



PLANNING AND ZONING COMMISSION MEETING

JUNE 18, 2026 @ 6:00 PM
MONETT CITY ANNEX

AGENDA

I. Call to Order

II. Approval of the Agenda

III. Public Comments

- A. General public comments not pertaining to agenda items are to be given 3 minutes per person. Comments pertaining to agenda items are to be discussed during the appropriate section.

IV. Regular Business

- A. Consent Agenda
 - i. Approval of Minutes from the May 21st, 2026 Planning and Zoning Commission Meeting

V. Old Business

- A. Consideration for Recommendation of Approval of the Implementation of a Vacant Building Registry and Property Maintenance Program

VI. New Business

- A. Petition of Amendment of Zoning Ordinance - Rezoning a Part of the Land of the Monett Veterinary Hospital from Zone "B" Second Residential to Zone "C" Commercial

VII. Informational Items

- A. General Discussion and Q&A Regarding Differences Between Subdivisions and Minor Subdivisions
- B. Next Planning and Zoning Commission Meeting - Thursday, July 16th, 2026 at 6:00pm at the Monett City Annex

VIII. Adjournment

PLANNING AND ZONING COMMISSION MEETING MINUTES

Thursday, May 21, 2026

Monett City Annex

Members Present

Chairman, Mike Wallace; Commissioners Randy Burke, Randall Click, Gale Huffmaster, Darren Indovina, and Kevin Cloud.

Members Absent

Commissioner, Jeff Carr.

Staff Present

Community Development Director, Doug Potts; Development Assistant, Andrew Miller; Deputy City Clerk, Jackie Williams.

I. Call to Order

Chairman Wallace called the meeting to order at 6:00 p.m.

II. Pledge of Allegiance

The Pledge of Allegiance was recited.

III. Approval of Agenda

Commissioner, Randy Burke moved to approve the agenda. Commissioner, Kevin Cloud seconded the motion.

Vote: Motion carried unanimously.

IV. Public Comments

No public comments were received.

V. Regular Business

A. Consent Agenda

1. Approval of Minutes – March 19, 2026, Planning and Zoning Commission Meeting

- Commissioner, Randall Click moved to approve March 19, 2026, meeting minutes. Commissioner, Kevin Cloud seconded the motion.

Vote: Motion carried unanimously.

2. Approval of Minutes – March 5, 2026, Planning and Zoning Commission Meeting

- Commissioner, Kevin Cloud moved to approve March 5, 2026, meeting minutes. Commissioner, Darren Indovina seconded the motion.

Vote: Motion carried unanimously.

VI. Old Business

A. Vacant Building Registry

- Community Development Director, Doug Potts presented a revised draft of the proposed Vacant Building Registry that addressed concerns raised by the Commission at previous meetings. Discussion focused on implementation procedures and potential benefits, including support for emergency services.
- Commission members expressed interest in continuing discussion of the registry at the June meeting.

VII. New Business

A. Rezoning Request – 617 and 619 W. Main Street from Zone “D” to Zone “C”

- Community Development Director, Doug Potts informed the Commission that the previous rezoning petition submitted by Jason Kurima had been withdrawn and replaced with a new petition requesting the rezoning of 617 and 619 W. Main Street from Zone “D” Industrial to Zone “C” Commercial.
- Community Development Director, Doug Potts, reviewed the petition and noted that the request was similar to the previous application. He recommended approval of the rezoning request.

- Commissioner Randall Click moved to approve of the rezoning request for 617 and 619 W. Main Street from Zone “D” Industrial to Zone “C” Commercial. Commissioner Gale Huffmaster seconded the motion.
- **Vote:** Motion carried unanimously.

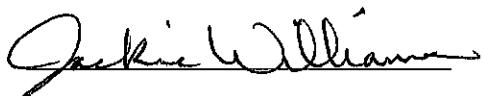
VIII. Informational Items

A. Draft Comprehensive Plan

- Community Development Director, Doug Potts provided an update on the Comprehensive Plan draft. The Commission discussed the draft document, and the anticipated timeline for adoption and implementation.
- The next regular Planning and Zoning Commission meeting is scheduled for June 18, 2026, at 6:00 p.m. at the City Annex.

