

Public Notice in accordance with 610 RSMo as amended  
Date/Time Posted: Friday, August 10, 2018 at 4:30 P.M.

PLANNING AND ZONING COMMISSION  
AGENDA  
TUESDAY, AUGUST 14, 2018  
6:00 P.M.

1. Workshop for Planning & Zoning

# Department of Planning Memorandum



**Date:** August, 14, 2018  
**To:** Planning & Zoning Commission  
**From:** Shawn Seymour, AICP  
Director of Planning  
**Re:** Zoning Ordinance - Processes

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As requested last meeting, please see attached for draft zoning amendment ordinance, PUD ordinance, site plan ordinance, and subdivision ordinance.

Please be prepared to discuss at 6:00 PM Tuesday prior to the meeting.

Article VI. Land Use

Chapter 400 Zoning regulations

Section 400.260 Amendments to Zoning Regulations

[Ord. No. 2327 §1, 3-18-2003]

- A. When There May Be An Amendment. The regulations, restrictions and boundaries contained in this Chapter may from time to time be amended, supplemented, changed, modified or repealed by the Board of Aldermen either on its own motion or on written application therefore filed with the Zoning Officer on behalf of the Board of Aldermen by the Mayor, any member of the Board, the Commission, the Zoning Officer or by any governmental body or person with a financial, contractual or proprietary interest in the real estate which would be affected by the proposed amendment.
- B. Application And Submission Requirements. An application for either a text amendment or an amendment in the nature of a rezoning shall be submitted on a form containing such information and materials as may be required by the Zoning Officer, the Commission or the Board of Aldermen from time to time. The application shall be signed by the owner of the affected real estate or the authorized representative of such owner and shall contain the following initial information, in addition to that which the Zoning Officer, the Planning Commission or the Board of Aldermen may determine in each particular case is required:

[Ord. No. 3017 § 1, 5-16-2017]

- 1. Text Amendment. If the text of this Chapter is proposed to be amended, a petition which is initiated by a private party, shall include:
  - a) The proposed text amendment, in the context of the current text.
  - b) A statement describing the purpose and intended effect of the proposed change.
  - c) The name, address and telephone number of the petitioner(s).
  - d) The petitioner's interest in the proposed change.
  - e) Signature(s) of the petitioner(s) certifying the accuracy of the required information.
  - f) At the petitioner's discretion, unless otherwise required by the Zoning Officer, Planning and Zoning Commission or Board of Aldermen, demonstrative materials that will assist in explaining the proposed amendment.
  - g) The filing fee, payable to the City of Pacific, in an amount as set from time to time by the Board of Aldermen. No portion of the filing fee will be refunded to the petitioner(s). Any expenditures in excess of the filing fee, incurred by the Commission or the Board of Aldermen, that are necessary and incident to the processing of the petition shall be billed to and promptly paid by the petitioner(s).

2. Rezoning (Map Amendment). A petition for a rezoning (map amendment), which is initiated by a private party, shall include:
  - a) A legal description of the property;
  - b) A scaled map of the property, clearly showing the boundaries of the property; its current and proposed zoning district classification; and the current zoning classification of adjacent property;
  - c) A description of the proposed use of the property and the estimated impact of the proposed use on the surrounding neighborhood;
  - d) The name, address and telephone number of the petitioner(s);
  - e) The petitioner's interest in the property, and if the petitioner is not the owner, the name, address and telephone number of the owner(s);
  - f) Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information;
  - g) At the petitioner's discretion, unless otherwise required by the Zoning Officer, Planning and Zoning Commission or Board of Aldermen, a site plan, perspectives, elevations or models that will assist in clarifying the proposed use of the property to be rezoned;
  - h) The filing fee, payable to the City of Pacific, in an amount as set from time to time by the Board of Aldermen. No portion of the filing fee will be refunded to the petitioner. Any expenditures in excess of the filing fee, incurred by the Commission or the Board of Aldermen, that are necessary and incident to the processing of the petition shall be billed to and promptly paid by the petitioner.

C. Application Review Procedures.

1. Zoning officer. The Zoning Officer shall receive the application on behalf of the Board of Aldermen and determine whether it complies with all initial submission requirements. If the application does not comply with all initial submission requirements, the Zoning Officer shall take no action with respect thereto, except that within a reasonable time after submission, return the application to the applicant with a written list of the deficiencies in the application. If the application is determined by the Zoning Officer to be in compliance with initial submission requirements, then the Zoning Officer shall provide copies of the application to those officers and contractors in and with the City, St. Louis County or Franklin County governments, from whom review and report are necessary in order for the Zoning Officer to make his/her report to the Commission, including, but not limited to, the Fire Marshal, the Chief of Police, the Building Commissioner and the Commissioner of Public Works, the City Attorney and planning and zoning consultants or contractors (collectively "planning staff"). After obtaining the necessary reports, the Zoning Officer shall prepare and transmit a report to the Commission containing his/her recommendations concerning the application and the reasons therefore in light of the terms of this Chapter, the Comprehensive Plan and prudent planning and zoning concerns.

[Ord. No. 3017 § 2, 5-16-2017]

2. Commission hearing. Upon receipt of the Zoning Officer's report on the application, the Commission shall hold a public hearing on the application, ~~after public notice thereof, duly published according to law.~~ After such public hearing the Commission shall make its final report to the Board of Aldermen, either recommending or not recommending that the relief sought in the application be granted. The Zoning Officer shall forward copies of the application and all submittals incident thereto, the Zoning Officer's report thereon and the Commission's recommendation and report (if any) thereon (collectively "application package") to the Board of Aldermen.

3. Board of Aldermen.

- a) Upon receipt by the Board of Aldermen of the application package from the Zoning Officer, the Board of Aldermen shall conduct a public hearing thereon. Public notice shall be given no less than fifteen (15) days prior to such hearing. All owners of property within one-hundred and eighty-five feet (185 ft.) of the area of the proposed change (if any) and all owners of property within the surrounding area shall be given personal notice of the hearing by mail as provided in Section 405.060 of this Title.
- b) In the event that the owners of thirty percent (30%) or more of the areas of land (not including streets and alleys) included either in the proposed area of change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed protest in writing, duly signed and acknowledged, to the proposed change, no such amendment shall become effective except upon the favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the Board of Aldermen. Otherwise, it shall take an affirmative vote of fifty-one percent (51%) of the Board of Aldermen to approve any proposed application.

4. (Reserved)[1]

[1]Editor's Note: Former Subsection (C)(4) regarding, rezoning – final development plan approval, was repealed 5-16-2017 by § 3 of Ord. No. 3017.

D. Annexation. All territory that may be annexed by the City after the effective date of this Chapter shall be zoned as follows:

1. No previous zoning ordinance in effect. If at the time of annexation the newly annexed land is not subject to a valid zoning ordinance duly imposed by a properly authorized governmental subdivision of the State, the City shall in due course and in accordance with law adopt zoning regulations for the annexed territory. From the time that the annexation becomes effective until such time as the City adopts zoning regulations for the annexed territory, the annexed territory shall be classified under the most restrictive zoning category then existing in this Chapter.
2. Pre-existing zoning ordinances in effect. If at the time of annexation the newly annexed land is subject to a valid zoning ordinance duly imposed by a properly authorized governmental subdivision of the State, upon annexation such annexed land shall remain subject to the zoning regulations in effect prior to annexation until such time as the City shall adopt zoning regulations for the annexed territory.

Article VI. Land Use

Chapter 400 Zoning regulations

Section 400.260 "PUD" Planned Unit District Regulations.

[Ord. No. 2327 §1, 3-18-2003; Ord. No. 2395 §§1 — 2, 6-15-2004]

A. The division of the City into zoning districts is based on the principle that similar conditions prevail throughout a particular district. Development or redevelopment of certain uses within these districts has the potential, if not properly planned, to adversely impact the community with regard to traffic, incompatibility of uses, property values, utilities or in other ways. This Section is intended to authorize certain new or changed uses of property as well as certain site alterations, as specified herein, if the location and circumstances are appropriate for the use or change under the standards provided in this Section. It is also the intent of this Section to increase the flexibility of development design by authorizing the Board of Aldermen to allow deviations to the underlying district regulations and to require use of this process in certain situations. Approval by the Board of Aldermen of a PUD overly district as provided herein shall be a legislative act of rezoning and, except as provided herein, subject to the procedural requirements for rezoning set forth in this Code and in Chapter 89 of the Missouri Revised Statutes (2000), as amended. Any ordinance approving a development plan shall be deemed to incorporate the provisions of this Article. The bulk regulations set forth in the underlying zoning as well as specifications set forth in Article III of this Chapter and those in Section 410.073 may be altered by the Board of Aldermen as part of the PUD process where circumstances require such alteration but uses may not be altered from those permitted by the underlying zoning district.

Planned Districts are intended to facilitate the following development objectives:

1. Encourage a mixture of land uses compatible with surrounding neighborhoods.
2. Create a variety of housing compatible with surrounding neighborhoods in terms of density and types of living environment.
3. Promote flexibility by allowing the placement of more than one (1) main or primary building on a single lot or parcel.
4. Encourage large scale well-planned development.

B. Underlying District Regulations — Other Regulations, Modifications. The bulk regulations set forth in the underlying zoning specifications set forth in Article III of this Chapter, subdivision regulations, and other development regulations of the City may be altered by the Board of Aldermen as part of the PUD process where circumstances require such alteration; provided that a PUD ordinance shall not authorize uses not permitted by the underlying zoning district nor shall it increase the number of lots otherwise permitted under such district regulations. Except as expressly modified by the ordinance approving the PUD, the requirements of the underlying zoning district shall govern. No conditional use may be authorized by the PUD process and within the approving ordinance where such conditional use is authorized by the underlying district.

C. PUD District — A PUD overlay may be requested when an applicant can clearly provide a narrative and accompanying preliminary development plan that includes one (1) or any combination of the following design conditions. When Required. Except as may be approved by the simplified development plan process authorized below, the PUD district overlay approval shall be required in any district permitting primary commercial or industrial uses, including the "C-1", "C-2", "M-1" and "M-2" zoning districts whenever a use of a site otherwise permitted by the underlying district includes:

1. New construction of buildings; or
  2. Expansion or exterior reconstruction of existing buildings in excess of ten percent (10%) of the existing floor area.
  3. A change in use which necessitates an alteration of parking of more than five (5) parking spaces.
1. Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, slope, etc.;
  2. Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, landscape gardens, plazas, and walking and cycling trails that serve to connect significant areas and various land uses;
  3. Preservation of existing mature trees and trees deemed extraordinary by the City of Chesterfield Tree Specialist due to but not limited to the following: size, type, origin, grouping, or number of;
  4. Enhanced landscaping, deeper and opaque buffers, and increased planting along public rights-of-way, open space/recreational areas, and the overall perimeter to protect and ensure compatibility with adjacent land uses;
  5. Utilization of mixed-use buildings;
  6. Utilization of traditional neighborhood design (TND) techniques in the layout and spatial organization of the development;
  7. Structures designed and constructed of an architectural vernacular that exceeds the typical building design and materials within the City of Chesterfield;
  8. Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;
  9. Incorporation of transit-oriented development (TOD) or direct access to public transportation;
  10. Provision of affordable housing;
  11. Utilization of Leadership in Energy and Environmental Design (LEED) construction practices and development standards and the proposed LEED certification of buildings and grounds by the United States Green Building Council within the PUD; and
  12. Inclusion of community facilities and the access thereto.

D. Plan Approval Required — Types Of Planned Districts. It is the intent of this Chapter that no development or redevelopment of the property encompassed by the "PD" designation shall take place until a final development plan has been reviewed and approved in conformance with the requirements of this Section. All areas of the City designated "PD" shall be assigned one (1) of the following district classifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this Section.

Planned District Overlay Districts		
PDR	Planned District — Residential	Residential district uses only
PDC	Planned District — Commercial	Commercial district uses only
PDM	Planned District — Manufacturing	Manufacturing district uses only
MUD	Mixed Use District	Mixture of residential and non-residential district uses

- E. Height Restrictions. The total height of any structure shall be limited by the conditions in the ordinance governing the Planned District.
- F. Procedures. A Planned District may be initiated by an application by one (1) or more of the owners of record or owners under contract of a lot or tract of land or their authorized representatives. The Planning and Zoning Commission and the Board of Aldermen may review and approve a Planned District outside the existing City limits contingent upon proper fees as set forth below being paid to the City as well as the prerequisites set forth in this Section being completed, with said approval of the Planned District effective when the property encompassing the Planned District is annexed into the City. Said review shall not eliminate or alter the requirements set forth above or any further requirements of Chapter 400.

Procedures for application, review and approval of a Planned District shall be as follows:

1. Application. An application for a Planned District for a specific tract of land shall be addressed to the Commission and shall be filed with the Zoning Officer. The application shall be filed on forms prescribed for that purpose and be accompanied by the following:
  - a) Filing fees as established by the Board of Aldermen.
  - b) Legal description of property.
  - c) Preliminary development plan as set forth in Section 405.045.
  - d) Narrative fully describing the proposed PUD, including proposed land uses, densities, and any modifications to the underlying zoning district regulations and development standards.**
2. Public hearing.



a) A public hearing on the application for a Planned District shall be held by the Commission following the same public notice procedure as required in Section 405.060 for a change of zoning (Amendments Section 400.260). Additional hearings may be required at the discretion of the Commission.

