

CHAPTER 405: SUBDIVISION REGULATIONS

(Updated through June 14, 2011)

Comment [1]: outline is defined and used in this document

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: TITLE

These regulations shall be known and cited as the Platte County Subdivision Regulations of 1992. (County Order of 1990)

SECTION 405.020: POLICY

It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided tract as subject to the control of the County pursuant to the provisions of Chapter 64, RSMo., 1986, as amended, and other applicable laws so as to promote the orderly, planned, efficient and economical development of the unincorporated territory of the County. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Order, Building Codes and other relevant ordinances and laws of the County. (County Order of 1990)

SECTION 405.030: PURPOSES

These regulations are adopted for the following purposes:

1. To protect and promote the public health, safety, convenience, comfort and general welfare of the County.
2. To guide the future growth and development of the County.
3. To provide for the proper location and width of streets, roads, building lines, open space and recreation and to avoid congestion of population.
4. To protect and conserve the value of land, buildings and improvements throughout the County and to minimize conflicts among the uses of land and buildings.
5. To establish reasonable standards of design for subdivisions in order to further the orderly layout and use of land.
6. To insure that public facilities, including roads, water, sewer and drainage facilities, are adequate to serve the needs of proposed subdivisions. (County Order of 1990)

SECTION 405.040: AUTHORITY

These regulations are adopted pursuant to the authority granted by the State of Missouri in Chapter 64, RSMo., 1986, as amended. (County Order of 1990)

SECTION 405.050: JURISDICTION

These regulations shall apply to all subdivisions of land located within the unincorporated area of Platte County, Missouri. (County Order of 1990)

SECTION 405.060: MISCELLANEOUS

- A. These regulations shall not be construed as abating any action now pending under or by virtue of prior existing Subdivision Regulations or as discontinuing, abating, modifying or altering any penalty accruing or to accrue or as effecting the liability of any person, firm or corporation or as waiving any right of the County under any regulation or provision existing prior to the time of adoption of these regulations.
- B. In their interpretation and application, the provisions of these regulations shall be considered the minimum provisions for the purposes stated in Section 405.030.
- C. If any provision of these regulations should impose restrictions different from those imposed by any other provision of these regulations or any other County Commission ordinance, statute, rule, regulation or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- D. The provisions of these regulations are not intended to abrogate any easement or covenant or any other private agreement or restriction. If the provisions of these regulations are more restrictive or impose higher standards than any easement, covenant, private agreement or restriction, the requirements of these regulations shall control.
- E. If any part or provision of these regulations or any application thereof to any person or set of circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. (County Order of 1990)

SECTION 405.070: USAGE

- A. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this Section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular. The word "*shall*" is mandatory and the word "*may*" is permissive.
- C. A "*person*" includes a corporation, a partnership and an unincorporated association of persons such as a club; a "*building or structure*" includes any part thereof; and "*used*" or "*occupied*", as applied to any land or building, shall be construed to include the words "*intended, arranged or designed to be used or occupied*".

- D. In the interpretation or construction of the provisions of these regulations, all reference to the masculine gender shall be deemed to include the feminine gender and all reference to the feminine gender shall be deemed to include the masculine gender. (County Order of 1990)

SECTION 405.080: MEETINGS

- A. All applications for the hearing of matters relating to preliminary plats, final plats or other matters to be heard by the Planning Commission shall be placed on the agenda of a regularly scheduled monthly meeting of the Planning Commission provided that adequate time is available for such notice as provided herein.
- B. The member presiding at a meeting of the Planning Commission may adjourn such meeting upon a majority vote of the Commission. Upon such adjournment, the time and place to which the meeting is adjourned shall be announced and any and all unheard matters which were on the agenda for the meeting as originally scheduled shall be heard at the adjourned meeting. All requirements or duties imposed herein or in the Zoning Order or in the Planning Commission's Bylaws or any applicable statute for the hearing of any matter at the next scheduled meeting of the Planning Commission shall be deemed to be satisfied by the placing of the particular matter on the agenda of a regularly scheduled monthly meeting irrespective of whether it is heard at such meeting or heard at an adjournment thereof.
- C. The hearing of an application for an approval of a preliminary plat or final plat may be tabled or postponed at the discretion of the Planning Commission upon request of the applicant; provided however, that after a postponement has been granted any applicant on two (2) prior occasions, then the Planning Commission may, upon motion duly made and passed by a majority vote, dismiss the subject application without prejudice and, thereafter, should the applicant wish to pursue the approval of the subject preliminary or final plat, then the applicant shall need to refile the plat and follow all procedures or an initial application. (County Order of 1990)

SECTION 405.090: DEFINITIONS

For purposes of this Chapter 405, certain terms, phrases, words and their derivatives shall be defined as specified in this Section except where the context in which such terms, phrases, words and their derivatives are used preclude such definition.

ADJACENT: Includes properties that abut one another or are separated by a public right-of-way or water body.

ALLEY: A public or private way permanently reserved as a means of access from abutting property to local streets and roads.

APPLICANT: Any person or his representative owning land which is the subject of a subdivision proposal.

ARTERIAL ROAD: See "ROAD".

AS-BUILT DRAWINGS: Drawings of a public improvement showing the size, dimensions and exact location of the public improvement after it has been constructed.

BERM: Natural or man-made elevations changes that block or partially block the view from adjoining properties.

BUFFER AREA: Open and unobstructed or screened ground area of a parcel in addition to any required yards or road widening around the perimeter of any parcel where required. Parking is not allowed in a buffer area, except as provided in these regulations.

CENTRAL SEWERAGE SYSTEM: A community sewer system, including collection and treatment facilities, which is designed to serve more than one (1) home, business or other facility.

CENTRAL WATER SYSTEM: A community water system including water treatment and distribution facilities.

COLLECTOR ROAD: See "ROAD".

COMMON AREA: An area, space or lot within or related to a development, not in individually-owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision.

CONTIGUOUS: The arrangement of more than one (1) platted or unplatted lot either adjacent or when separated only by a public or private right-of-way, stream or common area.

COUNTY COMMISSION: The governing body of Platte County, Missouri.

COUNTY COUNSELOR: The attorney of Platte County, Missouri, as designated by the County Commission of Platte County or such other licensed attorney as the County Counselor may designate.

COUNTY ENGINEER: The engineer of Platte County, Missouri, as appointed by the County Commission of Platte County.

COUNTY HEALTH OFFICER: The duly appointed County Health Officer of Platte County, Missouri, or such person as the Health Officer may designate.

COUNTY SERVICES: Public Services provided by government entities including, but not limited to, Police protection, fire protection, water services, sewer services or schools.

COVENANTS: An agreement that states how a homeowners' association operates and any controls or restrictions that apply to the properties located within the boundaries of that homeowners' association. The covenants may be more restrictive than that allowed or required within the Platte County Zoning Order, however, the Platte County Zoning Order shall take precedent where covenants are less restrictive than the Platte County Zoning Order.

CUL-DE-SAC: A local street with only one (1) outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.

CUT: See "EXCAVATION".

DEAD-END STREET: See "CUL-DE-SAC".

DIRECTOR: The Director of Planning and Zoning of Platte County, Missouri, or such other person as he may designate.

DIVERSION: A channel for the conveyance of water, with or without a supporting ridge on the lower side, constructed across or at the bottom of a slope.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENFORCEMENT OFFICER: The person designated by the County Commission of Platte County to enforce compliance with the Zoning Order and Subdivision Regulations of Platte County.

ENGINEERING DRAWINGS: A set of plans, prepared and sealed by an engineer licensed in the State of Missouri, containing the necessary information for public improvements as required by Article IV of these regulations. An approved set of engineering drawings shall be required before final plat submittal to the Planning and Zoning Department.

EROSION: The wearing away of the land surface by the action of wind, water or gravity.

ESCROW: A deposit of cash with the County in lieu of an amount required on a performance or maintenance bond.

EXCAVATION: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

EXISTING STREET: Any street which has been improved and is open for vehicular traffic.

FEE: That amount, as adopted by the County Commission, which is submitted to the County with the submittal of all other necessary application materials when subdividing land.

FEMA: Federal Emergency Management Agency.

FILL OR FILLING: The placing of any soil, earth, sand, rock, gravel or other substance on the ground.

FINAL PLAT: A drawing by a licensed surveyor containing the necessary information as required by Article III of these regulations. The final plat shall be recorded in the Recorder of Deeds Office after having received the necessary approval as stated in these regulations.

FINISHED GRADE: The final grade or elevation of the ground surface conforming to the proposed design.

FLOOD PLAIN: Those areas designated as floodway overlay districts and floodway fringe overlay districts by the Federal Emergency Management Agency.

FRONTAGE: That side of a lot abutting a public or private street or right-of-way and ordinarily regarded as the front of the lot but shall not be considered as the ordinary side of a corner lot. The side of the lot or tract abutting an alley or easement shall not constitute frontage for that lot or tract.

GOVERNMENT SURVEY LINES: Those survey lines as established by the State and Federal government that establish sections, townships and ranges.

GRADING: Any excavation or filling or combination thereof.

HIGH DENSITY: Those residential areas that contain duplexes and multiple dwellings such as town houses, condominiums and apartments. Zoning districts that are considered to be high density are "RTD" and "RMD".

HIGHWAY: A road that is maintained by the Missouri State Highway Department and may be classified in the hierarchy of roads as stated in these regulations.

HIGHWAY, LIMITED ACCESS: See "ROAD".

HOMEOWNERS' ASSOCIATION: An incorporated organization operating under recorded land agreements through which:

1. Each lot and/or homeowner in a subdivision, planned unit or other described land area is automatically a member,
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and
3. The charge, if unpaid, becomes a lien against the property.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A wastewater disposal system that falls within the Platte County Individual On-Site Sewage Ordinance as administered by the Platte County Health Department.

LAND LOCKED: A lot, tract or parcel of ground which does not have frontage.

LANDSCAPE BUFFER: A strip of land ten (10) feet in width dedicated as separate from the building area of the lot. The landscape buffer shall contain a wall, fence or planting arrangement of sufficient height and density to serve the purpose of a solid screen such that the projection of a horizontal line of sight originating six (6) feet off the existing terrain will be cut off by the buffering. In no case shall the wall, fence or planting arrangement be less than six (6) feet in height. At street intersections, this screen or buffer shall be set back a sufficient distance to avoid interference with the sight triangle of the intersection.

LANDSCAPING: The bringing of the soil surface to a finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect on the premises.

LAND SURVEYOR: A person licensed in the State of Missouri to perform surveying of land in which new lot lines are established.

LAND USE PLAN: The adopted Land Use Plan as required by Chapter 64, RSMo., 1986, as amended, that acts as a guide for development and indicates the type and density of development preferred in an area.

LOCAL ROAD: See "ROAD".

LOT: A portion of a platted subdivision intended as one (1) property for the purpose, whether immediate or in the future, of transfer of ownership or for building development.

LOT, CORNER: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred five degrees (105°).

LOT IMPROVEMENT: Any building, structure, place, work of art or other object or improvement of the land on which they are situated constituting a physical betterment of real property or any part of such betterment.

LOT LINE: The exterior line that forms a lot, tract or parcel.

LOT SPLIT: A method of subdividing land in accordance with the requirements specified in Article II of these regulations.

LOW DENSITY: Those residential areas in which the density does not exceed three and six-tenths (3.6) units per acre. Zoning districts that are considered to be low density are "R-25", "R-15" and "R-12".

MAINTENANCE GUARANTEE: A financial guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to the regulations or to maintain same.

MAJOR SUBDIVISION: A method of subdividing land in accordance with the requirements specified in Article II of these regulations.

MEDIUM DENSITY: Those residential areas in which the density does not exceed five and eight-tenths (5.8) units per acre. Zoning Districts that are considered to be medium density are "R-10" and "R-7".

MINOR SUBDIVISION: A method of subdividing land in accordance with the requirements specified in Article II of these regulations.

MODEL HOME: A conventionally constructed dwelling unit used temporarily for display in real estate sales purposes. The unit may not be subject to any permanent remodeling for commercial use. The unit may not be used for general real estate brokerage services but only for the marketing of residential units in the specific subdivision in which it is located or later phases of that same subdivision.

NATURAL WATERCOURSE: A channel formed in the existing surface topography of the earth by the accumulation and flow of naturally occurring water runoff prior to changes made by man.

NON-RESIDENTIAL SUBDIVISION: A subdivision which the intended use is other than dwellings, such as commercial or industrial.

OFF-SITE: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

OPEN CHANNEL: A constructed ditch or channel, not enclosed at the surface, designed for water flow.

OVERLAY DISTRICT: A zoning district that establishes zoning requirements in addition to the zoning district requirements as stated in the Platte County Zoning Order.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARCEL: Two (2) or more lots or tracts that form a continuous quantity of land and are owned by the same person.

PARK: Any public or private land available for recreational, educational, cultural or aesthetic use.

PARKWAY: A scenic road that may provide aesthetic views, carries traffic through or adjacent to parkland and open space and is classified as a collector road, secondary arterial or primary arterial as defined in the hierarchy of roads.

PERFORMANCE GUARANTEE: A financial guarantee accepted by the County to ensure that all improvements, facilities or work required by these regulations will be completed in compliance with the requirements of these regulations and the approved plans and specifications of a development.

PERIMETER STREET: Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

PLANNING COMMISSION: The County Planning and Zoning Commission of Platte County, Missouri, established in accordance with Chapter 64, RSMo., 1986, as amended.

PLAT: A drawing by a licensed land surveyor of a residential or non-residential subdivision which is recorded in the County Recorder of Deeds office.

PLAT BOUNDARY LINES: Those lot lines that form the exterior boundary of a subdivision plat.

PRELIMINARY PLAN: The conceptual layout of the proposed public improvements that are to be constructed. Engineering calculations and data are not required for preliminary plans.

PRELIMINARY PLAT: A drawing by a licensed surveyor showing the general layout and concept of a subdivision. Such layout shall include those items required to be shown in Article II of these regulations.

PRIMARY ARTERIAL: See "ROAD".

PRIVATE IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement or other facility for which a homeowners' association or other private entity will or may ultimately assume the responsibility for maintenance and operation.

PUBLIC HEARING: A meeting that the public may attend to either make comments, ask questions or find out information on any topic being addressed at that meeting.

PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement or other facility for which the County or other public entity will or may ultimately assume the responsibility for maintenance and operation.

REAL PROPERTY: Land that is owned by a person, entity or organization.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main or for another use. The strip of land shall be established and shown on a plat to be separate and distinct from the lots or parcels adjoining such strip and not included within the dimensions or areas of such lots or parcels.

ROAD: A public or private street used or intended to be used for passage or travel by motor vehicles. Roads are classified in a hierarchy by the functions they perform as follows:

1. *Collector road.* A street intended to move traffic from local and subcollector roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that access from residential properties is prohibited or severely restricted.
2. *Local road.* A street with the sole purpose of providing frontage for service and access to elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.
3. *Subcollector road.* A street intended to carry only a small amount of traffic from local streets to collector roads and secondary arterials. Subcollector roads should be designed so that access from residential lots is allowed.
4. *Secondary arterial.* A street that interconnects and augments the major arterial streets and accommodates trips of moderate length at a lower level of travel mobility than major arterials. Access should be prohibited or severely restricted from low traffic generators and any residential lot smaller than five (5) acres in size.

5. *Primary arterial.* A street or highway that serves the highest traffic volume corridors and the longest trip; also provides travel between communities, business districts and outlying residential areas. Access from local roads, low traffic generators and residential property should be prohibited or severely restricted.
6. *Limited access highway.* Highways that are designed for unrestricted movement, have no private access and intersect only with selected arterial or collector roads and highways by means of interchanges engineered for free flowing traffic.
7. *Road right-of-way.* The distance between property lines measured at right angles to the centerline of the street.

ROAD RIGHT-OF-WAY: The distance between property lines measured at right angles to the centerline of the street.

RURAL DENSITY: Those residential areas in which the density does not exceed one and one-tenth (1.1) units per acre. Zoning districts that are considered to be rural density are "RE", "R-80" and "R-40".

SCREENING: The method by which a view of one site from another site, street, road or highway is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, earth berms or other features that will form a year-round screen.

SECONDARY ARTERIAL: See "ROAD".

SEDIMENT: Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

SETBACK: The minimum horizontal distance between the lot line and the nearest front, side or rear line of the building or structure, including terraces, decks or any covered projections thereof, excluding steps.

