

88-535 MINOR SUBDIVISIONS

88-535-01. APPLICABILITY

Any subdivision of land meeting the eligibility criteria below may be approved by the city planning and development director. Any subdivision not meeting these criteria shall require approval of a major subdivision pursuant to 88-540.

88-535-01-A. TYPE 1 MINOR SUBDIVISION

Any subdivision which does not result in a net increase in the number of lots (i.e., a lot line adjustment or lot consolidation) regardless of whether the land area included was previously platted, the cumulative number of lots in the subdivision, and the status of public improvements (i.e. whether or not they exist or meet current standards) within and adjacent to the subdivision.

88-535-01-B. TYPE 2 MINOR SUBDIVISION

Any subdivision which results in a net increase in the number of lots (i.e., a lot split) by up to five additional lots, regardless of whether the land area included was previously-platted, the cumulative number of lots in the subdivision, and the status of public improvements (i.e. whether or not they exist or meet current standards) within and adjacent to the subdivision.

88-535-01-C. TYPE 3 MINOR SUBDIVISION

Any subdivision of previously platted land which results in a net increase in the number of lots (i.e., a lot split) by six but no more than 20 additional lots, regardless of the cumulative number of lots in the subdivision, and when the public improvements required of 88-405-03 are present to serve all lots in the proposed subdivision except that the public improvements specified below need not exist to be eligible for a minor subdivision:

- A. Curb
- B. Drive approaches
- C. Sidewalks
- D. Street trees
- E. Storm sewer and stormwater management facilities (for subdivisions in combined sewer areas)

As a condition of approving the minor subdivision, the city planning and development director shall require construction and installation of all the above except storm sewer and stormwater management facilities for subdivisions in the combined sewer areas. The director is authorized to waive or modify these required improvements in accordance with the criteria of 88-405-25-C.

88-535-01-D. TYPE 4 MINOR SUBDIVISION

Any subdivision of a building that meets the definition of a condominium plat contained in 88-810-370.

(Ord. No. 120783, § 1, 10-4-2012; Ord. No. 151013, § A, 12-10-2015)

88-535-02 EXEMPTIONS

Any subdivision meeting the following criteria is exempt from the minor subdivision approval process.

88-535-02-A. RE-ESTABLISHMENT

A subdivision that meets the criteria of a Type 1 Minor Subdivision as stated above (i.e. a lot line adjustment or lot consolidation) or a Type 2 Minor Subdivision (i.e. a lot split resulting in up to five additional lots) which proposes “re-establishing” previously-platted lots shall be exempt from this process and may “re-establish” the previously-platted lots by deed at the appropriate county recorder’s office so long as the previously-platted lots meet the requirements of this zoning and development code.

For the purposes of this section, “re-establishment” shall mean adjusting parcel boundaries such that their legal descriptions and boundaries are consistent with the legal description and boundaries of the underlying lots.

88-535-02-B. CONSOLIDATIONS

A subdivision that meets the criteria of a Type 1 Minor Subdivision as stated above which results in a net reduction in the number of lots (i.e., a lot consolidation) shall be exempt from this process and may combine by deed or tax parcel at the appropriate county recorder’s office so long as the resulting lots meet the requirements of this zoning and development code.

88-535-03 AUTHORITY TO FILE

Minor subdivision applications may be filed only by the subject landowner or the subject landowner's authorized agent.

(Ord. No. 151013, § A, 12-10-2015)

Editor's note(s)—Ord. No. 151013, § A, adopted December 10, 2015, amended the code by renumbering former 88-535-02—88-535-06 as new 88-535-03—88-535-07.

88-535-04 APPLICATION FILING

Complete applications for minor subdivisions must be filed with appropriate personnel in the city planning and development department. Minor subdivision surveys must contain all graphical submittal data as required for final plats.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-03. See editor's note, 88-535-03.

88-535-05 REVIEW AND DECISION—CITY PLANNING AND DEVELOPMENT DIRECTOR

The city planning and development director must review each application for minor subdivision approval using the criteria provided below and act to approve, approve with conditions, deny, or refer the application to the city plan commission. If referred to the city plan commission, the city plan commission may act to approve, approve with

conditions, or deny the application. The city plan commission may also act to continue the matter for further deliberation.

88-535-05-A. REVIEW CRITERIA FOR TYPE 1, TYPE 2, AND TYPE 3 MINOR SUBDIVISIONS

The city planning and development director is authorized to approve a Type 1, Type 2, or Type 3 Minor Subdivision when:

1. The subdivision meets the eligibility criteria of 88-535-01-A; and
2. The subdivision complies with all applicable provisions of this zoning and development code; and
3. The subdivision complies with the Major Street Plan; and
4. That proposed lots which are greater than one acre in area do not exceed a lot depth to lot width ratio of 3:1; and
5. Dedication of rights-of-way and easements, if required, are made by separate instrument, and accepted by the City Council as required by this zoning and development code prior to recording the minor subdivision; and
6. The proposed subdivision does not adversely affect the remainder of the parcel.

88-535-05-B. REVIEW CRITERIA FOR TYPE 4 MINOR SUBDIVISIONS

The city planning and development director is authorized to approve a Type 4 Minor Subdivision (condominium plat) when it complies with all the following requirements:

1. the plat must comply with the preliminary plat and/or plan that was approved for the overall development, including any limits on the maximum number of condominium units allowed;
2. the plat must conform to the requirements of Section 448.2-109, RSMo;
3. the plat must show the footprint of the buildings and the building identification system;
4. the plat must include a permanent benchmark and references to the survey monuments by a metes and bounds description;
5. the plat must include the owner's signature;
6. the plat must include the names, addresses and phone numbers of the owners and the company preparing the condominium plat;
7. the plat must include the surveyor's seal, signature and certification;
8. the plat must include the exact dimensions of the condominium units;
9. the plat must show the location of the common elements and limited common elements;
10. the plat submission must include a chronology chart referencing the building number, plat book and page, and date of any previously recorded condominium plats when there are multiple condominium plats;
11. the plat submission must include the declaration of condominium or amendment to the declaration;
12. the plat may not be approved until all required dedications of public rights-of-way and easements, if any, are made and accepted by the city council; and
13. the plat may not be approved until the city planning and development department has received confirmation that any required parkland or private open space dedication or payments in lieu of parkland have been completed.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-04. See editor's note, 88-535-03.

88-535-06 RECORDING

Upon approval of a minor subdivision, the land survey/condominium plat must be recorded in the office of the appropriate county recorder of deeds. Recording must occur within 90 days of the date of approval by the city planning and development director.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-05. See editor's note, 88-535-03.

88-535-07 APPEALS

88-535-07-A. If the city planning and development director disapproves the minor subdivision or approves the minor subdivision with conditions or modifications, the applicant may appeal the city planning and development director's decision to the city plan commission by filing a notice of appeal with the city planning and development director. Appeals must be filed within 15 calendar days of the date of the city planning and development director's decision.

88-535-07-B. Appeals of the city plan commission's decision, in the case of a minor subdivision appealed to the city plan commission, may be appealed to the city council by filing a notice of appeal with the city planning and development director. Appeals must be filed within 15 calendar days of the city plan commission decision.

(Ord. No. 151013, § A, 12-10-2015)

Note(s)—Former § 88-535-06. See editor's note, 88-535-03.