and Open Space Plan." The plan shall address strategies to provide open space and recreation to the residents of new housing developments and methods for connecting individual residential lots to common facilities. The central elements of the plan must revolve around the following:
 - 1. General common open space with a balanced effort to provide a mixture of natural, undeveloped areas and space for accessible passive and active recreation.
 - 2. Recreation facilities with a concentration of bike/walking paths by the developer and active recreation areas by a homeowners association.
 - 3. Residential or neighborhood park.
 - 4. Lot(s) reserved for community buildings.
 - 5. Conservation easements to preserve green edges, hedge rows, tree corps and natural areas.
- D. Public Safety Analysis. All new commercial, industrial and residential preliminary plats will prepare a public safety analysis for review and approval by the Fire Chief of the Kearney Fire and Rescue Protection District. The Fire Chief may waive or modify any public safety requirement, and is empowered to accept substitutions or alternatives when necessary. The analysis shall include, but is not limited to the following data:
 - 1. The type, design, flow and capacity of the water supply system and the capability of the designated fire department's ability to serve compared to the location, nature and density of the proposed development;
 - 2. The number of fire/hydrants to be furnished to serve the development;
 - 3. The spacing of the hydrants and/or-refill points per thousands of square feet and the maximum distance (usable distance not straight line) to the proposed structures;

4. Alternatives and contingency plans for public safety in very low density and/or remote developments;
5. Areas and/or facilities proposed for the location of critical emergency services, including weather and security related warning devices.

SECTION 410.055: Preliminary Plat Subdivision Process.

- A. Approval of Water and Sewage Systems. Prior to filing the application for a preliminary plat, the applicant shall obtain preliminary approval from the applicable water supplier and wastewater sewage system provider for water and sewage system preliminary plans.
- B. Submission of Application. Application forms for preliminary plats may be obtained from the Director of Community Development or his/her authorized representative. After completing the required information for a preliminary plat, the applicant may file the preliminary plat application, together with ten (10) copies and a reproducible copy of the preliminary plat. Each sheet size shall be limited to twenty-four (24) by thirty-six (36), unless extreme conditions require a larger size to clearly delineate the proposed subdivision. The application shall be accompanied by the fee as specified. The application shall be accompanied by a list of names and addresses of all property owners within 185 feet of the preliminary plat area, unless said application has been submitted in conjunction with a rezoning request.
- C. Minor Plat Review Procedure. A person seeking to subdivide land as a "minor subdivision" shall file a written statement with the Planning and Zoning Commission indicating the nature of the transaction. If it is determined that such transaction qualifies as a "minor subdivision", the subdivider shall file a written statement with the Planning and Zoning Commission indicating the nature of the transaction. If it is determined that such transaction qualified as a "minor subdivision", the subdivider may not be required to file the preliminary plat data and may proceed with the preparation of a final plat as prescribed herein.
- D. Notification. If required, not less than five (5) days prior to the date of said review, notification letters shall be mailed to all property owners within one hundred eighty five (185) feet of the proposed preliminary plat area.
- E. Fee Required. To partially cover the cost of administering the procedures set forth in this Article, a fee in the following amount shall be paid to the City of Kearney at the time the preliminary plat is submitted: ten dollars (\$10.00) per lot for the first ten lots plus two dollars (\$2.00) for each lot over ten, the minimum being one hundred dollars (\$100) and no fee shall exceed seven hundred fifty dollars (\$750). The preliminary plat fee shall include an additional notification charge, per the applicable first-class postage rate, for each property owner within 185 feet, unless said application will be reviewed in conjunction with a rezoning request. An additional fee in the amount of three dollars (\$3.00) per lot shall be paid with the submittal of the final plat.
- F. Preliminary Plat. The preliminary plat is the main review instrument used by the Planning and Zoning Commission. The Planning and Zoning Commission must approve the preliminary plat, with any notations, variances and changes, before the applicant can proceed with the final platting stage. To accomplish this end, the Planning and Zoning Commission shall have the following authority, options and powers:
 1. The authority to require the modification of any plat to conform to this Unified Development Code, including traffic, storm water discharge and

recreation/open space plans or to modify or add conditions to any plat when such action increases the public convenience, the goals of the city comprehensive plan, supports property values, or secures the public health, safety and welfare.

