

## SECTION 3 - APPLICATION AND APPROVAL PROCEDURES

### 3.1 Application Process.

A. Forms. Requests for development approvals required by this Ordinance shall be made on forms provided by the Zoning Administrator. The Zoning Administrator may promulgate procedures for acceptance and filing of applications. Additional information may be required for particular applications. All development applications shall be submitted to the Zoning Administrator.

B. Fees. At the time the development approval application is submitted, the applicant shall pay all required fees. The fees are not transferable to other properties nor are they refundable, but refunds shall be granted if an error in the fee calculation is discovered. If a development application has not been deemed complete within six (6) months from the date of the application, the application shall be dismissed. Reapplications shall require the payment of fees.

C. Pre-Application Conference. Before filing any application, the applicant may request a pre-application meeting with the Zoning Administrator to discuss procedures and requirements.

D. Determination of Complete Application. No application shall be considered complete until all items required by the applicable sections of this Ordinance in support of the application have been submitted, and all fees paid. Incomplete applications shall be returned to the applicant with a statement as to what sections are incomplete, and no action taken until any deficiencies are remedied. Complete applications shall be processed according to this Ordinance. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.

E. Official Filing Date. The time for processing and acting on development approval applications or development permits shall commence on the date that a complete application has been filed. Modification of any application by the applicant following the filing of the application and prior to the expiration of the period during which the City is required to act may extend the period of time before action is taken.

F. Withdrawal. Once filed, a development approval application may be withdrawn upon a written notice to the Zoning Administrator.

G. Resubmission. Whenever any application or petition presented under Section 3 has been finally acted upon by the Board of Aldermen

under the provisions of these regulations, and the decision of the Board of Aldermen has been adverse to the applicant, the Board of Aldermen shall not, for a period of six months from the date of its decision, receive or entertain, nor shall it refer to the Zoning Commission for consideration, any identical or similar application seeking the same or similar relief as prayed for in the application first denied.

### **3.2 Public Hearing and Notice Provisions.**

A. Applicability. Public hearings shall be conducted by both the Planning and Zoning Commission and Board of Aldermen on the following types of development approvals: zoning text amendment, rezoning, conditional use permit, preliminary development plan, final development plan, home occupation and site plan. A public hearing shall be conducted by the Board of Adjustment on the following types of development approvals: variance.

B. Contents. Any notice of a public hearing required by these regulations shall contain the following information:

1. Date, time and place of the public hearing;
2. Subject of the hearing, including the type of development approval sought;
3. Street address and/or legal description of the property which is the subject of the public hearing;
4. The applicant's name.

C. Publication. Where notice by publication is required by this Ordinance or by state law, such notice shall be published at least fifteen (15) days prior to the hearing in the *Lee's Summit Journal*, a weekly newspaper of general circulation.

D. Mailed Notice. Where notice by mail is required by this Ordinance, such notice shall be sent at least fifteen (15) days prior to the hearing by the applicant and at the applicant's cost, by certified or registered mail, return receipt requested, to the record fee owners of all real property located within one hundred eight-five feet (185') from the exterior boundaries of the property which is the subject of the development application. The owners of real property to whom notice must be sent may be determined by a title company, at the expense of the applicant. When the application is considered, the applicant may be required to demonstrate compliance with this section and/or execute an affidavit of mailing.

E. Posted Notice. Where notice by posting is required by this Ordinance, such notice shall be posted on the property. The City shall

furnish the sign to the applicant for posting. Posting on large acreage may require larger signs than those provided by the City. Such larger signs as permitted by the Zoning Administrator shall be provided by the applicant as determined by the Zoning Administrator. The applicant shall make a good faith effort to place and maintain the sign on the property for at least fifteen (15) days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within five (5) feet of the street right-of-way/property line, or as close thereto as possible, in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

F. Additional Costs. All actual costs incurred by the City in preparing and processing an application, which cost is not otherwise covered by the application fee, shall be paid by the applicant.

