

## **Chapter 400.991 – Administrative Subdivision Regulations**

### **Article I — General Provisions**

#### **400.991 Title and Authority**

This Chapter shall be known as the **“Administrative Subdivision Ordinance”** for the City of Willard Missouri. It supersedes conflicting local provisions where any inconsistency exists.

#### **Purpose**

To establish uniform administrative procedures and technical standards for Administrative replat, Lot Combination, Property Line Adjustment, Zoning Certificate, and Administrative Condominium within the City of Willard, promoting orderly development, protecting public health, ensuring adequate infrastructure, and preserving natural resources.

Administrative subdivisions are not subject to the subdivision procedures of these regulations beyond the classification and predesign conference requirement and the procedures and requirements set forth or cited in this section. However, administrative subdivisions are subject to the development standards set forth in this sub chapter (such as height, bulk, area, density and overlay regulations).

All lots created through the administrative subdivision process must comply with such development standards in order to be developed or improved (except individual cemetery plots). The administrative subdivision procedures may not be used to render a conforming lot nonconforming or to increase a nonconformity. However, the procedures may be used to reduce the nonconformity of a nonconforming lot.

Unless otherwise stated, the provisions of these regulations shall be administered by the Director of Planning and Development.

The director, with the assistance of the city attorney, shall have all necessary authority to administer and enforce these regulations on behalf of the city. Said authority shall include the ability to order, in writing, the remedy of any condition found in violation of these regulations and the ability to initiate legal action to insure compliance with the provisions including injunctions or other action to set aside subdivisions or any illegal conveyance of land which violates provisions of this article. The authority includes injunction, abatement, or other appropriate actions or proceedings.

In the administration of these regulations, the director shall:

1. Receive, review for completeness and substantial compliance, officially accept, and maintain current permanent files and records for all applications for subdivision approval.
2. Conduct inspections of proposed subdivisions to determine compliance with these regulations.
3. Ensure that copies of the subdivision regulations are available for public distribution.
4. Provide such technical and consultative assistance as may be required by the planning commission, the city council, and by the agencies of the city in the exercise of their duties relating to these regulations.
5. Perform such other duties and functions as required by these regulations.

### **Classification of Subdivision.**

Classification of the subdivision shall be made by the director in accordance with the definitions of this section.

- A. Subdivisions shall be classified as a platted subdivision or administrative subdivision in accordance with the provisions of this section.
- B. Administrative subdivisions shall include an administrative re-plat, a lot combination, property line adjustment, tract certification, or qualifying administrative condominium in accordance with the provisions of this section.
- C. The subdivision does not conflict with any adopted comprehensive plan, capital improvements plan, or zoning.
  1. **Platted subdivision.** A subdivision of property into four or more tracts, parcels or lots, which is approved by the planning and zoning commission and city council and is recorded in the form of a plat at the office of the Greene County Recorder of Deeds.
  2. **Administrative subdivision.** A subdivision of property which the director of planning and development has the authority to approve in accordance with this article.
  3. Classification of a subdivision as anything other than a "platted subdivision" shall not be construed as a waiver of any requirements of these regulations nor the provisions of any other ordinance or statute pertaining to the property.

D. Administrative subdivisions are limited to the following and shall meet the conditions for each as described herein:

1. **Administrative re-plat.** The subdivision of land shall be classified as an administrative re-plat if an existing lot in a previously recorded subdivision is subdivided into not more than five (5) tracts, parcels or lots, and does not include the dedication of a new street or other public way or change in existing streets, or alleys.
2. New tracts, parcels, or lots shall be served by individual utility stubs and meet stormwater requirements. The proposed replat shall be in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Willard and no substandard tract, parcel or lot shall be created.

(i) The administrative re-plat is prepared for recording in accordance with the following standards:

(i) The document shall be entitled "Administrative Re-plat of \_\_\_\_\_ Lot of \_\_\_\_\_ [Prior Subdivision Name]";

(ii) All stormwater conveyance and/or detention facilities are required to be designed in accordance with the design standards adopted by the Department of Public Works and constructed, inspected and approved prior to issuance of building permits

3. **Lot Combination.** The assembly or combination of contiguous existing tracts of record. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, location of easements, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered.

The proposed lot combination does not substantially increase the potential for development or does not substantially increase demands on public infrastructure serving existing and proposed tracts, parcels or lots.