2. The Planning and Zoning Commission shall have the authority to vary yard size and placement in Planned Zoning District developments, and approve plats containing zero lot line or cluster provisions pursuant to Chapter 19 Planned Zoning.
 3. The authority to compel applicants to file easements necessary to serve the residents of a development, protect the use and value of neighboring property and to promote the public safety and welfare; the authority to compel applicants to offer for dedication or reservation such property as necessary to safely, conveniently and effectively serve the general welfare, promote good standards of land use, and to advance the practice of natural resources preservation.
- G. Required Contents of Preliminary Plat. Ten copies of the preliminary plat shall be drawn on high quality, 24 x 36 inch reproducible paper unless specified otherwise by the staff. In addition, ten paper copies of the preliminary plat shall be provided on an 11" x 17" format. All preliminary plats shall contain the following information.
1. A north point and scale which is appropriate to the size of the development: one inch equals 100 feet is required unless another scale is shown to be more appropriate and approved by the staff.
 2. A legal description and a current zoning designation.
 3. Names of applicant, subdivision and proposed street names.
 4. Name and seal of surveyor/engineer.
 5. Preparation date.
 6. Adequate legend and vicinity location map.
 7. Signature block and date for review by the Community Development Director.
 8. Signature block and date for review by the City Engineering Consultant.
 9. Signature block and date for review by the Fire Chief.
 10. Complete delineation of all boundaries, existing easements, lots, width and names of platted streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements (proposed and existing) as dashed lines. Existing features such as ponds, lakes, buildings and roads and adjacent exterior roads and upstream watershed data, including estimated elevation of flood waters from a designated flood retarding dam breach must be included.
 11. A vicinity context sketch of the surrounding properties (with tract/lot owner names), buildings, water courses, and general features within hundred eighty five (185) feet of any boundary (this distance may be waived or modified by the Director of Community Development for sufficient justification).
 12. Rights-of-way and/or existing or proposed easements to be created for all drainage purposes, utilities, walk-ways, access, and other purposes. The location of the water/sewer distribution/collection system; the plat must show that these systems touch upon each lot, or in an easement appurtenant to each lot;

- proposed means and location of sewage collection and water distribution points.
13. Total acreage, and size of each lot provided in a lot data table.
 14. Contours at intervals of not more than 10 foot vertical intervals; the Director of Community Development may waive or amend this requirement depending on terrain, location and the nature of the project.
 15. Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards that can reasonably contain, depending upon watercourses, topography or geology.
 16. Locations of fire hydrants.
 17. The location of storm drainage facilities and collection points and water retention or detention facilities.
 18. The location of perimeter walls, landscape berms and/or fences.
 19. The location and size of entry signs.
 20. A copy of the proposed restrictive covenants, conditions and restriction and homeowners' association(s).
 21. Location and size of proposed parks, playgrounds, churches, school sites or special uses of land to be considered for dedication for public use or to be reserved by deed of covenant for the use of all property owners within the subdivision.
 22. Stage(s) of development if the total area is not proposed to be developed as one (1) unit.
 23. Proposed land uses.
- H. Review of the Preliminary Plat. Within approximately thirty (30) days after submission of all of the data hereinabove required, the Planning and Zoning Commission shall review and make a report thereon at its first regular meeting. It shall approve (with or without conditions) or disapprove the preliminary plat, including the plans and profiles of all improvements. Action shall be noted on two (2) or more copies of the preliminary plat and signed by the Planning and Zoning Commission. One (1) copy shall be returned to the applicant and one (1) copy retained by the Planning and Zoning Commission for record. Approval of the preliminary plat shall lapse unless a final plat of all or a portion of the land included in the preliminary plat is submitted to the Planning and Zoning Commission within one (1) year from the date of the approval of the preliminary plat. A maximum of two (2) years extension of time may be granted by the Planning and Zoning Commission upon application to the Planning and Zoning Commission by the subdivider and prior to the expiration of the initial approval.
- I. Approved Preliminary Plat. Approval of the preliminary plat is an authorization to the subdivider to proceed with the development of a final plat for approval.
- J. Minimum Design Standards for Preliminary Plats. No preliminary plat shall be approved unless it conforms to the following minimum standards of design and the standards and specifications concerning design and construction for grading and site preparation, streets and paving, seeding and sodding, sanitary sewer systems, stormwater systems, waterlines and other supplementary requirements as adopted by the City of Kearney. In any instance where the standards are not applicable or not complete for any for any particular situation, the Planning and Zoning Commission may allow modification.