G. When Required and How Given. The following chart specifies when notice shall be given and in what manner:

**Table 3-1**

Type of Development Approval	Type of Notice Required		
	Mail	Newspaper	Post
Zoning Text Amendment	-	✓	-
Variance	✓	✓	-
Rezoning	✓	✓	✓
Conditional Use Permit	✓	✓	✓
Preliminary Development Plan	✓	✓	✓
Final Development Plan	-	-	✓
Home Occupation	-	-	-
Preliminary Plat	-	-	-
Final Plat	-	-	-
Minor Subdivision	-	-	-
Site Plan	✓	✓	✓

(Ordinance No. 329, § 1; 11-20-07).

**3.3 Public Hearing Procedures.**

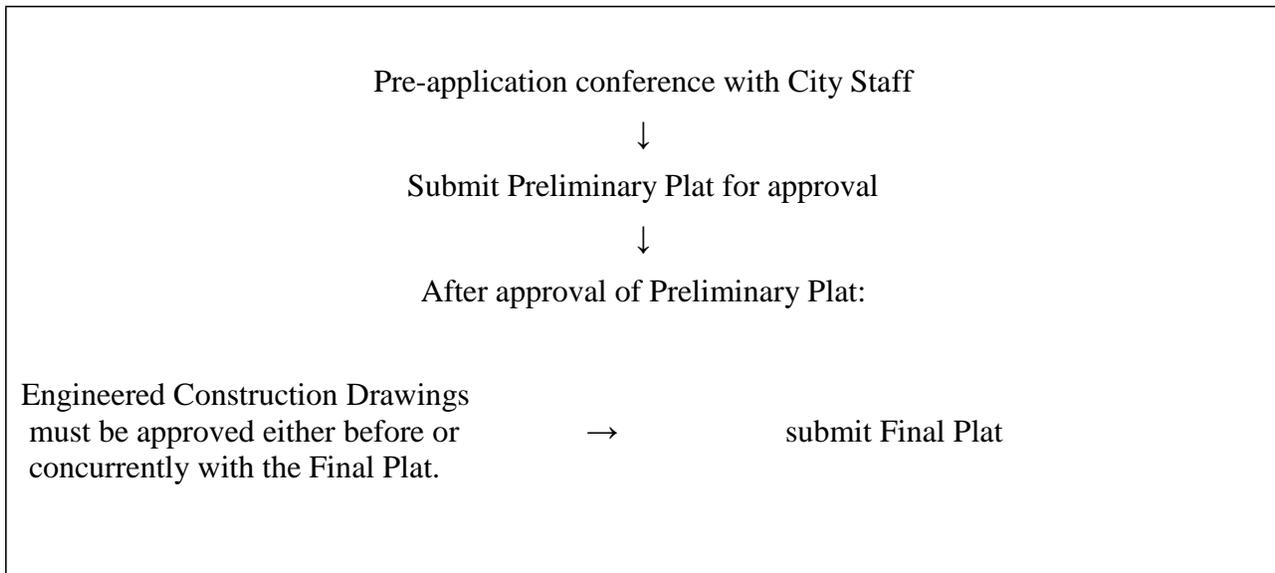
A. Conduct of Hearing. Any person or persons may appear at a public hearing and submit relevant evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and, if appearing on behalf of an organization, the name and mailing address of the organization for the record. The body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.

B. Continuance of Proceedings. The body conducting the hearing may, on its own motion or at the request of any person continue the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the date, time and place of the subsequent hearing.

**3.4 Conditions of Approval.** The Planning and Zoning Commission, Board of Adjustment or Board of Aldermen may impose on any approval of a development application such conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in this Ordinance.