SILT TRAPS OR FILTERS: Staked bales or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of stormwater run-off.

SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

SOIL AND WATER CONSERVATION DISTRICT (SWCD): Revised Statutes of Missouri, Chapter 278, Section .070, paragraph 4 defines a soil and water conservation district. The Platte County S.W.C.D. is a locally organized and operated unit of government functioning under Missouri law to promote protection, maintenance, improvement and wise use of the soil and water within the County.

STOP WORK ORDER: An order requiring that all work for which the order applies to stop until compliance with the Enforcement Officer's written notice is achieved.

STREAM: A continuous or intermittent watercourse as defined by the U.S.G.S. map.

STREAMBANK, TOP OF EXISTING: The usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.

STREET: An existing or proposed State, County or Town highway, road, street, private street or right-of-way or a street, private street, highway, right-of-way or road shown:

1. On the Major Street Plan of the County,
2. On a plat approved by the County Planning Commission recorded in the Office of the Recorder of Deeds, or
3. On a plat duly filed and recorded in the Office of Recorder of Deeds prior to the grant to the Planning Commission of the power to approve plats, providing such street, private street, highway, right-of-way or road shall have been suitably improved to the satisfaction of the responsible for road maintenance and the Planning and Zoning Department.

STREET (PRIVATE): Any street which is not publicly owned or maintained that is shown on a plat approved by the County Planning Commission recorded in the Office of Recorder of Deeds or on a plat duly filed and recorded in the Office of Recorder of Deeds prior to the grant to the Planning Commission of the power to approve plats, providing such street, highway, right-of-way or road is suitably constructed to the satisfaction of the entity responsible for road maintenance and the Planning and Zoning Department.

STRUCTURE: Any construction above or below ground.

SUBDIVIDER: Any person who:

1. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision;
2. Directly or indirectly sells, leases or develops or offers to sell, lease or develop or advertises for sale, lease or development any interest, lot, parcel, site, unit or plot in a subdivision;
3. Engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plot in a subdivision; or
4. Is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing.

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sited units, plots or interests for the purpose of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential and non-residential land whether by deed, meets and bounds description, map, plat or other recorded instrument.

SUBDIVISION AGENT: Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing or developing or offering to sell, lease or develop any interest, lot, parcel, unit, site or plot in a subdivision, except an attorney at law whose representation of another person consists solely of rendering legal services.

SUBSTANTIAL COMPLETION: The point in time at which the construction of public improvements within a platted area has sufficiently progressed such that, in the opinion of the County Engineer, the improvements can be utilized for the purposes for which they are intended. The terms “Substantially Complete” and “Substantially Completed” as applied to all or part of the public improvements refer to Substantial Completion thereof.

TRACT: A piece of property that is not a part of a recorded subdivision plat.

TRANSITION AREA: An area established within new development that provides a change from one land use type to a different land use type or density in order to maintain the character and quality of life of existing adjacent residents.

TYPE 1 AGGREGATE: Type 1 aggregate shall be essentially limestone or dolomite. The aggregate shall not contain more than fifteen percent (15%) doleritic rock and shale. Sand may be added only for the purposes of reducing the plasticity index. Any sand, silt and clay and any doleritic rock and shale shall be uniformly distributed throughout the material.

USE: Any purpose for which buildings, structures or land may be occupied.

ZONING ORDER: The Platte County Zoning Order of 1990 and all amendments thereto.

Any term not defined above shall be defined as listed in the Platte County Zoning Order, unless the term is not listed in those regulations, then a definition will be provided from the Planning and Zoning Department upon written request. (County Order of 1990)

ARTICLE II. APPLICATION AND APPROVAL PROCEDURES**SECTION 405.100: CLASSIFICATIONS**

- A. *Lot Split.* Any subdivision of real property which, when completed, creates no lot or tract that is less than forty (40) acres in size.
- B. *Minor Subdivision.* A subdivision of land which, when completed, creates no more than two (2) separate lots that can each be used for construction of a dwelling unit with each lot consisting of not less than two (2) acres. In addition, a minor subdivision shall have the following characteristics:
1. Each of the lots shall have frontage on an existing street, road or highway.
 2. There are no new internal public streets proposed within the subdivision.
 3. All lots are to be used for one-family dwellings and not for two-family dwellings, multi-family dwellings or commercial development
 4. All lots shall conform to the requirements of the Platte County Zoning Order.
 5. A minor subdivision may not be created in such a manner as to land lock any parcels of adjacent land by cutting off road access to such parcels.
- C. *Major Subdivision.* Any subdivision of land which does not fall within the classifications of lot split and minor subdivision set forth above.
- D. *Exclusions.* The following divisions of real property shall not be considered subdivisions of land within the definitions set forth above:
1. Any division of real property to be completed for the purpose of settling a decedent's estate or dividing a decedent's property among his heirs at law or beneficiaries.
 2. Any division of real property such that one (1) portion of the real property is sold to the owner of the immediately adjacent property so that the transferred property becomes a part of the purchaser's existing ownership interest.
 3. Any division of real property such that the current property owner is to convey a portion of an existing parcel to a political subdivision or public utility company. (County Order of 1990)

SECTION 405.110: PROCEDURES

- A. *Lot Split.* There shall be no formal procedure or approval requirements for a lot split as defined in Article II, Section 405.100(A) of these regulations.
- B. *Minor Subdivision.*
1. *Pre-submission conference.* The applicant is encouraged to meet with the Director prior to the submission of a minor subdivision plat. The Director shall confirm that the proposed subdivision meets the requirements of the classification of minor subdivision as set forth herein. The Director shall supply the applicant with a copy of the portion of these regulations describing the application and approval procedure for a minor subdivision and the content requirements for a minor subdivision plat. The Director shall discuss such other matters with the applicant as the Director deems appropriate and necessary.
 2. *Meeting with surrounding property owners.* The applicant is encouraged to meet with and discuss the proposed development with the owners of all property within one thousand (1,000) feet of the property proposed to be developed.
 3. *Application and approval.* For approval of the minor subdivision, the applicant shall submit to the Director an application along with the required application fee and four (4) full-size paper copies of the plat. The Director shall review the plat to determine compliance with the requirements of these regulations. If the Director determines that the proposal qualifies as a minor subdivision and meets all of the requirements of these regulations, the Director shall approve the proposed minor subdivision. The applicant shall then submit three (3) mylar copies of the approved plat. The Director shall then sign the copies of the plat where required. If the Director does not approve the proposed minor subdivision, the Director shall supply the applicant with a written list of the reasons why the application was not approved.
 4. *Additional calculations and information.* The applicant shall provide the Director the following information at time of application:
 - a. One (1) copy of all lot area, boundary and other calculations performed on the plat. Such information shall be submitted on paper copy. If available, such information may also be submitted on disk in a form compatible to the County's automated mapping system in exchange for a reduction in the application fee.
 - b. The reference line or meridian for bearings shown on the plat. The Director may require adjustment in such line in the interest of consistency and orderly relation to other plats and surveys in the area.
 5. *Restrictive covenants.* If the applicant prepares restrictive covenants applying to the proposed minor subdivision, a copy of the covenants shall be submitted to the Director at the time of submission of the application and plat. The Director shall review the proposed restrictive covenants to determine compliance with County policy and regulations. If the Director finds that the proposed restrictive covenants do not comply with County policy, the Director shall supply the applicant with a list of the items that do not comply.
 6. *Recording.* After the Director approves the plat and affixes the required signatures on the mylar copies of the plat, the applicant shall file three (3) mylar copies of the plat in the office of the Platte County Recorder of Deeds.

C. *Major Subdivision.*

1. *Pre-submission conference.* The applicant shall meet with the Director prior to the submission of his application for approval of a major subdivision plat. The Director shall supply the applicant with a copy of the portion of these regulations describing the application and approval procedures for approval of a major subdivision plat and the plat content requirements for major subdivision plats, including preliminary plats and final plats. The Director shall discuss the requirements with the applicant and shall discuss such other matters as he deems appropriate and necessary.
2. *Meeting with surrounding property owners.* The applicant is encouraged to meet with and discuss the proposed development with the owners of all property within one thousand (1,000) feet of the property proposed to be developed.
3. *Application.* The applicant shall submit to the Director an application for approval of a major subdivision plat on forms as supplied by the Director. Along with the application, the applicant shall submit the application fee and a list of the names and addresses of all persons owning property lying, in whole or in part, within one thousand (1,000) feet from any boundary line of the proposed subdivision.
4. *Preliminary plat submission.* At the time of submission of the application, the applicant shall submit sixteen (16) full-size paper copies of the preliminary plat to the Director. The Director shall determine whether the preliminary plat fulfills the requirements of the Subdivision Regulations. If the Director finds that the preliminary plat does meet the requirements of these regulations, the Director shall schedule the preliminary plat for review by the Planning and Zoning Commission scheduled to take place not less than thirty (30) days following the submission of the preliminary plat.
5. *Notice of public hearing.*
 - a. The Director shall give notice of the public hearing before the Planning and Zoning Commission. A public hearing notice shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the County. In addition, the Director shall send notice of the public hearing by certified mail to all persons listed by the applicant as owning property lying within one thousand (1,000) feet from a boundary line of the proposed subdivision. The Director shall also send notice to all governmental entities, including special road districts, fire districts, school districts, water districts, sewer districts and ambulance districts, by certified mail which encompass all or a portion of the proposed major subdivision. The Director shall notify, by certified mail, the Platte County Health Department and any incorporated municipality with a city limit boundary lying within one and one-half (1½) miles of the proposed major subdivision. All of the certified mail notices shall be mailed at least fifteen (15) days prior to the date of the public hearing.
 - b. In addition to the published and mailed notifications described in the preceding paragraph, the Director shall furnish the applicant with distinctive signs giving notice of the public hearing. The Director shall provide the applicant with a minimum of two (2) signs. However, the Director shall provide an additional sign for each five hundred (500) feet of street frontage over and above the first one thousand (1,000) feet of street frontage of the subject property. The applicant shall post the sign in a conspicuous place visible from every street along the frontage of the subject property. The sign shall remain posted on the property until after the public hearing.

6. *Property dedication—special procedure.* If the applicant proposes to establish common areas, public parks, playgrounds, open spaces, school area or other public areas in the major subdivision to be maintained by the County or other legal entity rather than by a homeowners' association, the Director shall submit a copy of the application and the preliminary plat to the Platte County Parks and Recreation Commission or other appropriate entity for its review prior to the meeting of the Planning and Zoning Commission. The Parks and Recreation Commission or other appropriate entity shall review the application and preliminary plat and forward its recommendations to the Director who shall then forward the recommendations to the Planning and Zoning Commission.
7. *Preliminary plat hearing.*
 - a. The Planning and Zoning Commission shall hold a public hearing on all preliminary plat applications. After reviewing the application, the preliminary plat and the testimony presented by all interested parties, the Planning and Zoning Commission shall either approve or disapprove the preliminary plat. The Commission shall take such action within forty (40) days after the date of the meeting of the Commission at which the public hearing on the preliminary plat application is closed. If the Commission takes no action within the forty (40) day time period, the preliminary plat shall be deemed to have been approved by the Commission; for purposes of this sentence, the Commission shall be deemed to have taken "action" by an approval subject to conditions. The Commission's action shall be in writing and shall contain appropriate findings of fact and conclusions of law.
 - b. The Commission may condition its approval of a preliminary plat upon certain conditions which are agreed to by the applicant and which are subject to the subsequent satisfaction of the Planning and Zoning Director; such conditions shall be made part of the Commission's approval of the preliminary plat and shall be enumerated in the finding of facts and conclusions of law. In the event the conditions are not satisfied within a time frame set by the Commission (or if no specific time is established by the Commission, then within ninety (90) days from the date of the written findings of fact and conclusions of law), then the application may be again taken up for disapproval, approval or approval with conditions.
8. *Appeals procedures.* An applicant may appeal to the County Commission upon disapproval of the preliminary plat by the County Planning Commission. The applicant must file the appeal with the County Clerk within thirty (30) days of the Planning and Zoning Commission disapproval. The preliminary plat may then be approved upon a two-thirds ($\frac{2}{3}$) vote of the County Commission. The County Commission shall state in its records its reasons for approval or failure to approve the preliminary plat and shall certify those reasons to the Planning and Zoning Commission.
9. *General county review.* The applicant shall submit two (2) copies of the engineering plans to the County Engineer for review and approval. In addition, the applicant shall submit for review and comment a copy of the engineering plans to the governmental subdivision having jurisdiction over that public improvement. These plans and specifications must be approved by the County Engineer prior to the final plat being submitted to the Planning Commission.

10. *Final plat submission.* Sixteen (16) black or blue line paper prints of the final plat shall be submitted to the Director. The Director shall review the plat to determine compliance with the requirements of these regulations. When the Director determines that the plat and construction plans meet all of the requirements of these regulations, the Director shall schedule a hearing on the final plat by the Planning and Zoning Commission at the next regular meeting of the Planning and Zoning Commission scheduled to take place not less than eighteen (18) days following the submission of the final plat.
11. *Submission of final plat.* The Planning and Zoning Commission shall approve or disapprove final plats; provided that prior to the final plat being submitted to them for approval, the Director must first determine that the final plat is substantially consistent with the applicable preliminary plat (or applicable segment thereof). If the Director determines that the final plat is not substantially consistent with the preliminary plat, then the Director shall so advise the applicant and the applicant shall either amend the final plat to make it substantially consistent with the preliminary plat to the Director's satisfaction or the applicant shall refile a preliminary plat and in so doing the applicant shall follow all procedures called for in these Subdivision Regulations for submission and approval of a preliminary plat including, but in no manner limited to, the notice requirement of Article II, Section 405.110(C)(5) hereof.
12. *Approval of final plat.* The Commission's action shall be taken within thirty (30) days after it has considered the approval of the final plat provided that, for purposes of this sentence, the Commission shall be deemed to have taken "action" upon a final plat by granting its approval subject to conditions. The Commission may condition its approval of a final plat upon certain conditions which are subject to the subsequent satisfaction of the Planning and Zoning Director and such conditions shall be made part of the Commission's approval of the plat and shall be enumerated in the finding of facts and conclusions of law. In the event the conditions are not satisfied within a time frame set by the Commission (or if no specific time is established by the Commission, then within ninety (90) days from the date of the written findings of fact and conclusions of law), then the final plat may be again taken up for disapproval, approval or approval with conditions.
13. *Municipal disapproval.* If the City Council or Board of Aldermen of any municipality which has City limits lying within one and one-half (1½) miles of the boundary of a proposed subdivision files with the Planning and Zoning Commission a certified copy of a resolution of such City Council or Board of Aldermen protesting against the approval of a final plat within five (5) business days of the approval, the Planning and Zoning Commission approval shall be deemed overruled.
14. *Appeal procedures.*
 - a. An applicant may appeal to the County Commission upon disapproval of the final plat by the County Planning Commission or upon municipal disapproval as described in the preceding Subsection. The applicant must file the appeal with the County Clerk within thirty (30) days of the Planning and Zoning Commission disapproval or municipal disapproval.
 - b. The final plat may then be approved upon a two-thirds ($\frac{2}{3}$) vote of the County Commission. The County Commission shall state in its records its reasons for approval or failure to approve the final plat and shall certify those reasons to the Planning and Zoning Commission.

15. *Post-approval submissions.*

- a. Upon approval of the final plat, the applicant shall submit three (3) mylar prints of the approved plat to the Director. The Director shall affix the signatures of the Planning and Zoning Commission Chairman and Secretary onto the copies of the final plat.
- b. The applicant shall also provide the Director one (1) copy of all lot area, boundary and other calculations performed on the plat. Such information shall be submitted on paper copy. If available, such information may also be submitted on disk in a form compatible to the County's automated mapping system in exchange for a reduction in the application fee.
- c. The applicant shall also submit either a performance guarantee in an amount and form as approved by the County Commission for all public improvements or proof that a performance guarantee has been accepted by the political subdivision or private entity charged with the acceptance and maintenance of the public improvement as required by Article VI of these regulations.
- d. A developer must Substantially Complete all public improvements before being allowed to record a Final Plat. Minimal benchmarks for the public improvements to be deemed Substantially Complete include, but are not limited to the following:
 1. Final (surface) lift of asphalt has been placed on all streets.
 2. All storm sewers have been installed and are functioning as intended.
 3. Grading has been completed and sediment and erosion controls are in conformance with the approved sediment and erosion control plan.