~~b) Subsequent to and within thirty (30) days of the public hearing or within thirty (30) days of the receipt of a complete preliminary development plan when submitted after the effective hearing date, the Zoning Officer shall submit a report to the Commission for consideration. The report shall include comments of the Zoning Officer, as well as comments of all agencies and City departments to whom the plan was referred for review.~~

3. Recommendation for approval or denial of planned district. Within sixty (60) days of receipt of the Zoning Officer's report, the Commission shall take action on the Planned District. Commission action shall consist of one (1) of the following:

a) Approval. The Commission may recommend approval of the Planned District as submitted or with amendments. The Zoning Officer shall prepare the appropriate legislation for consideration by the Board of Aldermen including all conditions of the Planned District. In recommending approval of development conditions, the Commission shall impose such conditions it determines necessary. Said conditions shall include, but not be limited to, the following:

i) Permitted uses, including number of units and/or maximum square footage of proposed buildings.

ii) Height limitations.

iii) Minimum yard requirements.

iv) Off-street parking and loading requirements.

v) Road and other improvements adjacent to and within the site.

vi) Performance standards.

vii) Sign regulations.

viii) Minimum requirements for final development plan.

ix) Time limitations for commencement of construction. The Commission, at its discretion, may request additional information at this step, depending on the scale of the development.

b) Denial. The Commission may recommend denial of the Planned District. The Zoning Officer shall prepare a report to the Board of Aldermen indicating the Commission's decision. The developer may appeal the Commission's denial in accordance with the provisions of this Section. If no appeal is filed as permitted within the time period established, the application shall be deemed denied.

c) Notification. In any case, the developer shall be notified in writing of the Commission's action.

4. ~~Board of Aldermen review. Within sixty (60) days of receipt of the Commission's recommendation, the Board of Aldermen shall take action on the Planned District. Board of Aldermen action shall consist of one (1) of the following:~~

~~a) Approval. The Board of Aldermen may, by majority vote, approve the Planned Development District as recommended by the Commission or approve the plan with amendments by two-thirds ( $\frac{2}{3}$ ) majority vote.~~

~~b) Denial procedure. The Board of Aldermen may consider an appeal filed by the applicant in accordance with procedures described in this Section. If the denial of the Planned District is upheld by the Board of Aldermen, the developer may resubmit a new plan to the Commission as described in this Section.~~

a) Upon receipt by the Board of Aldermen of the Commission's recommendation, the Board of Aldermen shall conduct a public hearing thereon. Public notice shall be given no less than fifteen (15) days prior to such hearing. All owners of property within the area of the proposed change (if any) and all owners of property within the surrounding area shall be given personal notice of the hearing by mail as provided in Section 405.060 of this Title.

b) Within sixty (60) days of receipt of the Commission's recommendation, the Board of Aldermen shall take action on the Planned District. Board of Aldermen action shall consist of one (1) of the following:

i) Approval. The Board of Aldermen may, by majority vote, approve the Planned Development District as recommended by the Commission or approve the plan with amendments by two-thirds ( $\frac{2}{3}$ ) majority vote.

ii) Denial procedure. The Board of Aldermen may consider an appeal filed by the applicant in accordance with procedures described in this Section. If the denial of the Planned District is upheld by the Board of Aldermen, the developer may resubmit a new plan to the Commission as described in this Section.

5. Planned district — effective when. The Planned District shall become effective upon approval by the Board of Aldermen.

G. Appeal, Protest Or Board Of Aldermen Review Of Commission Decision.

1. Protest of the Commission decision. A protest against a proposed "PD" may be presented, duly signed and acknowledged by the owners of thirty percent (30%) or more of the area of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eight-five (185) feet distant from the boundaries of the property upon which the Planned District will be located. A notice of protest must be filed within ten (10) days following the Commission's decision, be in writing, filed with the Zoning Officer and accompanied by the signatures (duly acknowledged) and addresses of the property owners involved. The notice of protest shall further include a notarized verification from the person(s) collecting the protestants'

signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed or subsequently modified, fails to meet the criteria set forth in this Chapter.

2. Appeal of recommendation of denial. Upon the recommendation of denial by the Commission of an application, the applicant may file an appeal with the Board of Aldermen requesting a determination by that body. A notice of appeal shall be filed within ten (10) days after the Zoning Officer's report is received by the Board of Aldermen at a regular meeting. An appeal shall be in writing and shall be filed in duplicate with the Zoning Officer accompanied by a filing fee as established by the Board of Aldermen. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in the regulations.
  3. Board of Aldermen decision upon appeal or protest. In any case, subsequent to proper notification as described above, the Board of Aldermen may affirm, reverse, modify, in whole or in part, any determination of the Commission. Such action shall be taken within thirty (30) days from receipt of said appeal or protest. In the event of an appeal, an affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the Board of Aldermen shall be required to reverse or modify any recommendation by the Commission. In the event of a protest, an affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the Board of Aldermen shall be required to affirm the determination of the Commission.
- H. Final Development And Improvement Plans. Upon passage by the Board of Aldermen of an ordinance enacting a Planned District and which ordinance requires submission of improvement plans and/or a final development plan, said plan(s) shall be submitted in accordance with the following provisions. No building permits or authorization for improvement or development for any use authorized under provisions of this Section shall be issued prior to approval of such plans.
1. Final development plan/improvement plans.
    - a) Upon approval of a planned development and corresponding preliminary development plan, final development plans shall be submitted for review and approval to the Zoning Officer in accordance with Section 405.050. In the case of developments consisting of multiple phases, lots and/or plats where a preliminary development plan is required, a final development plan and improvement plans shall be submitted for each individual building, lot, phase or plat representing a portion of the preliminary development plan. The plan(s) shall contain the minimum requirements established in the conditions governing the Planned District. No building permits or authorization for improvement or development for any use requested under the provisions of this Planned District shall be issued prior to approval of such plan(s). The approved plan(s) shall be retained on file in the office of the Zoning Officer.
    - b) Final development plans, improvement plans and installation or guarantee of improvements are not required for phases, lots and/or plats designated for future development, except that the City may require such improvements as are necessary to serve the area proposed for present development. Final development plans and

improvement plans for these improvements shall accompany or be a part of the overall plan submittal.

- c) If the Planned District is proposed to be developed in phases, lots and/or plats, the Zoning Officer may require submittal of a development schedule indicating:
  - i) The approximate date when construction of the project can be expected to begin and an estimated time of completion.
  - ii) The order in which the phases of the project will be built.

The preliminary development plan, updated to reflect all structures, units and maximum square footage of buildings constructed or approved for construction, shall be provided with the subsequent submittal of final development plans/improvement plans for each additional building, lot, phase or plat representing a portion of the preliminary development plan. The Zoning Officer shall use this plan to track existing site development, insuring that the current proposal complies with the conditions of the ordinance enacting the Planned District relating to maximum site densities.

- iii) (Reserved)

~~iv) Procedure to amend a planned district or planned district preliminary development or final development plan. **The procedure to amend the regulations of a planned district or a final development plan shall be the same procedure as required to establish a planned district and to approve the plan.** In order to amend an existing Planned District or to amend the preliminary development or final development plan for the Planned District, the procedure shall be as follows:~~

~~a. To amend the Planned District:~~

~~i. The property owner or authorized representative shall submit a written request to amend the Planned District to the Zoning Officer. The Zoning Officer shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.~~

~~ii. The Zoning Officer shall then forward the request and his/her report to the Commission. The Commission shall review the proposed amendments and file a report with the Board of Aldermen in which the Commission shall recommend to grant, deny or modify the requested amendments. If the Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accordance with the proceedings specified for amending this Chapter.~~

~~b. To amend the Planned District preliminary development or final development plan:~~

~~i. The property owner or authorized representative shall submit an amended preliminary development and/or final development plan to the Zoning Officer for review. The Zoning Officer shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.~~

ii. If the Zoning Officer determines that the proposed amendment to the preliminary development and/or final development plan is not in conflict with the original proposal as advertised and the plan meets all the conditions of the Planned District, the Zoning Officer may approve said amendment plan. The approved plan shall be retained on file in the office of the Zoning Officer.

iii. If the Zoning Officer determines that the proposed amendment to the preliminary development and/or final development plan is not consistent in purpose and content with the original proposal as advertised and with the conditions of the Planned District, he/she shall so report to the applicant and the Commission. The Commission shall review the proposed plan amendment and make a final determination. The Commission may, if it deems necessary, require a new public hearing on the matter in accordance with procedures specified for amending this Chapter.

- I. Guarantee Of Improvements. After the approval of the final development plans/improvement plans but prior to the issuance of any building permit or permit authorizing the use of the property in question, the developer shall enter into an agreement with the City guaranteeing the completion of all public improvements in accordance with Section 405.050 of the City of Pacific Subdivision Code.
- J. Limitations.
  1. Failure to commence construction. Unless otherwise stated in the development conditions, substantial work or construction shall commence within two (2) years of the effective date of the Planned District, unless such time period is extended through appeal to and approval by the Commission. If no extension of time is received or granted within six (6) months subsequent to the two (2) year period following the effective date of the Planned District, the Commission shall review any changes in the Zoning District Map brought by the proposed development. If the Commission finds said changes to be inappropriate, the Commission shall recommend to the Board of Aldermen that the map be revised in accordance with the procedures for changes and amendments. As used in this Section, substantial work or construction shall include final grading for roadways necessary for first (1st) approved plat or phase of construction and commencement of installation of sanitary and storm sewers as applicable.
  2. Abandonment. In the event the preliminary development or final development plans/improvement plans are not submitted within the time limits specified in the ordinance enacting the Planned District or a use authorized by a Planned District is abandoned, vacated or not utilized for a period of two (2) years, the zoning amendment may be terminated. If no extension of time is received or granted within six (6) months subsequent to the expiration of the two (2) year period, the Commission shall review any changes in the Zoning District Map brought by the proposed district. If the Commission finds said changes to be inappropriate, the Commission shall recommend to the Board of Aldermen that the map be revised in accordance with the procedures for changes and amendments.
  3. Extension of development schedule. The owner or owners may, at any time, apply to the Commission for an extension of the development schedule. Such extension shall be acted

upon by the Commission, however, said extension shall not exceed twelve (12) months in duration.

#### K. Simplified Development Plan Process:

1. Applicability. Any use or change otherwise subject to the PUD District process pursuant to 400.160(C) may apply for the simplified development process provided all of the following criteria are satisfied:
  - a) No waiver or modification of any district or other regulation is sought;
  - b) The approval does not include building expansion in excess of fifty percent (50%) of any existing building (not a required element in the "M-1" and "M-2" Districts);
  - c) If new construction is at issue, it involves only new construction of an accessory building not greater than two thousand five hundred (2,500) square feet in size (not applicable in the "M-1" and "M-2" Districts); and
  - d) The change is not detrimental to the neighboring properties or community, does not materially alter or impact traffic, public improvements or public financial burdens and is otherwise consistent with all established City plans, policies and ordinances.
2. Process. The simplified development plan process may be approved as follows:
  - a) Applications shall be as provided by Section 400.160(F)(1), except that the filing fee shall be limited to a non-refundable five hundred dollar (\$500.00) zoning review fee. This fee may be applied toward the PUD application fee if a simplified development plan or process is denied or prior to completion the property owner seeks PUD approval instead.
  - b) The Director of Planning shall make a determination as to whether the application qualifies for simplified development plan process if the procedure is so requested in the PUD application. This determination shall be in writing and may be appealed to the Board of Aldermen within ten (10) days of its issuance. If the simplified plan process is denied by the Director or by the Board, either on appeal or after a Director's approval of such process, the change or use shall be authorized only if a PUD is approved pursuant to Section 400.160(A—J).
  - c) No public hearings shall be required for a simplified development plan as otherwise provided in Section 400.160(F)(2).
  - d) A single combined preliminary/final development plan is permitted.
  - e) Review of the simplified development plan application shall otherwise occur as provided for in Section 400.160(F)(3—4) by recommendation of the Planning and Zoning Commission and for final approval, conditions or denial by the Board of Aldermen. Final approval may be by resolution or ordinance of the Board.
  - f) Except as modified herein, all other provisions of Section 400.160 shall apply.

Article VI. Land Use

Chapter 400 Zoning regulations

Section 400.260 Site Plan Review Procedure

A. Applicability. The requirements of this Section shall apply to the review of site plans where one (1) or more buildings are to be erected on a single lot, excepting the following:

1. Developments conditioned by planned district.
2. Single-family residential detached dwellings, including associated garages.
3. Nonresidential buildings less than one thousand (1,000) square feet in gross floor area.
4. Additions to existing nonresidential buildings when the addition is less than ten percent (10%) of the existing building's gross floor area, the addition does not exceed five thousand (5,000) square feet, no new curb cuts are required, and where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the Planning Director.
5. Enclosed stairwells.
6. Canopies constructed over existing walkways, loading docks or pump islands, where new construction does not reduce existing parking or significantly modify existing on-site circulation, as determined by the Planning Director.

B. Procedures.

1. Site plans shall be reviewed and approved by the City of Pacific and the Department in accord with the following:
  - a) Compliance of the site plan with Code of Ordinance requirements shall be established by the Planning Director or his or her designee.
  - b) The Department (or County Department of Highways and Traffic or MoDOT, as applicable) shall review and approve the right-of-way, pavement required, curb cuts, and other design features of abutting public streets or private or new streets, other than multiple-family access drives within the development connecting the development with a major street or streets. Additional streets may be required for the public health, safety and welfare, when determined necessary by the City of Pacific. On such streets, the City of Pacific shall determine the requirements for rights-of-way, street width, width of curb cuts, street trees, sidewalks, and any other improvements in adjacent rights-of-way where not covered elsewhere in the Code of Ordinances.