**3.5 Subdivisions.**

A. Generally, and subject to the specific provisions of this Ordinance, the subdivision approval process consists of the following steps:



Applicants and developers should plan for at least 60-90 days from the pre-application conference date for the approval process to allow adequate plan review time by both City Staff and outside consultants as well as the Planning and Zoning Commission and Board of Aldermen.

B. Purpose. The provision of adequate data concerning on and off-site land use, environmental conditions, utility requirements, traffic impact, and the adequacy of streets, storm water management, parks, fire, police, emergency services, libraries, public sewer and water facilities is vital to ensure the continued health, safety and welfare of the City's residents. The City may require the submission of key planning and engineering information and may require the submission of project-specific reports or studies, such as an environmental impact report or a traffic impact study.

C. Applicability. The owner of a tract of land located within the City who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to develop buildings or lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. The division of a tract of land for any of the purposes specified herein does not require a transfer of title of all or part of the tract.

D. Subdivision approval, generally. All subdivisions are subject to the following approval process:

1. Pre-Application Conference and Concept Plan (Optional)- Submitted to the Zoning Administrator for review and comment;
2. Preliminary Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Aldermen; and
3. Final Plat - Submitted to the Zoning Administrator for action by the Planning and Zoning Commission and the Board of Aldermen.

E. Prohibited Subdivisions. No person may subdivide land except in accordance with all of the provisions of this Ordinance.

F. Subdivision Exemptions. Applicants exempt from subdivision plat approval may be subject to other development approval requirements as required in this Ordinance. The following divisions of land shall be exempt from these subdivision regulations:

1. The public acquisition of land;
2. Public parks and public improvements owned, operated, or maintained by a governmental entity.

### **3.6 Preliminary Plats.**

A. When Required. The submittal and approval of a preliminary plat is required to subdivide land, unless otherwise waived by the Board of Aldermen. Approval of the preliminary plat does not constitute an acceptance of the subdivision but is deemed to be an authorization to proceed with the preparation of the final plat.

B. Submittal Requirements. Applicants for preliminary plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The Preliminary Plat shall be in sufficient detail to convey the applicant's intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be signed by a registered surveyor. The Zoning Administrator may require the submission of technical studies and reports, such as a Traffic Impact Analysis or Storm water Management Study, in order to analyze the proposed plat in the context of the City's adequate public facility requirements.

C. Filing Procedure. The applicant shall file the following with the Zoning Administrator as follows:

1. A reproducible original and the number of copies of the proposed Preliminary Plat specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. The applicable plat review fee; and
4. A completed application form.

D. Contents. The preliminary plat shall contain the following information:

1. Proposed name of subdivision.
2. A vicinity sketch (location map), at a legible scale, to show the relation of the plat to surroundings. Utility connections too remote to be shown on the preliminary plat shall be shown on this sketch.

3. Location of boundary lines by section, quarter section or quarter-quarter section lines, and any adjacent corporate boundaries comprising a legal description of the property conforming to the current Missouri state plane coordinate system.
4. Names, addresses, and phone numbers of the developer and the engineer, surveyor, planner, or landscape architect making the plat.
5. Plat to be oriented so north is to the top of plat sheet, and north shall be designated.
6. All plats are to be drawn to a standard engineer's scale, which shall be specified on the plans. The actual scale used will depend on the development and shall be subject to the approval of the Zoning Administrator.
7. Existing conditions on the proposed subdivision site and adjacent to the site within one hundred eighty-five (185) feet of the property lines:
  - a. Locations, width and name of each existing or platted street, alley or other public way; railroad and utility rights-of-way; dedicated rights-of-way; bridges; parks and other public open spaces; and permanent buildings.
  - b. All existing storm water or sanitary sewers, water mains, gas mains, culverts, or other underground installations with pipe size, grades and locations shown.
  - c. Names of abutting subdivisions and owners of abutting parcels of un-subdivided land.
  - d. Locations of water courses, and all areas designated as the one hundred (100) year floodplain areas by the Federal Emergency Management Agency.
  - e. Ravines, bridges, lakes, tree masses, approximate acreage, and such other existing features as may be pertinent.
  - f. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former dumps, fill areas or lagoons) must be identified by the applicant. The applicant, at the Zoning Administrator's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.

