

Substitute Bill No. 4827

Ordinance No. 20-031

Requested by: Joe Cronin

Sponsored by: Joe Cronin, Joe Brazil, Mike Elam, Dave Hammond,
Terry Hollander

AN ORDINANCE AMENDING SECTIONS 410.070, 410.100, 410.330, 410.350, 410.370, 410.390 AND 425.020 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI, (OSCCMo.) AND ADDING A NEW SECTION 410.105 OSCCMo TO CREATE A NEW CATEGORY OF MINOR SUBDIVISIONS AND PROVIDE SPECIFIC MINOR SUBDIVISION REGULATIONS GOVERNING SAID MINOR SUBDIVISIONS.

WHEREAS, Article II, Section 2.529 of the St. Charles County Charter provides that the Council may exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated cities, towns, and villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, St. Charles County has adopted the zoning regulations in Chapter 405 OSCCMo and the subdivision regulations in Chapter 410 OSCCMo; and

WHEREAS, Section 405.535.B.2, OSCCMo, provides that by its own motion and by ordinance the County Council may amend the text of Chapter 410 OSCCMo; and

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 410, OSCCMo, as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 410.070, OSCCMO, is hereby amended as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Section 410.070 Exemptions from Requirements of Chapter 410 OSCCMO.

- A. Instances When Plats Will Not Be Required: No plat is required in any of the following instances:
1. The sale or exchange of existing parcels of land between owners of adjoining and contiguous land, provided that no illegal zoning lot is created, when not within recorded subdivisions.
 2. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads, or other public utility facilities and pipelines which do not involve any new streets or easements of access.
 3. The conveyance of land for highway or other public purposes or grants or conveyance relating to the vacation of land impressed with a public use.
 4. Conveyances made to correct description of prior conveyances.

- B. Exceptions from Subdivision Requirements for Minor Subdivisions: Minor Subdivisions shall be exempt from Chapter 410 OSCCMo Subdivision Requirements, except as provided in Section 410.105 OSCCMo.

Section 2. Section 410.100, OSCCMO, is hereby amended as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Section 410.100 Review Fees.

All plat review fees as set by ordinance shall be determined and paid at the time the required application is submitted.

Section 3. A New Section 410.105, OSCCMO, is hereby created as follows:

Section 410.105 Minor Subdivision.

A. Definition. Minor Subdivision shall be the division of land into lots of five (5) acres or greater in size, provided the land is located within "A", "R" or "RR" zoning districts and outside of any existing subdivisions.

B. Requirements.

1. Each of the newly proposed lots must front on an access easement running with each lot, or a public or private street, each access easement or street providing each lot a direct connection to a publicly owned and maintained street.

2. Minor subdivision names, street names, and street numbers must be approved by St. Charles County Emergency Communications.
3. Access easements, private streets and driveway connections within the Minor Subdivision to public streets adjoining the Minor Subdivision shall meet the sight distance, alignment, and design and construction requirements of the jurisdictional authority. Connections to County streets shall require approval and permits from the St. Charles County Highway Department.
4. Floodplain (405, Article XI), Land Disturbance (412), and Natural Watercourse (405, Article VI) regulations and permits are required where applicable.

C. Minor Plat.

1. Definition: - A map of land for a minor subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other dimensions of land.
2. Minor Plat may be approved by the Director of the Division of Planning and Zoning upon

his/her determination that it is in substantial conformance with this section.

3. One printed and one digitized version that complies with County mapping standards shall be submitted. The digitized version shall show and be accompanied by the following information:
 - a. The outboundary of the minor subdivision shall be tied to the Missouri Coordinate System of 1983 in accordance with the current Missouri Minimum Standards for Property and Boundary Surveys;
 - b. The coordinates of the exterior corners shall be shown on the minor plat;
 - c. The surveyor who is sealing the record minor plat must submit a signed and sealed letter indicating that the digitized version is an accurate representation of the minor plat; and
 - d. The surveyor must submit a sealed paper copy of the minor plat.
4. Identification.
 - a. Name of minor subdivision, minor plat, etc., and name(s) of those who prepared the minor plat.

- b. North point, date of survey, and scale used.
- c. Acreage of minor plat in tract to one-tenth (1/10) of an acre.
- d. Location map and key map on the first (1st) page if there is more than one (1) sheet.

5. Minor Plat Information.

- a. Accurate boundary survey to State of Missouri minimum surveying standards with bearings and distances tied to surveyed identification points (established section lines, fractional section lines, and/or U.S. survey lines), but not including already existing access easements to the minor subdivision.
- b. Location of lots, streets (including right-of-way or access easement widths), within the Minor Subdivision, and other features as required, with accurate dimensions to decimals of feet, length, and radii of all curves.
- c. Setback lines on front and side streets or access easements; location and dimension of utility easements. Areas designated as common ground shall not be dedicated as one (1) blanket utility easement unless approved by the

Director of the Division of Planning
and Zoning.