The City of Pacific shall review and approve the plans for conceptual compliance with the various codes and ordinances relating to grading, drainage, silt control, storm sewer services, floodplain (as it affects the development), and other applicable requirements.

At such times as a development is proposed adjacent to a street that is accepted and maintained by the City of Pacific, that street shall be improved in accordance with the City of Pacific standards and the cost of improvement of and the dedication of half of the right-of-way adjacent to the proposed development shall be included in the overall development improvements.

- c) The Department shall review and approve the internal traffic and pedestrian circulation system, landscaping, parking areas, and additional characteristics of site design, as deemed appropriate. Landscaping may include recontouring, building of earth berms, vegetative covering, screening or other material alteration of the site as deemed appropriate to enhance areas outside the public right-of-way or to preserve the integrity of adjacent properties. Internal circulation shall include the location, nature, extent, construction and design of internal driveway lanes (including multiple-family access streets), parking lots, driveways to or through parking lots, and any other facilities that provide vehicular access to buildings, structures, and improvements upon a given lot or tract.
2. The Department shall review and approve the plans for compliance with all codes and ordinances relating to land development and improvements.
  3. Prior to site plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Pacific. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all site plans and improvement plans.
  4. For all procedures (including site plan review), where the Board of Aldermen does not have final review authority, the Board of Aldermen or the Mayor shall have the power of review as provided in Section XXXXXX of this Chapter.
- C. Site plan contents.
1. For a site plan to be accepted for review, the following information shall be either placed on the site plan or on a separate sheet accompanying the plan:
    - a) Location map, North arrow, and plan scale.
    - b) Zoning district, subdivision name, lot number, dimensions and area, and zoning of adjacent parcels where different than site.
    - c) Name, address, and telephone number of the person or firm submitting the plan and the person or firm who desires the review comments forwarded to him or her.
    - d) Proposed use of the building and its construction type and distance from adjacent property lines.
    - e) Off-street parking spaces, required and proposed, including the number, size, and location of those designated for the handicapped.



- f) Type of sanitary sewage treatment and stormwater drainage facilities, including retention ponds.
  - g) Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.
  - h) Existing and proposed landscaping, including name and size of plant material.
  - i) Existing and proposed contour lines or elevations based on mean sea level datum, unless otherwise waived by the Department.
  - j) Location and size of existing and proposed freestanding signs.
  - k) Location and identification of all easements (existing and proposed).
  - l) Location and height of all light poles.
  - m) Overall dimensions of all buildings and the gross floor area of each building.
  - n) Approximate location of any stormwater detention facilities, sink holes and springs, silt berms, ponds and other silt control facilities.
  - o) Floor area ratio of proposed development, except in single-family attached and detached residential developments.
  - p) Open space percentage of proposed development.
  - q) Tree stand delineation for area to be developed.
2. Additional information to be placed on the site plan beyond the requirements listed above may be requested based on a joint review of the plans by authorized departmental representatives of the City of Pacific.
- D. Review schedule. Upon verification of compliance with the site plan requirements stated in Subsection (C), the plan shall be reviewed by the Department. A letter shall be forwarded to the person or firm submitting the plan stating the comments of the reviewing Department. Within thirty (30) days from the date on the comment letter, revised plans addressing the listed comments shall be submitted for further review. If revised plans are not submitted within the specified time limit, review of the site plan will be terminated.
- E. Minimum requirements. The requirements for site plan review contained in this Section shall apply as the minimum requirements. Additional requirements may be stated, as necessary, and written into a policy memorandum.

Article IV. Land Use

Chapter 410 Subdivision

Section 410.010 Purpose.

[Ord. No. 2327 §1, 3-18-2003]

This Chapter is intended to provide for the harmonious development of incorporated areas within the City of Pacific, Missouri; for the coordination of subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan of Pacific, Missouri; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity. These provisions apply to all subdivisions of land within the City.

Section 410.020 General Standards.

[Ord. No. 2327 §1, 3-18-2003]

All subdivision plans shall be in harmony with the Comprehensive Plan, zoning, minimum design and development standards and other requirements herein and other ordinances and regulations adopted by the City of Pacific. Insofar as the Comprehensive Plan does not indicate size, location, direction or extent of a street, the arrangement of streets in a subdivision shall provide for the continuation of the principal streets existing when adjoining property is subdivided or developed.

Section 410.030 Section 410.030

Jurisdiction.

[Ord. No. 2327 §1, 3-18-2003; Ord. No. 2593 §1, 6-17-2008]

A. Generally.

1. No land within the limits of the City of Pacific shall be subdivided after the adoption of these regulations without complying with the provisions of this Chapter.
2. Where a tract of land is proposed to be subdivided in several stages over a period of years and the subdivider requests approval in parts, he/she shall submit a detailed plan of the entire tract to be developed at the time of submission of request for the first (1st) section with appropriate sectioning to demonstrate to the Commission that the total design, as proposed for the entire subdivision, is feasible. The Commission may give preliminary approval to the overall plan and final approval on the parts as submitted from time to time.
3. The provisions of this Chapter shall be held to be the minimum requirements necessary in the subdivision of land.

4. Where a tract of land to be subdivided abuts a street requiring additional right-of-way for future widening purposes, any width taken or to be taken shall not be subtracted from the net area for building sites and shall not increase the front building setback line.
5. All interpretations of these rules and regulations are reserved to the administrative bodies referred to herein.
6. No lot, tract or parcel which has been included as part of any boundary adjustment or subdivision shall be included in any petition or application for a subdivision or boundary adjustment for a period of one (1) year after City approval of the boundary adjustment or subdivision.
7. Nothing herein shall be interpreted to apply to the subdivision of land by the City for streets or other rights-of-way purposes.

B. Boundary Adjustments.

1. Purpose. The purpose of this Section is to allow adjustments to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes, frontages or configuration of buildable lots; however, it is not intended that extensive replotting be accomplished by use of this Section.
2. Boundary adjustment criteria. Boundary adjustments must meet the following criteria:
  - a) No additional buildable lot shall be created by any boundary adjustment.
  - b) The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by the City of Pacific Zoning Code.
3. Procedure.
  - a) A boundary adjustment shall be accomplished by plat but must include an adequate legal description of the boundaries of the original lots and of the adjusted lots.
  - b) The boundary adjustment plat or plats shall be submitted to the Zoning Officer for review and may be approved administratively by the Zoning Officer if no plat approval is involved. In the event that the Zoning Officer determines that the boundary adjustment reasonably could negatively impact public facilities or infrastructure, traffic or public safety or is inconsistent with any of the purposes or requirements of this Code, the Zoning Officer may either deny the boundary adjustment or require modifications consistent with this Code if applicable or may refer the application to the Board of Aldermen which shall review and approve, modify or deny the boundary adjustment by motion or resolution consistent with the purposes and requirements herein. Improvement plans and installation of public improvements shall not be required solely for a boundary adjustment approval unless determined necessary to meet requirements of public safety or other purposes of this Code.

C. Condominium Plats.

1. Purpose. The purpose of this Section is to allow administrative review and approval of condominium plats as defined by Chapter 448, RSMo.

2. Condominium plat criteria. The condominium plat shall comply with the requirements of a condominium plat as established by Chapter 448, RSMo.

3. Procedure. Except as otherwise provided by law or approved by the Board of Aldermen of the City, the plat shall follow the procedure set forth in Section 410.040 for subdivision platting.

Condominium plats shall be submitted to the Zoning Officer for review to ensure that the proposed plat is consistent with this chapter. If the plat is determined to be consistent with all requirements of this chapter the plat will be forwarded to the Board of Aldermen for review. If the plat is not found to be consistent with this chapter the Zoning Officer shall notify the applicant of such deficiencies. No condominium plats shall be forwarded to the Board of Aldermen until the Zoning Officer has determined that the plat is consistent with this chapter.

#### D. Minor Subdivisions.

1. Purpose. The purpose of this Section is to provide a simplified administrative review and approval procedure for minor subdivisions as defined in Section 400.040 of this Code.

2. Procedure. Minor subdivisions shall be exempt from the following processing requirements unless otherwise required by the Zoning Officer:

a) Review and approval by the Planning and Zoning Commission of the preliminary plat; and

b) Review and approval by resolution of the Board of Aldermen of the preliminary plat.

In all other respects, minor subdivisions shall meet the preparation and processing requirements of this Chapter.

Minor subdivisions of tracts of land five (5) acres or less and of four (4) or less lots shall not be subject to the preliminary plat process. Applications for minor subdivision shall be subject to the final plat procedure.

#### Section 410.040 Procedure.

[Ord. No. 2327 §1, 3-18-2003]

A. Preliminary Considerations. In order to make the most of opportunities related to the proposed subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the Zoning Officer prior to the preparation of the preliminary plat for the subdivision.

#### B. Filing Of Preliminary Plat.

1. A developer desiring approval of a preliminary plat of a subdivision of any land lying within the City of Pacific shall submit to the Commission a written application for such approval prepared on printed forms provided by the Zoning Officer. Such application shall be accompanied by plans and information prepared in accordance with the requirements set forth in this Chapter.

2. ~~The completed application and prints of the required drawings shall be submitted no later than thirty (30) days prior to the Commission meeting at which initial consideration is desired.~~

3. Fees. A fee in the amount set forth in Section 405.060(B) of this Title shall be paid to the City Clerk at the time of submission of the preliminary plat. No action of the Commission or Board of Aldermen shall be valid until the fees have been paid to the City. This fee shall be charged on all preliminary plats, regardless of action taken, whether the plat is approved or disapproved. The City Clerk shall notify the Commission in writing when the filing fees have been paid.

4. Review and hearings. The preliminary plat shall be reviewed by the **Planning & Zoning Commission** and the Board of Aldermen to determine whether the plat is in harmony with the requirements of this Chapter and public hearing before the Commission and notice thereof shall be held in conformance with the procedures in Section 405.060; provided that no deficiency in such process shall affect the validity of any decision.

5. Once the preliminary plat is reviewed by the **Planning & Zoning Commission**, the Board of Aldermen shall be notified in writing of its recommendation. The Board of Aldermen shall **hold a public hearing. After such hearing the Board** may approve the preliminary plat, may modify the plat and/or conditions of approval or deny the preliminary plat.

6. If the preliminary plat is approved by the Board of Aldermen by resolution, the applicant is authorized to proceed with the preparation of the final plat.

7. In the case of a subdivision being developed in stages, the applicant shall obtain final approval in not more than three (3) years from the date of preliminary approval for the remaining portions of the plat, after submission of one (1) portion within the specified period. Failure to submit the remaining portions for approval in final plat form within the three (3) year period from the date of preliminary approval will require reprocessing of the application for preliminary approval.

**Within the last six (6) months of this three (3) period, the developer of such subdivision may request and the Planning & Zoning Commission may grant a three (3) year extension to this provision. Under no circumstances shall a second extension be granted.**

C. Approval Of Improvement Plans. Prior to submission of the final plat, improvement plans shall be submitted to the **Zoning Officer and Commissioner of Public Works** and may be approved subject to revisions as may be required by the **Zoning Officer and the Commissioner of Public Works** after review of the final plat by the Planning and Zoning Commission. The applicant shall submit to the Planning and Zoning Commission with the final plat a summary of the conditionally approved improvement plans showing the locations, appearance and explanation of the adequacy of the improvements.

D. Approval Of Final Plat.

1. The final plat, prepared in accordance with the requirements set forth herein and accompanied by improvement plans and information prepared in accordance with the requirements set forth in this Code, shall be submitted to the **Zoning Officer Planning and**

Zoning Commission for approval. In addition to the actual final plat itself, the submission shall include the following items:

- a) Three (3) copies of final plat as required by the **Planning Public Works Department**.
  - b) Three (3) copies of improvement plans for the subdivision.
  - c) Detailed estimate and certification of the cost of the proposed improvements prepared by developer's engineer.
  - d) Performance guarantee assuring completion of the proposed improvements.
2. Review and hearings. The final plat shall be reviewed by the **Commission Zoning Officer** and the Board of Aldermen to determine whether the plat is in harmony with the requirements of the preliminary plat and of this Chapter and public hearing before the Commission and notice thereof shall be held in conformance with the procedures in Section 405.060; provided that no deficiency in such process shall affect the validity of any decision.
3. Final approval — recording. Following approval of the final plat by the Commission, the plat, together with all supporting data, shall be forwarded to the Board of Aldermen for final approval. Approval of the final plat by the Board of Aldermen shall be by ordinance and shall be certified on the document to be filed for record over the signature of the City Clerk and the Seal of the City of Pacific. After the Board of Aldermen has approved the performance guarantee posted by the developer, if applicable, the final plat, endorsed with the approval of the Board of Aldermen, together with a certified copy of the ordinance granting such approval, shall be filed for record in the office of the Recorder of Deeds of the appropriate County at the sole expense of the developer within ninety (90) days of the passage of the ordinance or said ordinance and subdivision plat approval shall become null and void. Within ten (10) days after the recording of the final plat, the developer shall file with the City Clerk one (1) mylar print and two (2) paper prints of the recorded plat all of which shall bear the print of the Recorder's stamp thereon. The City, at its option, may record the plat and return a copy to the applicant at its cost.