1. Streets. In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on the major street plan, comprehensive plan, or any other planned district or site plan as approved under the provisions of Chapter 1 Zoning Regulations. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the terrain, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land served by such streets, and to the most advantageous development of the adjoining area. Each lot within the subdivision shall provide access to a public street.
2. Proposed streets shall extend to the boundary line of the tract being subdivided unless prevented by topography or other physical conditions; or unless in the opinion of the Planning and Zoning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. (See Section on Dead-end roads).
 - a. Street Classification. All streets shall be classified as either major arterial, minor arterial, collector, local, or residential access streets, in accordance with their use and function, the standards of public safety, topographic conditions. The classification of each street designated on a plat shall be reviewed by the Planning and Zoning Commission and revised as necessary to conform to the standards of these regulations.
 - b. Buffer Strips. This includes treatment of railroad right-of-way and limited access highways. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway or where lots back onto a public street, the subdivision shall provide the following treatment: In residential districts a buffer strip at least fifty (50) feet in depth, in addition to the normal required lot depth, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be a part of the platted lots and shall have the following restriction lettered on the face of the plat.

"This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."
 - c. In commercial and industrial zoning districts provisions shall be made on each side of the railroad right-of-way or limited access highway for streets approximately parallel to and at a distance from such right-of-way or highway suitable for the appropriate use of the land between such streets and right-of-way, but not less than fifty (50) feet.
 - d. Streets parallel to the railroad right-of-way or limited access highway shall, when intersecting a major street and highway or a collector street, be located at a minimum distance of two hundred fifty (250) feet from said right-of-way or highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients. Location of minor streets immediately adjacent and parallel to railroad right-of-way shall be avoided.

3. Limited Access and Distance Between Access Points. Wherever the proposed subdivision contains or is adjacent to a highway, major arterial, or collector street, adequate protection of residential properties shall be provided by a limitation of access reservation along the property lines to achieve the following sight distance and separation of access points:

Highways	Three hundred fifty (350) feet
Major arterial	Two hundred fifty (250) feet
Collector streets	One hundred fifty (150) feet
4. Intersections.
 - a. Streets shall intersect each other at as nearly right angles as permitted by topography or other limiting factors of good design. The number of streets converging at one (1) intersection shall be reduced to two (2) with no more than four (4) approaches to an intersection without the specific approval of the Planning and Zoning Commission.
 - b. The number of intersections along major streets shall be held to a minimum.
 - c. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet. A greater radius may be required by the Planning and Zoning Commission where traffic justifies.
 - d. Local streets need not continue across major or minor arterial or collector streets; but if the centerlines of such local street approach arterial or collector streets from opposite sides thereof within one hundred (100) feet of each other, measured along the centerline of a major or minor arterial or collector street, their location shall be adjusted so that the alignment across the major or minor arterial or collector street is continuous and a jog is avoided.
5. Dead-end roads.
 - a. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning and Zoning Commission for access of adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet, however, the Planning and Zoning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications.
 - b. For greater convenience to traffic and more effective police and fire protection, permanent dead-end street or cul-de-sac streets shall not exceed five hundred (500) feet in length without approval of the Planning and Zoning Commission.
 - c. In cases where the Planning and Zoning Commission determine a temporary turnaround is required, it may be constructed without curb and gutter but must meet all other design criteria, at the developer's expense. When a dead end street with temporary turnaround, whether on or off-site, is extended, the developer extending the street shall be responsible for removing the turnaround facilities, constructing the extension or cul-de-sac to the standards in these regulations and restoring the affecting area.
6. Street Right-of-Way Width and Setback. The minimum right-of-way of all proposed streets and setback and curb to curb requirements shall be as follows:

Table 1 Minimum Right-of-Way and Curb to Curb Requirements			
Type of Street	Right-of-Way	Back of Curb To Back of Curb	Front Yard Setback
Highway--Class III Standard four (4) lane	80 ft.	52 ft.	50 ft
Thoroughfare— Major Collector	60 ft.	41 ft.	40 ft.
Collector--- Minor Collector	60 ft.	33 ft.	30 ft.
Minor Street--- Residential Street	50 ft.	28 ft.	25 ft.

If lot is on existing street, subdivider must either dedicate additional land or increase setback equal to one-half (1/2) of required road right-of-way plus normal setback.