IX. Adjournment

There being no further business, the meeting was adjourned.



Jackie Williams
Deputy City Clerk

Staff Report

To: Planning and Zoning Commission
From: Community Development Department
Date: 5/4/2026, Updated 6/3/2026
Re: Changes to the Vacant Building Registry and Property Maintenance Program

GENERAL INFORMATION

On April 16th, 2026, the Planning and Zoning Commission met to discuss the possibility of implementing a Vacant Building Registry and Property Maintenance Program. Although at the time of this staff report the Minutes from said meeting have not been published or accepted yet, the general takeaway from this meeting surrounds the concept that a building needs to be proved *vacant and needs one other significant qualifying reason as to how this causes an issue regarding the health, safety, or welfare of the citizens of the City of Monett.*

Secondly, it was brought up specifically that certain building qualifications would trigger a “vacancy” definition, but would not normally be considered vacant – rather, unused. These examples could be properties such as unoccupied homes for sale by owner, second/seasonal/vacation homes, properties where an owner has relocated to a care facility, etc. The Community Development Department acknowledges that not all cases of understandable or allowable vacancy could be enumerated in a succinct manner.

The determination of vacancy is ultimately at the discretion of the City of Monett’s Community Development Director and Building Inspector *in addition to* the definitions enumerated in Section 500.105. There may be factors or conditions not enumerated that could be subjectively interpreted as vacancy by 3rd parties that would not meet a standard of vacancy by the Director and Building Inspector or would not be in keeping with the spirit of the ordinance outlined in Section 1 of the draft legislation.

The Community Development Director would like to reiterate that the spirit of the law is the key factor to this determination.

The Community Development Department agrees with this understanding that vacancy alone does not create a problem itself with regards to the health, safety, or welfare of the citizens of the City of Monett. Vacancy often does, however, lead to such a situation where said health, safety, or welfare is negatively affected by the vacancy.



GENERAL INFORMATION, CONT.

Therefore, the Community Development Department considered avenues to amend the next draft version of the Vacant Building Registry and Property Maintenance Program to implement this two-part system. To summarize the new plan, we will implement a two-step system where the property must first be proven to be vacant through both the objective requirements of the ordinance and/or the subjective nature as determined by the City's officials, then a decision must be made by an appropriate adjudicator that the health, safety, and welfare of the citizenry is being negatively impacted. Only then would the property qualify to be put on the Vacant Building Registry.

The May 21st meeting shall serve as continued discussion on the matter, and ideally will come up for a vote for recommendation in June or July pending additional crafting of the legislation.

PROPOSAL

The Community Development Department is proposing a new Vacant Building Registry and Property Maintenance Program for all properties within the City of Monett as described in the example Ordinance attached to this staff report. This would be based on the ordinance as written as well as the discussions had and questions answered throughout this process.

RECOMMENDATION

The Community Development Department recommends this Vacant Building Registry and Property Maintenance Program as a tool that can be utilized to properly identify, come up with a plan to alleviate, and mitigate the vacant buildings within the City of Monett. This program would allow for ample time for residents and building owners to prepare themselves for the program.

ATTACHMENTS

Please see the following attachments – all provided for the last meeting and available digitally only on the City's website under "Agendas and Minutes", or by email request:

1. (Previous Version) Draft Version of an Ordinance Implementing the Vacant Building Registry and Property Maintenance Program
 2. Previous Staff Report on Vacant Building Registry Basics
 3. Previous Staff Report on Vacant Building Registry #1
 4. Previous Staff Report on Vacant Building Registry #2
 5. Previous Staff Report on Security Aspect of VBRs
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AN ORDINANCE AMENDING MONETT TITLE V – BUILDING AND CONSTRUCTION BY ADDING A NEW SECTION 500.105 – ESTABLISHING A VACANT BUILDING REGISTRATION AND MAINTENANCE PROGRAM FOR THE CITY OF MONETT, MISSOURI