E. Subdivision In Flood Hazard Areas.

1. All subdivision applications for areas located within the flood hazard areas as that term is defined in the Municipal Code of the City of Pacific shall be reviewed with respect to the following criteria:
  - a) The proposed development is consistent with the need to minimize flood damage.
  - b) Subdivision proposals involving more than five (5) acres or fifty (50) lots include regulatory flood elevation data.
  - c) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - d) All proposed public utilities and facilities are located so as to minimize or eliminate flood damage.

2. No subdivision application for areas located within a flood hazard area shall be approved by the Board of Aldermen without a favorable finding of fact with respect to each criteria set forth in Subsection (1) above.

Section 410.050 Application Requirements.

[Ord. No. 2327 §1, 3-18-2003; Ord. No. 2421 §1, 1-4-2005; Ord. No. 2776 §1, 2-15-2011]

A. Preliminary Plat.

1. The developer shall file fifteen (15) copies of the drawings, as well as one (1) eleven (11) inch by seventeen (17) inch copy of the drawings, with the Zoning Officer. The Zoning Officer shall transmit copies of the plat to the following departments and agencies. Unless otherwise required by the City, the preliminary plat shall be submitted on a twenty-four (24) inch by thirty-six (36) inch or thirty (30) inch by forty-two (42) inch format in a scale of one (1) inch equals one hundred (100) feet.
  - a) Planning and Zoning Commission;
  - b) Commissioner of Public Works;
  - c) Building Department;
  - d) Fire district; and
  - e) Other agencies or officials, such as the Postal Service, City Clerk or City Attorney, or as may be directed by the Planning and Zoning Commission.
  - f) The developer shall also provide a copy of the plat to each public utility, the school district and the Missouri Department of Transportation or other entity as directed by the City.
2. The following items shall be either shown on or accompany the preliminary plat.
  - a) Proposed name of the subdivision.
  - b) Location map, with names of abutting property owners of each lot adjacent to the area to be subdivided and their projected property lines where they intersect the boundary of the subdivision.
  - c) Names and addresses of the owner, subdivider and the surveyor who prepared the plat.
  - d) Sanitary sewage disposal method.
  - e) Stormwater management.
  - f) Existing and proposed street right-of-way and pavements, including any proposed dedication strips for widening existing streets; approximate gradients, types and width of pavements; location of curbs, sidewalks, walkways, planting strips; and other pertinent data.
  - g) Layout of lots, showing approximate dimensions and number.

- h) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
- i) Easements, existing and proposed, showing locations, widths and purposes.
- j) Building setback lines for front, side and rear of each lot.
- k) Location and size of nearest water main and fire hydrant, storm sewer, sanitary sewer and other utilities.
- l) Location, type and approximate size of utilities to be installed.
- m) Tract boundary lines showing dimensions, bearings, angles and references to known land lines and monuments.
- n) Topography of the tract, existing and proposed, shown in contours at vertical intervals of five (5) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of ten (10) feet if the general slope is ten percent (10%) or greater. (U.S.D.S. data will be acceptable.)
- o) Tree masses.
- p) Location of existing structures.
- q) Scale, north arrow and date.
- r) Grading plans.
- s) Written approval or other written response from those entities set forth in Subsection (1)(d — f).

**B. Improvement Plans.** Prior to submission of the final plat, plans and specifications for subdivision improvements required under Article III of Chapter 400, Section 410.073 or elsewhere in this Code (improvement plans) shall be submitted to the **Zoning Officer and Commissioner of Public Works** and approved subject to revisions as may be required by the Zoning Officer and Commissioner of Public Works after review of the final plat by the **Planning and Zoning Commission**. The plans and profiles of all streets, storm and sanitary sewers, water lines and drainage structures, together with drainage area maps, contained in the improvement plans shall be prepared on standard plan and profile sheets twenty-four (24) inches by thirty-six (36) inches by a professional engineer duly registered to practice in the State of Missouri. The improvement plans shall be submitted to and conditionally approved by the Department of Public Works prior to their submission to the **Planning and Zoning Commission** with the final plat. The applicant shall submit a summary of the conditionally approved improvement plans showing the locations, appearance and explanation of the adequacy of the improvements to the **Planning and Zoning Commission** with the final plat.

**C. Final Plat.**

1. The final plat may include all or only a part of the preliminary plat that has already received approval.



2. The final plat is to be prepared from an accurate survey made by a land surveyor registered to practice in the State of Missouri and shall be drawn on tracing cloth, drafting film or equivalent. Unless otherwise required by the City, the final plat shall be submitted on a twenty-four (24) inch by thirty-six (36) inch or thirty (30) inch by forty-two (42) inch format in a scale of one (1) inch equals one hundred (100) feet on one (1) or more sheets. If more than one (1) sheet is required, a key map shall be provided on Sheet No. 1 showing the entire subdivision at reduced scale.
3. The final plat shall contain the following information:
  - a) Boundary lines, width dimensions and bearings or angles that provide an accurate survey of the tract.
  - b) Subdivision title or name, north arrow, scale and date.
  - c) Certificate of registered land surveyor covering execution of survey and preparation of subdivision plat.
  - d) Certificate of the owner creating the subdivision, dedicating all street rights-of-way, dedicating all public areas with statement of the use or uses for which dedicated, granting easements with statement of the use or uses for which granted, establishing building lines.
  - e) Certificates of all owners and holders of deeds of trust on the plat as prepared releasing from the lien created by said deeds of trust all land dedicated to public use on the plat.
  - f) Certificate indicating approval of the plat by the Board of Aldermen of the City of Pacific, prepared for execution by the City Clerk, over the Seal of the City of Pacific.
  - g) A summary of the improvement plans showing the locations, appearance and explanation of the adequacy of the improvements including a one-page stormwater plan submitted with the plans and profiles of the storm and sanitary sewers.

D. Approved Improvement Plans And Specifications. The developer shall submit to the ~~Planning and Zoning Commission~~ **Board of Aldermen** with the final plat a summary of the conditionally approved improvement plans showing the locations, appearance and explanation of the adequacy of the improvements. The ~~Planning and Zoning Commission~~ **Board of Aldermen** may review the summary of the improvement plans and any other plans and specifications it may request prior to its ~~recommendation~~ **action** on the final plat. ~~The plans and specifications must be submitted to and approved by the Department of Public Works and reviewed by the Planning and Zoning Commission prior to their submission to the Board of Aldermen with the final plat.~~

- E. Performance Guarantee. Compliance with the regulations herein as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved, as well as the extent and manner of the installation of all utility facilities, are conditions precedent to the approval of the plat. However, in lieu of the developer's completion of the work and installations before final approval of a plat, the Board of Aldermen, at its sole discretion, may accept a bond or escrow in the form of cash or a letter of credit (hereinafter "performance guarantee") in an amount and with surety

and other reasonable conditions providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the Board and expressed in the performance guarantee.

1. Performance guarantee. After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved improvement plans ("required improvements") of such improvements as required herein. Except as provided in Subsection (2) below, the developer shall complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate public agency agreement unless, upon application to the City and at the City's sole discretion, the City agrees to allow the developer to establish a deposit under a deposit agreement with the City guaranteeing the construction, completion and installation, as required herein, and for the improvements shown on the approved improvement plans within the improvement completion period approved by the City, which shall not exceed two (2) years.
2. Exceptions. The City may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.
3. Performance guarantee options. Performance guarantees required by this Section shall be in conjunction with a deposit agreement and may be in the form of cash or letter of credit as follows:
  - a) Cash deposited with the City Clerk to be held in an interest-bearing account dedicated for that purpose with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits;
  - b) An irrevocable letter of credit drawn on a local financial institution acceptable to and in a form approved by the City Attorney. The instrument may not be drawn on any financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the developer. The letter of credit shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations herein and may be reduced from time to time by a writing of the City Clerk. The letter of credit shall be irrevocable for at least one (1) year and shall state that any balance remaining at the expiration shall automatically be deposited in cash with the City Clerk, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a non-refundable fee of two hundred dollars (\$200.00) to the City or as otherwise established by the Board, with submission of a letter of credit and the same fee for any amendment or extension thereto, to partially reimburse the City's administration and review costs in accepting and maintaining such letter of credit.
    - i) **The City shall not permit or accept the posting of any bond issued or proposed to be issued by a surety or an affiliate of a surety which has, in the preceding ten (10) years, refused to pay upon formal demand all or part of a claim of the City on any other**

surety bond. Any individual, corporation or property owner aggrieved by this Section may appeal to the Board of Aldermen to request the City to accept the posting of such bond. The Board of Aldermen may consider whether the refusal to pay resulted in litigation, mediation or arbitration of the claim, whether the claim was wholly or partially determined in favor of the City, whether the prior refusal to pay was settled between the City and surety or any other hardship evidence presented by the individual, corporation or property owner. In no instance shall a bond be accepted from a surety while in litigation, mediation or arbitration with the City.

- ii) The City shall not accept the posting of any bond issued or proposed by any surety or an affiliate who has refused to pay upon formal demand of the City or been involved in any litigation pertaining to said failure to pay within the past ten (10) years as of the effective date of this Section of the subdivision ordinance.

~~4.~~ Amount of deposit. The amount of the deposit required by this chapter shall be calculated as follows. The construction deposit required of a developer establishing performance guarantee deposit agreement shall be in an amount equal to Commissioner of Public Works' estimate of the actual cost to the City of the construction, completion and installation of the required improvements if the City were required to complete the improvements to the required specifications. The Commissioner of Public Works may adopt, to the extent practical, schedules reflecting current cost estimates of typically required improvements. Where certain improvements are required to be installed prior to approval of the record plat, the gross deposit amount for the construction deposits shall be reduced by the estimated cost of such improvements.

- a) **Construction Deposit.** The deposit required of a developer establishing a deposit agreement pursuant to this Section shall be, in addition to the separate maintenance deposit sum, in the amount of one hundred ten percent (110%) of the Department estimate of the cost of the construction, completion and installation of the required improvements. The City Engineer shall adopt, to the extent practical, schedules reflecting current cost estimates of typically required improvements.
- b) **Maintenance Deposit.** The deposit required of a developer pursuant to this Section for maintenance obligations shall be in the amount of ten percent (10%) of the Department estimate of the cost of the construction, completion and installation of all required improvements. The maintenance deposit shall be established by cash sum or submission of a separate letter of credit.
- c) Where certain improvements are installed and approved by the City prior to approval of the record plat pursuant to Subsection E.2. above, the gross amount for the construction deposits shall be reduced by the estimated cost of such improvements.

5. **Construction** Deposit agreement — releases. The performance guarantee deposit agreement shall be entered into with the City, shall require the developer to agree to fulfill the obligations imposed by this Section and shall have such other terms as the City Attorney may require consistent with this Section. The agreement shall authorize the designated City Official to release the cash or reduce the obligation secured under the letter of credit as permitted herein. Such releases or reductions may occur upon

completion, inspection and approval by the Board of all required improvements within a category of improvements or may occur from time to time as work on specific improvements is completed, inspected and approved, provided however, that:

- a) Releases — general. The City shall release the **construction deposit** cash or release the letter of credit as to all or any part of its obligation only after construction, completion and installation of some phase of work on the improvements indicated on the approved improvement plans, receipt of requisite written notification from the appropriate inspecting public authority and approval by the City Administrator; and only in the amounts permitted herein.

Inspection requests. The Department of Public Works shall inspect each category of improvement or utility work within twenty (20) business days after a request for such inspection has been filed with the department by the developer and no inspection shall be required until such request is received by the department. For purposes of this Section, an "inspection request" shall constitute and occur only on a completed written request on a form that shall include:

- i) The category of improvement requested to be inspected (as shown in the applicable deposit agreement or approved City estimate form);
  - ii) An engineer's certification that the category of improvement has been installed and on the date of inspection application is maintained and in conformance with the final approved improvement plans and all applicable requirements thereto and is therefore ready for inspection; and
  - iii) A verified statement from the representative officer of the developer attesting that the information in the inspection request is true and accurate. Nothing herein shall preclude the department from completing additional inspections at its discretion or as a courtesy to the developer.
- b) Extension of completion period. If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the Board of Aldermen may grant an extension to the improvement completion period as set forth in the deposit agreement for a reasonable time as determined by the Board of Aldermen if after review by the City such longer period is deemed necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public improvements, facilities or requirements so long as all guarantees are also extended and approved by the City Attorney; provided that the City may require as a condition of the extension execution of a new agreement, recalculation of deposit amounts or satisfaction of new Code requirements or other reasonable conditions as may be needed to ensure that the extended agreement fully complies with the terms of this Section.
  - c) Construction deposit releases. After an inspection of any specific improvements, the City may at its discretion release up to ninety-five percent (95%) of the original sum deposited for the construction of such specific required improvements. Irrespective of any discretionary prior releases that may be authorized by the City after completion of any component of the guaranteed improvements (i.e., less than all of the improvements

in a given category), the remaining amount held for any category of improvements for the entire subdivision shall be released within thirty (30) days of completion of all of the improvements in such category of improvement, minus a retention of five percent (5%) that shall be released only upon completion of all improvements for the subdivision. The City shall establish the improvement categories, which may consist of improvement components or line items, to be utilized for calculation of deposit amounts, but such categories, components and line items shall in no way modify or reduce the developers guarantee as to all required improvements, irrespective of any release or completion of any category or underlying component or line item. All improvements in a category shall be deemed complete only when (1) each and every component and line item within a category for the entire subdivision has been constructed as required, (2) the developer has notified the Commission of Planning and Zoning in writing that it has finished work on all components of the category, provided all necessary or requested documentation and requests an inspection, (3) the developer is not in default or in breach of any obligation to the City under this Section, including, but not limited to, the City's demand for deposit of additional sums for the subdivision, and (4) the inspection has been completed and the results of the inspection have been approved in writing by the City and/or its agents.