7. Street Surface. All roads and streets shall be surfaced to City standards. No road or street shall be accepted by the City until at least twelve (12) months after its completion. All maintenance prior to acceptance shall be the responsibility of the developer. All cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred (100) feet.
8. Street Grades.
 - a. Unless necessitated by exceptional terrain and subject to the approval of the Planning and Zoning Commission, the maximum street grades shall not exceed the following:

Table 2 Maximum Street Grades	
Type of Street	Maximum Grade in Percentage
Highway	7%
Major or minor arterial	7%
Collector	8%
Minor Street	10%
Cul-de-sac	10%
Pedestrian ways	15%

- b. All changes in street grade shall be connected by vertical curves and be designated for safe stopping sight distances.
 - c. Street grades shall be established wherever practicable in such a manner to avoid excessive grading or promiscuous removal of ground cover and tree growth and general leveling of the terrain. Grades so established will

reduce hazards by maintaining adequate sight distances for the classification of street and speeds.

9. Radii of Curvature. A circular curve shall be introduced having a radius of curvature on centerline of not less than the following:

Table 3 Minimum Curve Radius	
Type of Street	Minimum Curve Radius
Highway	500 feet
Major or minor arterial	250 feet
Collector	200 feet
Minor (local street)	150 feet

A minimum tangent length of one hundred (100) feet shall be provided between curves of opposite direction on major and collector streets.

10. Half Streets. Where an existing dedicated or plated half street is adjacent to the tract being subdivided, the other half of the street right-of-way shall be dedicated by the subdivider in conformance with the requirements of the major street plan. Half a street dedications for minor streets are not permitted, unless there is a satisfactory agreement with the City that both adjacent developers agree to dedicate and construct one-half (½) of the street each. Where the major street plan locates a proposed street along the perimeter of a subdivision, a half street dedication shall be permitted if the Planning and Zoning Commission can be assured of the dedication of the other half within a reasonable time. If not, the minimum dedication of fifty (50) feet must be provided and improved accordingly.
11. Street Names.
 - a. Proposed streets which are continuations of or in alignment with existing named streets shall bear the names of such existing streets, unless otherwise approved by the Planning and Zoning Commission.
 - b. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.
 - c. All names of streets proposed by the subdivider shall be approved or disapproved by the Planning and Zoning Commission in accordance with this Article.
12. Greenways. If greenways or drainage ways influenced by topographical features such as streams or ponds, ravines, wooded areas or other natural features are to be provided within the proposed plat, their width and location shall be determined as may be deemed necessary to preserve such features.
13. Easements.
 - a. The Planning and Zoning Commission may require easements of a minimum width of five (5) feet on each side of all rear lot lines and on side lot lines where necessary or advisable for wires, conduits, sanitary sewers, gas, water, power and other utility lines.

- b. Suitable drainage easements as required by the Planning and Zoning Commission shall be dedicated on the subdivision plat to provide for the natural drainage of stormwater through the plat and in consideration of proposed improvements.
 - c. The minimum width for drainage easements shall be not less than ten (10) feet for closed conduits and fifteen (15) feet for open channels but, in any case, shall provide for conveyance of a 50-year storm flow with additional width of not less than ten (10) feet for construction and maintenance equipment and operations.
 - d. These drainage ways shall be improved to the extent necessary to properly accommodate storm flows in a manner to eliminate erosion and possible loss and damage to life, land and property.
 - e. The location, width and alignment of such drainage easements and the improvement and extent of such improvements shall be subject to the approval of the Planning and Zoning Commission.
14. Block Design.
- a. Blocks.
 - (i) The lengths, widths and shape of blocks shall be suited for the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of the terrain.
 - (ii) Block lengths in residential areas shall not, as a general rule, be less than six hundred (600) feet in length between street lines unless dedicated by exceptional terrain or other limiting factors of good design.
 - (iii) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
 - (iv) Pedestrian ways or crosswalks of not less than ten (10) feet in width shall be provided near the center and entirely across any block which is nine hundred (900) feet or more in length or where deemed essential, in the opinion of the Planning and Zoning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches, parks or transportation facilities.
 - b. Water Bodies and Watercourses. If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning and Zoning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under the zoning ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure.