g. Identification, location and nature of all existing and proposed zoning districts and land uses within 185 feet of the boundaries of the proposed subdivision.

h. Topography (unless specifically waived by the Zoning Administrator) with contour intervals of not more than two (2) feet, referred to USGS or City datum. In areas where grades are gentle, the Zoning Administrator may require a lesser contour interval.

i. Exact location of all oil and gas wells and water wells, whether active, inactive, or capped.

8. Proposed development:

a. The general location, width, radii, grade and name of proposed streets, roadways, alleys, sidewalks and public walk ways, public streets and other easements with center lines, culverts and bridges, public drives and curb cuts, median breaks and turn lanes. Street names shall not duplicate or closely resemble the name of any existing street.

b. The general location, size and character of all proposed and existing adjacent public utility lines, including storm water and sanitary sewer lines, water lines, and storm water management facilities.

c. Layout, number and approximate dimensions of lots, approximate lot areas, setback requirements with dimensions, and blocks, with number or letter of each, if applicable.

d. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.

e. Building setback lines from streets with dimensions.

f. Indication of any lots on which uses other than residential are proposed by the sub divider.

g. Storm water management plan, calculations, and proposed size, nature and location of all proposed storm drainage improvements.

h. Identification, location and nature of all existing and proposed zoning districts and land uses to be included within the boundaries of the subdivision.

### **3.7 Construction Plans.**

A. Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer, registered in the State of Missouri, public improvement construction plans (which may also be referred to as engineered drawings), consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by the UDO. Construction plans shall be submitted to the Zoning Administrator for review and approval.

B. All improvements required pursuant to these regulations shall be constructed in accordance with the design standards and plan requirements of the UDO and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

C. The Construction Plans shall be sealed by a professional engineer. Five (5) copies of the Construction Plans shall be submitted to the Zoning Administrator for review. The Construction Plans shall be at any scale from one (1) inch equals ten (10) feet (1" = 10') through one (1) inch equals one hundred (100) feet (1"- 100'), so long as the scale is an increment of ten (10) feet and is sufficiently clear in reflecting details of the proposed construction. Construction Plans shall be prepared on 22" x 34" sheets. The Preliminary Plat or title page shall be used as the cover sheet for the Construction Plans. The Plans shall include the following information, shown on separate sheets:

1. The Preliminary Plat for the project drawn on the existing topographic survey of the property.
2. Roadway, sidewalk, bikeway and traffic control construction plans, profiles and detail sheets, including information related to street lights.
3. Sanitary sewer system construction plans, profiles and detail sheets.
4. Storm water management plan showing plan and profile of proposed storm sewer and drainage facilities, detail sheets, hydrological and hydraulic calculations and other information as required by the Director.
5. Proposed grading cross sections and final contours in critical drainage areas.
6. Water distribution system construction plans and details.

7. Locations of electric, telecommunications and other utility improvements.
8. A general schedule of the timing and sequence of construction for all required improvements.
9. Roadway Construction Detail Sheets: All construction details pertaining to the roadway improvements (e.g., pavement details, pavement width, curbing, sidewalk, unpaved areas, entrances, lighting, etc.) shall be shown on typical section , in plan and profile. Specific details shall include, but not be limited to:
  - a. Pavement installation, widening, or resurfacing improvements dimensioned and developed in accordance with City improvement standards.
  - b. Pavement widening and resurfacing improvements in the right-of- way as measured from the centerline.
  - c. Mathematical profile grade and elevations at twenty-five (25) feet intervals on vertical curves and fifty (50) feet intervals on tangent sections for all roadway construction. Elevations at quarter point intervals along pavement edge at street intersection corners.
  - d. Resurfacing Profile Grade elevations on existing centerline and edges of pavement at twenty-five (25) feet intervals and breaks in grade (i.e., irregularities in pavement).
  - e. Jointing plan and details for Portland Cement Concrete pavement.
  - f. Type and location of entrance construction.
  - g. Propose traffic control devices and signs to be used during construction and upon completion of the project.
10. Sanitary Sewer, Storm Drainage, and Water Line Plans and Profile Sheets: All construction details pertaining to the sanitary sewerage, storm drainage and water distribution system improvements shall be prepared in accordance with all requirements of these regulations and other pertinent City regulations and standards and shall be shown in plan and profile. Specific details shall include, but shall not be limited to:
  - a. Existing ground and finished grade shown and designated.
  - b. Methods to be used in repairing open trenching of pavement.