Within six (6) months of the recording of the Final Plat, the developer shall complete the public improvements in accordance with the approved construction plans such that the public improvements are accepted by the County. Completion of public improvements shall include the developer required sidewalks, traffic control devices (including street signs and pavement markings), and the establishment of permanent type grasses at a density to provide erosion control on the site. If the public improvements have not been completed and accepted within the six month period, the County shall not issue any further building permits within the subdivision until completion and acceptance of the improvements.

The County shall not issue a Certificate of Occupancy within the subdivision prior to completion and acceptance of the improvements.

16. *Recording.* After five (5) business days have elapsed from the date of the Planning and Zoning Commission approval of the final plat and the affixing of all required signatures to all copies of the final plat has been done, the applicant shall file three (3) copies of the final plat in the office of the Platte County Recorder of Deeds. (County Order of 1990)

ARTICLE III. PLAT CONTENT REQUIREMENTS**SECTION 405.120: LOT SPLIT**

No formal procedure or approval is required for a lot split as defined in Article II, Section 405.100(A) of these regulations. (County Order of 1990)

SECTION 405.130: MINOR SUBDIVISION

Contents Of The Minor Subdivision Plat. The minor subdivision plat shall be drawn by a land surveyor licensed in the State of Missouri and shall show and conform with all of the following:

1. A title block which shall contain the following:
 - a. The name of the subdivision which shall not duplicate or be similar in spelling or in pronunciation to any other subdivision name recorded in Platte County.
 - b. The words "minor subdivision" and "final plat".
 - c. The name of the County and State.
 - d. The dedication of all public road right-of-ways, public easements and all other types of improvements and facilities that are to be for public use.
2. Date of preparation of the plat.
3. North Point.
4. Scale.
5. Vicinity sketch which shall show the location of the subdivision referenced to government survey lines and major streets, roads and highways. If more than two (2) sheets are needed for the plat, the vicinity sketch shall show the number of the sheet for each area.
6. Sheet size of twenty-four (24) inches by thirty-six (36) inches, unless waived by the Director of Planning and Zoning.
7. Legal description for the property to be subdivided including total acreage. The outboundary of the subdivision shall be tied to the Missouri Coordinate System 1983 in accordance with the current Missouri Minimum Standards for property boundary surveys and the coordinates of the exterior corners shall be shown on the plat in meters. Control monument information is available from the Planning and Zoning Department.
8. Traverse table, identifying the field traverse, complete with bearings and distances, from the control monument to the plat boundary. A statement shall also be included identifying the coordinate system, zone, control monument and grid factor.
9. Names and addresses of the landowners, the subdivider and the land surveyor who prepared the plat.

10. The length of all plat boundary lines and lot lines dimensioned in feet and decimals and the values of all required true bearings and angles dimensioned in degrees, minutes and seconds as required.
 - a. Plat boundary lines shall be indicated with a heavy line and shall be labeled "Plat Boundary".
 - b. Lot lines shall be indicated with medium lines.
11. All adjacent, unplatted and platted land with the names of the platted subdivisions for a distance of not less than one hundred (100) feet from the outer boundary of the property to be subdivided. Adjacent lot lines and boundary lines shall be indicated with a fine line.
12. The location and description of all section corners and quarter section corners in or near the tract shall be identified and labeled by location on the coordinate system.
13. The location of water bodies and watercourses.
14. The location of any 100-year flood plain within the proposed subdivision and within one hundred (100) feet of the proposed subdivision.
15. The pattern and sizes of proposed lots and tracts. All lots must be contiguous.
16. Lots numbered consecutively.
17. The acreage or square footage of each lot, outlot and public area. In calculating the acreage or square footage, rights-of-way shall not be included in the calculations.
18. The location of all front yard setback lines and easements for public services or utilities with dimensions showing their location.
19. The location of all easements for drainage with dimensions showing their location.
20. The location of percolation tests and reserve area when individual sewage disposal systems, such as septic systems, are proposed and when percolation tests are required by the Platte County Health Department.
21. All platted or existing streets and roads within the proposed minor subdivision and within one hundred (100) feet of the proposed minor subdivision boundary. Right-of-way width of such streets and roads shall also be shown.
22. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets, roads and highways and radii for all property returns.
23. The proper acknowledgments of owners to plat restrictions.
24. Land surveyor's certificate of survey, signed and sealed.

25. Signature and date blocks for the following:
 - a. Owner or owners of the land and notary public.
 - b. Director of Planning and Zoning.
26. Plat restrictions, if applicable, unless said restrictions are too lengthy to fit onto the plat in which case space to write the book number and page number that the restrictions are recorded shall be provided.
27. *Additional information to be submitted.* In addition to the items that the minor subdivision plat shall show and conform with, the applicant shall also submit to the Director the following information:
 - a. An authorized signature from all applicable State, Federal and political subdivisions which will be providing a service to the minor subdivision including, but not limited to, water, sewer, roads, highways or fire. Said signatures will give approval from the applicable entity that that entity will be able to provide services to the minor subdivision. A letter from the applicable entity stating such approval may be submitted in place of the required signature.
 - b. Documentation from the Platte County Health Officer that all lots of the subdivision, which are to have individual sewage disposal systems, received percolation tests and were given approval. All regulations of the Platte County Health Department shall be followed.
 - c. Deed of release of mortgage for any portion of road right-of-way dedicated to the public.
 - d. The applicant shall also provide the Director one (1) copy of all lot area, boundary and other calculations performed on the plat. Such information shall be submitted on paper copy. If available, such information may also be submitted on disk in a form compatible to the County's automated mapping system.
 - e. Documentation that agreements for Noise Disclosure and Fair Disclosure Statements are in place where any portion of the subdivision is, or may be at a future date, exposed to aircraft noise levels of LDN 60 or higher as determined by the Kansas City International Airport Master Plan Study and aviation easements are in place when required by the Planning Commission. (County Order of 1990)

SECTION 405.140: MAJOR SUBDIVISION

- A. *Preliminary Plat—Contents of the Preliminary Plat.* The preliminary plat shall be drawn by a land surveyor licensed in the State of Missouri and shall show and conform with all of the following:
 1. A title block which shall contain the following:
 - a. The name of the subdivision, which shall not duplicate or be the same in spelling or be alike in pronunciation with any other recorded subdivision name in Platte County.
 - b. The words "Preliminary Plat".

- c. The name of the County and State.
 - d. The gross area in acres of the proposed subdivision, the acreage of street right-of-way and the acreage of any areas reserved for common use of the owners within the subdivision.
2. Date of preparation and revisions of the plat.
 3. North point.
 4. Scale.
 5. Vicinity sketch which shall show the location of the subdivision referenced to section, township and range and major streets, roads and highways. If more than two (2) sheets are needed for the plat, the vicinity sketch shall show the number of the sheet for each area.
 6. Sheet size of twenty-four (24) inches by thirty-six (36) inches, unless waived by the Director.
 7. Legal description for the entire dimension of the subdivision and the total acreage of the plat.
 8. The location of existing buildings, water bodies, watercourses, springs, tree masses or other individual trees separated from a tree mass with a trunk diameter of six (6) inches or greater, measured at a height of one (1) foot off the ground, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision.
 9. Existing and proposed land contours with vertical intervals not greater than five (5) feet and having United States Geological datum.
 10. All platted and existing streets, property lines and names of platted subdivisions for a distance of not less than one hundred fifty (150) feet.
 11. Names and addresses of the landowners, the subdivider and the land surveyor who prepared the plat.
 12. The location of all adjacent unplatted land with the name of the property owners and approximate acreage.
 13. The location of any existing streets or roads which abut, touch upon or extend through the subdivision with an indication of the following:
 - a. *Classification of all streets and roads.* This shall be done by placing the appropriate term (primary arterial, secondary arterial, subcollector, collector, local street, parkway or alley) on each street and road.
 - b. *The names of all proposed and existing streets.* The names of all proposed streets shall be the same as other roads that have the same alignment even if the roads are not continuous and do not adjoin. Streets and roads that are north-south in direction shall have names while streets that are east-west in direction shall be numbered. The names and numbers of streets shall be based on the Kansas City addressing grid system. The Director shall have the authority to issue the official names of new streets and roads.

- d. Road surface width.
- e. Width of bridges and culverts.
- f. In addition, the applicant shall supply the Director the following on a separate sheet.
 - (1) Type of existing surface on all existing streets and roads which abut, touch upon or extend through the subdivision.
 - (2) Approximate load-carrying capacity and waterway adequacy of all existing bridges and culverts.
 - (3) A statement as to how the surface of any existing street and road will be improved in order to comply with the intent and purpose of these regulations.
- 14. The location of any existing flood plain within one hundred fifty (150) feet of the proposed subdivision.
- 15. The length of the boundaries of the tract measured to the nearest foot.
- 16. The general location, width and alignment of proposed right-of-ways and easements.
- 17. The location of all front yard setback lines.
- 18. The pattern and sizes of proposed lots and tracts. The entire platted area shall be contiguous.
- 19. The number of phases, if applicable. Each phase shall be numbered in numerical order that shall correspond to the order that they are proposed to be developed.
- 20. The proposed use of land, whether for single-family, multi-family, commercial, industrial, parks, school, etc.
- 21. Gradients of proposed streets within the subdivision.
- 22. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas.
- 23. When walkways, bicycle paths, greenways, park land, open spaces, school sites or other public areas are indicated in the County Land Use Plan or as an overlay district in the County Zoning Order, the applicant shall designate such and incorporate it into the overall layout of the subdivision unless the entity that will be maintaining the site or facility states in writing to the Commission that it will not be able to maintain or will not need the site or facility.

24. Where the County Land Use Plan identifies a road or street to be classified as an arterial or collector street and additional right-of-way is anticipated to be needed at a future date for road widening, as determined by the Platte County Engineer, the applicant shall establish greater setbacks than that required by the existing zoning district in an amount as determined by the County Land Use Plan or by an overlay district in the County Zoning Order. Dedication of additional right-of-way shall also be encouraged.
25. Where the proposed subdivision will, or may at a future date, be exposed to aircraft noise levels of LDN 60 or higher, as determined by the Kansas City International Airport Master Plan Study, the noise contours of LDN 60 and higher shall be shown on the plat at 5 LDN intervals. The noise contours may be interpolated onto the preliminary plat from the KCI Master Plan Study Post Year 2000 noise contour map.
26. An authorized signature from all applicable state, federal and political subdivisions which will be providing a service to the major subdivision including, but not limited to, water, sewer, roads, highways or fire. Said signatures will give approval from the applicable entity that that entity will be able to provide services to the major subdivision. A letter from the applicable entity stating such approval may be submitted in place of the required signature.

B. *Engineering Plans.*

1. After approval has been given to the preliminary plat, the plans for the public improvements that are to be constructed shall be designed in accordance with the specifications for such improvements as indicated in Article IV and Article V of these regulations. These engineering plans shall be submitted by the applicant and approved by the County Engineer and reviewed and commented on by the applicable governmental subdivisions, such as the road district and water district, before the final plat is submitted to the Planning and Zoning Commission.
2. A traffic engineering report or impact study may be required when it is determined by the County Engineer that unusual traffic conditions, parking, leap frog development, access conditions, safety or other unusual traffic conditions either exist or may be encountered as a result of the proposed development.

C. *Final Plat—Contents of the Final Plat.* The final plat shall substantially conform with the preliminary plat. In addition, the final plat shall be drawn by a land surveyor licensed in the State of Missouri and shall show and conform with all of the following:

1. A title block which shall contain the following:
 - a. The name of the subdivision, which shall not duplicate or be similar in spelling or in pronunciation, to any other recorded subdivision name in Platte County.
 - b. The words "major subdivision" and "final plat".
 - c. The name of the County and State.
 - d. The dedication of all public road right-of-ways, public easements and all other types of improvements and facilities that are to be for public use.

2. The location and description of all section corners and quarter section corners in or near the tract shall be identified and labeled by location on the coordinate system.
3. The legal description for the entire subdivision including total acreage. The outboundary of the subdivision shall be tied to the Missouri Coordinate System 1983 in accordance with the current Missouri Minimum Standards for property boundary surveys and the coordinates of the exterior corners shall be shown on the plat in meters. Control monument information is available from the Planning and Zoning Department.
4. Traverse table, identifying the field traverse, complete with bearings and distances, from the control monument to the plat boundary. A statement shall also be included identifying the coordinate system, zone, control monument and grid factor.
5. North point.
6. Scale.
7. Vicinity sketch which shall show the location of the subdivision referenced to government survey lines and major streets, roads and highways. If more than two (2) sheets are required for the plat, the vicinity sketch shall show the number of the sheet for each area.
8. Sheet size shall be no larger than twenty-four (24) inches by thirty-six (36) inches, unless waived by the Director.
9. Date of preparation and revisions of the plat.
10. The length of all plat boundary lines and lot lines dimensioned in feet and decimals and the values of all required true bearings and angles dimensioned in degrees, minutes and seconds as required.
 - a. Plat boundary lines shall be indicated with a heavy line and shall be labeled "Plat Boundary".
 - b. Lot lines shall be indicated with medium fine lines.
 - c. The reference line or meridian for bearings shown on the plat. The Director may require adjustment in such line in the interest of consistency and orderly relation to other plats and surveys in the area.
11. The location of boundary lines of adjoining lands, indicated with fine lines. Adjacent plats shall be identified by official names.
12. The centerlines of all proposed streets, fully dimensioned by lengths and bearings of angles.
13. The right-of-way width and names of all proposed streets and of all property located adjacent to streets and easements.
14. The outline of any property which is offered for dedication to public use, fully dimensioned by lengths and bearings and angles with the area marked "public".

15. The lots numbered consecutively throughout the plat.
16. The acreage or square footage of each lot, outlot and public area. In calculating the acreage or square footage, right-of-ways shall not be included in the calculations.
17. The location of all front yard setback lines and easements for public services or utilities with dimensions showing their location.
18. The location of all easements for drainage with dimensions showing their location.
19. The location of percolation tests and reserve area when individual sewage disposal systems, such as septic systems, are proposed and when percolation tests are required by the Platte County Health Department.
20. The location of water bodies and watercourses.
21. The location of any 100-year flood plain within the proposed subdivision and within one hundred (100) feet of the subdivision.
22. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns.
23. Names and addresses of the landowners, the subdivider and the land surveyor who prepared the plat.
24. Owner's certificate and dedication, signed and acknowledged.
25. Registered land surveyor's certificate of survey, signed and sealed.
26. A signature and date blocks for the following:
 - a. Owner or owners of the land.
 - b. Notary public.
 - c. Planning Commission Chairman and Secretary.
27. Plat restrictions, if applicable, unless said restrictions are too lengthy to fit on the plat in which case space to write the book number and page number that the restrictions are recorded shall be provided.
28. All areas proposed to be reserved or dedicated for public parks, playgrounds, school sites, open spaces or other public areas shall be so labeled. The subdivider shall also include a legal document giving evidence of such dedication, signed by the property owner and containing a legal description of the land proposed to be dedicated.

D. *Additional Information To Be Submitted.* In addition to the items that the major subdivision plat shall show, the applicant shall also submit to the Director the following information:

1. Deed of Release of Mortgage for any portion of road right-of-way, public park land or other area to be dedicated to Platte County.

2. Documentation from the Platte County Health Officer that all lots of the subdivision, which are to have individual sewage disposal systems, received percolation tests and were given approval. All regulations of the Platte County Health Department shall be followed.
3. One (1) copy of all lot area, boundary and other calculations performed on the plat. Such information shall be submitted on paper copy. If available, such information may also be submitted on disk in a form compatible to the County's automated mapping system.
4. A performance guarantee in an amount and form as approved by the County Commission for all public improvements as required by Article VI of these regulations.
5. Documentation that agreements for Noise Disclosure and Fair Disclosure Statements and Aviation Easements are in place where any portion of the subdivision is, or may be at a future date, exposed to aircraft noise levels of LDN 60 or higher as determined by the Kansas City International Airport Master Plan Study and aviation easements are in place when required by the Planning Commission. (County Order of 1990)

ARTICLE IV. DESIGN AND IMPROVEMENT SPECIFICATIONS

SECTION 405.150: GENERAL REQUIREMENTS FOR DESIGN, LAYOUT AND CONSTRUCTION SPECIFICATIONS

- A. *Conformance To Applicable Rules And Regulations.* In addition to the requirements established within these regulations, all subdivision plats shall comply with the following guidelines and requirements:
 1. All applicable provisions of the Missouri Statutes.
 2. The County Zoning Order, County Flood Plain Management Ordinance and building codes.
- B. *Improvement Standards And Specifications.* Unless otherwise stated herein, the minimum design criteria, construction methods and material specifications for all public improvements shall conform to the most recent published guidelines of the Kansas City Metropolitan Chapter of the American Public Works Association.
- C. *Monumentation.* Monuments shall be set in accordance with Title 10; Department of Natural Resources, Division 30; Land Survey, Chapter 2; Minimum Standards For Property Boundary Surveys, k. CSR 30; 2.010 Standards For Property Boundary Surveys.
- D. *Debris And Waste.* All debris and waste, such as cut trees, rock, construction waste, rubbish and other waste material, shall be disposed of in accordance with State and local regulations prior to acceptance of work.