- d) Effect of release — continuing obligations. The developer shall continue to be responsible for defects, deficiencies and damage to public streets and other required improvements during development of the subdivision. No inspection approval or release of funds from the construction deposit as to any component or category shall be deemed to be City approval of improvement or otherwise release the developer of its obligation relating to the completion of the improvements until the final subdivision release on all **construction** improvements is issued declaring that all improvements have in fact been constructed as required. Inspection and approval of any or all required improvements shall not constitute acceptance of the improvement by the City as a public improvement for which the City shall bear any responsibility.
- e) Deficient improvements. No approval of required improvements shall be granted for improvements that fail to meet the specifications established herein or otherwise adopted by the City.
- f) Final release. Upon final inspection and approval of all required improvements, the remaining amount of the construction deposit shall be released; provided that no such funds shall be released on a final inspection until the development of the subdivision is complete as determined by the City.
- g) Appeals. If the developer believes that a release or certificate of completion has been improperly denied, an appeal shall be filed with the Board of Adjustment who shall sit as the Board of Administrative Appeals to hear such disputes and no such denial shall be deemed final until such appeal procedure has been exhausted.

## 6. Maintenance Guarantee

- a) Scope And Duration. Upon commencement of installation of the required improvements within the subject subdivision, the developer shall be responsible for the maintenance of the improvements, including, but not limited to: undeveloped lots,

streets, sidewalks, trees, common areas, erosion and siltation control, and storm and drainage facilities, until: (1) expiration of twelve (12) months after occupancy permits have been issued on eighty percent (80%) of all of the lots in the subdivision plat(s), or (2) twelve (12) months after completion of the subdivision and acceptance/approval of all required improvements by the City, whichever is longer, subject to the deposit agreement. Maintenance shall include repair or replacement of all defects, deficiencies and damage to the improvements that may exist or arise, abatement of nuisances caused by such improvements, removal of mud and debris from construction, erosion control, grass cutting, removal of construction materials (except materials to be used for construction on the lot or as permitted by site plan), and snow removal. All repairs and replacement shall comply with City specifications and standards. Any maintenance on improvements accepted by the City for public dedication shall be completed under the supervision of and with the prior written approval of the Director. The maintenance obligation for required improvements to existing public roads or other existing public infrastructure already maintained by a public governmental entity shall terminate on and after the date such improvements have been inspected, deposit released, and accepted by the City or appropriate agency for dedication. Irrespective of other continuing obligations, the developer's snow removal obligations shall terminate on the date a street is accepted by the City for public maintenance. The maintenance requirements and procedures for improvements guaranteed by any and all other sureties required of a developer pursuant to this Section shall be as set forth in this chapter.

**b) Maintenance Deposit — Amount — Use**

- i) The maintenance deposit shall be retained by the City to guarantee maintenance of the required improvements and, in addition to being subject to the remedies of Subsection 7., 8., 9., & 10. and other remedies of this chapter, shall be subject to the immediate order of the Director to defray or reimburse any cost to the City of maintenance or repair of improvements related to the subdivision which the developer fails or refuses to perform. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the Director shall provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City, or its agents. Where the amount of maintenance deposit remaining is determined to be insufficient or where the maintenance deposit was drawn upon by the City for maintenance, the Director shall have the authority to require the maintenance deposit to be replaced or replenished by the developer in any form permitted for an original deposit.
- ii) In determining the amount of maintenance deposit that shall continue to be held, portions of the deposit amount that were attributable to improvements that have been accepted by any third-party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by the entity. The Director may approve such further releases if it is determined in his or her discretion, after inspection of the improvements, that the total maintenance amount retained is clearly in excess of the amount necessary for completion of the maintenance obligation, after all reasonable contingencies are considered.



c) **Final Maintenance Deposit Release.** Upon expiration of the maintenance obligations established herein, the Director shall cause a final inspection to be made of the required improvements. Funds shall then be released if there are no defects or deficiencies found and all other obligations, including payment of all sums due, are shown to be satisfied on inspection thereof, or at such time thereafter as any defects or deficiencies are cured with the permission of, and within the time allowed by, the Director. This release shall in no way be construed to indemnify or release any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any deposit has been released.

7. **Acceptance And Final Approval.** Before the developer's obligation to the City of Pacific is terminated, all required improvements shall be constructed under the observation and inspection of the inspecting agency and accepted for maintenance or given final approval by the City of Pacific.

8. Failure to complete improvements. The obligation of the developer to properly construct, install and preserve the improvements as indicated on the approved improvement plans shall not cease until the developer shall be finally released by the City. If, after the initial improvement completion period or after a later period as extended pursuant to this Section, the improvements indicated on the approved improvement plans are not constructed, completed, installed, preserved and accepted as required or if the developer shall violate any provision of the deposit agreement, the City may ask the developer to show cause within not less than ten (10) days why the developer should not be declared in default. Unless good cause is shown, no building or other permit shall be issued to the developer in the subdivision during any period in which the developer is in violation of the performance guarantee deposit agreement or subdivision code relating to the subdivision. If the developer fails to cure any default or present compelling reason why no default should be declared, the City shall declare the developer in default and may take any one (1) or more of the following acts:

- a) Deem the balance under the performance guarantee deposit agreement not theretofore released as forfeited to the City, to be then placed in an appropriate trust and agency account subject to the order of the City for such purposes as letting contracts to bring about the completion of the improvements indicated on the approved improvement plans or other appropriate purposes in the interest of the public safety, health and welfare; or
- b) Require the developer (or its agent) to pay to the City the balance of the performance guarantee not theretofore released; or
- c) Require the developer to submit an additional cash sum sufficient to guarantee the proper completion of the improvements as indicated on the approved improvement plans after recalculation to allow for any increased actual costs of constructing, reconstructing, removing and/or replacing the improvements.

The failure of a developer to complete the improvement obligations within the time provided by the agreement (or any extension granted by the City) and including the payment of funds to the City due to such failure or an expiration of a letter of credit shall be deemed an automatic act of default entitling the City to all remedies provided in this

Section without further or prior notice. It shall be the sole responsibility of the developer to timely request an extension of any deposit agreement if the improvements are not completed in the original time period provided by the deposit agreement and no right to any extension shall exist or be assumed.

9. Other remedies for default. If the developer or its agent fails to comply with the City's requirements for payment as described above or fails to complete the improvements as required or otherwise violates the deposit agreement provisions and there is a risk that development will continue in the subdivision without the timely prior completion of improvements or compliance with deposit agreement provisions, the City may in addition or alternatively to other remedies:
  - a) Suspend the right of anyone to build or construct on the undeveloped portion of the subdivision. For the purpose of this Subsection, the "undeveloped portion of the subdivision" means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The City shall give the developer ten (10) days' written notice of an order under this Subsection, with copies to all sureties, as appropriate, who have outstanding obligations for any undeveloped portion of the subdivision, and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) day period after notice is given, the City is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the City shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer of the surety as appropriate, and a copy recorded with the Recorder of Deeds. Public notice of said order shall be conspicuously and prominently posted by the City at the subdivisions or lots subject to said order. The notice shall contain the following minimum language which may be supplemented at the discretion of the designated City Official:
    - i) If said notice is for a subdivision:

THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF PACIFIC. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME AS THE CITY OF PACIFIC REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO CHAPTER 410, CITY OF PACIFIC MUNICIPAL CODE.
    - ii) If said notice is for a lot:

THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF PACIFIC. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF PACIFIC REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO CHAPTER 410, CITY OF PACIFIC MUNICIPAL CODE.



The suspension shall be rescinded in whole or in part only when the City is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision; or

- b) Suspend the rights of the developer or any related entity to construct structures in any development platted after the effective date of such suspension throughout City and such incorporated areas as are under City jurisdiction. The City shall give the developer ten (10) days' written notice of an order under this clause, with a copy to sureties known to the City to have obligations outstanding on behalf of the developer or related entities, and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) day period after notice is given, the City is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the City shall order construction suspended. The order shall be served upon the developer, with a copy to the surety as appropriate, and a copy recorded with the Recorder of Deeds. The suspension shall be rescinded only when the City is convinced that completion of the improvements is adequately assured.
10. Suspension of development rights. From and after the effective date of this Section, if a developer or any related entity has a subdivision development improvement guarantee that is in default, as determined by the City, including any escrow or bond under any prior enactment of this Section:
    - a) The City shall be authorized, but not be limited, to thereafter pursue the remedies of Subsection (7) of this Section; and
    - b) The rights of the developer or any related entity to receive development approval, which approval shall include, but not be limited to, approval of any plat or deposit agreement for new or further development in the City, shall be suspended. The suspension shall be rescinded only when the City is convinced that completion of the improvements is adequately assured.
  11. Additional remedies. If any party fails to comply with any obligation of this Section, the City may recommend that the City Attorney take appropriate legal action and may also withhold any building or occupancy permits to this developer or related entities until such compliance is cured. The City shall also have the right to partially or wholly remedy a developer's deficiencies or breached obligations under this Code by setoff of any funds or assets otherwise held by the City or the developer to the maximum extent permitted by law. Such setoff shall occur upon written notice of such event by the City to the developer after the developer has failed to timely cure the deficiencies. It shall be deemed a provision of every deposit agreement authorized under this Chapter 410 that the developer shall pay the City's costs, including reasonable attorney's fees, of enforcing this Section or any agreement thereunder in the event that the developer is judicially determined to have violated any provision herein or in such agreement. The developer may appeal any decision taken pursuant to this Section by filing an appeal under the City's administrative review procedure.
  12. Related entities. For purposes of this Section, "related entity" has the following meaning: a developer is a "related entity" of another person:

- a) If either has a principal or controlling interest in the other; or
- b) If any person, firm, corporation, association, partnership or other entity with a controlling interest in one has a principal or controlling interest in the other.

The identification of related entities shall be supported by documentation from the Secretary of State's office, Jefferson City, Missouri.

Section 410.060 Non-Residential Subdivisions.

[Ord. No. 2327 §1, 3-18-2003]

- A. In addition to the principles and standards of this Chapter, which are appropriate to the planning of all subdivisions, the developer of a subdivision intended for non-residential use shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and is compatible with other uses in the vicinity. For such proposals, the following principles and standards shall be observed:
  - 1. Proposed industrial parcels shall be suitable in area and dimensions to the type or types of industrial development anticipated.
  - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
  - 3. The Commission may impose special requirements with respect to street, curb, gutter, street light, planting, sidewalk, utility and other improvements to meet special needs.
  - 4. Lots which are platted adjacent to residential uses or residential zoning districts shall have increased width, depth and/or area to provide adequate space for screening and/or buffering as required by this Title.
  - 5. No street shall be platted which connects to a minor existing street which has residential zoning districts on both sides.

Section 410.070 Landscaping.

[Ord. No. 2327 §1, 3-18-2003]

The developer and his/her contractor shall cause the subdivision to conform to the requirements of the landscaping and screening requirements contained in Section 400.230 of this Title.

Section 410.080 Trust Indentures and Warranty Deeds.

[Ord. No. 2327 §1, 3-18-2003]

- A. Scope. Trust indentures shall be required for all subdivisions that have common ground, common facilities or private roads.
- B. Submission And Review Procedure. Trust indentures shall be submitted to and approved by the Zoning Officer for approval as to legal form and compliance with the regulations of this

Section. Submitted with a trust indenture shall be a written legal opinion prepared and signed by an attorney licensed to practice law in the State of Missouri setting forth the attorney's legal opinion as to the validity of the legal form and effect of the trust indenture. Approved trust indentures and warranty deeds shall be filed with the Recorder of Deeds simultaneously with recording of the subdivision record plat, with a copy to be filed with the City.

C. Provisions Of The Trust Indenture. The following provisions shall be included in the trust indentures:

1. Election of trustees. The initial board of trustees may be appointed by the developer. One third ( $\frac{1}{3}$ ) of the trustees shall be chosen by purchasers of developed lots or units after fifty percent (50%) of the lots or units have been sold; two thirds ( $\frac{2}{3}$ ) of the trustees shall be chosen by purchasers of developed lots or units after seventy five percent (75%) of the lots or units have been sold; all of the trustees shall be chosen by purchasers of developed lots or units after all of the lots or units have been sold. The trust indenture shall provide for the method and time of the election of trustees.
2. Vacancies on the Board of Trustees. Where the provisions of a trust indenture cannot be fulfilled by reason of unfilled vacancies among the trustees, the Board of Aldermen may, upon the petition of any concerned resident or property owner of the subdivision, appoint one (1) or more trustees to fill vacancies until such time as trustees are selected in accordance with the trust indenture. Any person so appointed who is not a resident or property owner within the subdivision shall be allowed a reasonable fee for his services by the order of appointment, which fee shall be levied as a special assessment against the property in the subdivision and which shall not be subject to any limitations on special assessments contained in the trust indenture or elsewhere.
3. Term of the indenture and title to common ground. The term of the indenture shall be perpetual or for the duration of the subdivision. In the event the subdivision is vacated, thereafter, fee simple title shall vest in the then lot or unit owners as joint tenants. The rights of the joint tenants shall only be exercisable appurtenant to and in conjunction with their lot or unit ownership. Any conveyance or change of ownership of any lot or unit shall convey with it ownership in the common property and no interest in the common property shall be conveyed by a lot or unit owner except in conjunction with the sale of a lot or unit. The sale of any lot or unit shall carry with it all the incidents of ownership of the common property although such is not expressly mentioned in the deed; provided however, that no right or power conferred upon the trustees shall be abrogated.
4. No provision shall limit the right of any property owner or residents from expressing any opinion or seeking redress from any government body, nor shall any provision discriminate against any person on the basis of race, religion, national origin or gender or deny benefits to any property owner otherwise entitled by these provisions.