4. **Property Line Adjustment.** Movement of a property line to correct an encroachment or property line dispute in which the property line is moved to change the dimensions of a tract while maintaining its original shape. The proposed property line adjustment shall be in compliance with

the zoning ordinances and other ordinances and regulations of the City of Willard and no substandard tract, parcel or lot shall be created.

5. **Zoning Certification.**

- a. **Purpose:** The certificate ensures compliance with zoning regulations, preventing potential legal issues or fines. It also provides a formal record of the property's zoning status.
- b. **Application:** Property owners or developers shall submit an online zoning application, which shall include details about the property, proposed use, legal description and any associated plans.
- c. **Review:** Planning & Zoning shall review the application to ensure it complies with local zoning ordinances and regulations.
- d. **Verification:** If the application is approved, a zoning certificate may be issued, confirming that the property meets the required zoning standards and can be used for the intended purpose.

6. **Administrative Condominium.** A condominium development that is created, modified, or adjusted through an *administrative review process* rather than through a full public hearing process, if it meets certain qualifying criteria.

**E. Requirements for an Administrative Condominium**

1. May involve converting an existing building into individually owned condo units without altering exterior footprint or public improvements.
2. Meets all Zoning and Building Codes and comply with minimum standards for floor area, parking, access, fire separation, etc.
3. No new public street dedications, utility mains, or major drainage improvements required.
4. Recorded Documents
  - a. Condominium Declaration: Establishes the condominium regime, rights, and obligations.
  - b. Bylaws: Governs association, operation, and maintenance of condominiums and common or open space.
  - c. Formally establishes an HOA or other directory body for the enforcement of bylaws rights and obligations.
  - d. Both must be filed with the county recorder in compliance with state condominium statutes RSMo Chapter 448

## **F. Definitions**

**Administrative Subdivision:** A review that is handled by staff (planning, zoning, building departments) rather than through a discretionary review by a planning commission or governing body.

**Applicant:** Owner or authorized agent applying under this Chapter.

**Condominium** – A form of real property ownership in which units are individually owned, while common areas (hallways, parking, amenities, etc.) are owned jointly by all unit owners through a condominium association, and governed by a recorded declaration and bylaws.

**Sketch Plan:** A conceptual drawing showing existing and proposed boundaries

## **G. Administrative Subdivisions**

**When Required:** An administrative subdivision is required when any unplatted tract which contains less than ten (10) acres is created, reconfigured, or joined to another tract.

The Planning Director has the authority to approve Administrative Subdivisions when all of the following requirements are met:

1. Not more than three (3) tracts which contain less than ten (10) acres each shall be created, inclusive of any tract retained by the owner.
2. Each tract must follow the requirements of the zoning district within which it is located at the time of application.
3. Each tract must be lawful under these Regulations at the time the existing property description was recorded.
4. The configuration of the property shall have been created by a court decree or order resulting from testamentary or intestate provisions. Such property configuration must comply with the zoning district regulations within which it is located or have had a variance granted by the Board (of Zoning Adjustment).
5. Minimum lot area for the zoning district, excluding area dedicated for additional right-of-way complying with the current Willard Master Transportation Plan, shall be met.
6. Additional right-of-way required for future road improvements any other required public improvement may be provided without substantially reducing the usable space of any tract being considered.
7. Any proposed tract(s) without direct access to a public road must be served by a private ingress/egress easement at least fifty (50) feet in width.

8. Future development of all adjacent tracts shall not be hampered. Access through the proposed tracts may need to be provided to adjacent tracts impeded by environmental or topographic issues.
9. No tracts shall be created that are impaired by environmental factors, such as sinkholes or floodplain, to the extent that successful development of such tracts becomes questionable.
10. Where proposed tract(s) have access to public services such as sanitary sewer, the Planning Director shall consider whether lots created will be consistent with those in the surrounding vicinity, including existing subdivisions. With the creation of lots adjacent to existing recorded subdivision lots on a common street/road, tract frontage shall meet current zoning requirements
11. The proposed subdivision shall not result in public service requirements nor interfere with the maintenance of existing services.
12. The granting of the Administrative Subdivision shall not conflict with the intent of these Regulations.