15. Lot Design.
 - a. Arrangement. Each lot shall be free from flooding. No lot shall be impractical of improvement due to steepness of terrain, dangerous soil conditions or other adverse natural physical conditions. Side lot lines shall be at right angles to street lines and radial to curved street lines, unless deemed impractical.
 - b. Dimensions. The size, shape and orientation of lots shall be designed to provide desirable building sites properly related to topography, natural features, streets and land use and conform to the regulations contained in Chapter 1 Zoning Code of the Unified Development Code.
16. Public Uses and Service Areas. In the design of the plat, due consideration shall be given to the dedication of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. In the location of such sites, consideration shall be given to the preservation of scenic and historic sites, stands of mature trees, marshes, lakes and ponds, watercourses, watersheds and ravines.
17. Suitability of Land. Land subject to flooding, improper drainage or erosion, extreme topography or for other reasons is unsuitable for development shall not be platted for any use that will constitute a danger to health, safety or property destruction, except for developments in compliance with the Floodplain Overlay District. See Article 22 of Chapter 1 Zoning Code.
18. Dams and Retention Basins.
 - a. Dams. Where dams are proposed in any subdivision, they shall be designed by professional engineers registered in the State of Missouri. A preliminary engineering report, including soil investigations and design procedures, shall be submitted with the preliminary plat. When a dam is planned on private property, the engineer shall certify that the dam is constructed in accordance with the approved plans and specifications.
 - b. Retention basins. When the development of a subdivision will increase the runoff of stormwater onto adjoining properties, retention basins shall be required on-site to control the rate of runoff.
19. Community Assets. Due regard shall be given to natural features such as large trees, unusual rock formations and watercourses; for sites which have historical significance; and for similar assets, the preservation of which would add attractiveness and value to the subdivision. The provisions of Article 24 Site Development Standards in Chapter 1 Zoning Code shall be followed when designing a preliminary plat.
20. Water Supply System. Where applicable, the improvement plans for the water supply system installation shall be approved by local officials and the Board of Aldermen prior to the submission of the final plat.
21. Sewage Disposal System. The plans for the sewage disposal system, whether community or individual system installation, shall be reviewed by the applicable department or agency prior to the submission of the final plat.
22. Utility Connections. Connections between stormwater drainage systems and sewage disposal systems shall not be permitted.
23. Street Lighting. Street lights

23. Non-Residential Subdivision.

a. General.

- (i) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning and Zoning Commission may require pursuant to these regulations.
- (ii) A non-residential subdivision shall be subject to all the requirements set forth in Chapter 1 Zoning Code. Site plan approval and non-residential subdivision plat approval may proceed simultaneously at the discretion of the Planning and Zoning Commission. A non-residential subdivision shall also conform to the proposed land use and standards establishments in the comprehensive plan.

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

- (i) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (ii) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic to be generated thereupon.

- c. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
- d. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and stormwater drainage.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- f. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 410.060: Final Plat.

- A. Procedure. The subdivider shall file the final plat and supplements thereto on linen, mylar or similar durable material, together with ten (10) copies, including a 11" x 17" reproducible thereof. The sheet size shall be of sufficient size to clearly delineate the features. The plat and supplementary material shall be submitted to the Director of Community Development or his/her authorized representative by the subdivider and within approximately thirty (30) days after submission of all of the data required below, the Planning and Zoning Commission shall review and make a report thereon at its first regular meeting. The filing fee in the amount of three dollars (\$3.00) per lot shall

accompany each final plat when submitted to the Planning and Zoning Commission for approval. The final plat shall be prepared by a licensed land surveyor in accordance with the specific features as follows:

1. The final plat shall be drawn at a scale of at least one (1) inch equals one hundred (100) feet or larger. The size of sheets on which such final plats are submitted shall be at least eight and one-half (8½) inches by eleven (11) inches and shall not exceed twenty-four (24) inches by thirty-six (36) inches.

Where the proposed plat is of unusual size, the final plat shall be submitted on two (2) or more sheets of the same dimensions. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire development at a smaller scale.

2. Name of subdivision (not to duplicate or too closely approximate the name of any existing subdivision).
3. Location of section, township, range, County and State and including descriptive boundaries of the subdivision based on an accurate survey. The allowable error of closure of any portion of a final plat shall be in accordance with the Director of Community Development's official order or as amended.
4. Location of lots, streets, public highways, parks, parkways and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
5. Lots shall be numbered clearly. If the blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
6. The exact locations, widths and names of all streets to be dedicated.
7. Location and width of all easements to be dedicated.
8. Front building setback lines and the base offset lines with appropriate dimensions.
9. Acknowledgement of the owner and mortgagee regarding plat and all dedications, restrictions and conditions affecting property platted.

All documents, maps, surveys and plans shall contain the date, title, name and location of the subdivision, the names and addresses of the subdivider, owner, landscape architect, surveyor and engineer, the graphic scale and true north line.

All dimensions, angles, bearings and similar data shall be tied to primary control points designated by a registered surveyor. Locations and descriptions of said control points shall be given. Except where otherwise approved by the Planning and Zoning Commission, the control points shall be established section corners and quarter section corners. All contours, grades and elevations shall use the United States Geological Survey Datum Plan and shall be designed on the plat.

