

SECTION 2

DEFINITIONS

For the purpose of this Ordinance, certain words and terms used herein are defined as follows:

Administrative Officer. The Officer designated and authorized by the City Council to enforce THE SUBDIVISION REGULATIONS OF
ARCADIA , MISSOURI.

Alley. A permanent public service-way or right-of-way, dedicated for or in public use, other than a street, place, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation to the back or side of abutting properties and not intended for general traffic circulation.

Area, Building. The total of areas, taken on a horizontal plane, at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Net Site. The total area within the property lines of the site, less the area of any street right-of-way.

Barrier (Natural or Artificial). Any street, highway, river, pond, canal, railroad, levee, embankment, berm, stream or drainage ditch, or screening by fence or hedge.

Bench Mark. A definite point of known elevation and location and of more or less permanent character (generally indicated on USGS Topographic maps).

Block. A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, public parks, cemeteries, corporate boundary lines, or other barriers, (except alleys, crosswalks, or exterior boundaries of a subdivision, unless such exterior boundary is a street or highway), or any combination thereof.

Building (Structure). Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter, or protection of persons or property.

Building Line/Building Setback Line. The line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side, or rear yard.

City. The City of Arcadia , Missouri.

City Attorney. The City Attorney of the City of Arcadia ,
or whomever shall be designated as City Attorney.

City Clerk. The City Clerk of the City of Arcadia ,
Missouri.

City Engineer. The City Engineer of the City of Arcadia ,
or whomever shall be designated as City Engineer.

Clean Water Commission. The Missouri Clean Water Commission
of the Division of Health.

Commission. The Planning Commission of the City of
 Arcadia , Missouri.

Common Land. That land set aside for open space or recrea-
tional use for the owners of the residential lots in a sub-
division, which land is conveyed by the developer in fee
simple absolute title by a warranty deed to trustees whose
trust indenture shall provide that said common land be used
for the sole benefit, use, and enjoyment of the lot owners
present and future. No lot owner shall have the right to
convey his interest in the common land except as an incident
to the ownership of a regularly platted lot.

Comprehensive Plan. The Comprehensive Plan of the City of
 Arcadia , Missouri, whether in whole or in part, prepared
by the City Planning Commission and adopted by the Council, in
accordance with the authority conferred by Chapter 89,
Revised Statutes of Missouri.

Council. The City Council of the City of Arcadia ,
Missouri.

County. The County of Iron , Missouri.

County Recorder. The County Recorder of Deeds of Iron ,
County.

Cul-de-Sac. A short, local street having one end open to
traffic and the other end permanently terminated by a vehicular
turn-around.

Dead-End Street. A street having one end open to traffic and the other end closed.

Design. The arrangement of land for easements, lots, and rights-of-way, including materials, improvements, alignment, grade, and width of these elements.

Developer. See "Subdivider."

Drainage Right-of-Way. The land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Easement. A grant by the property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, utility companies, or private individuals.

Engineer. A professional engineer registered in the State of Missouri.

Escrow Agent. A title company, bank, savings and loan association, trust company, reputable attorney or any other person or agency approved by the City Attorney to act as an escrow agent under the provisions of this Ordinance.

Floodplain. The area, usually lowlands, adjoining the channel of a river, stream, watercourse, ocean, lake or other body of standing water, which has been or may be covered by flood waters.

Flood-Prone Areas. All land subject to periodic inundation by the overflow of natural waterways.

Frontage. All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural or artificial barriers.

Grade. The slope of a road or street specified in percent and shown on road and street profiles as required herein.

Health Department. The Iron County Health Department and/or the Department of Public Health and Welfare, State of Missouri, Division of Health.

Hillside Area. All areas within a tract proposed for subdivision development with a slope of fifteen (15) percent or more.

Hillside Street. A street in which the cross slope of the existing ground exceeds fifteen (15) percent and the center-line slope exceeds fifteen (15) percent.

Improvements. The totality of grading, crosswalks, culverts, bridges, sanitary and storm sewers, water mains, street surfaces and/or pavements, street and road signs, street lights, curbs and gutters, sewage treatment facilities, pedestrian ways, gas mains, landscaping, monuments, electric utilities, and all other appropriate improvements required to render land suitable for the use proposed.