- c. Limits of backfill and pavement replacement at all crossings of existing roadway surfaces not bored.
- d. Location of all utilities to be encountered in construction. Sufficient copies of plans must be submitted for utility providers.
- e. Proof of plan approval by any other political subdivisions having jurisdiction over any aspect of the proposed development must be received prior to Construction Plan approval.

11. Grading Plan and Cross Section Sheets: A grading plan for the entire tract within the Preliminary Plat boundaries shall be provided. All grading details pertaining to site development shall be shown in plan or on cross section sheets. Specific details shall include, but shall not be limited to:

- a. Existing and proposed contours, normally at two (2) foot intervals, in critical drainage areas. Contour intervals for Grading Plans greater than two (2) feet will require the Director's approval.
- b. Site grading shall be compatible with ultimate roadway elevations.
- c. Where required by the Director, cross sections showing existing ground and finished grades plotted at a scale of not less than one inch equals one hundred feet (1"=100') horizontal and one inch equals ten feet (1"= 10') vertical.
- d. Erosion Control Plan, as applicable, showing compliance with State requirements.

**3.8 Public Works Permit.** Any person, firm, partnership, corporation, association, co-partnership or trust, prior to commencing any private work on public works projects in the City of Lone Jack, Missouri, shall comply with the following regulations and provisions:

- A. Plans and specifications for the private construction of public works projects, including, but not limited to, streets, sidewalks, storm drainage systems, sanitary sewers, water lines, and appurtenances to be maintained by the City of Lone Jack, Missouri, shall be submitted to the Zoning Administrator for approval.
- B. The sub divider shall pay to the City a plan review fee of two percent (2%) of the estimated cost of the required improvements for the review and processing of the Construction and Grading Plans.
- C. The sub divider shall pay to the City a fee of two percent (2%) of the estimated cost of the required improvements for construction inspection.

D. A public works permit shall be obtained from the City authorizing the construction mentioned as set forth in the approved plans and specifications.

E. Building permits shall not be issued until the required improvements have been accepted by the City and the construction inspection and plan review fees have been paid. Unless otherwise approved by the Board of Aldermen, all improvements shall be inspected by the City. The sub divider shall contract with a Professional Engineer or Surveyor to perform construction staking and preparation of "as-built" construction plans

F. All construction work may be stopped at any time by the Zoning Administrator when, in the opinion of the City Inspector, the workmanship materials used or procedures of work do not meet the requirements or comply with the City codes, ordinances, specifications and procedures for such work.

G. All work, accomplished by means of a public works permit issued under this Chapter, shall be subject to final inspection for City maintenance by the Zoning Administrator and his/her recommendation shall be made to and written acceptance made thereon by the Mayor and Board of Aldermen.

### **3.9 Final Plat.**

A. When Required. The submittal and approval of a final plat is required to subdivide land.

B. Submittal Requirements. Applicants for final plat approval shall submit a complete application and other required materials and information to the Zoning Administrator. The final plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the property. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this Ordinance to convey the applicant's plan of development. The plat shall be sealed by a registered surveyor.