WHEREAS, the City of Monett has identified that vacant and abandoned buildings can contribute to neighborhood decline, create safety hazards, and impose costs on the public; and

WHEREAS, the City is authorized pursuant to Sections 67.398 and Chapter 89 of the Revised Statutes of Missouri to regulate vacant property, structures, and nuisances; and

WHEREAS, the City Council finds that the registration and regulation of vacant buildings is necessary to protect the health, safety, and welfare of the citizens of Monett;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONETT, MISSOURI, AS FOLLOWS:

Section 1. It is the purpose and intent of the City of Monett to establish a program to address the deterioration and blight of city neighborhoods caused by an increasing number of abandoned, condemned, foreclosed, or distressed real properties located within the city, and to identify, regulate, and reduce the number of abandoned properties located within the city. It is the city's further intent to establish registration requirements as a mechanism for code enforcement to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned, condemned, and foreclosed real property. It is recognized that blight lowers property values, leads to deteriorating conditions, undermines the quality of life, affects the public health, safety and general welfare and also results in human injury and criminal activity. It is also determined that vacant and unoccupied structures demand an inordinate amount of the City's administrative and ordinance enforcement resources. As such, the city finds the prolonged presence of vacant and abandoned structures to be unacceptable to the citizens of the City of Monett.

Section 2. The Council does hereby amend Title V – Building and Construction by adding a new Section 500.105 to read as follows *Italicized*:

Section 500.105 – Vacant Building Registration and Maintenance

A. Definitions: *The following words, terms and phrases, when used in this Section shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:*

- 1. Abandoned:** *means real property that is vacant and under a current notice of default or notice of sale, or property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.*
- 2. Accessible structure:** *means a structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.*
- 3. Accessible property:** *means a property that is accessible through a compromised, breached, or broken gate, fence, or other entry point by unauthorized persons.*
- 4. City:** *means the City of Monett, Missouri.*
- 5. Days:** *means consecutive calendar days.*
- 6. Deed of trust:** *means a recorded instrument that transfers ownership of a property to a third-party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.*
- 7. Deed in lieu of foreclosure or sale:** *means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.*
- 8. Default:** *means the failure to fulfill a contractual obligation, monetary or conditional.*
- 9. Evidence of vacancy:** *means any condition that combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; stagnant swimming pool water; accumulation of trash, junk, or debris; the absence of window coverings such as curtains, blinds, or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.*
- 10. Foreclosing and foreclosure:** *have the same meaning, that being the process by which a property, placed as security for a real estate*

loan, is prepared for sale to satisfy the debt if the borrower (trustor) under a deed of trust defaults.

11. Initiation of the foreclosure process: *means taking any of the following actions:*

- (1) Delivering a notice of default to the borrower;*
- (2) Delivering the mortgagee's notice of intention to foreclose to the borrower; or*
- (3) Commencing a foreclosure action on a property in a court of law.*

12. Joint liability: *means any owner or person in control of a property or subsequent owner of a property for which a notice of violation to correct building code violations has been issued shall be jointly and severally liable for the costs incurred by the city for abatement of violations on the property. Joint and several liability shall be attributed to each entity in the chain of title from the date of issuance of orders forward.*

13. Local: *means within the city limits of Monett, Missouri.*

14. Notice of default: *means a notice that a failure to fulfill a contractual obligation, monetary or conditional, has occurred.*

15. Out of area: *means outside the city limits of Monett, Missouri.*

16. Property: *means any improvements, buildings or structures or portions thereof regardless of condition.*

17. Securing: *means such measures as may be directed by the building inspector, or his/her designee, that assist in rendering the property inaccessible to unauthorized persons including, but not limited to, the repairing of fences and walls, chaining/padlocking of gates, the repair or temporary boarding of doors, windows, and other openings.*