10. Ten (10) copies of the final subdivision plat of which three (3) will be on linen or other suitable dimensionally stable based material. Three (3) copies shall carry the original signatures of the owner or owners and certification by a notary public.

- B. Supplemental Information Required With Final Plat. The subdivider shall file with the final plat the following:

1. Copies of the approved plans and profiles of all subdivision improvements, such as streets, sewers, storm drains and structures, including grading plans, if required.
 2. Any bond or escrow agreement in the form required by this Article.
 3. A copy of any indenture of restrictions as approved by the Planning and Zoning Commission.
 4. Recorded copies of any required off-site utility easements.
 5. Title report and hard copy of applicable easements.
- C. Review Of Final Plat.
1. The Planning and Zoning Commission shall check the plat to determine the accuracy of computations and other items designated thereon. At its first (1st) regular meeting (not less than ten (10) days nor more than thirty (30) days following submission) following submission of the final plat and supplemental data, the Planning and Zoning Commission shall approve or disapprove same, which action shall be noted on the plat and signed by the Chairman for the Planning and Zoning Commission. If the plat is disapproved, the grounds shall be stated in the Planning and Zoning Commission minutes and furnished to the subdivider.
 2. Approval of the plat by the Planning and Zoning Commission shall not constitute acceptance of any portion thereof designated for public uses. Copies of any final plat containing any area proposed to be dedicated to public use shall be forwarded by the Planning and Zoning Commission to the Board of Aldermen for its consideration and action. When the final plat has been approved by the Planning and Zoning Commission, a copy thereof shall be forwarded to such agencies as may be appropriate. A permanent record copy of the plat and any indenture of restrictions shall be filed with the City Clerk by the Planning and Zoning Commission. Recordation shall not take place until after appropriate fees are paid by the subdivider. No building permits shall be issued until such recordation.
- D. Effective Period of Final Plat Approval. The approval of the final plat shall be effective for a period of one (1) year, the end of which time the plat of the subdivision must have been filed with the County Recorder of Deeds. Any plat not recorded in the period of time set forth herein shall be null and void and the developer shall be required to resubmit a new plat subject to all the zoning code and subdivision regulations.

SECTION 410.065: Lot Splits or Minor Subdivisions.

If a proposed subdivision of land does not contain more than four (4) lots, each of which have frontage on existing streets, not involving any new street or road or the extension of municipal facilities or the creation of any public improvements and not adversely affecting development of the remainder of the parcel or adjoining property and not in conflict with any provision of the zoning ordinance or otherwise within these regulations, the owner may proceed with the lot split procedure thus circumventing the requirements of subdividing as outlined in this Article.

A. Procedure.

1. The applicant shall be required to submit an application for lot splits on forms available from the Community Development Director to the Planning and Zoning Commission along with the fee of one hundred dollars (\$100.00).

2. Such application shall include two (2) copies of the deed of conveyance or plat and two (2) certified survey maps for review. The Commission shall review the proposed division of land for conformance with the applicable subdividing and zoning regulations and for possible effects of the proposed division on any approved plan.
3. The Planning and Zoning Commission shall within approximately thirty (30) days after submission of all of the data required in this section approve, approve conditionally or reject the division at its first regular meeting. The applicant shall be notified in writing of the action of the Commission. Review and approval by the Board of Aldermen is not required.
4. If approved, the applicant shall record the necessary plat or deeds to affect the lot split, along with a title report and hard copy of applicable easements.

SECTION 410.070: Required Improvements.

The following improvements shall be required of the subdivider:

- A. Streets. The subdivider shall install streets which shall conform to the specifications of the City and compliance therewith shall be confirmed by the Building Inspector prior to release of surety by the Board of Aldermen.
- B. Sidewalks. The builder shall install sidewalks adjacent to and on both sides of all public streets. Such sidewalks shall be not less than four (4) feet in width and four (4) inches thick of Portland cement concrete and shall comply with all other ordinances and specifications required by the City. The developer/subdivider is responsible for installation of sidewalks along open space tracts at the time of installation of public improvements.
- C. Storm Drainage. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other improvements to adequately handle stormwater. All improvements shall comply with the minimum standards of the City and shall be approved by the Building Inspector prior to construction.
- D. Water Lines. Water lines which conform to City standards as to size, material, location and design shall be installed by the developer in front of each lot unless the Commission determines that water can be obtained from some other acceptable point.
- E. Sewer Lines. Sewer lines which conform to City standards as to size, material, location and design shall be installed by the developer in front of each lot to provide gravity flow from all building sites.
- F. Street Signs. The subdivider shall install street signs at all intersections within a subdivision according to City standards and in compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
- G. Sediment and Erosion Controls. See Article 500 Building Codes, Section 500.080 Responsibility of Permit Holder.
- H. Other Required Improvements. Improvements that may be required as part of preliminary plat approval which may include, but not limited to, landscaping, fencing, trails, and community buildings.
- I. Maintenance Bond. Prior to the acceptance by the City of any improvement required herein and as a guarantee that all public improvements have been done in a