#### H. Application Submission Requirements

1. A completed application form containing notarized signatures of all owners;
2. Copies of land descriptions for each proposed tract and that of any additional right-of-way being surrendered;
3. Warranty deed form for additional right-of-way containing notarized signatures of all owners, applicable only to newly created tracts that are less than ten (10) acres in size and adjacent to one (1) or more public rights-of way;
4. A copy of the most recently recorded deed for all property being reviewed;
5. Land survey of the property proposed for Administrative Subdivision, prepared by a land surveyor who is registered to practice in the state of Missouri, complying with the current Missouri Minimum Standards for Property Boundary Surveys, and including the following:
  - i. Monuments at each corner;
  - ii. Certificate of Approval signature block for the Planning Director;
  - iii. All easements of record;
  - iv. Full right-of-way for all adjacent streets;
6. Additional right-of-way required to comply with the road classification(s) as dedicated in the adopted City of Willard Master Transportation Plan;
  - i. Right-of way, existing and additional shall be shown as one (1) combined tract.
  - ii. The survey shall delineate existing and additional right-of-way.
  - iii. Right-of-way shall be shown on the survey as an adjoining tract, and monuments shall be set at all corners of said

right-of-way, including corners on the existing centerline, points of curvature, and points of tangent.

7. The centerline alignment for roads, determined by the land surveyor and subject to review and approval by the City of Willard using the following criteria:
  - i. Additional right-of-way required to comply with the road classification(s) as dedicated in the adopted the City of Willard Master Transportation Plan;
  - ii. Right-of way, existing and additional shall be shown as one (1) combined tract.
  - iii. The survey shall delineate existing and additional right-of-way.
  - iv. Right-of-way shall be shown on the survey as an adjoining tract, and monuments shall be set at all corners of said right-of-way, including corners on the existing centerline, points of curvature, and points of tangent.
8. Description complete enough that the described tract of land may be located and identified

I. ***Administrative re-plats.*** *The director of planning and development has the authority to approve an administrative re-plat if it complies with one of the following requirements:*

1. The configuration of the property was created by a court decree or order resulting from testamentary or intestate provisions.
2. All lots in the proposed subdivision are at least 40 acres.
3. The director finds the subdivision of land satisfies all of the following conditions.
  - a. The proposed subdivision is part of a previously final platted and recorded subdivision.
  - b. The proposed subdivision does not:
    - i. Create more than five new lots from each lot created by a previously recorded subdivision; and
    - ii. The aggregate total of new lots created does not exceed five tracts, parcels or lots from each lot created by a previously recorded subdivision if any of the area of the proposed subdivision was part of a prior administrative re-plat or lot division
4. The proposed subdivision does not include the dedication of a new street or other public way or change in existing constructed streets or alleys.

5. The right-of-way adjacent to the proposed subdivision meets the widths prescribed by this article and by the city, or the proposed subdivision includes the dedication of additional right-of-way necessary to provide the prescribed right-of-way width.
6. The proposed subdivision includes the dedication of any easements determined necessary by the director of public works or to provide utilities to serve the subdivision.
7. Each lot of the proposed subdivision is already served by the following improvements:
  - (i) Public sanitary sewer, and
  - (ii) Potable water facilities.
8. Each lot of the proposed subdivision is either:
  - a. Already served by stormwater conveyance and/or detention facilities, whether public or private; or
  - b. Construction of private stormwater conveyance and/or detention facilities is proposed to be deferred to time of development in compliance with the following conditions:
    - i. plat note is included on the administrative re-plat requiring the construction of the private stormwater conveyance and/or detention facilities prior to issuance of a building permit;
    - ii. The subdivider submits preliminary design plans with the application for the administrative re-plat sufficient to show that the proposed private stormwater conveyance and/or detention facilities can be engineered to function as proposed; and
    - iii. The director of public works approves the concept set forth in the preliminary design.
9. Each lot of the proposed subdivision has sidewalks meeting current city standards, or security for the construction of sidewalks is provided as set forth in this section.
10. The proposed subdivision is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Willard and no substandard tract, parcel or lot will be created.
11. The proposed subdivision will not result in substantial impact on public infrastructure nor interfere with the maintenance of existing service levels, e.g. additional curb cuts, repaving, etc.

12. The proposed subdivision is consistent with the surrounding area in terms of the size and dimension of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development.