18. Vacant: *means a property at which the Building Inspector has substantially determined all lawful business operations or residential occupancy has ceased. In determining whether a property is vacant, it is relevant to consider, among other factors, the condition and value of any items in the property and the presence of continuous nuisance and code violations on the property; provided that multi-family residential property containing four or more dwelling units shall only be considered vacant when the majority of all of the dwelling units become unoccupied and a majority remain unoccupied for more than six months without the property being actively listed for sale.*

19. Willful and intentional: *means the failure to register or take the necessary actions to register as required under this article after two successful attempts by the building inspector's office to notify the responsible party of their responsibility to register the property. Such actions shall constitute a rebuttable presumption that the responsible*

party has willfully and intentionally failed to register as required under this article.

B. Annual registration of vacant, condemned, and/or foreclosing properties required: *Applying to all vacant, condemned or foreclosing properties, as defined in this article, including properties owned, operated, or subsidized by public or nonprofit agencies. This article shall be in force on all existing properties within one calendar year, three hundred and sixty five (365) days of the date of passage.*

- 1. Adherence to this article does not relieve the owner or any other party of any applicable obligations set forth in any other ordinances which may apply to the property.*
- 2. Registering vacant or foreclosing properties pursuant to this article does not relieve any party of any obligation to otherwise record property information.*
- 3. Registration of an abandoned structure does not preclude the city from taking appropriate actions to secure the property; or to issue orders to repair or abate dangerous, hazardous, or unlawful conditions; or from acting to eliminate an imminent hazard to public health and safety.*
- 4. All owners must register vacant and/or foreclosing properties as defined in this article annually with the building department of the city by submitting a vacant/foreclosing property registration form provided by the city.*

(1) The cost of the annual registration, inspection, and plan review shall be \$150.00.

(2) All vacant property, within 365 days of becoming and remaining vacant, shall be registered by the owner or agent on approved forms from the city.

(3) All foreclosing properties, within 90 days of initiation of the foreclosure process as defined in this article, must be registered by the party initiating the foreclosure process on approved forms by the city.

b.) At the time of registration with the city, the party initiating the foreclosure process must send written notice addressed to the occupant of the property that the foreclosure process has been initiated. Notice shall be sent by regular United States mail, postage pre-paid.

- 5. All owners or agents shall apply for registration on a form provided by the building department which shall include provision for the following information:*

(1) The common name of the property, if any, the exact street address of the property, and the number of units in each building on the property.

(2) An identification of the owner(s) by full name, mailing address and telephone number. If the mailing address is a P.O. Box, it must also include a physical address for service of process. If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address and telephone number of any of the following shall be provided:

a.) For a corporation, a corporate officer and the chief operating officer;

b.) For a partnership, the managing partner;

c.) For a limited liability company, the managing or administrative member;

d.) For a limited partnership, a general partner;

e.) For a trust, a trustee; or

f.) For a real estate investment trust, a general partner or an officer.

g.) If the owner does not reside within the city, he or she shall designate a local agent who shall be authorized to receive on behalf of the owner service of any notice, order or summons issued because of a violation of this code.

Such agent must be an individual over the age of 18 years and must reside within the city or reside within a 60 mile radius of the city. All official notices may be served on the responsible local agent and any notice so served shall be deemed to have been served upon the owner of record. A registered agent's signature shall indicate consent to the designation.

h.) After receipt of the completed application, payment of the fee, and processing of the application; the owner or their authorized representative shall arrange a time for an inspection to be completed by the building inspector to determine the existing condition of the property. The owner or authorized representative shall be present during such inspection. A detailed inspection report will be created by the building inspector and a copy provided to the property owner within seven days.

C. Posting

- 1. Contact information:** *Within 30 days of registering the property, every owner of a vacant property shall post an exterior-facing notice in a*

front window furnishing the 24-hour contact name and telephone number for a person responsible for maintaining the property. The address of the contact shall also be provided on the posting. The posting shall be hung from the interior of the window.