- E. *Privately Maintained Improvements.* Improvements that are to be maintained privately shall be designed and constructed in accordance with the standards and specifications as stated or referenced in these regulations. The applicant shall file, with the Recorder of Deeds, a covenant running with the land establishing a homeowners' association or other mechanism for improvements that are to be privately maintained. The approval process for a subdivision where improvements are to be privately maintained shall be done in accordance with the requirements of Article IV of the Platte County Zoning Order of 1990 and the requirements of these regulations.
- F. *Impact Study.* The Planning Commission may require a developer to submit an impact study performed by a professionally licensed or certified individual or entity addressing public health, safety and environmental issues raised in connection with the proposed development. Factors to be included in such a study shall include, but not be limited to, the following:
1. Pedestrian activity.
 2. Population density.
 3. Vehicle parking practices.
 4. Traffic pattern and access within the proposed development and in the surrounding area.
 5. Traffic access and distance to arterial and collector streets in the surrounding area.
 6. Utility availability to the proposed development and impact on surrounding areas.
 7. All other concerns that the Planning Commission may deem relevant to the proposed development. (County Order of 1990)
- G. *As-Built Drawings.* "As-built" drawings are required and shall be submitted to the County for all public improvement projects within six (6) months of the recording of the final plat. "As-built" drawings shall consist of a full set of construction drawings acceptable to the County. Affected plan sheets shall be revised to reflect information as it was constructed. Elevations, grades, distances, bearings or angles, pipe sizes, materials and any other information that differs from that shown on the construction drawings shall be corrected by drawing a single line through the design information and adding the "as-built" information above it. Sheets not affected by the "as-built" revisions may be indicated as "No changes to this sheet". Acceptance of the "as-built" drawings is required before the County can issue a Certificate of Occupancy within the subdivision.

When public improvements are constructed outside the accompanying easement or right-of-way, or too close to the boundaries to allow for maintenance, additional easements or right-of-way shall be provided to the County prior to the acceptance of the "as-built" drawings.

SECTION 405.160: NOISE IMPACT AREAS

- A. Proposed developments shall take into account the impact that aircraft noise has, or may have at a future date, on any new construction within the proposed development. Where a proposed development is within the area covered by Exhibit 7-6 Land Use Planning and Zoning Actions—Platte County as found in the Kansas City International Airport Master Plan and Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study, dated December 1994, this study shall act as a basis. However, where a proposed development is not within the area covered by this study but is within an area that is impacted by another airport as determined by the Planning Commission, the applicant shall submit noise level information so as to show what impact the aircraft noise will have on the proposed development.
- B. Where any portion of the subdivision is, or may be at a future date, exposed to aircraft noise levels of 60 Day-Night Average Sound Level (DNL) or higher as determined by Exhibit 7-6 Land Use Planning and Zoning Actions—Platte County as found in the Kansas City International Airport Master Plan and F.A.R. Part 150 Noise Compatibility Study or other noise level information, documentation shall be provided by the applicant that the following are in place for any portion of the subdivision where new freestanding structures may be constructed.
1. Noise Disclosure.
 2. Fair Disclosure Statements.
- C. The Planning Commission may also require that the applicant provide aviation easements for any portion of a development where the following exists.
1. Any portion of the development is, or may be at a future date, exposed to aircraft noise levels of 65 DNL or higher as determined by Exhibit 7-6 Land Use Planning and Zoning Actions—Platte County as found in the Kansas City International Airport Master Plan and F.A.R. Part 150 Noise Compatibility Study or other noise level information.
 2. The extended centerline of a runway, or future planned runway as determined by the Kansas City International Airport Master Plan and F.A.R. Part 150 Noise Compatibility Study, passes through the development.
- D. In areas where other noise level studies have been performed in addition to the Kansas City International Airport Master Plan and F.A.R. Part 150 Noise Compatibility Study, the Kansas City International Airport Master Plan and F.A.R. Part 150 Noise Compatibility Study shall take precedence unless otherwise specified by the Planning Commission.

E. Land Use And Noise Compatibility Standards.

LDN LEVELS				
Land Uses Allowed	≤65	65–70	70–75	75–80
Residential	Yes	No (1)	No (1)	No
Public use	Yes	Yes (7)	Yes (8)	No
Office	Yes	Yes	Yes (7)	30
Wholesale trade	Yes	Yes	Yes (2)	Yes (3)
Retail trade	Yes	Yes	25	30
Manufacturing	Yes	Yes	Yes (2)	Yes (3)
Agriculture	Yes	Yes (4)	Yes (5)	Yes (6)
Parks/recreation	Yes	Yes	Yes	No

KEY TO TABLE

Yes: Land use and related structures are compatible without restrictions.
 No: Land use and related structures are not compatible and are prohibited.
 25 or 30: Land use and related structures generally are compatible; however, measures to achieve Noise Level Reduction, outdoor to indoor, of twenty-five (25) decibels or thirty (30) decibels must be incorporated into design and construction of structures. Noise Level Reduction refers to construction standards that will reduce interior noise levels that are produced by exterior noise sources, in these cases twenty-five (25) decibels or thirty (30) decibels (dB).

FOOTNOTES

- Where the Planning and Zoning Commission determines that residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction of at least twenty-five (25) dB and thirty (30) dB shall be incorporated into construction of all structures. Normal construction can be expected to provide a Noise Level Reduction of twenty (20) dB. This also assumes mechanical ventilation and closed windows year round. However, the use of Noise Level Reduction criteria will still not eliminate outdoor noise problems.
- Compatible where measures to achieve Noise Level Reduction of twenty-five (25) dB are incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- Compatible where measures to achieve Noise Level Reduction of thirty (30) dB are incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- Prime use only; any residential buildings require a Noise Level Reduction of twenty-five (25) dB to be compatible.
- Prime use only; any residential buildings require a Noise Level Reduction of thirty (30) dB to be compatible.
- Prime use only; Noise Level Reduction for residential buildings not normally feasible and such uses shall be prohibited.
- Land use and related structures generally compatible; measures to achieve Noise Level Reduction, outdoor to indoor, of twenty-five (25) dB shall be incorporated into design and construction of all structures.
- Land use and related structures generally compatible; measures to achieve Noise Level Reduction, outdoor to indoor, of thirty (30) dB shall be incorporated into design and construction of all structures.

(County Order of 1990)

SECTION 405.170: ROADS AND STREETS**A. Concept And Layout.**

1. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the Planning Commission such extension is not necessary or desirable. There shall be two (2) street accesses to any proposed development when the proposed development is not adjacent to an existing development or when it is not possible to connect with an adjacent development unless the Planning Commission agrees that topography or a traffic study by a licensed engineer, specializing in traffic studies, indicate otherwise.
2. Streets in proposed developments shall connect with existing streets that abut the proposed development.
3. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial and collector streets, railroads or waterways.
4. Dead-end streets, cul-de-sacs and areas without through streets in residential areas shall not serve more than twenty-five (25) housing units. The Planning Commission may permit a greater number of housing units where unusual topography or other conditions exist that would not allow for normal street circulation pattern to be practical. This requirement shall not apply to streets that terminate at the development's exterior boundary and will be continued when the abutting property is developed.
5. In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long.
6. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.
7. The number of subcollector, collector or local streets entering arterial streets shall be kept to a minimum. Lots shall not front onto a collector street, secondary arterial or primary arterial street.
8. *Street lights.* Street lights may be installed at the discretion of the developer and/or a homeowners' association. Street lights, if installed, shall be installed in accordance with design and specification standards approved by the County Engineer. The County will not assume responsibility for the maintenance and operation of said lights.

9. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five degrees (75°) shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one (1) point.
10. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart.
11. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet.
12. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas at the approach to an intersection, a leveling area shall be provided having not greater than two percent (2%) rate for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
13. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. Sight triangles shall conform to the Platte County Zoning Order.
14. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
15. Bridges of primary benefit to the subdivider shall be constructed at the full expense of the subdivider without reimbursement from the county. The sharing expense for the construction of bridges not of primary benefit to the subdivider may be fixed by special agreement between the County Commission and the subdivider. Said cost shall be charged to the developer pro rata as the percentage of his land developed and so served. Determination of benefit to the developer shall be made at the time of preliminary plat approval between the subdivider, Director and County Engineer. Final approval of benefit and any special agreements shall be made by the County Commission.
16. Where a new public or private street is to be constructed as a part of a subdivision or a major subdivision is proposed, dedication and construction of perimeter streets shall also be the responsibility of the developer. If the street is adjacent to the development, the developer is responsible for a minimum of fifty percent (50%) of the right-of-way and a minimum of fifty percent (50%) of the construction costs. Additional responsibilities may be imposed by the Planning Commission. If the remaining right-of-way has not yet been dedicated or if the remaining percent of construction costs are not yet available, the developer's percent of construction costs may be placed in an escrow account and shall remain there until the remaining percent of construction costs are available. The County Commission shall make the determination whether the developer's share of the construction costs are to be escrowed or are to be used immediately for construction of the streets.

17. *Widening and realignment of existing roads.* Where a proposed subdivision borders or contains an existing road indicated by previously approved County or Road District plans to be widened or realigned or where previously approved County or Road District plans indicate a new road to be dedicated and constructed, the developer shall improve and dedicate such areas for construction, widening or realignment in accordance with the regulations set forth in this Article or in accordance with specifications required by the entity responsible for road maintenance in which the improvements are to be located. In the event the County and the entity responsible for road maintenance impose different standards in respect to any road, street or related improvement, the Director may impose all or any part or element of the higher or more stringent standard or regulation. Land reserved for any existing or proposed road may not be counted in satisfying yard or area requirements of the Zoning Order, whether the land is to be dedicated to the County in fee simple or an easement is granted to the County.

B. *Minimum Street Design And Construction Standards And Specifications.*

MINIMUM STREET STANDARDS						
		<i>Local</i>	<i>Subcollector and Collector</i>	<i>Arterial Secondary</i>	<i>Arterial Primary</i>	<i>Parkway</i>
a.	R.O.W.(ft.)	50 *1	60	80	100	120+
b.	Pavement Section (ft.)	28 *2	36 *2	48 *3	52 *3	48
c.	Lanes	2	2	4	4	4
d.	Design Speed (m.p.h.)	25	30	40	45	45
e.	Max. Gradient	12% *4	10% *4	8% *4	6% *4	*10
f.	Min.Radii (ft.)	200 *5	300 *5	500	500	500
g.	Stopping Sight Distance (ft.)	150	200	300	425	425
h.	Sidewalks	Yes *6	Yes *6	Yes *6	Yes *6	No
i.	Paving Section	*7	*7	*8	*8	*8
j.	Responsibility	*9	*9	*10	*10	*11
k.	Street Signs	*12	*12	*12	*12	*12

FOOTNOTES

- *1. If the street ends in a cul-de-sac, a one hundred (100) foot diameter right-of-way shall be provided and the pavement shall have a minimum diameter of seventy-eight (78) feet to the back of the curb. The return radius shall be seventy-one (71) feet. Where curbs are not required, the right-of-way shall be sixty (60) feet.
- *2. Includes either a two (2) foot lazyback curb or a two (2) foot vertical curb on each side of the street. Where vertical curbs are constructed, approval must be obtained from the applicable road district prior to making any curb cuts. Curbs are not required in subdivisions zoned "R-40", "R-80", "RE" or "AG" or where density is less than one (1) dwelling unit per acre, provided however, that if the entity responsible for road maintenance imposes different standards in respect to any road, street or related improvement, the Director may impose all or any part or element of the higher or more stringent standards or regulations. The graded top will be as shown. Pavement width shall be twenty-four (24) feet for local streets and thirty-two (32) feet for collector and subcollector streets, unless a different width is specified by the entity responsible for road maintenance in which the improvements are to be located. In the event the County and the entity responsible for road maintenance impose different standards in respect to any road, street or related improvement, the Director may impose all or any part or element of the higher or more stringent standard or regulation. Side and back slopes will be 4:1 minimum with a two (2) foot deep, four (4) foot wide flat bottom ditch where needed.

- *3. Includes a two (2) foot vertical concrete curb on each side of the street. Pavement width shall be in accordance with the regulations set forth in this Article, unless other specifications are requested by the entity responsible for road maintenance in which the improvements are to be located. In the event the County and the entity responsible for road maintenance impose different standards in respect to any road, street or related improvement, the Director may impose all or any part or element of the higher or more stringent standard or regulation.
- *4. The Planning Commission may increase maximum gradients and decrease minimum radii where unusual topographical conditions exist.
- *5. The Planning Commission may decrease minimum radii where unusual topographical conditions exist.
- *6. Sidewalks shall be constructed of concrete on both sides of all streets and shall be four (4) feet wide by four (4) inches thick. Construction of sidewalks along streets shall be the responsibility of the builder on each lot adjacent to the street. Sidewalks in common open spaces, greenways or parks shall be the responsibility of the developer. Sidewalks are not required in subdivisions zoned "R-40", "R-80", "RE" or "AG" or where density is less than one (1) dwelling unit per acre. The maintenance of sidewalks shall be the responsibility of the adjacent property owner or homeowners' association and shall not be the responsibility of the County or of any road district within the County.
- *7. Unless otherwise specified by the entity responsible for road maintenance in which the improvements are to be located, the paving section shall be a two (2) inch asphaltic concrete surface on a six (6) inch asphaltic concrete base or an equivalent pavement designed to the same structural numbers. In the event the County and the entity responsible for road maintenance impose different standards in respect to any road, street or related improvement, the Director may impose all or any part or element of the higher or more stringent standard or regulation. The top six (6) inches of the subgrade is to be compacted to ninety-five percent (95%) of Standard Maximum Density. All other embankment is to be compacted to ninety percent (90%) of Standard Maximum Density. The Planning Commission may allow for a Type 1 Aggregate road rock surface, rather than an asphaltic concrete surface, if requested to do so by the road district which will be maintaining the road and if the surrounding area is of a rural density.

In addition, the surface of a local street may be five (5) inches of Type 1 aggregate road rock when all of the following conditions have been met:

- a. The local street is a cul-de-sac or dead-end and will never be extended.
 - b. The local street will not have more than eight (8) lots or tracts fronting or accessing onto it.
 - c. All lots that front or access onto the street are five (5) acres or more in size.
 - d. The road district that will be maintaining the local street approves of the surface being Type 1 Aggregate road rock.
- *8. Unless otherwise specified by the entity responsible for road maintenance in which the improvements are to be located, the paving section shall be a two (2) inch asphaltic concrete surface on a nine (9) inch asphaltic concrete base or an equivalent pavement designed to the same structural numbers. The compaction requirements are the same as in (7) above. In the event the County and the entity responsible for road maintenance impose different standards in respect to any road, street or related improvement, the Director may impose all or any part or element of the higher or more stringent standard or regulation.
 - *9. The developer is one hundred percent (100%) responsible.
 - *10. If the street is adjacent to the development, the developer is responsible for fifty percent (50%) of the right-of-way and fifty percent (50%) of the construction costs. If the street is interior to the development, the developer is responsible for one hundred percent (100%) of the right-of-way and one hundred percent (100%) of the construction cost.

If the remaining fifty percent (50%) of the right-of-way has not yet been dedicated or if the matching fifty percent (50%) of construction costs is not yet available, the developer's fifty percent (50%) of construction costs may be placed in an escrow account and shall remain there until such time as the remaining fifty percent (50%) of construction costs is available. The County Commission shall make the determination whether the developer's fifty percent (50%) share of the construction costs is to be placed in an escrow account or is to be used immediately for construction of the streets.
 - *11. Varies depending on street classification.