J. **Lot combinations.** The director of planning and development has the authority to approve lot combinations in which the configuration of the property is created by the assembly or combination of existing tracts of record under the following circumstances.

1. **Court decree.** The configuration of the property was created by a court decree or other resulting from testamentary or intestate provisions; or
2. **Lot combination—No substantial impact.** A lot combination upon a finding by the director that the proposed lot combination does not substantially increase the potential for development or does not substantially increase demands on public infrastructure serving existing and proposed tracts, parcels or lots, and the following conditions are satisfied:
  - a. The proposed lot combination is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Willard and no substandard tract, parcel or lot will be created; and
  - b. The proposed lot combination will not create any tract, parcel or lot which does not meet the minimum lot standards of the zoning district in which it is located; and
  - c. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement; and
  - d. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered.
3. **Lot combination—Substantial impact.** A lot combination upon a finding by the director that the proposed lot combination substantially increases the potential for development or substantially increases demands on public infrastructure serving existing and proposed tracts, parcels or lots, and the following conditions are satisfied:
  - a. The proposed lot combination is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Willard and no substandard tract, parcel or lot will be created; and

- b. The proposed lot combination will not create any tract, parcel or lot which does not meet the minimum lot standards of the zoning district in which it is located; and
- c. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement; and
- d. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered; and
- e. The proposed lot combination does not include the dedication of a new street or other public way or change in existing streets or alleys; and
- f. The right-of-way adjacent to the proposed lot combination meets the widths prescribed by this article and by the city, or the proposed subdivision includes the dedication of additional right-of-way necessary to provide the prescribed right-of-way width; and
- g. The proposed lot combination includes the dedication of any easements determined necessary by the director of public works or to provide utilities to serve the new lots; and
- h. Each lot of the proposed lot combination subdivision is adequately served by individually metered utilities

**K. *Property Line Adjustment.*** Movement of a property line to correct an encroachment or property line dispute in which the property line is moved to change the dimensions of a tract while maintaining its original shape.

- 1. The proposed lot combination is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Willard and no substandard tract, parcel or lot will be created; and
- 2. The proposed lot combination will not create any tract, parcel or lot which does not meet the minimum lot standards of the zoning district in which it is located; and
- 3. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement; and
- 4. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered.

**L. *Administrative Condominium***

1. Define the scope of revision of an existing building into individually owned condo units without altering exterior footprint or public improvements.
2. Detail that the project meets all Zoning and Building Codes and complies with minimum standards for floor area, parking, access, fire separation, etc.
3. Note all easements, utilities, streets common areas, and drainage facilities.
4. All sewer installations shall comply with the city of Willard specifications for installation and use.
5. Compliance with floodplain and environmental regulations.
6. No additional nonconformities created.
7. Provide documentation for the following:
  - a. Condominium Declaration: Establishes the condominium regime, rights, and obligations.
  - b. Bylaws: Governs association, operation, and maintenance of condominiums and common or open space.
  - c. Formally establishes an HOA or other directory body for the enforcement of by-laws rights and obligations.
  - d. Both must be filed with the county recorder in compliance with state condominium statutes RSMo Chapter 448

#### **M. Public Notification**

Not required for administrative subdivisions unless a variance or waiver is involved.

#### **N. Review, Conditions, Surety**

##### **Review Procedures**

1. Staff circulates the Final Plat to relevant departments (Public Works, Utilities, Fire, Environmental Health, etc.) within jurisdiction.
2. Comments must be addressed prior to plat approval.
3. Approval may be granted with conditions; applicants must meet conditions before recording or provide surety.

#### **O. Surety**

Where improvements are incomplete, the applicant must post surety in an amount equal to 150% of cost estimate (performance bond, escrow, letter of credit) consistent with the jurisdiction's standard practices.

## **P. Effect of Approval**

Recorded plats establish legal lots for transfer or development; unrecorded or improperly recorded plats are void, and no building permits will be issued for those parcels.

## **Q. Appeals and Variances**

### **Appeals**

1. **Willard:** Appeal must be filed with the Willard Board of Adjustments within 30 days of staff decision.

## **R. Transition and Effective Date**

### **Transition**

Applications existing at the time of this Chapter's adoption may continue under previous rules unless the applicant opts into the current process.

### **Severability**

If any part of this Chapter is invalid, the remainder stays in full force.