satisfactory manner, the subdivider shall provide a maintenance bond or irrevocable letter of credit in favor of the City in the amount of fifty percent (50%) of the contract price of the improvement against defects in workmanship and materials for a period of two (2) years from the date of acceptance of such improvement or any phase thereof. A bond or irrevocable letter of credit in the form and amount acceptable to the City shall be filed with the City Clerk prior to acceptance of the improvements or any phase thereof by the City.

SECTION 410.075: Completion Guarantee Required.

- A. In lieu of actual construction of any required improvement and only with the consent of the Board of Aldermen, a subdivider may provide a surety in the form of a corporate surety bond by a firm authorized to do business in Missouri with good and sufficient sureties thereon or a cashier's check made payable to the City, an escrow account or an irrevocable letter of credit in favor of the City in the amount of one hundred twenty (120%) percent of the total estimated cost of said improvement as determined by the City Engineer and approved by the Board of Aldermen. The surety shall remain in effect until the date of acceptance of such improvement by the City.
- B. The approved surety shall be filed with the City Clerk. After the completion of such required improvements in an acceptable manner and within the time specified in the agreement between the subdivider and the City, the City shall release the performance surety provided a maintenance bond has been furnished as required by the subdivision regulations. If said required improvements are not completed in an acceptable manner or within the time period specified in the agreement between the subdivider and the City, the Board of Aldermen is empowered by these subdivision regulations to enforce such security bond by all legal and equitable remedies.
- C. The proceeds recovered on any surety required herein shall be used to complete the construction bonded herein by these subdivision regulations or shall be used to the extent that such completion may be accomplished conditioned by the amount of money recovered; provided however, that all streets shall have a priority over all other bonded phases of construction and the recovered monies shall be applied first to completion of such streets.
- D. Release of surety shall be by the City of Kearney after written report from the City Administrator stating that all the improvements are in satisfactory condition.

SECTION 410.080: Open Space and Recreational Facilities.

- A. All subdividers in residential zoning districts shall provide for open space, parks or recreational facilities as a part of such residential subdivision or development. This requirement shall be satisfied by one (1) of the following:
 - 1. Dedication of open space land for public use;
 - 2. Payment of fee in lieu of dedication of open space land;
 - 3. Development of public parks and recreational facilities within the subdivision.
- B. Open space, parks and recreational facilities required by this Section should be within the general area of the development and should serve the needs created by such development.

- C. The Board of Aldermen shall determine the acceptability of dedicated lands or the development of park and recreational facilities in the subdivision or payment of fee in lieu of dedication as the Board deems appropriate to meet the requirements of this Section and the best interest of the City. No building permits shall be issued until the provisions of this Section are satisfied. These provisions apply to the development of all land for residential use in the City of Kearney regardless of the zoning.
- D. Schedule of Dedication of Open Space Land. If the Board of Aldermen determines that the dedication of land by the subdivider is acceptable and in compliance with this Section, such dedication shall be by warranty deed from the subdivider to the City and shall be dedicated by the plat. The amount of land required to be dedicated shall be not less than required in the following formula:

FORMULA FOR THE DEDICATION OF OPEN SPACE
(Minimum Requirement)

The projected population shall be the criteria used to determine the amount of land to be donated. A formula of two (2) acres per one hundred (100) persons or twenty (20) acres per one thousand (1,000) persons will be used.*

*The standard utilized is that set forth by the Missouri Department of Natural Resources of the 2002 Statewide Landmark Local Parks Program.