*12. When new streets are constructed, the developer shall be responsible for erecting street name signs at each street intersection. Where private roads are constructed, the developer shall also be responsible for erecting a sign at the entrance to the private road indicating that the road is a privately maintained road. The style of the street name and private road signs shall be approved by the Director before the signs are erected. (County Order of 1990)

SECTION 405.175 TRAFFIC IMPACT STUDY REQUIREMENTS

A. *Applicability.* The requirements of this Section are intended to help ensure the traffic impacts of proposed developments are identified, evaluated, and mitigated as necessary. A Traffic Impact Study (TIS) shall be performed in conjunction with a Rezoning Application, Preliminary Plat, Special Use Permit, or Site Development Plan for proposed developments generating 100 vehicles during the peak hour or 1,000 additional vehicles per day based upon estimations using the latest edition of the Institute of Transportation Engineers’ (ITE) Trip Generation. A TIS for lesser developments may be required at the discretion of the Director of Planning and Zoning or the Planning and Zoning Commission.

B. *Pre-Submittal Scoping Meeting.* Prior to beginning the TIS, the applicant or consultant shall contact the Director of Planning and Zoning to discuss the scope of the study. At the discretion of the Director of Planning and Zoning, a scoping meeting may be scheduled.

C. *Time of Submission.* The TIS shall be submitted prior to the application deadline of the corresponding Rezoning Application, Preliminary Plat, Special Use Permit, or Site Development Plan. Copies of the TIS must be submitted to Platte County, Missouri Department of Transportation (if applicable), and all other appropriate jurisdictions. It is the applicant’s responsibility to provide each jurisdiction with copies of the TIS. At a minimum, Platte County must be provided with two hard copies of the completed report with appendices and one electronic copy containing the report with appendices and all of the analyses files.

D. *Area of Traffic Impact Study.* The study area shall be based on the amount of estimated traffic that is generated. The table below identifies the general size of the impact area, however, the exact size of the impact area will be defined by the Director of Planning and Zoning based on the traffic generation characteristics, existing roadway characteristics, land use characteristics and other related County concerns.

New Daily Trips Generated	Primary Impact Area*
Less than 1,500	One-half mile
1,500 to 5,000	1 mile
5,001 to 10,000	2 miles
10,000+	3 miles

*Note: Primary Impact Area shall be measured from the boundary of the subject property.

The TIS must address the proposed development’s traffic impacts on at least:

1. Roadways and intersections within the development site as designated by the Director of Planning and Zoning.
2. Roadway segments and intersections abutting the development site.
3. Major off-site roadway segments and intersections within the Primary Impact Area.

4. At the discretion of the Director of Planning and Zoning, the scope of the TIS may be expanded or contracted with just cause.

E. *Contents of the Traffic Impact Study.* The TIS shall be prepared by a qualified and experienced transportation engineer licensed in the State of Missouri. At a minimum, the TIS shall contain the following information:

1. *General Site Description.* The site description shall include the following:
 - a. size, location, and proposed land uses
 - b. number of units and/or gross square footage by land use
 - c. existing land use and zoning
 - d. construction staging
 - e. completion date of the proposed land development to the extent known or able to be described at the time the study is prepared
 - f. brief description of other major existing and proposed land developments within the study area
2. *Existing Roadway Description.* The TIS shall describe the entire roadway system within the study area. At a minimum, the following information should be provided:
 - a. classification of all streets and roadways
 - b. names of existing streets
 - c. road surface types and widths
 - d. number of lanes
 - e. widths of bridges and culverts
 - f. the approximate load-carrying capacity of existing bridges and culverts
 - g. intersection geometrics
 - h. planned capital improvements
3. *Non-vehicular Impacts.* All items such as school zones, railroads, and pedestrian and bicycle facilities that may have an impact on existing and proposed traffic shall be described and their impact accounted for in the TIS.
4. *Major Deficiencies.* Identification of major deficiencies within the study area may be required at the direction of the Director of Planning and Zoning. Deficiencies may include such items as substandard vertical or horizontal curves, inadequate sight distances, and deficient bridges and culverts.
5. *Existing Traffic Conditions.* Existing traffic conditions shall be documented for all roadways and major intersections in the study area. Existing traffic volumes for average daily traffic, peak hour traffic, and peak development generated hour traffic, if appropriate, shall be indicated. Existing traffic counts made within one year of the study date may be used subject to approval from the Director of Planning and Zoning.

Traffic counts should be completed on weekdays (Tuesday – Thursday) unless peak development generated hour traffic occurs on the weekend. The counts should be conducted during weeks which have no major holidays and if possible during the school year. In situations when traffic counts must be conducted while school is not in session, a seasonal adjustment shall be applied to daily and peak hour volumes collected for use in the TIS. Adjustments may also need to be made for situations that may affect traffic counts such as closed roads and/or detour routes in the area. Methodology used to determine adjustments shall be discussed in the study.

Traffic counts should be taken over a minimum of two days. Counts taken should be averaged to ensure more accurate volume data.

6. *Trip Generation Rates.* The TIS shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates and resulting number of trips. The trip generation rates must be estimated using the latest edition of the Institute of Transportation Engineers' (ITE) Trip Generation. When ITE trip generation numbers are not applicable, traffic counts at existing similar locations or other recognized methods may be used with approval from the Director of Planning and Zoning.
7. *Trip Distribution.* The estimated trips generated by the proposed development should be distributed onto the roadway system based upon existing travel patterns and expected service area of the development. Any deviation from this process must be justified and documented in the TIS.
8. *Analysis.* A volume and capacity analysis shall be performed during the peak hours and development generated hour(s), if appropriate, for all roadways and major intersections expected to be impacted by development traffic. The recommended level of service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed. Analysis shall be made for the following conditions:
 - a. *Existing conditions.* The existing conditions analysis shall consist of existing traffic volumes.
 - b. *Existing plus site development conditions.* The existing plus site development conditions analysis shall consist of the combination of the existing traffic volumes and the estimated traffic volumes generated by the proposed development.
 - c. *Future conditions.* The future conditions analysis shall consist of existing traffic volumes, estimated traffic volumes generated by the proposed development, estimated traffic volumes generated by other known developments in the study area that are under construction or have been approved, and other growth in traffic volumes that would be expected to use the roadway at the time the proposed development is to be completed.
9. *Sight Distance.* A sight distance study shall be performed for each of the site access points. Sight distance studies of other intersections or roadway segments may be required by the Director of Planning and Zoning. American Association of State Highway and Transportation Officials (AASHTO) procedures and standards for sight distance evaluations should be followed.

10. *Safety Assessment.* A safety assessment shall be completed for the TIS. The assessment should, at a minimum, include the points of access to the proposed development and adjacent roadways and intersections. The most current crash data can be obtained through the Platte County Sheriff's Department and/or Missouri Highway Patrol. Other locations for the safety assessment may be discussed at the pre-submittal scoping meeting.
11. *Conclusions and Recommended Improvements.* The TIS shall include a detailed list of deficiencies and recommended improvements. All physical roadway improvements shall be shown in diagrams.

F. *Level of Service Standards.* The TIS must demonstrate that the proposed development would not cause peak hour levels of service on any existing arterial or collector roadway or intersection within the study area to fall below Level of Service (LOS) "D", or, where the existing level of service is already LOS "E" that the proposed development would not cause the LOS to fall to the next lower letter grade. New roadways or intersections, including the site access points, must provide a minimum LOS "C".

If an existing roadway segment or intersection is already at LOS "F", the TIS must demonstrate that the proposed development with proposed improvements would not cause peak-hour delays to degrade more than 5% of the total delay on any intersection approach.

G. *Implementation.* The Platte County Planning and Zoning Department will review the TIS as part of the development review process. The TIS must be approved by the County Engineer prior to the corresponding application being heard by the Planning and Zoning Commission. Recommendations from the TIS may be incorporated into the approval process as conditions.

H. *Addendums.* Addendums to the TIS may be required if there are significant changes to the proposed land use, the location of the proposed driveways, or the existing roadway system. In certain cases, a revised report may be requested.

SECTION 405.180: STORM DRAINAGE SYSTEMS AND FACILITIES**A. General Requirements.**

1. The Planning and Zoning Commission shall not approve any plat of subdivision which does not make adequate provisions for stormwater management. The design of storm drainage systems and facilities shall be prepared by an engineer licensed in the State of Missouri and qualified and experienced in the field of stormwater design. The design shall be based on land use in the tributary as zoned, actually developed, or indicated in the Platte County Land Use Plan, whichever basis produces the greatest runoff.
2. A Storm Drainage System shall be defined as all of the natural and man-made facilities and appurtenances such as ditches, natural channels, pipes, culverts, bridges, open improved channels, swales, street gutters, inlets, and detention facilities which serve to convey surface drainage.
3. Unless otherwise stated herein, the minimum design criteria, construction methods and material specifications for all Storm Drainage Systems and facilities shall conform to the most recent published guidelines of the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA).

B. Stormwater Management. A Stormwater Management Plan and/or study shall be submitted by the applicant, unless waived by the Director, if the proposed subdivision results in an increase of impervious surface on the site in excess of ten (10%) percent of that previously existing or if the total impervious area of the site is greater than twenty (20%) percent of the total land area of the site post construction. In addition, a Stormwater Management Plan and/or study may be required to be submitted by the applicant when it is determined by the Director, in his sole discretion, that one is needed.

The Stormwater Management Plan shall identify measures to limit runoff from the site to minimize flood damage; prevent erosion; protect neighboring properties; and/or minimize impacts to the ecology and water quality of the downstream drainage system. Runoff shall be controlled by limiting the stormwater release rates for the 1%, 10%, and 100% storms to the predevelopment peak flow rates for the 1%, 10%, and 100% storms respectively, unless waived by the Director. Stormwater management may include structural facilities and/or non-structural solutions.

C. Maintenance

1. Storm Drainage Systems located outside of a road right-of-way shall be privately maintained and shall not be the responsibility of the County or of any road district within the County.
2. The applicant shall provide for a homeowners (or property owners') association or such other private, governmental, quasi-governmental or political subdivision for the maintenance of the Storm Drainage System located outside of road right-of-way. The bylaws, Charter, Articles of Incorporation, Declaration and other instruments which govern the right, duties, obligations and operation of the homeowners association or other approved body shall be subject to approval by the legal counsel for the Planning and Zoning Commission. The applicable documentation of the homeowners association shall grant to each person who is a member of the homeowners association the right to personally and individually enforce the homeowners' association rights, obligations and duties for maintenance and upkeep of the Storm Drainage System within the subdivision. Additionally, the applicable documentation of the homeowners association shall include the following provisions unless the inclusion of such provision is waived by the Planning and Zoning Commission:
 - i. The homeowners association shall be organized by the applicant and shall be fully organized prior to the sale of any lots within the subdivision.
 - ii. Membership in the homeowners association is automatic (mandatory) for all purchasers of dwelling units and/or lots therein and their successors. The conditions and timing of transferring control of the association from applicant to homeowners shall be identified.
 - iii. The homeowners association shall be required to provide maintenance and upkeep for the Storm Drainage System. Failure by the homeowners association to maintain and provide upkeep of the Storm Drainage System shall constitute a violation of this Zoning Order and shall be subject to the penalties imposed by Article VIII, 400.790 of this Zoning Order.

D. Easements.

1. Where topography or other conditions are such as to make impractical the inclusion of Storm Drainage Systems within road right-of-way, perpetual drainage easements for such Storm Drainage Systems shall be provided across property outside the road right-of-way with satisfactory access to the road. Easements shall be indicated on the Preliminary and Final Plats. Drainage Easements shall be carried from the right-of-way to a natural watercourse or to other Storm Drainage Systems.
2. Easement width shall not be less than 15 feet, or the outside width of the pipe or conveyance structure plus 10 feet; whichever is greater. Easements shall be centered on the pipe. The Director may require wider easements when other utilities are located within the same easement and/or when depth of cover is greater than 4 feet.
3. When a proposed Storm Drainage System will carry stormwater across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

E. Other Requirements.

1. Natural streams provide numerous water quality, ecological, and quality of life benefits. Streams and their associated wetlands provide critical habitat for plants and wildlife, water quality treatment, and improved infiltration of rainfall which lessens flood impacts, recharges groundwater, and preserves baseflow. Streams provide recreational and open space in communities, improve aesthetics, provide natural landscapes, and enhance adjacent property values. Streams are to be protected and preserved to the maximum extent practicable as site conditions permit. Stormwater management must conform to the Platte County Stream Preservation and Buffer Zone Requirements as outlined in Article IV, Section 405.225.
2. Rules and regulations of other agencies also pertain to stormwater management which may or may not complement these criteria. When conflicts are encountered, the more stringent criteria shall govern. Agencies including, but not limited to, the Federal Emergency Management Agency (FEMA), U.S. Army Corps of Engineers, and Missouri Department of Natural Resources (MDNR) have jurisdiction over streams and/or drainage systems and often require permits. It is the applicant's responsibility to ascertain that all local, State and Federal regulations, permits, and requirements have been met.

SECTION 405.190: SANITARY SEWERS

- A. The subdivider shall be required to install sanitary sewer facilities or individual sewage disposal systems designed in accordance with the rules, regulations and standards of the Missouri Clean Water Commission, the Missouri Department of Natural Resources, the Platte County Regional Sewer District and the Platte County Health Department.
- B. Where a development is proposed to have a central sanitary sewer system and is adjacent to an undeveloped tract of land, the proposed sanitary sewer system shall be extended to the exterior boundary lines of the proposed development so to provide for future connection to the adjacent tract of land. The Platte County Regional Sewer District shall approve the location and size of the sewer line extension.
- C. Where a public sanitary sewerage system is available and reasonably accessible, the subdivider shall connect with the same and provide sewers accessible to each lot in the subdivision. (County Order of 1990)

SECTION 405.200: UTILITIES

- A. *Specifications.* Utilities will be installed to the specifications of the controlling jurisdiction.
- B. *Fire Hydrants.* Fire hydrants shall be installed to the specifications of the applicable fire district and water district and the rules and regulations of the state and federal governments. (County Order of 1990)

SECTION 405.210: EASEMENTS

- A. Easements on rear lot lines shall be provided for utilities (private and public) and such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements on adjoining properties. Easements shall be indicated on the final plat.
- B. Where topographical or other conditions make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the final plat.
- C. Storm drainage easements shall be a minimum of fifteen (15) feet wide. (County Order of 1990)

SECTION 405.220: CONSTRUCTION ACCESS ROADS

When a construction access road will be required in the development of a subdivision and the access road is not on a dedicated right-of-way, a minimum of a twenty (20) foot temporary easement shall be shown on the plat and expiration terms of the temporary easement shall be noted. (County Order of 1990)

SECTION 405.225: STREAM PRESERVATION AND BUFFER ZONE REQUIREMENTS**A. Title and Purpose**

1. *Title.* These regulations shall be known by short title as the “Platte County Stream Preservation and Buffer Zone Requirements”, may be cited as such and will be referred to herein as “this Section”.
2. *Purpose.* The purpose of this section is to establish minimal acceptable requirements to preserve and protect stream corridors in Platte County.

B. Definitions. For the purpose of this Section 405.225, certain terms, phrases, words and their derivatives shall be defined as specified in this Section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms shall have the following meanings in this Section 405.225. In the event of a conflict between defined terms in Article I, Section 405.090 and the terms defined herein, the Section 405.225 shall control.

BEST MANAGEMENT PRACTICES (BMPs): The utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing adverse impacts on water bodies and their adjacent Stream Corridor.

BUFFER ZONE: An area consisting of the stream corridor that is formally designated on a final plat or site development plan in conformance with this Section. See illustration below.

CONTRIBUTING DRAINAGE BASIN: All land draining to the point of consideration, regardless of ownership.

EDGE OF THE STREAM: A line formed by the outer boundary of the stream as delineated by the bank-full flow caused by approximately the two-year rainfall event.

NATIVE VEGETATION: Vegetation comprised of plant species that are indigenous to the area in question.

RECREATIONAL FIELD: A facility such as picnic area, playground, soccer, baseball, softball and football fields, excluding parking lots and paved facilities such as tennis and basketball courts.