Improvement Plans. The engineering plans, prepared by a registered professional engineer, containing all profiles, cross sections, specifications, construction details, and types of materials for all improvements, excluding dwelling units, to be installed for the development of a subdivision.

Jurisdiction. The corporate area of the City of Arcadia Missouri, or any areas which may subsequently come under the jurisdiction of said City.

Land Surveyor. A land surveyor registered in the State of Missouri.

Lot. A portion of a subdivision or other parcel of land intended to be separately owned, rented, leased, developed, or otherwise used as a unit, occupied or to be occupied by a building or group of buildings and accessory buildings, together with such yards and lot area as required by this Ordinance, and having its principal frontage upon a street, road, or place approved by the Commission.

Lot Area. The total horizontal area within the boundaries of a lot exclusive of any land designated for rights-of-way for street or roadway purposes.

Lot, Corner. A lot abutting upon two (2) or more streets or road rights-of-way at their intersection.

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

Lot, Double Frontage. A lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) or more streets.

Lot Lines. The boundaries of a lot.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Major Street Plan. The Official Plans of highways, arterial streets, and collector streets, approved by the Commission, adopted by the Council, and duly recorded in the Office of the County Recorder of Deeds.

Monument. An object set in the ground to mark the boundaries of real estate or to mark a survey station.

Non-Residential Subdivision. Either or both 1) a division or redivision of a tract into more than one lot, plat, or site for commercial or industrial purposes, and 2) the dedication or establishment of a street or improvement in conjunction with or use in any such tract.

Official Map. The map showing highways, streets, parks, and drainage rights-of-way, both existing and proposed, as approved by the Council.

Official Submission Date. The date when a subdivision plan shall be considered submitted to the Commission, and is hereby defined to be the date of the meeting of the Commission at which all required surveys, plans, plats, and data are submitted.

Open Space, Public. Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreational areas, school sites, community or public building sites, open or "green space" areas, and other such areas that shall be deemed necessary by the Commission.

Parking Bay. An area, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking.

Parking Lane. An auxiliary lane of a street or roadway used primarily for vehicular parking.

Pavement. An all-weather, dust-free penetration asphalt, asphaltic concrete, or concrete surface.

Pedestrian Way. An easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, roadways, and properties.

Performance Guarantee. Any security, including performance bonds, escrow agreements and other similar collateral or surety agreements, which guarantees certain improvements will be made by the subdivider or developer.

Person. Any individual, corporation, firm, partnership, association, estate, organization, or any other group acting as a unit.

Place. Any open, unoccupied, officially designated space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Plan, Final. The final plan consists of 1) the final plat and 2) the improvement plans for all or a portion of a land subdivision. All references to "Final Plan" within this Regulation shall refer to both the final plat and the improvement plans.

Plan, Preliminary. A map or plan of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed use of the tract.

Plat. A map, plan, or layout of a city, township, section, county, subdivision, or mobile home park indicating the location and boundaries of individual properties.

Plat, Final. The final plat, prepared by a registered land surveyor, showing complete bearings and dimensions of all lines defining lots and blocks, rights-of-way for all streets, alleys, roadways, and easements, public areas, and other dimensions of land as may be required for the development of a subdivision.

Public Service Commission. The Public Service Commission of the State of Missouri.

Right-of-Way. The land opened, reserved, or dedicated for a street or roadway, sidewalk, drainage way, railroad, or other public purpose.

Setback Line. See "Building Line/Building Setback Line." /

Slope. The inclination of the ground surface from the horizontal plane, usually expressed in percent, degree, or feet-per mile.

Street. A right-of-way, other than an alley, dedicated or otherwise legally established for public or private use, with a surface, usually affording the principal means of access to abutting property. A street is intended primarily as a means of vehicular travel. The street right-of-way may provide space for public facilities such as sanitary and storm sewers, water, gas, and electric lines, and sidewalks. A street may be designated as a highway, thoroughfare, road, parkway, throughway, pike, avenue, boulevard, lane, place, drive, court, or circle. For the purpose of this Ordinance, streets shall be classified as follows:

Arterial. This type of street serves the major traffic movements entering, leaving, or moving within an area. Its principal function is to move traffic and, in cases of high traffic volumes, requires limited access or controlled points of access. Access to property is of secondary importance. These streets are normally characterized by traffic controls and parking restrictions.