DU x 2.84 x .02 = Dedicated Open Space Requirement

DU = Number of Dwelling Units

2.84 = Average Household size**

.02 = Required acres per person based on twenty
(20) acres per one thousand (1,000) persons

**Average household size set by the 2000 U.S. Census of the City of Kearney, Missouri.

- E. Fee Paid--When. The fee in lieu of dedication shall be paid at the time of final platting. The fee in lieu shall be three hundred twenty-five dollars (\$325.00) per dwelling unit for all residential zoning districts. The Board of Aldermen may, but are not obligated to, approve a schedule of deferred payment and may allow payment of fees on dwelling unit basis at the time of issuance of building permits. In either case, the method for fee in lieu of dedication shall be specified in either a subdivision agreement between the City and the subdivider or the ordinance approving the final plat.
- F. General Requirements For Dedicated Land. The minimum required dedication of open space shall be in addition to minimum required yard areas, buffers and space reserved for off-street parking required by the zoning code. The percentage of space required to be dedicated shall be based upon the total area of the development or subdivision used for residential development, excluding any commercial or industrial uses. All lands to be dedicated shall meet the following general requirements:
1. Size and Shape. The tract should contain not less than three (3) contiguous acres and be a minimum of two hundred (200) feet at the narrowest dimension.
 2. Location and Accessibility. The tract should be located in or adjacent to the subdivision and easily accessible to same. Consideration should be given to placing parks where they can be added to by future subdivisions or are an addition to an existing park. Consideration should also be given to spacing parks not closer than one-half (½) mile from any other park. Sites should be dedicated

in a condition ready for full service with electrical, water, sewer and street access at the property line.

3. Reservation of Additional Land. Where the Comprehensive Plan or the standards of the City call for a larger amount of park and recreational land in a particular subdivision or planned development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the City or other public body designated by the City, provided that such acquisition is made within one (1) year from the date of approval of the final plat.
 4. Topography--Drainage. The slope, topography and geology of the dedicated site as well as its surrounding must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from the surrounding land.
 5. Natural Features. Features such as trees, brooks, hilltops and views should be preserved whenever possible. The subdivider shall designate or show at the time of filing the preliminary plat the trees and other natural features which are to be retained. The preservation and creation of lakes and wooded areas are to be encouraged.
- G. Credit for Private Recreational Facilities. No open space, parks or recreational facilities to be constructed and maintained by the development for the benefit of those residents of the subdivision being created shall be used to satisfy the requirements of this Section.
- H. Special Fund Created. All fee in lieu of dedication payments shall be deposited in a separate fund established by the City and such funds and the interest thereon shall be used only for the purchase, development and improvement of neighborhood park and recreational facilities determined by the Board of Aldermen as being reasonably accessible to the residents of such subdivision.
- I. Open Space Requirements. Any lands resubdivided after passage of this Article shall be subject to the provisions of this Section, except that land dedicated or fee in lieu of dedication payments previously made on the same land will be credited against the obligations of the subdivider pursuant to this Section. In no instance will lands so dedicated or fees paid to the City be returned to subdividers.

SECTION 410.085: Streets in Older Subdivisions.

- A. When any person or group of persons seek to improve and open a platted but unopened street or alley within a residential subdivision which was platted prior to January 1, 1930, wherein other streets have been previously opened, such new streets sought to be opened need only meet the following criteria regardless of any other provisions of this Article to the contrary:
1. The minimum edge to edge width of said proposed street need be no wider than the widest open street within said subdivision, however in no event less than twenty (20) feet. No curbs shall be required on said street unless the streets previously opened within said subdivision have curbs in which case similar curbs shall be required.
 2. Grading and site preparation shall conform to Section 2100 of Street Construction and Materials Specifications approved by the Kansas City Chapter of the American Public Works Association.

3. An aggregate base course of no less than six (6) inches of an approved one (1) inch road rock shall be constructed and maintained for a period of not less than one (1) year. Such persons or groups of persons opening said street shall periodically grade and maintain the road and add gravel to the road base as necessary until acceptance by the City.
 4. After said one (1) year period and subject to the Street Superintendent's approval such persons shall construct an asphalt concrete surface on said street or alley with a minimum depth of four (4) inches. Such persons shall provide all maintenance for such street or alley for an additional period of one (1) year. If after such additional one (1) year said street has been well constructed, satisfactorily maintained and is in good condition, the City may upon the recommendations of the Street Superintendent, accept said street for maintenance.
- B. All such construction shall conform to the Construction and Material Specifications for Streets as approved and adopted on October 21, 1981, by the Kansas City Metropolitan Chapter of American Public Works Association.
- C. The Street Superintendent, or his/her authorized representative, shall have the power to enforce the provisions of this Section. No road or bridge work within City right-of-way shall be conducted without first obtaining a permit from the Street Superintendent.