C. Filing Procedure. The final plat application shall be filed with the Zoning Administrator as follows:

1. A reproducible original and a sufficient number of copies of the proposed final plat as specified on the application;
2. All other information required by this Ordinance or as specified on the application;
3. A completed application form; and

4. The applicable plat review fee.
  5. A written statement identifying any items or aspects of the Final Plat which differ from the preliminary plat.
- D. Contents. The final plat shall contain the following information:
1. Name of the subdivision that does not duplicate or closely approximate the name of any existing subdivision.
  2. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second order surveying accuracy that must close. A final plat must show ties to the state plane coordinate system. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines.
  3. Accurate legal description, accompanied by a legal description closure report.
  4. Location of the subdivision boundaries shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. All section and land corners referenced on the plat and legal description shall be identified as to what was physically found or set, e.g., aluminum monument, 1/2" iron bar. These same corners shall also be referenced and reference ties submitted with the plat on the certified Land Corner Restoration/Reestablishment sheet provided by the Missouri Department of Natural Resources, Division of Geology and Land Survey (MLS). If the section corner referenced on the plat has been previously referenced and reference ties have not changed since submission to the MLS, the MLS document number for those corners shall be indicated on the plat.
  5. Total acreage of the proposed subdivision.
  6. Location of lots, streets, public highway, alleys, sidewalks, parks and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves indicated with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curvature to the lot lines.
  7. Area in square feet for each lot or parcel and the dimensions of each lot.

8. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the lots are measured at the building line.

9. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.

10. The exact locations, widths, and names of all streets and alleys to be dedicated.

11. Location, purpose and width of all easements.

12. Boundary lines and description of boundary lines of any area other than streets and alleys that are to be dedicated or reserved for public use, including open space for public use.

13. Building setback lines on the front of all lots and the side streets of corner lots, including dimensions and dedications.

14. Statement dedicating all easements, streets, sidewalks, alleys and other public area using the following language:

Easements: An easement or license is hereby granted to the City of Lone Jack, Missouri, to locate, construct and maintain or to authorize the location, construction and maintenance of poles, wires, anchors, conduits, and/or structures for water, gas, sanitary sewer, storm sewer, surface drainage channel, electricity, telephone, cable television, or any other necessary public utility or services, any or all of them, upon, over, or under those areas outlined or designated upon this plat as "Utility Easements" (U.E.) or within any street or thoroughfare dedicated to public use on this plat.

15. Signature blocks for the following certificates, with the corresponding name typed, printed or stamped beneath the signature.

a. Signatures of the owner or owners and notary public.

b. Certification by a Registered Land Surveyor that details of the plat are correct.

c. The certificate of the Planning and Zoning Commission in the following form:

This plat of \_\_\_\_\_ has been submitted to and approved by the Lone Jack Planning and Zoning Commission on this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_

Planning & Zoning Commission Chairman

d. The approval of the plat and acceptance of easements and rights-of-way by the Board of Aldermen in the following form:

This plat of \_\_\_\_\_ including easements and rights-of-way accepted by the Board of Aldermen has been submitted to and approved by the Lone Lack Board of Aldermen by Ordinance No. \_\_\_\_, duly passed and approved by the Mayor of Lone Jack, Missouri on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

16. Floodplain location, or statement that none exists.
17. Name and address of developer and surveyor making the plat.
18. Scale of the plat at not less than one inch represents one hundred (100) feet (the scale to be shown graphically and in feet per inch), date, and north point.
19. Information required to be recorded on the final plat or a reference to documents required to be recorded with the final plat. Such information shall include but not be limited to covenants that run with the land and conditions of final plat approval imposed by the Board of Aldermen.
20. If requested by City Staff, the Planning & Zoning Commission or the Board of Aldermen, the following additional data shall be submitted with the final plat:
  - a. A title report by an abstract or title insurance company or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat.
  - b. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not

upheld, may be placed on deposit with officials to meet this requirements.

c. A copy of any deed restrictions applicable to the subdivision.