Collector. Streets which provide for traffic movement between arterials and local streets, and provide direct access to abutting property.

Local. The sole function of a local street is to provide access to immediately adjacent property. A cul-de-sac is classified as a local street.

Marginal Access Street/Service Road. A local street parallel and adjacent to arterials, railroad rights-of-way, or other barriers, which provides access to abutting properties.

Structure. Anything constructed, which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

Subdivider. A person, firm, corporation, partnership, association, estate, or any other group or combination acting as a unit for the purpose of subdividing or re-subdividing or proposing to divide a lot, tract, or parcel of land into two (2) or more parcels, sites, tracts, or lots, or other subdivision of land that constitutes a subdivision as defined herein, for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines. The term "Subdivider" shall include any agent of a subdivider or developer.

Subdivision, Major. The division of a tract of land into two (2) or more lots, tracts, sites, parcels, or areas any one of which is less than three (3) acres in area and/or the division of a tract of land into any number of lots, tracts, sites, parcels, or areas of any size which includes improvements, new streets, easements, rights-of-way, rights of ingress or egress or provision for a public area or public facility.

Subdivision, Minor. The division of land into not more than two (2) lots, tracts, sites, parcels, or areas for residential purposes, any one of which is three (3) acres or less in area and each having a frontage of not less than two hundred (200) feet on an existing city, state, or federal highway or road dedicated or deeded to the public prior to the adoption of this Ordinance, provided that the proposed subdivision of land:

- a. does not include any new street, easements, rights-of way, rights of ingress or egress (except an approved sewer and water system);
- b. does not include a provision for a public area or public facility;
- c. conforms to the setback line requirements and other requirements contained in the Zoning Ordinance.
- d. conveys the right-of-way necessary for road widening and maintenance of city roads, where the granting of such right-of-way can be given without undue hardship.

Excluded from these regulations are:

- a. the division of land for residential purposes in which all lots or parcels are three (3) or more acres in area;
- b. the division of land for cemetery usage;
- c. the division of land and distribution of land held by a bonafide partnership in existence for two (2) or more years upon dissolution thereof;
- d. the division of land among the immediate members of a family for personal use;

- e. the sale or exchange of parcels of land between owners of adjoining property for the purpose of correcting or adjusting property lines or increasing the size of property already owned by one of the parties;
- f. the transfer, exchange, or sale of adjoining property to improve ingress or egress to existing lots, tracts, and areas.

Where a minor subdivision is proposed that fronts upon an existing city-maintained street or state-maintained highway that is scheduled for widening within the City's or State's five-year program, the developer shall convey the necessary right-of-way or post bond or escrow to insure that the right-of-way shall be provided when the road widening is started. The bond or escrow agreement, therefore, need not provide a termination date.

Surety Company. An insurance company qualified and acting under the provisions of Chapter 379, Revised Statutes of Missouri, which has met the requirements of Section 379.020 thereof and which is approved by the City Attorney.

Title Company. A corporation qualified and acting under the Missouri Title Insurance Law or a corporation which is an issuing agency for an insurance company insuring land titles.

Tract. An area or parcel of land which the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this Ordinance.

U.S.G.S. United States Geological Survey (USGS).

Yard. Any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory buildings or projections as are permitted on the lot.

Yard, Front. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the front building line.

Yard, Rear. A yard extending along the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear building line.

Yard, Side. A yard extending along each side of a lot between the front yard line and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

Zoning District Map. A map entitled "Zoning District Map for Arcadia, Missouri, dated _____, and any amendments thereto.

Zoning Ordinance. The part of the Comprehensive Plan, now or hereafter adopted, which includes an ordinance and map dividing the City into zoning districts with regulations, requirements, and procedures for the establishment of land use controls within the City.