- d. Names of streets and lots numbered in logical order.
- e. Indicate the future street number on each lot.
- f. Acreage and ownership of all common ground.
- g. Depict any existing easements across the property.
- h. Depict and dedicate all utility easements.
- i. Watercourses left in their natural state shall have vegetated buffers as required per Section 405.5025 of the Unified Development Ordinance of St. Charles County, Missouri". All minor plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".

- j. Designate pipeline and/or overhead electric easements, and with respect to pipeline easements designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High Pressure Pipelines.
- k. Depict any dedication strips along existing roadways.
- l. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning.
- m. The Statement “This Minor Plat is approved for recording this _____ day of _____, _____.” The statement shall also include a two (2) inch line with the title “Director of the Division of Planning and Zoning” directly below the line for his/her signature.

6. Written Statements.

- a. Dedication of all private streets and/or easements together with the deed book and page of the minor subdivision restrictions, trust indentures, or street

maintenance agreements, and signed by all parties who have mortgage or lien interest, including owner(s), or a copy of the recorded document creating or reserving the existing access easement together with the book and page information for the existing access easement.

- b. Certification as to acreage boundaries, monuments made by a registered land surveyor, testifying that the above were made by the surveyor.
- c. In the event a minor subdivision is to have privately maintained streets and/or common ground, evidence of the methods for controlling and maintaining each private facility shall be submitted with the minor plat. Such restrictions or trust indentures must be reviewed by the Division of Planning and Zoning before they may be recorded. Where any minor plat includes common ground, that minor plat shall include a note that title to that common ground shall be conveyed to a homeowners' association or its trustees, and the owner shall convey such title upon establishing such an association and designating its trustees.
- d. An entrance permit is needed from the jurisdictional authority if the minor subdivision has an entrance on a

publicly maintained street right-of-way, or evidence from the jurisdictional authority that such a permit is not required, as may be the case.

- e. A residential housing development must be approved by the Missouri Department of Natural Resources for individual sewage disposal systems on minor subdivisions containing seven (7) or more lots.
- f. The above must have all signatures, corporate seal(s) affixed or embossed and be notarized by a notary public. All figures and letters on the minor plat must be in ink and shall be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record.
- g. An applicant for approval of a minor plat to be served by individual waste treatment systems must meet the following requirements, in addition to those set out in Section 410.110.
- h. A Department of Natural Resources approved engineering geologic report must be submitted to the Division of Building and Code Enforcement prior to a review of the soil evaluation report.

- i. A soil evaluation report utilizing a five (5) foot deep test pit and one (1) permeability evaluation for every lot must have Division of Building and Code Enforcement approval. Additional permeability evaluations will be required by the Division of Building and Code Enforcement based on grade, lot, and minor subdivision sizes or any other physical characteristics. Permeability evaluation to be conducted by a soils scientist licensed by the State Health Department. After the minor plat is approved, at least one (1) additional permeability evaluation will be required on each lot located in the area of the proposed leach field. Further evaluations may be required by the Division of Building and Code Enforcement.

7. Approval and Recordation. No Minor Plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Director of the Division of Planning and Zoning is endorsed thereon.

Section 4. Section 410.330, OSCCMO, is hereby amended as follows: added text in **bold type**, deleted text in [~~bracketed and stricken type~~].

Section 410.330 Minimum Pavement Widths.

- A. Arterial Streets. Require a traffic study.
- B. Collector Streets.
 - 1. Major collector streets. Thirty-eight (38) feet (see Exhibit A).
 - 2. Minor collector streets. Thirty-two (32) feet (see Exhibit A).
- C. Minor, Minor Stub And Cul-de-Sac Streets. Twenty (20) to twenty-six (26) feet (refer to Exhibit A). The pavement of a turning circle at the end of a cul-de-sac street shall have a minimum radius of forty (40) feet. A T- or Y- shaped paved space for a temporary turnaround only must be approved by the County Engineer and will be considered only if an extreme hardship can be demonstrated.

Section 5. Exhibit A “Required Subdivision Design and Improvement Standards” included as an attachment to Chapter 410 OSCCMo., is hereby amended as follows: added text in **bold type**, deleted text in [~~bracketed and stricken type~~]:

EXHIBIT A. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS ^{*14,*81}

Improvement	3 to 5 Acre Lot Minimum	1 to 3 Acre Lot Size	Less than 1 Acre Lot Size	Multiples/Duplexes/ Mobile Home Parks	Commercial/Industrial
Right-of-way (feet)					
Arterials ^{*10}	60-100 (2-5 lanes)	60-100 (2-5 lanes)	60-100 (2-5 lanes)	60-100 (2-5 lanes)	60-100 (2-5 lanes)
Major collectors	54	54	54	54	54
Minor collectors	48	48	48	48	48
Minor streets	42	42	42	42 (Public) ^{*7}	42
Easements, utility—total width (feet)	10	10	10	10	10
Block length—maximum (feet)	2,640	2,640	1,320	1,320	600
Block length—minimum (feet)	500	500	500	500	N/A
Cul-de-sac maximum length (feet)	2,640	1,200	900	900	600
Cul-de-sac minimum right-of-way radius (feet)	48 ^{*3}	48 ^{*3}	48 ^{*3}	48 ^{*3}	48 ^{*3}
Cul-de-sac minimum pavement radius (feet)	40 ^{*3}	40 ^{*3}	40 ^{*3}	40 ^{*3}	40 ^{*3}
Pavement width (feet)					
Arterials	Exhibit A1	Exhibit A1	Exhibit A1	Exhibit A1	Exhibit A1