Section 410.090 Adoption of Design and Development Standards for Subdivision Improvements.

[Ord. No. 2327 §1, 3-18-2003]

The Board of Aldermen shall establish, adopt and amend by resolution or ordinance the official specifications of the City for streets and other required improvements.

Section 410.0100 Minimum Design and Development Standards.

[Ord. No. 2327 §1, 3-18-2003; Ord. No. 2409 §1, 9-21-2004]

A. Improvements.

1. Improvements shall be provided by the developer in each subdivision in accordance with the standards and specifications of the City of Pacific Public Works Department, as may be adopted and amended from time to time by the Commissioner of Public Works and requirements of this Chapter.
2. All improvements proposed to be made under the provisions of this Chapter, both public and private, shall be inspected during the course of construction by the Commissioner of Public Works or his/her duly designated representatives.
3. All improvements shall be constructed in a workmanlike manner. Improvements not constructed to City specifications, constructed in a substandard manner or damaged at installation due to weather conditions shall be rejected by the Public Works Department. Contractors and developers shall remove and replace rejected items. The City shall not accept any public improvement for public maintenance until completion and final inspection, collection of all fees and approval by the Commissioner of Public Works.

B. Lots.

1. Except as otherwise provided in this Chapter, such as under a Planned Unit District provision, all lots shall meet the minimum area; the front, side and rear yard requirements; and the minimum width requirements of the zoning district in which the subdivision is located.
2. All lots shall have at least ninety percent (90%) of the required width of the front building line as frontage on the right-of-way line except for lots with frontage on cul-de-sacs and turnarounds, which shall have at least ~~fifty percent (50%)~~ **seventy-five percent (75%)** of the required width of the front building line as frontage on the right-of-way line.
3. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets.
4. Double frontage lots should not be platted, except that where desired along major streets, lots may face on an interior street and back on such thoroughfare. In the event double frontage lots are created, appropriate screening shall be approved by the Commission.
5. Corner residential lots shall be ten percent (10%) wider on both street frontages than the required zoning width to permit appropriate setbacks.
6. Lots of a flag configuration, which could place a dwelling unit behind a dwelling unit, shall not be platted. Lots which conform to Subsection (B)(2) shall not be considered lots of a flag configuration.

7. The size, shape and orientation of lots and the orientation of structures shall be designed to provide desirable building sites logically related to topography, natural features, streets, parking areas, common ground (if any), other structures and adjacent land uses. Due regard shall be given to preserving natural features which would add attractiveness and value to the neighborhood such as large trees, unusual rock formations, watercourses and sites which have historical significance, scenic views and similar assets.

C. Monuments, Markers And Bench Marks.

1. Survey procedures.

- a) Prior to recording a new subdivision plat, the surveyor shall establish semi-permanent, or confirm existing, monuments at each and every exterior corner on the boundaries of the tract of land being subdivided.
- b) The surveyor shall establish at least two (2) permanent monuments for each block created. This requirement is waived when the survey does not create more than four (4) lots or parcels and no new public or private streets, roads or access easements.
- c) The permanent monuments required in Subsection (C)(1)(b) above shall be set prior to the recording of the plat if they will not normally be moved or destroyed by construction within six (6) months of their installation. If the required permanent monuments will be moved or destroyed by construction, they must be installed upon completion of the construction but in any event within twelve (12) months after the plat has been recorded. The plat shall show all monuments to be set and note when they will be set.

2. Approved monumentation.

- a) General requirement for permanent and semi-permanent monument. The surveyor shall select a type of monument providing a degree of permanency consistent with that of the adjacent terrain and physical features and as required by these standards. All monuments shall be solid and free from movement. They shall be set in the ground at least to the depth of the minimum length given unless they are encased in concrete. With the exception of drill holes and cut crosses, the precise position of the corner shall be marked by a point on a cap and the cap shall be inscribed with the registration number of the land surveyor in responsible charge or the corporate registration number or name of the company.
- b) Permanent monuments shall be selected from the following:
  - i) Concrete monuments consisting of reinforced concrete at least four (4) inches square or in diameter and no less than twenty-four (24) inches in length with its precise position marked by a point on a brass or aluminum cap not less than one and one-half (1½) inch in diameter.
  - ii) Commercial cast iron or aluminum survey markers no less than twenty-four (24) inches in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.
  - iii) Steel, coated steel or aluminum rod markers not less than five-eighths (5/8) inch in diameter or iron pipe markers not less than three-quarter (¾) inches inside diameter and not less than twenty-four (24) inches in length. These monuments shall have a

permanently attached cap of the same metal or of a dissimilar metal if the metals are insulated with a plastic insert to reduce corrosion. Non-ferrous rod markers shall have ceramic magnets attached to aid in recovery.

- iv) Brass or aluminum disk not less than two (2) inches in diameter, countersunk and well cemented in a drill hole in either solid rock or concrete. Ceramic magnets shall be attached or installed with the disk to aid in recovery.
- c) Semi-permanent monuments shall be selected from the following:
  - i) Iron pipe markers not less than three-fourths ( $\frac{3}{4}$ ) inches outside diameter, at least eighteen (18) inches in length and having a plastic or metal cap.
  - ii) Steel or aluminum rod markers not less than one-half ( $\frac{1}{2}$ ) inch in diameter and not less than eighteen (18) inches in length and having a plastic or aluminum cap.
  - iii) In urban built-up areas, a cross cut in concrete, brick or stone paving at the precise position of the corner or on a prolongation of a boundary line.
  - iv) In asphalt paving, railroad (RR) spikes, cotton picker spindles and other metal devices that are solid and not easily removed or destroyed. P.K. nails and concrete nails are not to be used as semi-permanent monuments.
- d) Installation of survey monuments. All monuments will be installed in accordance with these standards and according to installation details approved by the Commissioner of Public Works that take into account local conditions.
- e) Existing survey monuments. Existing monuments shall be evaluated for permanency by the surveyor. In no instance shall the surveyor be required by these standards to remove existing monuments unless the installation of a new monument is necessary to preserve the position of the corner.
- f) When it is impractical to set a required monument, a witness monument shall be set. It should be placed five (5) feet or more away from the point and preferably at an even foot. Witness monuments less than five (5) feet from the point must be clearly identified and shown on the plat. The location of the witness monument should be along a line of the survey or a prolongation of such line.

#### D. D. Easements.

1. Easements for utilities shall be provided. Such easements shall have a minimum width of ten (10) feet and, where located along interior lot lines, shall normally be taken from one (1) lot. Before determining the location of easements on the plat, the developer shall discuss the plan with the local utility companies in order to assure proper placement for the installation of services. Adequate sewer and drainage easements, as required by the Public Works Department, shall be provided.
2. Wherever a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided a drainage right-of-way which shall be for the purpose of widening, straightening, improving or protecting the stream at the subdivision's expense as a part of the subdivision improvements. The width of the drainage right-of-way shall be

adequate for any necessary channel relocations and straightening and the plan shall be reviewed with and approved by Public Works Department.

3. It shall be a violation of this Chapter for any person(s) to disturb any easement in favor of the City or City facilities thereon without prior written permission of the Board of Aldermen or its designee.

E. Site Grading And Environmental Protection.

1. Site disturbance shall be subject to all grading requirements as set forth in grading regulations, Chapter 415 and such additional provisions herein.
2. Grading shall be in accordance with the final improvement plan approved by the Board of Aldermen unless the Board of Aldermen, in its sole discretion, authorizes grading following the review of the grading plan as part of the Board of Aldermen approval of the preliminary plat.
3. A grading plan shall be included in the preliminary plat showing existing and proposed contours at intervals sufficient to clearly show the slope of the existing ground surfaces and the extent of the proposed grading. It shall be prepared on a plat showing the subdivision layout as proposed on the final plat, the location and first (1st) floor elevation of each building proposed to be built in the subdivision and all existing tree masses consisting of medium to large trees and other pertinent site features which could be affected by site grading.
4. The minimum fall from building front door threshold to sidewalk grade is six (6) inches of fall to ten (10) feet in distance.
5. The grading plan may be examined and/or rejected by the Commission and the Board of Aldermen on the basis of factors such as preservation of the natural features of the site, providing adequate drainage of the area, protection of adjacent and downstream property from the effects of erosion and siltation, the location and gradient of the streets, access to lots from streets and similar criteria. Location and floor elevations of all proposed buildings shall be carefully studied in relation to proposed street grades, existing topography, trees and pertinent site features in order to preserve all such features insofar as possible and desirable.
6. Consideration shall be given to increasing the setback or front building line from that required in the zoning district in which a subdivision is located in order to retain, whenever possible, existing topography, rock formation, large trees, natural features, natural watercourses, historical sites or other similar assets.
7. The building area of a lot shall not be within fifty (50) feet of the centerline of an existing watercourse nor be on a slope of twenty-five percent (25%) or greater grade.

F. Street Design.

1. Street layouts shall provide access to all lots and parcels of land within any subdivision. Street jogs of less than one hundred twenty-five (125) feet shall be prohibited.
2. Minor streets shall be designed so as to discourage through traffic.

3. In conjunction with subdivisions into more than two (2) separate lots, all platted streets shall be public rights-of-way dedicated to the City of Pacific.
4. Minimum widths of street rights-of-way shall be as follows:
  - a) For arterial streets: eighty (80) feet.
  - b) For collector streets: sixty (60) feet.
  - c) For minor streets: fifty (50) feet.
  - d) For cul-de-sacs less than four hundred fifty (450) feet in length: forty-six (46) feet.
5. Cul-de-sacs shall not exceed nine hundred (900) feet in length as measured from the nearest intersecting street to the furthest point of the turnaround. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet.
6. Subdivisions that adjoin or include existing streets that do not conform to the required right-of-way widths shall dedicate additional width along either or both sides of such streets. When a subdivision is located on one (1) side of an existing street or road, a minimum of one-half ( $\frac{1}{2}$ ) of the required right-of-way shall be provided, measured from the centerline of the right-of-way as originally established.
7. For any development fronting onto an existing City street, it shall be the responsibility of the developer to bring the street up to City specifications to the centerline of the street. Curbs are to be installed by the developer on the developer's side of the street only.
8. Streets shall be laid out to intersect as nearly as possible at right angles.
9. If the angle of intersection of two (2) streets is less than sixty degrees ( $60^\circ$ ), the radius of the arc at the intersection of the property lines shall be approved by the Commissioner of Public Works. At the intersections of other streets, the property line corners shall be rounded by arcs with radii of not less than twenty (20) feet or chords of such arcs.
10. A minimum radius of thirty-two (32) feet at the back of the curb shall be required at all street intersections.
11. At intersections of streets with alleys, the property line corners shall be rounded with radii of not less than fifteen (15) feet or chords of such arcs.
12. Intersection of more than two (2) streets at one (1) point shall be prohibited.
13. Where parkway type streets are proposed, the Commission may recommend modification of the width standards to be followed in the design of such streets.
14. Horizontal visibility on curved streets and vertical visibility on all streets shall be maintained along the centerline as follows:
  - a) Arterial streets: five hundred (500) feet.
  - b) Collector streets and parkways: three hundred (300) feet.



- c) Minor streets: one hundred fifty (150) feet.
15. Horizontal curvature measured along the centerline shall have a minimum radius as follows:
- a) Arterial streets: five hundred (500) feet.
  - b) Collector streets and parkways: three hundred (300) feet.
  - c) Minor streets: one hundred fifty (150) feet.
16. All changes in grade shall be connected by vertical curves to provide a smooth transition and the required sight distance.
17. Between reversed curves on major streets, there shall be a tangent of not less than one hundred (100) feet; and on collector and minor streets, such tangent shall be not less than forty (40) feet.
18. Maximum grades for streets shall be as follows:
- a) Not greater than ten percent (10%), except for streets in the "R1-H" zoning district which shall not exceed fifteen percent (15%).
  - b) At street intersections:
    - i) The grade of collector and minor streets shall not be greater than four percent (4%) for a distance of fifty (50) feet from the center of any intersection.
    - ii) The grade of arterial streets shall not be greater than three percent (3%) for a distance of fifty (50) feet from the center of any intersection.
  - c) Street grades may exceed these limitations when recommended by the Commission and approved by the Board of Aldermen for the purpose of conforming the street grade to the contour of the existing land to reduce overall site grading and preserve site vegetation.
19. In the case of temporary dead-end streets, which are stub streets designed to provide future connection with unsubdivided adjacent areas, the Commission may require a temporary easement for a turnaround or an appropriate area for a backaround or a roadway at least twenty-six (26) feet in pavement width to connect the temporary dead-end with an existing street. Temporary dead-end streets shall not exceed four hundred (400) feet in length.
20. Alleys shall be prohibited in all residential districts but may be included in commercial and industrial districts when approved by the Commission where needed for loading, unloading or access purposes for the public benefit.
21. Dead-end streets or alleys shall be prohibited except when provided with a cul-de-sac as provided in this Chapter.