- E. Improvements and Dedications. The Final Plat shall conform to the approved Preliminary Plat. All public improvements and facilities to be provided by the developer shall be approved by the Zoning Administrator and installed prior to the issuance of an occupancy permit, or adequate security in lieu of making improvements shall be provided. All required dedications and easements shall be offered for dedication on the final plat by the applicant before the Planning and Zoning Commission shall approve the Final Plat; however, the approval of a plat does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the appropriate City authorities make a written acceptance.
- F. Effect of Final Plat Approval. Final Plat approval shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Board of Aldermen, provided however, that an applicant may apply for a conditional building permit in the event final plat approval has not been obtained. No lot in the subdivision may be sold until the Final Plat has been officially recorded.

### **3.10 Minor Subdivisions.**

- A. Situations Covered. Minor subdivisions may include:
1. A division of land into no more than three (3) lots.
  2. An adjustment in boundaries between the owners of adjoining platted lots.
  3. An adjustment of building lines.
  4. A resurvey to combine two (2) or more lots or portions of lots into one lot.
- B. Submission requirements. The minor subdivision plat application shall be filed with the Zoning Administrator as follows:
1. A reproducible original and a sufficient number of copies of the proposed minor subdivision plat as specified on the application;

2. All other information required by this Ordinance or as specified on the application;
3. A completed application form; and
4. The applicable plat review fee.

C. Contents. The minor subdivision plat shall contain all information otherwise required of a Final Plat, provided, however, that the Board of Aldermen may waive or otherwise modify any such required information.

D. Consideration and approval of minor subdivisions. Consideration and approval of a minor subdivision plat shall occur as a Final Plat, except that a preliminary plat is not required.

### **3.11 Zoning Amendments.**

A. Zoning Amendments Authorized. The text of this Ordinance or the Official Zoning Map may be amended from time to time by the Board of Aldermen.

B. Initiation of Application. An owner of real property within the City, or that owner's authorized representative, may, upon proof of ownership, apply for amendment to the Official Zoning Map for that landowner's property. Such amendment may also be initiated by the Planning and Zoning Commission, the Zoning Administrator or the Board of Aldermen. An application by a property owner for a change in this Ordinance or the Official Zoning Map shall be on a form supplied by the Zoning Administrator. Said application shall be completed in its entirety and filed with the Zoning Administrator who shall set a public hearing date before the Commission.

C. Report and Recommendation by Commission. Upon conclusion of the public hearing, the Planning and Commission shall forward to the Board of Aldermen its recommendations for any change to the Official Zoning Map or this Ordinance together with its approval, conditional approval or denial of the application where an amendment to the Official Zoning Map is requested.

D. Decision by Board of Aldermen. Upon the receipt of the recommendation of the Commission, the Board of Aldermen shall consider the application and the recommendation of the Commission. If the Board of Aldermen approves an application, it shall adopt an ordinance to that effect. The amending ordinance shall define the change or boundary as amended, and order the Official Zoning Map to be

changed to reflect such amendment.

### **3.12 Variances**

A. Authorized. The Board of Adjustment may authorize an Area Variance, based upon practical difficulties, which would constitute an unreasonable deprivation of use, provided the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done, or for a Use Variance from the provisions of this Ordinance where, owing to unique conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship.

B. Conditions. In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.

C. Procedure. The applicant for variance shall complete and file the appropriate application form(s) with the Zoning Administrator. The Zoning Administrator shall determine if the application is complete. Complete applications shall be scheduled for review at the next regularly scheduled meeting of the Board of Adjustment. Notice shall be provided as required by these regulations.

D. Appeals. Any person aggrieved by any decision of the Board of Adjustment may file in the Circuit Court of Jackson County, Missouri, a petition in the manner and form and within the limitations period provided by law.