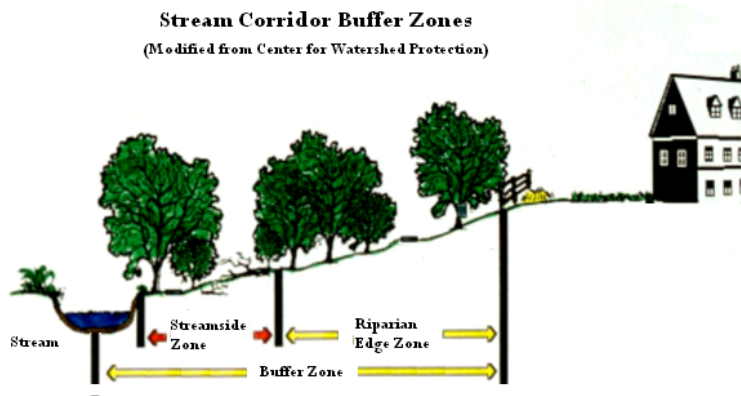
RIPARIAN EDGE ZONE: An area within the Stream Corridor that consists of the land from the edge of the Streamside Zone to the boundary of the Stream Corridor buffer. See illustration below.

STORM SEWER SYSTEM: Structures such as pipes, culverts, reinforced concrete boxes, open improved channels, and other man-made appurtenances which serve to convey storm water runoff.

STREAM: A body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river that flows at least part of the year. Streams are dynamic in nature and their structure is maintained through build up and loss of sediment.

STREAM CORRIDOR: A stream and the adjacent land that is set aside in conformance to this Section and which is substantially preserved in a natural state.

STREAMSIDE ZONE: An area within the Stream Corridor that consists of the stream and the land 25 feet from each edge of the stream. See illustration below.



C. *Applicability.* This Section shall apply to all new development and redevelopment within the unincorporated area of Platte County, Missouri. No new development or redevelopment shall occur except in accordance with this Section unless development occurs as part of a preliminary plat, site development plan, or special use permit that was approved prior to the effective date of this Section. This Section shall not apply to new development or redevelopment which is covered by an approved preliminary plat or site development plan, where such approval was given prior to the effective date of this Section.

D. *Designation of Stream Corridor.* Stream Corridor buffer zones shall be established around all streams. The limit of the buffer zones shall be shown on the preliminary plat and formally designated on the final plat or site development plan. Buffer widths as measured from the centerline of the stream outward in each direction shall be at a minimum the following:

<u>Contributing Drainage Basin Size (Acres)</u>	<u>Buffer Width, From Centerline Outwards, Measured Separately in Each Direction</u>
25 acres to 40 acres	50 feet
40 acres to 160 acres	75 feet
160 acres to 5,000 acres	125 feet
Greater than 5,000 acres	150 feet

1. Upon the recommendation of the Director of Planning and Zoning, the Planning and Zoning Commission may require wider buffers for less stable streams or special conditions to address water quality needs, ecological needs, or the recommendations of a watershed study. These widths provide only moderate allowance for widening or migration in local streams of average stability. Geotechnical studies may be required if there is a risk of slope failure due to underlying soil or rock materials, and the buffer width shall be expanded to contain the zone of failure.
 2. Reduced buffer widths in isolated locations may be allowed where provision of the full width is shown to be impractical and bank stability concerns have been addressed. Evidence of the impracticality must be provided to the Director of Planning and Zoning and approved by the Planning and Zoning Commission.
 3. For work on existing facilities already located closer to the stream than allowed above, the new construction shall not encroach closer to the stream. Bank stability concerns shall be addressed. Formal designation of a buffer zone is not required.
 4. Exceptions
 - a. Streams of less than 300 feet in length measured along the centerline of the stream and which are between portions of an existing storm sewer system may be enclosed within a pipe or box structure.
 - b. Streams adjoining an existing storm sewer system may be enclosed within a pipe or box structure, if the application of this Section would otherwise leave a stream remnant less than 300 feet in length measured along the centerline of the stream.
 - c. Streams with contributing drainage basin areas less than 25 acres are not subject to stream corridor buffer zone requirements and may be constructed as a storm sewer system in accordance with the design and construction specifications of Platte County.
 - d. Stream corridor buffer zones are not required for man made ditches within street right-of-way.
- E. *Delineation of the Stream Corridor.* The Stream Corridor buffer zone shall be delineated on preliminary plats, final plats, site development plans, special use permits, and construction plans. Additionally, the final plat, site development plan, or special use permit shall contain the following language:

Stream Corridor Buffer Zone (B/Z): Stream Corridor Buffer Zones indicated on the plat as "B/Z" shall be subject to the regulations outlined in the Platte County Zoning Order, Article III, Section 400.350, Subsection B.4.

F. *Waiver.*

1. The use of rip-rap, retaining walls, gabions, revetments or other bank armoring techniques shall not be used to reduce the buffer widths. The Director of Planning and Zoning or his duly designated alternate may grant a waiver to allow such activities when it is determined to be necessary to protect structures, primarily when stream migration has exceeded the original estimate of natural channel migration. The Director may grant a waiver to allow bank stabilization measures that are designed to incorporate natural channel features and vegetation in situations where projects will enhance the value of the stream and minimize the likelihood of more extreme measures being needed at a later time.
2. The applicant seeking a waiver to reduce the buffer width may appeal a decision to deny or conditionally approve said waiver to the Board of Zoning Adjustment as outlined in the Platte County Zoning Order, Article VII, Section 480.730.

G. *Allowable Uses.*

1. *Streamside Zone.* The Streamside Zone allowable uses should utilize best management practices to minimize disturbances to and impacts on the stream corridor and include:
 - a. Conservation uses, wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of parklands.
 - b. Crossings for foot, bicycle, golf cart, and other similar uses.
 - c. Unpaved recreational trails and greenways.
 - d. Roadway crossings, limited to minimum required to provide access for orderly development.
 - e. Sanitary sewer line crossings.
 - f. Other utility crossings, as approved by the Director.
 - g. Flood control structures and stormwater treatment facilities.
 - h. Storm sewer pipe discharge.
 - i. Activities associated with the restoration and enhancement of the Stream Corridor.
 - j. Stream gauging and water quality monitoring.
 - k. Pump stations and structures required to transport water from the stream.
 - l. Agricultural uses.

Crossing the Streamside Zone shall be minimized, crossing at skewed angles shall be avoided, and the length and area disturbed shall be restricted to the maximum extent feasible. Only native vegetation shall be planted within the Streamside Zone. Non-native species of ground covers shall not be allowed.

2. *Riparian Edge Zone.* The Riparian Edge Zone allowable uses should utilize best management practices to minimize disturbances to and impacts on the stream corridor and include:
 - a. All activities allowed in the Streamside Zone.
 - b. Paved or unpaved recreational trails. Trails must be constructed near natural grade to minimize clearing, filling and grading.
 - c. Utility installations are allowed only when it is demonstrated installing the utility outside the Stream Corridor is not feasible.
 - d. Recreational fields, public parklands and golf course fairways may encroach into the stream corridor up to one-quarter of the overall buffer width.
 - e. Agricultural uses.
 - f. Other uses approved by the Director of Planning and Zoning that meet the intent of this Section. Allowable uses in the Stream Corridor are limited to low-impact passive uses that require little or no disturbance, grading, clearing, or filling of the existing native vegetation, and are related to recreation, public enjoyment, and protection of the Stream Corridor. These uses may include small non-habitable structures ancillary to the approved use. Examples of these structures include, but are not limited to, decks, gazebos, picnic tables, play equipment, and small concrete slabs built to accommodate such structures. Allowable uses do not include parking facilities.
3. Lakes, detention and retention ponds, and other impoundments for recreational, aesthetic, or irrigation purposes are allowed within the streamside zone and riparian edge zone. Where an existing or new private lake or pond is created, the stream corridor buffer zone shall terminate at the normal pool level where stormwater discharges into the body of water and resumes 10 feet below the toe of the dam embankment. Where private lakes are removed or filled as part of a development, the stream shall be restored through that area and the stream corridor buffer zone shall be created through that the area.
- H. *Maintenance.* Unless otherwise accepted by the County, any maintenance of the Stream Corridor shall be the responsibility of the property owner.
- I. *Enforcement.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.

SECTION 405.230: PARK/RECREATIONAL AREA REQUIREMENTS

A. *Definitions.* For purposes of this Section, the following terms shall have the following meanings:

PARK: Any public or private land available for recreational, educational, cultural or aesthetic use.

PARK/RECREATION AREA: A park which consists of either active or passive recreation or a combination of both.

RECREATION, ACTIVE: Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. The term "active recreation" includes, but is not limited to, swimming, tennis and other court games, baseball and other field sports, golf, playground activities and use of trails.

RECREATION, PASSIVE: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding and picnicking.

B. *Applicability.* The following types of subdivision of land are applicable to this Article: Any subdivision of property consisting of fifteen (15) lots or more with an average lot size of five (5) acres or less.

C. *Dedication.* All applicable residential subdivisions of land shall, as part of the preliminary plat process, agree to dedicate, improve and maintain Park/Recreational Areas or submit an equivalent cash-in-lieu of dedication payment. All Park/Recreational Areas to be dedicated shall be shown on the approved final plat. The Park/Recreational Areas shall be on its own lot, separate and distinct from privately owned lots.

D. *Amount Of Park/Recreational Area.* All applicable subdivisions of land are required to dedicate a minimum of twelve (12) acres of Park/Recreational Area land per one thousand (1,000) persons. The total amount for Park/Recreational Area, however, shall not be less than one-half (1/2) acre in size. The amount of Park/Recreational Area will be calculated as follows:

1. $L \times P \times 0.012 = \text{Total}$

L = Number of lots shown on the preliminary plat.

P = Platte County's average persons per single-family dwelling household as determined by the most recent U.S. Census data. Two-family dwellings shall use two and three-tenths (2.3) persons per dwelling unit. Multi-family dwellings shall use two (2) persons per dwelling unit.

2. The Platte County Planning Commission may approve a dedication of a lesser amount of Park/Recreational Area, upon recommendation of the Planning and Zoning Director and Park and Recreation Director, if the Board finds that the goals of the County in relationship to Parks and Recreation can be met by other means. The Planning Commission is given this discretion so as to reward creative, quality park and recreational initiatives which may otherwise fall short of the mandated Park/Recreation Area dedication requirement. The Planning Commission may also reduce the total Park/Recreational Area requirement as an incentive to encourage applicants to locate parks adjacent to existing or planned parks in order to create larger regional parks which may in the future be dedicated as a public park area. The total amount for Park/Recreational Area, however, shall not be less than one-half (½) acre in size.
- E. *Quality Of Park/Recreational Area.* Dedicated Park/Recreational Areas shall be quality places for which all residents feel welcome and safe. A Quality Park/Recreational Area brings neighbors together and becomes an amenity for which homeowners feel a pride in ownership. A quality Park/Recreational Area incorporates creative site planning, good access, safety, a variety of both passive and active recreation and usable spaces.
1. *Characteristics.* Land to be designated should consist of some or most of the following characteristics:
 - a. Be of sufficient shape, size and overall quality;
 - b. Not have unusual topography that renders the land unusable for the intended recreational purposes;
 - c. Preserve existing trees, scenic elements and other aesthetic features;
 - d. Protect and serve flood plains, wetlands and steep slopes;
 - e. Preserve and maintain mature woodlands, existing fields, pastures, meadows and other natural features;
 - f. Leave scenic views and vistas unblocked or uninterrupted;
 - g. Protect wildlife habitat areas;
 - h. Design around and preserve sites of historic, archaeological or cultural value;
 - i. Provide active recreation (average slope of five percent (5%) or less) and/or passive recreational areas;
 - j. Offer adequate screening from nearby residential or non-residential development;
 - k. Facilitate pedestrian access;
 1. Adhere to the applicable section of the Consumer Product Safety Commission (CPSC) as well as the applicable sections of the Americans with Disabilities Act (ADA) standards.

- F. *Park/Recreational Requirements.* Park/Recreational Areas shall include an Active Recreation area such as playgrounds, usable open space, private trails, golf courses, tennis courts, swimming pools, racquetball courts and/or a Passive Recreation area such as managed wildlife habitats, gardens, picnic tables and areas containing historic features and landmarks or similar areas as determined by the Planning Commission.
1. Unusable open space and green space shall not be considered Park/Recreational Areas. Unusable open space and green spaces can be characterized as areas that would generally not be used by a majority of the residents for recreation, such as steep slopes or floodways (creeks and river channels).
 2. Parks and trails to be dedicated for public use in accordance with the Northland Trails Plan which are identified on the Northland Trails Plan Map are governed under Article IV, Section 405.240.
 3. It is the intention of this Section to reward quality park improvements. The Planning Commission may reduce the amount of Park/Recreation Area required if a significant improvement is planned for the Park/Recreational Area. Examples of significant Park/Recreation Area improvements may be a neighborhood swimming pool or indoor recreation facility. A fifty percent (50%) reduction of Park/Recreational Area required may be granted by the Planning Commission upon an approval recommendation by the Planning and Zoning Director in consultation with the Park and Recreation Department Director. The total amount for Park/Recreational Area, however, shall not be less than one-half (½) acre in size.
- G. *Location/Access.* When feasible, Park/Recreation Areas should be located adjacent to existing or planned/future Park/Recreational Areas. Partnerships between adjoining landowners are encouraged in order to provide larger Parks/Recreation Areas. All residents with ownership of a Park/Recreational Area shall have pedestrian access (sidewalk or trail) to all Park/Recreational Areas within the subdivision.
- H. *Maintenance.* The developer shall provide for a homes (or property owners') association or such other private, governmental, quasi-governmental or political subdivision as may be approved by the Planning Commission for the maintenance of the Park/Recreation Area. It is permissible that access to Park/Recreational Areas, which are owned and maintained by the homes association, may be limited to members of such homes association and guests. The bylaws, Charter, Articles of Incorporation, Declaration and other instruments which govern the right, duties, obligations and operation of the homes association or other approved body shall be subject to approval by the legal counsel for the Planning Commission. The applicable documentation of the homes association shall grant to each person who is a member of the homes association the right to personally and individually enforce the homeowners' association rights, obligations and duties for maintenance and upkeep of the Park/Recreation Areas within the subdivision. Additionally, the applicable documentation of the homes association shall include the following provisions unless the inclusion of such provision is waived by the Planning Commission:
1. The homes association shall be organized by the applicant and shall be fully organized prior to the sale of any lots within the subdivision.
 2. Membership in the homes association is automatic (mandatory) for all purchasers of dwelling units and/or lots therein and their successors.

3. The homes association shall be responsible for maintenance of insurance and taxes on all Park/Recreation Areas, enforceable by liens placed by the County on the homes association property. The homes association may place liens on the homes or lots of its members who fail to pay any association dues in a timely manner. Such liens may require the imposition of penalty and interest charges and require that the defaulting homeowner pay all cost of enforcement including attorneys' fees.
4. The homes association shall be required to provide maintenance and upkeep for the Park/Recreation Area on a basis which is consistent with the "Maintenance and Upkeep Standards" approved according to the terms of Subsection (I) of this Section. Failure by the homes association to maintain and provide upkeep of the Park/Recreation Area shall constitute a violation of this Zoning Order and the violating party shall be guilty of a misdemeanor and be subject to the penalties imposed by Article VIII, Section 400.790 of this Zoning Order and shall also be subject to such other criminal or civil actions as deemed appropriate by the Enforcement Officer.
5. In the event of a proposed transfer of Park/Recreation Area by the homes association or of the assumption of maintenance of the Park/Recreation Area by any third (3rd) party, notice of such action shall be given to all property owners within the subdivision.
6. The homes association shall make adequate provision to administer common facilities and properly and continually maintain the Park/Recreation Area.
7. The homes association may lease Park/Recreation Area to any other qualified person or corporation for operation and maintenance thereof, but such a lease agreement shall provide:
 - a. That the residents of the subdivision shall at all times have access to the Park/Recreation Area contained therein;
 - b. That the Park/Recreation Area to be leased shall be maintained for the purposes set forth in this Section; and
 - c. That the operation of Park/Recreation Area facilities may be for the benefit of the residents only or may be open to the residents of the County, at the election of the applicant and/or homes association, as the case may be.
 - d. The lease and any transfer or assignment of the lease, shall be subject to the approval of the homes association's board of directors. All residents of the subdivision shall have prior written notice of such issue being taken up for consideration or vote by the board of directors.

I. *Maintenance And Upkeep Standards.* The applicant shall submit to the Planning Commission for approval, prior to the final plat being approved, Maintenance and Upkeep Standards which, when approved, shall be incorporated into the applicable document (bylaws, declaration, etc.). In submitting the Maintenance and Upkeep Standards, the applicant shall give consideration to the need to trim and prune trees and bushes, fertilize, seed and mow meadows, maintain or improve existing wildlife habitat, maintain walking or riding paths, prohibit the introduction of waste, litter, refuse, abandoned property, debris or other materials which are offensive to the maintenance of the natural state of the particular Park/Recreation Area and shall require inspections of the Park/Recreation Area by the representatives of the homes association at least annually.