Major collectors	38 *1	38 *1	38 *1	38 *1	38 *1
Minor collectors	32 *1	32 *1	32 *1	32 *1	32 *1
Minor streets	20 *9	24 *9	26	26 *7	26
Cul-de-sac streets	20 *9	24 *9	26	26 *7	26
Street curvature - minimum centerline radius (feet) Arterials	Per County Highway Dept.	Per County Highway Dept.	Per County Highway Dept.	Per County Highway Dept.	Per County Highway Dept.
Major collectors	375	375	375	375	375
Minor collectors	375	375	375	375	375
Minor streets	150	150	150	150	150
Street *6	Public or Private built to Public Standards	Public or Private built to Public Standards	Public or Private built to Public Standards	Public or Private built to Public Standards *7	Public or Private built to Public Standards
Curb and gutter required	No	No	Yes	Yes *5	Yes
Public water required	No	Yes *2	Yes	Yes	Yes
Sanitary sewer required	No	Yes	Yes	Yes	Yes
Sidewalks	No	No	Yes	Yes	Yes
Improvement plans	Yes	Yes	Yes	Yes	Yes
Setback line—minimum (feet)	50	35	25 *4	25 *4	25-35

Lot width—minimum (feet)	150	150	70-100	Variable, depending on District 35-70	N/A
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¹ If needed.

⁴ Except for PUD Overlay Districts.

⁷ Private with adjacent parking, 24 ft. minimum pavement width with right-of-way equal to street width.

² If public water supply is reasonably accessible.

⁵ Except private with adjacent parking.

³ See Street Right-of-Way and Utility Easement Requirements of this section regarding criteria for larger (55' pavement/63' r/w) turnarounds.

⁶ Per St. Charles County Highway specifications. Coring to be included for all type pavements with penalties for deficiencies.

⁹ Not including the width of any curb & gutter.
N/A: Not Applicable

Section 6. Section 410.350, OSCCMO, is hereby amended as follows: added text in **bold type**, deleted text in [~~bracketed and stricken type~~].

- A. Longitudinal grades and curved alignments proposed for all streets shall meet the requirements of Sections 20.10—20.50 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter. Streets approved with no curb and gutter shall have a minimum grade of one percent (1%).
- B. Private Service Drives And Alleys. Longitudinal street grades shall be two percent (2%) minimum, twelve percent (12%) maximum. Service drives and alleys with no curb and gutter shall have a minimum grade of one percent (1%).

Section 7. Section 410.370, OSCCMO, is hereby amended as follows: added text in **bold type**, deleted text in [~~bracketed and stricken type~~].

Section 410.370 Street Pavement Requirements.

- A. Streets shall be graded to the full width of the right-of-way and the pavement fully constructed of the following materials and thicknesses:
 - 1. Public streets. All public streets shall meet the minimum paving standards required in Sections 20.10—20.40 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St.

Charles County Highway Department in February, 2002, or as amended thereafter.

a. Collector streets.

- (1) Nine and one-half (9½) inches of asphaltic concrete on a four (4) inch thick compacted aggregate base.
- (2) Seven (7) inches of Portland cement concrete on a four (4) inch thick compacted aggregate base.

b. Minor streets.

- (1) Seven and one-half (7 1/2) inches of asphaltic concrete on a four-inch-thick compacted aggregate base.
- (2) Six (6) inches of Portland cement concrete on a four-inch-thick compacted aggregate base.

c. Temporary pavements.

- (1) Seven (7) inches of Type "X" asphaltic concrete on properly compacted subgrade; or
- (2) Four (4) inches of Type "C" asphaltic concrete on seven (7) inches of compacted, rolled stone base.

B. Subgrade and street pavement construction shall conform to the requirements set forth in "St. Charles County's "Standard Specifications for Highway Construction".

Section 8. Section 410.390, OSCCMO, is hereby amended as follows: added text in **bold type**, deleted text in [~~bracketed and stricken type~~].

Section 410.390 Dedication of Private Streets.

The County may accept for dedication private streets that are brought up to public street standards in existence at the time public dedication is requested.

Section 9. Section 425.020 is hereby amended as follows: added text in **bold type**, deleted text in [~~bracketed and stricken type~~].

Section 425.020 Fees For Services and Permits As Required By The Unified Development Ordinance.

I. The Division of Planning and Zoning shall charge the following fees for reviewing minor plats pursuant to Section 410.105 of the Unified Development Ordinance:

1. Two hundred dollars (\$200.00) plus five dollars (\$5.00) for each lot, for single-family residential plats.

Section 10. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

March 30, 2020
DATE PASSED

3/31/2020
DATE APPROVED BY COUNTY EXECUTIVE

T. Hallander
CHAIR OF THE COUNCIL

[Signature]
COUNTY EXECUTIVE

ATTEST:

[Signature]
COUNTY REGISTRAR