G. Street Improvements.

1. Street improvements, including paving, curbs, sidewalks, preparation of subgrade, bridges, culverts, etc., shall be constructed in accordance with plans and specifications prepared for the subdivider by a professional engineer registered to practice in the State of Missouri.
2. The minimum width of street pavement shall be as follows:
  - a) For arterial streets: fifty (50) feet.
  - b) For collector streets: forty (40) feet.
  - c) For minor streets: thirty-two (32) feet.
  - d) For minor streets located within a subdivision which contains lots to be developed exclusively for single-family residences: thirty (30) feet.
  - e) For cul-de-sacs less than four hundred fifty (450) feet in length: twenty-six (26) feet.
  - f) For alleys: sixteen (16) feet.

Pavement width shall be measured from front of curb to front of curb.

3. Paving requirements.

Asphalt Pavement

Concrete

Asphalt Pavement and Rock Base

Arterial Streets:

8" Type X asphaltic concrete

2" Type C asphaltic concrete

4,000 pound 8" Portland cement concrete with 4" x 4" x ¼ wire mesh with 4" rock base

10" of 3" minus rock compacted

2" of 1" minimum rock compacted

3" of Type C asphaltic concrete

Collector Streets:

7" Type X asphaltic concrete

2" Type C asphaltic concrete

4,000 pound 7" Portland cement concrete with 4" rock base

8" of 3" minus rock compacted

2" of 1" minus rock compacted

3" of type C asphaltic concrete

Minor Street:

6" Type X asphaltic concrete

2" Type C asphaltic concrete

4,000 pound 7" Portland cement concrete with 4" rock base

8" of 3" minus rock compacted

2" of 1" minus rock compacted

3" of Type C asphaltic concrete

Alleys:

6" Type X asphaltic concrete

2" Type C asphaltic concrete

4,000 pound 6" Portland cement concrete with 4" rock base

6" of 3" minus rock compacted

2" of 1" minus rock compacted

2" of Type C asphaltic concrete

All Streets for Industrial Development:

Same as Collector Streets

~~Same as Collector Streets~~

~~Same as Collector Streets~~

4. Subgrade preparation.

- a) When required by the Commissioner of Public Works, the developer shall employ a soils engineering firm, at no cost to the City, to determine soil conditions at the development site.
- b) The subgrade shall be compacted to a density of ninety-five percent (95%) standard proctor test for the material used or determined by a soil testing firm.
- c) Newly finished subgrade shall be repaired from any action of the elements, any settlement or washing that occurs prior to placing of aggregate base shall be repaired to the specified line and grade and cross section.

- d) If compaction tests are needed, then compaction tests shall be the responsibility of the developer. Tests shall be taken by an approved engineer or testing firm, at no cost to the City, and at locations approved by the Commissioner of Public Works but at distances no greater than two hundred (200) feet apart.
  - e) It shall be the responsibility of the developer to remove and replace unsuitable material in order to meet the above compaction requirement.
  - 5. Aggregate base. Aggregate base material shall be compacted to a density of ninety-five percent (95%) by standard compaction test.
  - 6. Concrete.
    - a) All concrete shall be air entrained with six (6) bag mix developing 4,000 P.S.I. in twenty-eight (28) days. Aggregate in cement for curb and gutter and side width shall have a maximum size of one (1) inch. Aggregate in cement for streets shall be a maximum size of one and one-half ( $\frac{1}{2}$ ) inch.
    - b) No cement shall be placed if the ambient temperature is below thirty-two degrees Fahrenheit (32°F) and unless approved by the Public Works Department. Concrete placed during rain may be rejected by the City if the finish is damaged as a result.
  - 7. Utilities. It shall be the developer's responsibility to contact the Commissioner of Public Works for location of all City utilities. The City must be given twenty-four (24) hours' notice by the developers for utility location. Damage done to any City utility as a result of developer's work within the public right-of-way shall be repaired by the City at the developer's expense.
  - 8. Prior to the construction of street or alley pavements, all subsurface utility pipes and sewers shall be installed as required and trenches backfilled with backfill material thoroughly compacted in place in accordance with the requirements of Subsection (J) of this Section.
  - 9. All construction shall be completed in accordance with the approved plans and specifications. When changes from approved plans and specifications become necessary during construction, written approval from the Commissioner of Public Works shall be secured before the execution of such changes.
  - 10. The City shall not accept any street for maintenance until completion and final inspection, collection of all fees and approval by the Commissioner of Public Works.
  - 11. All street improvement surfaces within a subdivision shall be constructed of the same consistent paving material unless otherwise approved by the Board of Aldermen except that new streets in subdivisions that include existing street improvements that do not conform to the current paving standards shall be constructed according to the current standards.
- H. Sidewalks.
- 1. Sidewalks shall be built along both sides of all streets, except when waived pursuant to paragraph (6) of this Subsection. When a parcel is developed on a corner lot or double

frontage lot, a sidewalk shall be built on both streets. Where necessary for appropriate access or connectivity, a multi-use trail design may be required by the City in lieu of or in addition to the standard sidewalk design and location.

2. Sidewalks shall have a minimum thickness of four (4) inches. Sidewalks crossing driveways and driveway aprons shall have the following thicknesses:
    - a) Residential: four (4) inches.
    - b) Commercial and industrial: seven (7) inches.
  3. The minimum width of sidewalks shall be four (4) feet with a tool groove every five (5) feet and an expansion joint every fifteen (15) feet. Sidewalks cross slope shall be one-fourth ( $\frac{1}{4}$ ) inch per foot, falling to the street.
  4. Sidewalks shall be constructed with 4,000 P.S.I. cement. A two (2) inch thick stone base consisting of one (1) inch clean crushed stone shall be installed on firm or compacted soil. Sidewalk pavement shall consist of Portland cement concrete consisting of six and one-quarter ( $6\frac{1}{4}$ ) sacks of cement per cubic yard with a maximum slump of four (4) inches. All concrete shall be air entrained with an air content of four percent (4%) to six percent (6%). No calcium shall be added to the mix.
  5. Sidewalks at all intersections shall be handicapped-accessible **meet the American's with Disabilities Act requirements.**
  6. The installation of sidewalks in subdivisions developed exclusively for industrial uses may be waived at the discretion of the Commission and the Board of Aldermen.
  7. Where a sidewalk intersects a driveway, the sidewalk shall be separate from and not included in the driveway.
- I. Curbs And Gutters.
1. The minimum grade of any street gutter shall not be less than one percent (1%).
  2. Curbs and gutters shall be thirty (30) inches wide with a six (6) inch vertical curve and shall be constructed with four thousand (4,000) pound cement. The gutters shall be six (6) inches in thickness and every ten (10) feet there shall be an expansion joint. Construction shall conform to the City of Pacific design specifications. In subdivisions which contain lots to be developed exclusively for single-family residences, a three (3) inch high roll curb may be substituted for vertical curbs.
  3. When installing driveway approaches where curbs and gutters already exist, the entire curb and gutter must be removed and replaced. In no case can the back of the curb be removed and the driveway joined at the gutter flow line.
  4. Where existing curbs on adjacent properties are roll type, curbs shall be transitioned to vertical type.
- J. Backfill Under Pavements. All excavations for sewers and for public utilities (except the gas utility) made under existing pavements or areas proposed to be paved shall be carefully

backfilled with granular backfill material approved by the Public Works Commissioner and thoroughly compacted in such a manner as to inhibit any settlement of the finished pavement. Such excavations made in existing paved areas shall be made in accordance with the requirements and regulations of Sections 525.140 et seq., "Excavations", of the Municipal Code of the City of Pacific, Missouri, and other applicable requirements. The exception of the gas utility from the granular backfill provisions of this paragraph does not exempt that utility from thorough compaction of its backfill so as to avoid pavement settlements.

K. Street Lighting.

1. Provision shall be made by the developer for the installation of street lights along all public streets within any subdivision. A street light shall be provided at each intersection of streets, at each circular turnaround and at intervals of not greater than three hundred fifty (350) feet between such locations.
2. Street lights shall be mounted on poles meeting City specifications and shall be serviced by underground wiring only. The City may at its discretion assume payment of electric for street lights on public streets in conjunction with such dedication and assumption of maintenance by the City.

L. Street Name Signs.

1. Street names shall comply with all provisions found in Section 525.480, as amended. No street shall have a name which will duplicate, or so nearly duplicate as to be confused with, the name of an existing street unless the proposed street is an extension of or in alignment with an existing street; in which case, the duplication shall be mandatory. All street names of new streets on a subdivision plat shall be approved by the City Clerk before the final plat is submitted for approval.
2. Street name signs shall be erected at all street intersections and at the beginning and endpoints of all portions of continuous streets which change direction and name. Street name signs shall be placed on at least one (1) corner of all intersections.
3. The design, materials of construction and method of installation of street name signs shall conform to the standards employed and articulated by the City of Pacific Public Works Department from time to time for such work.

M. Blocks.

1. Blocks shall not exceed nine hundred (900) feet in length.
2. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or railroad right-of-way.
3. Pedestrian walkways within blocks are prohibited.

N. Water System.

1. All water mains larger than two (2) inches shall be ductile iron pipe Class 51 or C900DR14PVC. All lateral lines smaller than two (2) inches shall be K copper. Two (2) inch lines shall be K copper or Class 200 PVC.
2. A system of water mains, valves and fire hydrants connected to the water supply system of the City of Pacific shall be installed by the developer. The system shall be designed to supply water service and fire protection to all lots in the subdivision and to ensure proper circulation to and within the system. Materials and construction methods shall conform to those specified by the City of Pacific Water Department from time to time. Water mains shall be sized and fire hydrants shall be located as required by the local fire protection district and the Commissioner of Public Works. Only fire hydrants and valves approved by the Commissioner of Public Works shall be used. Fire hydrants shall be spaced no more than five hundred (500) feet apart and water mains shall be a minimum of six (6) inches in size. Plans shall be prepared by a professional engineer registered to practice in the State of Missouri and shall be approved by the City of Pacific Water Department before approval may be recommended by the Commission.
3. The water system installed by the developer as proposed in this Section shall, upon approval and acceptance, become at once the property of the City of Pacific; and the City shall have exclusive control and use thereof, subject to the right of the owners and residents of property in the area subdivided to be served thereby, under the rules and regulations of the Water Department of the City of Pacific.
4. No person or firm shall connect to the City water main without first obtaining a permit from the Public Works Commissioner.
5. Backfill of water line trenches shall conform to the requirements of Subsection (J) of this Section.

O. Underground Utility Lines.

1. All electric, cable television, telephone and similar data and utility transmission lines primarily intended for the use of buildings and structures located within the City of Pacific shall be installed underground for new construction and for any rehabilitation where improvement costs exceed one hundred thousand dollars (\$100,000.00).
2. All electric, cable television, telephone and similar data and utility transmission lines shall be installed in conformance with the standards and specifications of the particular utility company involved. They shall be located within easements or public rights-of-way in a manner which will not conflict with other utilities or services.
3. Backfill for utility installation trenches shall conform to the requirements of Subsection (J) of this Section.

Section 410.0110 Waivers and Exceptions.

[Ord. No. 2327 §1, 3-18-2003]

When a developer can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to and when, in the opinion of the Commission because of conditions peculiar to the site, a departure may be made without destroying the general

intent and spirit of this Chapter, the Commission may recommend a waiver or modification to the Board of Aldermen. The developer shall apply in writing for such waiver or modification. Any such waiver or modification thus recommended shall be entered in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth. Approval of the waiver or modification by the Board of Aldermen shall be by ordinance, usually as part of the ordinance approving the final plat of the subdivision.

Section 410.0120 Enforcement.

[Ord. No. 2327 §1, 3-18-2003]

No plat of a subdivision in the City of Pacific shall be recorded in the appropriate County's Recorder's office or have any validity until it has been approved in the manner prescribed in this Chapter.

Section 410.0130 Record of Plats.

[Ord. No. 2327 §1, 3-18-2003]

Within sixty (60) days after approval of the subdivision, the developer thereof shall submit to the City the sum of two hundred fifty dollars (\$250.00) or such additional amounts as required to cover the actual costs of administration and recordation of the plat. A mylar print and two (2) paper prints of the final plat of a subdivision, submitted and approved in accordance with the provisions of this Chapter, shall be recorded by the City in the office of the Recorder of Deeds of the appropriate County. After the City records the plat, the mylar print and paper prints of the plat bearing imprint of the Recorder's stamp thereon shall be filed in the office of the Commissioner of Public Works as part of the records of the City.

Section 410.0140 Violations and Penalty.

[Ord. No. 2327 §1, 3-18-2003]

Any person, firm or corporation violating any of the provisions of this Chapter 410 or any other person participating or taking any part in a violation of any of the provisions of this Chapter shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00) for each offense or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each day a violation continues after service of written notice from the City administration to abate such violation shall constitute a separate offense.

Section 410.0150 Failure to Follow Procedures.

[Ord. No. 2327 §1, 3-18-2003]

Except where specifically provided by Missouri law, a failure of the City to follow the procedures set forth in this Chapter shall not invalidate any otherwise proper action taken by the City.