J. *Cash-In-Lieu Of Dedication.* The owner, or representative of the owner, of property to which this Article applies may provide a cash-in-lieu of dedication payment. A cash-in-lieu of dedication payment will be given to the Platte County Parks Department for use on a County park or trail facility in accordance with the Platte County Parks Master Plan. The amount of the cash-in-lieu of dedications will be calculated as follows:

1. $A \times B = C$

A = Total amount of Park/Recreational Area required (see formula outlined in Article IV, Section 405.230(D)(1)).

B = Park/Recreational Area Acquisition Rate.

C = Total amount due by the owner or representative of the owner to the County to satisfy the requirements of this Article.

2. The Park/Recreational Area Acquisition Rate shall be determined by the Platte County Commission. The rate shall remain the same unless amended by the Platte County Commission by application or application to amend the Acquisition Rate. The Park/Recreational Area Acquisition Rate shall be a rate which factors current Park/Recreational Area land acquisition cost, prior costs of acquiring Park/Recreational Areas, Park/Recreational Land Acquisition Rates of surrounding municipalities and current park land development cost. It is the intention of this Section to encourage the creation and development of Park/Recreational Areas rather than cash-in-lieu of dedications in most cases.

3. No residential subdivision which contains thirty (30) or more lots which have lots averaging less than five (5) acres shall use the Cash-in-Lieu option to satisfy one hundred percent (100%) of the Park/Recreational Area requirement, unless the applicable residential subdivision is within one thousand (1,000) feet and has direct pedestrian access (designated sidewalk or trail) to an existing large regional Public Park. Applicable residential subdivisions which contain more than fifteen (15) lots but less than thirty (30) lots which have lots averaging less than five (5) acres may satisfy one hundred percent (100%) of the Park/Recreational Area requirement with the Cash-in-Lieu of option. In all other cases, the owner or representative of the owner may submit a cash-in-lieu of dedication payment for eighty percent (80%) of the total required dedication, twenty percent (20%) of the dedication must consist of on-site Park/Recreational Area as defined in this Zoning Order. The total amount for Park/Recreational Area, however, shall not be less than one-half (1/2) acre in size.

K. *Process.* All Park/Recreational Areas dedicated in accordance with this Section shall be subject to review by the Platte County Planning and Zoning and Parks and Recreation department prior to being heard by the Planning and Zoning Commission.

1. *Preliminary plat requirements.* In addition to the requirement of Article III, Section 405.140 of the Platte County Subdivision Regulations, a preliminary plat, which includes Park/Recreational Area in accordance with this Article, shall include the following:

- a. All property to be designated as Park/Recreational Area should be shown and labeled as a separate lot or tract on the plat;
- b. The applicant shall indicate, either on the plat, on a separate plan, or as a separate note the facilities that will be located within the designated Park/Recreational Area and indicate the anticipated phase of the development in which the planned Park/Recreational Area is to be constructed.

2. *Final plat requirements.* In addition to the requirements of Article III, Section 405.140 of the Platte County Subdivision Regulations, a final plat, which includes Park/Recreational Areas in accordance with this Article, shall include the following:

- a. All property to be designated as Park/Recreational Area should be shown and labeled as a separate lot or tract;
- b. The designated lot or tract containing the proposed active recreation improvements shall be dedicated as "Parkland" on the final plat, as a separate note on the final plat or shown on a separate plan. The proposed parkland improvements intended to take place in the dedicated "Parkland" area outlined in a separate plan document shall become part of the final plat.
- c. Substantial conformance to the preliminary plat in relation to Park/Recreational Area. (County Order of 1990)

SECTION 405.240: LINEAR PARKS/TRAIL DEDICATION

- A. *Applicability.* The requirements of this Section are primarily focused upon the trail paths (or trail corridors) as designated in the Northland Trails Vision Plan Map ("the Trail Map") which is included as part of the Northland Trails Vision Plan which was adopted December 21, 2000, by the Platte County Commission ("the Trails Plan"). They shall apply to the subdivision and/or development of all property, whether residential, industrial, agricultural, commercial or otherwise, within Platte County, Missouri. The requirements of this Section are not to be confused with the requirements imposed under Article IV, Section 405.230 which have to do primarily with Park Dedication requirements which may in some or many instances deal with trails and paths located within certain Subdivisions or dedications required of residential Subdivisions; provided that the Director may use reasonable efforts to connect trail paths located in residential Subdivisions to trails located within the Trails Plan.
1. Whenever a proposed subdivision or development includes within its boundaries any part of the trails system designated in the Trails Plan Map or is located adjacent to such designated trails, as shown on the Trails Plan Map, the dedication of such land or an appropriate easement over such land shall be required as a condition of plat or site development plan approval, unless otherwise waived as provided herein. Such dedication or easement shall be consistent with the standards established in the Trails Plan and as established within this Order and shall be granted by the subdivider or developer without any charge to the County.
 2. In addition to the dedication of land, the subdivider or developer shall also be required to place in escrow with the County an amount equal to one-half (½) of the estimated cost of the construction of the trail to be constructed within the area of the Subdivision which has been dedicated for trails under Subsection (A)(1) hereof. In establishing the estimated cost of the applicable trail, the Director shall use as a guideline the design criteria adopted as part of the Trails Plan.
 3. Whenever a proposed subdivision or development does not include within its boundaries the trail system or is not located adjacent to the trails system, as designated by the Trails Plan Map, the dedication of land or an easement with the Development or Subdivision for future additions or supplements to the Trails Plan may be required as a condition of plat or site development plan approval, unless otherwise waived as provided herein. Such dedication or easement shall be consistent with the "suitability" and "characteristics" and the design criteria established in the Trails Plan. The dedication shall be granted without any charge to the County and shall be designed with the intent and ability to connect to or supplement the trails system at some future date.
 4. Dedications which are required in the Section shall be roughly proportional and justified by the impact of the particular subdivision or site development plan to the applicable trail or any part thereof.
- B. *General Requirements.* As a condition of final plat or site development plan approval, the subdivider or developer shall dedicate land (or an interest therein) for trail, transportation and recreational purposes at the time and according to the standards contained in this Section. The amount of land conveyed for trails shall be roughly proportional to the demand or need for trails attributable to the proposed Subdivision.

C. *Dimensional Limitations Of Subdivision And Zoning Codes.* Land dedicated for trails pursuant to this Section shall not adversely affect the subdivider's or developer's interests with regard to setbacks, density or other dimensional limitations in the Subdivision Regulations and Zoning Order (even if otherwise protected or not feasible for development) and trails may be located, in whole or part, within areas designated for setbacks except where necessary to protect the public safety or welfare.

D. *Dedication Of Land.*

1. *Standards for dedication of land.* Where the Director, in consultation with the County's Public Works Department and Parks and Recreation Department, has determined, based on the County's Master Plan as authorized by Section 64.550, RSMo., which was adopted December 12, 1995, as the Southern Platte County Land Use Plan as such Plan is presently being amended and is hereafter from time to time amended ("herein the Master Plan"), the Trails Plan, the Trails Plan Map and other applicable planning documents, that a public trails system is planned to be located in whole or in part within the proposed subdivision or development and the trail is reasonably related to the needs of County residents for trails, parks and recreational facilities, the subdivider or developer of the proposed subdivision or development shall convey sufficient land or land interests by plat or deed for trails to meet that need, as specified in this Section, the Master Plan and the Trails Plan. The quality and quantity of property required to be conveyed shall be based on the standards for the trails system as established in the Trails Plan.
2. The evaluative process will occur during the review of applications for preliminary plat approval. The subdivider should be encouraged to achieve the best possible relationship between development and trail. In addition, the criteria established in the Section will help ensure that the dedicated land is not merely low-quality or unusable land, poorly suited for trail use.

E. *Suitability of Land.* Land to be dedicated for trails in the Director's opinion shall be suitable for a community trails system consistent with the Master Plan and the Trails Plan. While efforts shall be made to accept and utilize land that is otherwise protected or not feasible for development (e.g., located in a riparian corridor, on unusual topography or in protected wildlife habitat), in making this determination, the location, accessibility, size, topography, environmental characteristics and development potential for the intended trails shall be considered. Consideration shall be given to the following factors in determining the suitability of land for trails:

1. *Location.* Land to be dedicated should be located along the trails designated in the Trails Plan Map and/or the Master Plan, or, if that location is not practicable, in close proximity to the designated route with a direct connection to the designated trail route.
2. *Characteristics.* The land to be dedicated should, where appropriate, contain as many of the following characteristics as are reasonable:
 - a. Be of sufficient shape, size and overall quality to allow for approved amenities (e.g., trailside exercise facilities, drinking fountains and benches) to be provided;
 - b. Not be dominated by unusual topography that renders the land unusable for the intended recreational purposes;
 - c. Preserve existing trees, scenic elements and other aesthetic features;
 - d. Protect and serve flood plains, wetlands and steep slopes;

- e. Preserve and maintain mature woodlands, existing fields, pastures, meadows and other natural features;
- f. Design around existing tree lines, hedgerows, between fields or meadows and minimize impacts on large woodlands;
- g. Leave scenic views and vistas unblocked or uninterrupted;
- h. Protect wildlife habitat areas;
- i. Design around and preserve sites of historic, archaeological or cultural value;
- j. Protect rural roadside character;
- k. Improve public safety;
- l. Provide active recreational areas;
- m. Offer adequate screening from nearby residential or non-residential development;
- n. Facilitate pedestrian access;
- o. Provide open space that is reasonably contiguous and whose configuration is in accordance with the respective zoning ordinances as well as the Trails Plan and the Master Plan.

F. *Platting and Site Plan Requirements.*

1. *Preliminary plat.* In addition to the applicable requirements imposed upon or in connection with preliminary plats under the County's Subdivision Regulations, the preliminary plat of any subdivision or development within which a site development plan is submitted for approval which contains trail dedication areas shall specifically identify the property intended for dedication for trails which shall be labeled as a separate lot.
2. *Final plat.* In addition to the applicable requirements imposed upon or in connection with a final plat or site development plan, any final plat or development within which a site development plan is approved which contains trail dedication areas shall:
 - a. Identify all property included within a trail dedication which shall be shown and labeled as a separate lot;
 - b. Include trail dedication which shall be substantially in conformance with the preliminary plat;
 - c. Be accompanied by the subdivider's or developer's agreement to deliver the County, in cash or its equivalent, one-half (½) of the cost of the applicable trail at such time as the first (1st) building permit within the subdivision or site development plan is granted.

3. The approval of any preliminary plat which contains various phases may be conditioned upon an agreement from the subdivider or developer which requires the subdivider or developer to dedicate trails system land and/or escrow the estimated costs of trails improvements at the time the first (1st) phase or any ensuing phase is submitted as a final plat.

G. *Waivers.*

1. *Sidewalks.* The Planning Commission may waive all or a portion of the sidewalk requirements as provided in the Subdivision Regulations if the subdivider's dedication or conveyance of an easement for trail purposes and the payment of one-half (1/2) the costs of construction of the trail will adequately provide for the pedestrian transportation needs within the subdivision or development.
2. *Dedication.* The Planning Commission may waive the requirement to dedicate interests for the Trails System as provided in this Section based upon the ability of the subdivider or developer to demonstrate through an individualized determination that the dedication is not lawfully justified or roughly proportional to the impact of the development or subdivision either because of a lack of requisite reasonable relationship, unique site circumstances, undue hardship or other circumstances warranting a waiver. In regard to any waivers granted by the Planning Commission, it is assumed that the failure to obtain either easements or other dedications of land which are specifically included and identified as part of the trails system on the Trail Map, as it may from time to time be amended, would be detrimental to the realization of the establishment and success of the trail system and therefore any waivers of such land dedication should be granted only on rare occasions. However, the Planning Commission may, in its discretion, waive the contribution of funds necessary to construct the trail systems for the reasons stated in the next preceding sentence of this Subsection. Any decision by the Planning Commission rejecting a waiver may be reviewed by filing a written appeal within ten (10) days of the issuance of the Planning Commission's written determination or decision to the Board of Zoning Adjustment. All appeals from the Board of Zoning Adjustment under Section 405.240 shall be to the Circuit Court and must be filed within thirty (30) days of the issuance of the written determination or decision of the Board of Zoning Adjustment. The Planning Commission may also waive the dedication provisions of this Section on its own initiative where there is not suitable or acceptable land within the subdivision or development to which the County, in the public interest, is willing to accept dedication. (County Order of 1990)

SECTION 405.245: TRANSITION AND LANDSCAPE BUFFERS

For the purposes of this Section the term “Development Plan” shall include any Preliminary Plat, Site Development Plan, or Special Use Permit.

- A. *Purpose.* The purpose of this section is to establish transition requirements that enhance the aesthetics, character and environment of areas between new and existing development in order to maintain the character and quality of life of existing adjacent residents. It is the purpose of this section to enhance new development, not to restrict new development.
- B. *Applicability.* These requirements shall apply to the following:
1. Any Preliminary Plat request, which is subject to the Transition requirements in this section shall include a Transition area upon the Preliminary Plat unless, waived by the Planning and Zoning Commission.
 2. Any Site Development Plan request, which is subject to the Transition requirements in this section, shall include a Transition area upon the Site Development Plan, unless waived by the Planning and Zoning Commission.
 3. Any Special Use Permit request, which is subject to the Transition requirement, shall include a Transition area upon the Special Use Permit Site Plan, unless waived by the Planning and Zoning Commission.
 4. All Final Plat requests must substantially conform to the approved Preliminary Plat, including all Transition area requirements, unless waived by the Planning and Zoning Commission.
- C. *Standards for Inclusion of a Transition Plan.* The Planning and Zoning Commission may require the establishment of a Transition Area upon the approval of any Development Plan.

A Transition Area shall be required when a Development Plan is proposed for an area that is adjacent to a different land use type or a different major density category. The chart below describes the circumstances when a Transition Area shall be deemed necessary. For the purposes of this Section, six general land use types and major density categories have been established below.

1. *Agricultural* – Undeveloped tracts of ground 10 acres or greater, generally zoned AG or RE.
2. *Low Density Residential* – Lots ½ acre to 10 acres in size, generally zoned RE, R-80, R-40, or R-25.
3. *Single-Family Residential* – Lots ranging in size from ½ acre or less for single-family development, generally zoned R-15, R-12, R-10, R-7.
4. *Multi-Family* – Lots containing multi-family development, generally zoned RMD.
5. *Institutional* – Lots containing uses such as churches, hospitals, schools, and governmental buildings.
6. *Commercial* – Lots developed for retail and office development, generally zoned CH, CN, PO or BP.
7. *Industrial* – Lots developed for industrial uses, generally zoned PI.

Land Use Type	Agricultural	Low Density Residential	Single Family	Multi-Family	Institutional	Commercial	Industrial
Agricultural	N	N	N	N	N	N	N
Low Density Residential	N	N	T	T	T	T	T
Single Family	N	T	N	T	T	T	T
Multi-Family	N	T	T	N	T	T	T
Institutional	N	T	T	T	T	T	T
Commercial	N	T	T	T	T	N	T
Industrial	N	T	T	T	T	T	N

N – NO TRANSITION REQUIRED

T – TRANSITION REQUIRED

D. Plan Requirements

1. All Development Plans that are required to establish and include a Transition Area under the terms of this Section shall include the following:
 - a. The Development Plan shall include a note or illustration indicating what method of Transition to be included in the proposed development.
 - b. The Development Plan shall indicate the location of all Transition Areas.

2. The Planning and Zoning Commission may require the inclusion of a Transition Area as a condition for the approval of a Development Plan. A Transition can be achieved by one or a combination of the methods described below. The developer shall select and incorporate a Transition method(s) that is appropriate to the type, density, and scale of the development proposed. The Planning and Zoning Commission shall determine whether or not the proposed Transition method is appropriate and adequate. The Transition methods are described below. The Transition methods are ranked from most effective to least effective.
 - a. Existing vegetation and trees – the preservation of existing vegetation and trees of significant width and density to create a natural screen.
 - b. Gradual Change in Density – A gradual step down in lot sizes from adjoining lots.
 - c. Existing man-made or natural feature – An area of separation created by a significant roadway, railway, or other man-made feature. Also an area of separation created by a natural feature such as a waterway, major elevation change, forest, or other natural feature.

- d. Landscape Buffer – See definitions set forth in Article I, Section 400.090 of the Platte County Zoning Order of 1990 and Article I, 405.090 of the Platte County Subdivision Regulations of 1992.
 - e. Open Space – Land established as permanent open space, generally remaining in a natural state or maintained by the Home Owners Associations and of significant depth.
 - f. Cluster Style Development – A type of development that seeks to preserve natural areas and buffer areas by clustering development and providing open space.
 - g. Perimeter Setbacks – A platted building setback line around the perimeter of a development that restricts construction within the boundary.
 - h. Berms – Natural or man-made elevations changes that block or partially block the view from adjoining properties.
 - i. Fencing – Fencing generally six (6) feet in height that creates a solid barrier from adjoining properties.
 - j. Other – The use of other creative techniques that results in a visual buffer from adjoining property owners.
- D. *Waiver.* The Planning and Zoning Commission may waive the requirements of this Section for any reason.
- E. *Maintenance of Landscaping and Screening Facilities.* It is the duty of each owner of property to erect, maintain, repair and replace all landscaping and screening facilities which were required to be placed on the property pursuant to the conditions or requirements of any Site Development Plan, building permit, certificate of occupancy, site plan, subdivision approval, Special Use Permit approval, variance, zone change or other requirement pursuant to the Zoning Order. The voluntary inclusion of landscaping and screening facilities in any application, plans, specifications, statements or representations by an applicant shall be deemed to be a condition or requirement of the official approval of the application.
- F. *Notice of Violation.* Whenever the Enforcement Officer determines that landscaping or screening facilities are not being properly erected, maintained, repaired or replaced, as required by this Section, the Planning and Zoning Department shall include such determination in a Notice of Violation to be sent by the Enforcement Officer by registered mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll of the County. Said notice shall direct the owner to correct the violation within thirty (30) days of mailing of the notice. The notice of violation shall specify:
1. The manner in which the landscaping or screening facilities do not comply with requirements.
 2. The correction that is required to be made.
 3. A statement that in the event that the owner fails to comply within such thirty (30) days, a violation of the Zoning Order, subject to the penalties and relief set forth in Article VIII, Section 400.790, shall be deemed to exist.

ARTICLE V

RESERVED

ARTICLE VI. PERFORMANCE AND MAINTENANCE GUARANTEES

SECTION 405.290: FORMAT OF GUARANTEES

Performance and maintenance guarantees are required from all applicants who must construct any improvements subject to these regulations. The performance and maintenance guarantees may be submitted by either the developer or the contractor for the developer, however, the developer shall be responsible for ensuring that the guarantees are submitted and are in a form acceptable to the County. Performance and maintenance guarantees are also required for improvements that are to be privately maintained. The applicant may supply the guarantees in any of the following formats:

1. *Surety bonds.* Surety Bonds shall be submitted on forms supplied by the Director and approved by the County Counselor as to form, sufficiency and manner of execution. The surety and conditions must be approved by the County Commission. Any insurance company surety must be rated at least "A" by the A.M. Best Company.
2. *Letters of credit.* Letters of Credit shall be submitted on forms supplied by the Director and approved by the County Counselor as to form, sufficiency and manner of execution. The Letter of Credit shall be drawn on a bank insured by the Federal Deposit Insurance Corporation (FDIC) and approved by the County Commission. In addition, all conditions of the Letters of Credit must be approved by the County Commission.
3. *Escrow funds.* The applicant may establish an escrow account in the name of the County in a financial institution approved by the County Commission with the account governed by the terms of a contract executed by the applicant and the County Commission. (County Order of 1990)

SECTION 405.300: PERFORMANCE GUARANTEE

- A. At the time of final subdivision approval, the applicant shall post with the County a performance guarantee in an amount sufficient to ensure the satisfactory performance and completion of the required improvements in accordance with the approved final subdivision plat and approved improvement specifications. The guarantee shall be in an amount equal to one hundred percent (100%) of the estimated cost of construction of the improvements subject to these regulations. The amount of the guarantee shall be reviewed by the County Engineer and approved by the County Commission or the political subdivision or private entity charged with the acceptance and maintenance of the public or private improvement. The performance guarantee shall be secured for a period of time to be specified and approved by the County Commission or the political subdivision or private entity charged with the acceptance and maintenance of the public or private improvement but in no case to exceed a three (3) year period. The performance guarantee shall also include a provision for two (2) one (1) year extensions to be exercised at the request of the County Commission or the political subdivision or private entity charged with the acceptance and maintenance of the public improvement if the required improvements have not been completed in the original time period.

- B. If the required improvements have not been installed within the terms of the performance guarantee and within the time frame agreed to, the County Commission or the political subdivision or private entity charged with the acceptance and maintenance of the public or private improvement may thereupon declare said guarantee in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the alternative, if no building development has taken place at the time the County Commission or the political subdivision or private entity charged with the acceptance and maintenance of the improvement declares the guarantee to be in default, the County Commission may instead order the vacation of the plat in accordance with the procedures set forth in Article VII of these regulations. (County Order of 1990)

SECTION 405.310: MAINTENANCE GUARANTEE

- A. Upon acceptance of the public or private improvements, the applicant shall provide a maintenance guarantee. The guarantee shall be in an amount equal to twenty-five percent (25%) of the actual construction costs of the public or private improvements and shall guarantee that said improvements are free from defects in workmanship and materials. The term of the guarantee shall be for the following time periods:
1. Grading—One (1) year.
 2. Curbs, gutters, streets, storm sewers and other underground improvements as deemed necessary to be bonded by the County Engineer—Three (3) years.
- B. The applicant should also consult other governmental entities, such as the water district and Platte County Regional Sewer District, concerning their bonding requirements. (County Order of 1990)

SECTION 405.320: COMBINED GUARANTEES

The applicant may submit a combined guarantee which will satisfy all of the requirements of the performance guarantee and maintenance guarantee requirements as set forth above. (County Order of 1990)

SECTION 405.330: RELEASE OR REDUCTION OF GUARANTEES

- A. The County Commission may release a performance guarantee upon satisfaction of the following conditions:
1. The County Engineer has prepared and submitted a certificate stating that all of the required improvements have been satisfactorily completed.
 2. The applicant's engineer or surveyor has certified that all public or private improvements for which guarantees are being requested to be reduced in amount or released have been constructed in accordance with the approved specifications. In addition, when a guarantee for sanitary sewers is requested to be reduced or released, the applicant's engineer or surveyor shall certify to the County Engineer through submission of a detailed "as-built" sanitary sewer plan of the subdivision indicating location, dimensions, construction materials and other information required by the Planning Commission or County Engineer that the construction of the sanitary sewer lines is in accordance with the approved construction plans of the subdivision.
 3. A title search has been furnished to and approved by the County Counselor indicating that the public or private improvements have been completed, are ready for dedication to the County, and are free and clear of any and all liens and encumbrances.
- B. At the request of the applicant, the County Commission may reduce the amount of a performance guarantee upon acceptance of public or private improvements and then only to the ratio that the completed improvements accepted bear to the total public or private improvements for the plat. In no event shall a performance guarantee be reduced below twenty-five percent (25%) of the principal amount of all public or private improvements. (County Order of 1990).

ARTICLE VII. VACATION OF PLATS

SECTION 405.340: APPLICANTS

- A. Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein by an instrument written and acknowledged declaring that plat to be vacated.
- B. After the sale of any lots or other platted areas, the plat or any part of the plat may be vacated by a written instrument signed and acknowledged by all the owners of the lots in the plat, which instrument declares the plat to be vacated.
- C. If construction of the required public improvements has not begun within two (2) years of recording of the final plat, the County Commission, upon declaring the financial guarantees to be in default, may apply for vacation of the final plat.
- D. In each instance, a copy of the plat shall be attached to the instrument. (County Order of 1990)

SECTION 405.350: APPROVAL

The proposed vacation must be approved by the Planning Commission upon compliance with the same notice and hearing requirements necessary to approve the plat which the applicants wish to vacate. The Planning Commission shall forward to the County Commission any proposed vacation which abridges or destroys any public rights in any public uses, improvements, streets or alleys. In addition, the vacation of any public streets must be conducted in compliance with the laws of the State of Missouri. (County Order of 1990)

SECTION 405.360: FILING

After the vacation has been approved by the Planning Commission and the County Commission when applicable, three (3) copies of the written instrument shall be recorded or filed in the same manner as plats of subdivisions. After being recorded, one (1) copy of the recorded instrument shall be left with the Recorder of Deeds Office, one (1) copy of the recorded instrument shall be given to the Director and one (1) copy shall be given to the Assessor's Office. The recorded instrument shall operate to destroy the force and effect of the recording of the plat so vacated and divest all public rights in all dedications laid out or described in the plat, subject to the requirements of the laws of the State of Missouri for vacation of public streets. (County Order of 1990)

ARTICLE VIII. AMENDMENTS

SECTION 405.370: AUTHORITY

For the purpose of promoting the health, safety, convenience, comfort and general welfare, the County Commission may from time to time amend these regulations in the manner hereinafter set forth. (County Order of 1990)

SECTION 405.380: INITIATION OF AMENDMENT

Amendments may be proposed by any governmental body or interested person or organization. (County Order of 1990)

SECTION 405.390: FORM OF APPLICATION

An application for an amendment shall be in writing and shall contain the proposed language of the amendment as the applicant would like it to appear if adopted, together with such other information as the Director shall require. (County Order of 1990)

SECTION 405.400: PROCEDURE

Upon receipt of the formal application, the Director shall call a public hearing for the next scheduled meeting of the Planning Commission subject to public hearing requirements. The Director shall publish notice of the time and place of the public hearing in at least one (1) newspaper having general circulation in the county not less than fifteen (15) days prior to the date of the public hearing. The Director shall also post notice of the time and place of the public hearing in one (1) or more places of the Courthouse not less than fifteen (15) days prior to the date of the public hearing. (County Order of 1990)

SECTION 405.410: HEARING PROCEDURE

The Planning Commission shall hold a public hearing on each application for amendment at the Platte County Administration Building located in Platte City, Missouri, unless otherwise ordered by the County Commission, at such time as shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceeding shall be preserved in such manner as the Planning Commission shall prescribe. The hearing may be adjourned from time to time. (County Order of 1990)

SECTION 405.420: FINDINGS OF FACT AND RECOMMENDATION OF THE PLANNING COMMISSION

The Planning Commission shall submit recommendations to the County Commission within sixty (60) days after the close of the public hearing and any adjournment thereof. The Planning Commission shall submit its findings of fact and all evidence to the County Commission simultaneously with its recommendations. (County Order of 1990)

SECTION 405.430: ACTION BY COUNTY COMMISSION

The County Commission shall not act upon a proposed amendment to these Regulations until it shall have received a written recommendation from the Planning Commission on the proposed amendment. The County Commission may grant by order or may deny any application for an amendment. (County Order of 1990)

ARTICLE IX. ENFORCEMENT

SECTION 405.440: VIOLATIONS AND PENALTIES

- A. The subdivision of any lot or any parcel of land which is not performed in full compliance with all of the terms of these Regulations shall be a violation of these regulations.
- B. No owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of the subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations. Any sale prior to Planning Commission approval shall be a violation of these Regulations.
- C. The subdivision of any lot or any parcel of land by the use of meets and bounds description for the purpose of sale, transfer or lease with the intent of evading these Regulations shall be a violation of these Regulations.
- D. Any person who shall subdivide or develop any land in violation of any of the provisions of these Regulations shall be guilty of a misdemeanor.
- E. For every day after the conviction of any person for the violation, failure, neglect or refusal to comply with any provisions of these Regulations that the violations continue, the person shall be deemed and taken to be guilty of a separate and distinct offense for which he may again be arrested, tried and, upon conviction, punished as in the first (1st) offense.

No building permits shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations. (County Order of 1990)

SECTION 405.450: ABATEMENT AND INJUNCTIVE RELIEF

In the event that any subdivision of land is begun or made in violation of any of the provisions of these Regulations, the County Commission, the Director, the Enforcement Officer, the Planning Commission, the Prosecuting Attorney or the owner of any private property of whom or which is or may be affected by any such violation may institute in the Circuit Court any appropriate action or proceeding in law or in equity to prevent, restrain, abate or correct such violation or unlawful development or to prevent the occupancy of any building or structure or the unlawful use of the land or to prevent any illegal act, conduct, business or use in or about the premises. These remedies shall be in addition to the penalties described in Section 405.440 above. (County Order of 1990)

SECTION 405.460: RECORDING DISALLOWED

No plat or subdivision of land in the unincorporated area of the County shall be recorded in the Office of the Recorder of Deeds unless and until approval of the plat is endorsed on the plat in accordance with the provisions of these regulations. (County Order of 1990)

ARTICLE X. AMENDMENTS

ADOPTED

September 15, 1992

AMENDED

September 24, 1992

- Article III, Section B.2, Article III, Section C.1.a. Noise Contours
- Article III, Section C.3.b. Documentation for Noise Disclosure and Fair Disclosure Statements
- Article IV, Section B. Noise Impact Areas

March 30, 1995

- Article IV, Section B. Noise Contour Level Map Replacement

August 24, 1995

- Article II, Section A, Subsection 4. Property Owners conveying portions of existing parcels to political subdivision or public utility company.

March 21, 1996

- Article I, Section H.; Article II.A.2.b.; Article II.B.2.a.; Article II.B.2.f.; Article II.B.3.d.; Article II.B.3.f.; Article II.B.3.i.; Article II.B.3.o.; Article II.B.3.p.; Article III.B.26.d.; Article III.C.A.1.d.; Article III.C.A.9.; Article III.C.A.18.; Article III.C.A.21.; Article III.C.B.; Article III.C.C.; Article III.C.C.3.; Article IV.C.2.; Article IV.C.7.; Article IV.D.3.; Article IV.G.1.; Article IV.G.2.; Article V.B.3.d.; Article V.B.3.e.; Article V.B.3.g.; Article VI.B.; Article VIII.E.

May 13, 1997

- Article VI, Section C.2. Maintenance Guarantees for 3 years.

November 10, 1998

- Article I, Section H.
- Article II, Section B. Article III, Section B. All sections are for Name Change (Public Works to Planning and Zoning)

April 22, 1999

- Article IV, Section C.2. Street Design and Construction Standards
- Type 1 Aggregate Road Rock

August 19, 1999

- Article II, Section A.2. Minor Subdivision Requirements
- Article IV, Section C.1.P. Dedication and Construction of Perimeter Roads

November 18, 1999

- Article I, Section H. Meetings Adjournment
- Article I, Section I. Definitions moved from Section H to Section I

January 11, 2000

- Article IV, Section A.2. Design and Improvement Specification

- April 20, 2000
Article III. Plat Content Requirements
- May 18, 2000
Article IV, Section C. Roads and Streets
- November 22, 2000
Article I, Section I. Definition of Street and Private Street
Article VI. Maintenance Guarantees for Private Improvements
- August 23, 2001
Article I, Section H.3 Tabling or postponement
Article II, Section B.2.b. Meeting with surrounding property owners
Article II, Section B.3.b. Meeting with surrounding property owners
Article II, B.3.G. Preliminary Plat Hearing
Article II, B.3.k. Submission of Final Plat
Article II, B.3.l. Approval of Final Plat
Article IV, Section I. Park Dedication
Article IV, Section J. Trails Dedication
- August 25, 2005
Article I, Section 405.090 Definitions
Article IV, Section 405.245 – Transition and Landscape Buffers
- November 30, 2006
Article I, Section 405.090 Definitions
Article IV, Section 405.225 – Stream Preservation and Buffer Zone Requirements
- March 22, 2007
Article IV, Section 405.230, Subsection K.1 – Preliminary Plat Requirements
Article IV, Section 405.230, Subsection K.2 – Final Plat Requirements
- January 17, 2008
Article V, Sections 405.250, 405.260, 405.270 and 405.280 – Sediment and Erosion Control Regulations were deleted. Reference: Platte County Zoning Order of 1990 Section 400.535, Sediment and Erosion Control Regulations added.
- July 17, 2008
Article IV, Section 405.175 Traffic Impact Study Requirements added
- March 18, 2010
Article IV, Section 405.150 adding Section G – As-Built Drawings for the construction of public improvements.
- October 4, 2010
Article IV, Section 405.180, replace existing section regarding stormwater.
- June 14, 2011
Article II, Section 405.100, Subsection B –Minimum Lot Size Requirement allowed for minor subdivisions.