PLANNING AND ZONING COMMISSION  
AGENDA  
TUESDAY, AUGUST 14, 2018  
6:00 P.M.

1. Call to order
2. Roll call
3. Approval of Minutes
  - a. Planning & Zoning Meeting – July 24, 2018
4. Public Hearing
5. Public Participation
6. New Business
  - a. PZ 2018 – 17: Consideration for a Planned Unit Development for an extension of outdoor seating located at 147 West St. Louis Street, Jerry Holloway, applicant.
7. Old Business
8. Committee Reports
  - a. Board of Aldermen
  - b. Board of Adjustment
9. Other Business
10. Adjournment

This meeting is open to the public.

Note: The planning & Zoning Commission will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

**CITY OF PACIFIC  
RECORD OF PROCEEDINGS  
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
AT THE PACIFIC CITY HALL, 300 HOVEN DRIVE  
JULY 24, 2018**

The Planning and Zoning Commission Meeting was called to order by Chairman Bruns at 7:00 P.M. on July 24, 2018, at Pacific City Hall, 300 Hoven Drive, Pacific, Missouri.

The roll call was taken with the following results:

**PRESENT**

Chairman Bruns  
Alderman Rahn  
Commissioner Smith  
Commissioner Miles  
Commissioner Graham  
Commissioner Bates  
Commissioner Eversmeyer  
Commissioner Brocato

**ABSENT**

Commissioner Koelling

Administrator Steve Roth, Planning Director Shawn Seymour and Rae Cowsert were also in attendance

**APPROVAL OF MINUTES**

Planning & Zoning Meeting – July 10, 2018

A motion was made by Commissioner Brocato and seconded by Alderman Rahn to approve the minutes of the July 10, 2018 Regular Planning and Zoning Meeting. A voice vote was taken and the motion was approved 8-0.

**PUBLIC HEARINGS:**

- PZ2018-13: A Public Hearing to consider the City’s proposed update to the City’s Zoning Map to change the zoning of property, in the event Proposed annexation thereof is approved, from St. Louis County NU Zoning to City of Pacific M-1 Zoning for the following parcel of land, being commonly known as 5802 Hill View Drive,**

**Pacific, MO, And being further described as follows: Tract 20 of Allenton Acres Locator no. 30Y330029.**

Chairman Brunns opened the public hearing and asked if it was posted. Rae Cowsert stated yes it had been posted. Planning Director Seymour presented the staff report. He stated it had gone to the Board of Alderman at the July 3 meeting and they sent it back to Planning and Zoning for a Public Hearing. The property has ADB property to the south and is surrounded on all other sides by residential.

Darrell Otte, 5780 Hill View Drive, Pacific, MO asked how this zoning would affect his property. Chairman Brunns explained this change would not have any affect on his property. Planning Director Seymour stated this would be an addition to the current lot of ADB. There will be no more curb cuts on Hill View Drive. Chairman Brunns closed the public hearing.

- 2. PZ2018-14: A Public Hearing to consider an application for a Preliminary Plat for an approximate twenty-two (22) acre tract of land Generally located at 2050 Highway N (Parcel 19-6-14.0-0-099-034.000). The applicant is requesting approval of a preliminary Plat for a fifty-seven (57) lot subdivision in the R-1B Single-Family District. The property is generally bounded by the Pacific Assembly of God and Riverbend School properties To the west, private residential properties to the north and South, and agricultural land to the east. Gullet Contracting, LLC, applicant.**

Chairman Brunns introduced the public hearing and asked if it was posted. Rae Cowsert stated yes it was posted. Planning Director Seymour presented the staff report. He stated this is the Preliminary Plat to be approved and after all approvals would present to the Commission at a later date the Final Plat for approval with any changes that were to be made. This development has two areas with separate entrances. Commissioner Eversmeyer asked about what the plans are for the ditches. Ray Gullet stated he had just found out about the ditches and they could put drainage ditches and sidewalks. Planning Director Seymour stated sidewalks are a requirement. Chairman Brunns stated she is concerned that there is not much green space planned. The Developer stated they could put some trails in the green space. Chairman Brunns likes the twelve foot side yards. She stated to the applicant to make sure there is not water drained onto other properties. The water is to be drained to the detention basin. Chairman Brunns asked if there was a reason there are two entrances. The Developer stated there are two entrances in order to keep the ditch between the areas for drainage. They plan to build a berm along the back of the homes on Candlewick. Planning Director Seymour stated the staff will be doing inspections for drainage.

Barbara Alt, 1951 Patricia Lane, Pacific, MO stated she is part owner of the property to the east of this development and stated this property has been earmarked for future Industrial Development. She feels there would need to be a buffer between the residential area and her property. Planning Director Seymour stated the code does not require for there to be a buffer in that location at this point. Mrs. Alt stated the land is currently being used for crops. Planning Director Seymour stated to the Commission this preliminary plat needs to be considered as residential next to agricultural land at the present time. Mr. Ray Gullet stated they have no plans to remove the trees between her property and this development. There being no further questions or comments, Chairman Bruns closed the public hearing.

- 3. PZ2018-15: A Public Hearing to consider an application for a Preliminary Plat for an approximate twenty-five (25) acre tract of land generally located at Indian Trails Road and Woodhaven Lane (Franklin County Parcels 19-6-14.0-0-099-033.300 and 19-6-14.0-0-099-033.100). The property is generally bounded by Silver Lakes Subdivision to the north and Riverbend School to To the east, and private residential properties to the south and West. The applicant is requesting approval of a Preliminary plat for a fifty-three (53) lot subdivision in the R-1C And R-1E Single-family Zoning District. Rich Gullet & Sons, Applicant.**

Chairman Bruns introduced the public hearing and asked if it was posted. Rae Cowser stated yes it was posted. Planning Director Seymour presented the staff report explaining this also would come back to the Commission for a Final Plat is ready for approval. There is only one access point to this development off of Indian Trail. Staff recommends possibly a second access for emergency use on to Woodhaven, a second access to the open space in middle, and access to school from subdivision.

Paul Boyer, engineer for Rich Gullet, stated Mr. Gullet has already purchased two more lots and did some land swap. Their plans are to improve Indian Trail for 600 feet. He stated they do not have control to access Woodhaven Lane due to it being private property. They also plan to have a sidewalk along the basin.

Palmer Lawson, 1897 Indian Trail, Pacific, MO, stated dealings with this property have been going on for years and he hopes they approve it this time.

There being no further comments or questions, Chairman Bruns closed the public hearing.

## **SPEAKER CARDS**

Comments were included in the public hearings.

## **NEW BUSINESS:**

**1. PZ2018-13: Consideration of the Zoning Map change for 5802 Hill View Drive. City of Pacific, applicant**

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Miles to approve the application with the condition there be no addition curb cuts on Hill View Drive. A vote was taken with the following results: Ayes, Commissioner Eversmeyer, Chairman Bruns, Alderman Rahn, Commissioner Smith, Commissioner Miles, Commissioner Brocato, Commissioner Graham; Nays, none; Abstain, Commissioner Bates. The motion was approved 7-0 with 1 Abstaining, and will be presented to the Board of Alderman on August 7, 2018.

**2. PZ2018-14: Consideration of a Preliminary Plat for an approximate Twenty-two (22) acre tract of land generally located at 2050 Highway N for a fifty-seven (57) lot subdivision. Gullet Contracting, applicant.**

A motion was made by Commissioner Bates and seconded by Commissioner Brocato to approve the proposal with the condition of sidewalks and curbs be included along Highway N. A voice vote was taken with the following results: Ayes, Commissioner Eversmeyer, Chairman Bruns, Alderman Rahn, Commissioner Smith, Commissioner Miles, Commissioner Brocato, Commissioner Graham, Commissioner Bates; Nays, none. The motion was approved 8-0 and will be presented to the Board of Alderman August 7, 2018.

**3. PZ2018-15: Consideration of a Preliminary Plat for an approximate Twenty-five (25) acre tract of land for a fifty-three (53) 1 Lot subdivision. Rich Gullet & Sons, applicant.**

A motion was made by Commissioner Eversmeyer and seconded by Commissioner Bates to approve the application with the condition there be a sidewalk to common ground on west side. A voice vote was taken with the following results: Ayes, Chairman Bruns, Alderman Rahn, Commissioner Smith, Commissioner Miles, Commissioner Brocato, Commissioner Graham, Commissioner Bates, Commissioner Eversmeyer; Nays, none.

The motion was approved 8-0 and will be presented to the Board of Aldermen August 7, 2018.

**OLD BUSINESS**

None

**COMMITTEE REPORTS**

**A. Board of Aldermen**

Alderman Rahn stated he had nothing to report.

**B. Board of Adjustment**

There is still pending action and a meeting date is pending.

**OTHER BUSINESS**

Chairman Bruns stated there will be another workshop prior to the meeting on August 14 at 6 p.m. Commissioner Eversmeyer stated he will be out of town.

**ADJOURNMENT**

Chairman Bruns stating there being no further discussion asked for a motion to adjourn. A motion was made by Commissioner Smith and seconded by Commissioner Eversmeyer. A vote was taken and the meeting was adjourned at 7:52 p.m.

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Jerry Eversmeyer, Secretary





# Planning & Zoning Commission Department of Planning Staff Report

**Meeting Date:** August, 14, 2018

**Project Type:** Planned Unit Development  
(Simplified Development Plan)

**From:** Shawn Seymour, AICP  
Director of Planning

**Applicant:** Jerry Holloway

**Description:** **P.Z. 2018 – 17 2165 West St. Louis Street (Jerry Holloway)**: A request for a Planned Unit Development in a “C-1” Downtown Commercial District, located on the northeast corner of the West St. Louis Street and North Second Street intersection (19-1-12.0-4-005-033.000).

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## **Summary**

The applicant has submitted a request for a Planned Unit Development (PUD) overlay, for the purpose of locating an enclosed patio and additional serving tables in what is currently a paved area used for parking. Pursuant to section 400.160.C., all new construction proposed in a non-residential zoning district is required to obtain PUD overlay zoning. The Commission is required to act on this request by providing a recommendation of approval, approval with conditions, or denial to the Mayor and Board of Aldermen.

The proposal will require that the applicant lease a portion of the parking area on the north side of West St. Louis Street. The applicant must first obtain approval of the PUD application and then enter into an agreement with the City for lease of the proposed patio area.

## **Subject Site**

As noted above, the subject site is located on the northeast corner of the intersection of West St. Louis Street and North Second Street. This intersection is partially controlled. Traffic along West St. Louis Street is not restricted; however, traffic on North Second Street is restricted by Stop Signs at both the north and south of West St. Louis Street. The property is improved, rectangular in shape, and has frontage on both West St. Louis Street and North Second Street. The structure on the property is built with zero (0) foot setbacks, as is permitted in the “C-1” zoning district. The property is currently utilized as a food and beverage establishment. Sidewalks are constructed on both the



West St. Louis and North Second Street rights-of-way. In this area of the City parking is shared via both on and off-street facilities.

### **Land Use and Zoning of Surrounding Properties**

Direction	Zoning	Land Use
North	“C-1” Downtown Commercial	Commercial
South	“C-1” Downtown Commercial	Commercial
East	“C-1” Downtown Commercial	Residential
West	“C-1” Downtown Commercial	Commercial (Vacant)

### **Analysis**

The applicant has selected the Simplified Development Plan method for PUD approval. The following criteria are necessary for use of the simplified method.

- A. No waiver or modification of any district or other regulation is sought;

The applicant is not requesting a waiver or modification to the zoning district or development standards. **Standard has been met.**

- B. The approval does not include building expansion in excess of fifty percent (50%) of any existing building (not a required element in the "M-1" and "M-2" Districts);

No building expansion is being requested. **Standard has been met.**

- C. If new construction is at issue, it involves only new construction of an accessory building not greater than two thousand five hundred (2,500) square feet in size (not applicable in the "M-1" and "M-2" Districts); and

No accessory buildings are being proposed. **Standard has been met.**

- D. The change is not detrimental to the neighboring properties or community, does not materially alter or impact traffic, public improvements or public financial burdens and is otherwise consistent with all established City plans, policies and ordinances.

The proposal will not materially alter or impact traffic. No public improvements are proposed, nor will the development cause a public financial burden. The proposal is consistent with the comp plan and zoning ordinance. **Standard has been met.**

This proposal, in staff’s opinion, is a forward thinking outside of the box approach to revitalizing the city’s central business district. Any method that can generate additional foot traffic and/or people on the street can create positive impact to adjacent properties and businesses and should be encouraged by the City. If you can attract people to the central business district and particularly keep them on the street for extended periods of time, you can greater the chance that they will visit another business during that same trip. Thus harnessing the created synergy for a real economic impact.

Staff would note that currently this business has tables on the sidewalk of West ST. Louis Street. With the additional area for patio being the basis for the application, as part of the approval the

commission should consider removing all tables currently located on the sidewalk. Additionally this intersection is not fully controlled. Staff would suggest that Stop Signs be placed on both the east and west legs of West St, Louis Street

**Recommendation**

The development plan as submitted complies with all zoning ordinance requirements. The proposal, in staff's opinion, is a real attempt to revitalize the central business district. Staff recommends **APPROVAL** of the PUD designation and the development plan with two (2) conditions.

- Stop signs be placed on the east and west legs of the West St. Louis and North Second Street intersection.
- No tables be permitted on the sidewalk along West St. Louis Street.

Attachments: Application  
Development Plan