- 2. **Premises identification:** The owner shall also post the address on front of the home within 30 days of registering the property. The address must be clearly visible from the street.*

*D. **Plan of Action** - All owners of vacant buildings that are condemned, but have been deemed repairable by the building inspector, may submit a plan of action on approved forms to repair the building and premises thereof in conformance with city ordinances prior to issuance of permits. The plan of action shall include at a minimum:*

- 1. The address of the vacant building or structure.*
- 2. The owner's name, address and telephone number.*
- 3. A timeframe in which repairs are to be completed not to extend beyond one (1) calendar year.*
- 4. A detailed plan to repair any walls, floors, structure, electric, plumbing, doors, windows, etc. or other openings which are otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of a similar type.*
- 5. The property owner shall submit a plan of action to the building inspector within 90 days of the property owner's receipt of the detailed inspection report, in accordance with the guidelines set forth within this article, and such plan of action shall be submitted to, and approved by, the building inspector prior to issuance of any permits. If refused by the building inspector, an acceptable plan must be submitted in 30 days.*
- 6. If no plan is submitted, the plan is not followed, or the owner fails to submit an acceptable plan to the building inspector shall recommend to the Monett Building Board that the building shall be ordered demolished within six (6) months.*
- 7. If the building is going to be rehabilitated, then the building or residential structure must be heated to avoid freezing pipes, fuel gas pipe systems must be maintained gastight, safe, and in working condition, and water pipes must be maintained to avoid leaks and/or breakage.*
- 8. Fuel tanks will be maintained so as not to be a hazard or will be disconnected in a manner consistent with the 2017 National Fire Protection Code.*

*E. **Demolition of properties:** All owners of vacant buildings that have been condemned who wish to demolish the structure adjudged by the building*

inspector to be too damaged, decayed, or cost ineffective to repair, must submit a demolition permit application as part of their plan of action with all applicable fees and a set of plans showing the demolition site, location of utilities, and all existing buildings.

- 1. All buildings to be demolished must be demolished within six (6) months of an applicable demolition permit*
- 2. Inclement weather may delay demolition requiring an extension from the building inspector.*
- 3. Owner assumes all responsibility for asbestos testing, if needed, and for any liability resulting from the demolition of the building or the resulting debris.*

F. Notice on sale or transfer of property:

- 1. Every owner selling or transferring title to a vacant, condemned, or foreclosed property registered, as provided in this article, shall give notice, in writing, to the building department within 30 days of closing. This notice shall include the name, address and telephone number of the buyer and a notarized statement from the buyer that they are aware of the condition of the property, have seen the inspection report, and either plan to repair or demolish the structure.*
- 2. The new owner shall have 30 days from the date the change of ownership occurred to file a new registration with the building department if structure is still unfit for occupancy. There shall be a \$150.00 fee for this new registration and the property must be re-inspected.*

G. Exceptions to registration:

- 1. The property is the subject of probate proceedings or its title is otherwise the subject of current litigation, not including foreclosure proceedings. This exception shall not be applicable for more than 36 months without permission of the building inspector.*
- 2. The property has been used as a second residence by a person entitled to possession for a period of at least three (3) months within the previous nine months and the same person intends to resume residing at the property.*
- 3. A property shall not be considered vacant which is being currently marketed by a licensed real estate professional hired by the former or current occupant of the property and to which water service has not been shut-off.*

H. Notice on occupancy of property - *Every owner of a property registered as provided in this article that becomes occupied after approval of the building inspector that the action plan for the property is complete, shall give notice in writing to the building inspector within 30 days of occupancy.*

I. Inaccurate or incomplete registration information; violation - *It shall be a violation of this code and unlawful for an owner or a responsible person to provide inaccurate information for the registration of vacant or foreclosing properties or to fail to provide information required by the city for the registration or to fail to register. Violators shall be punished as set forth in this article.*

J. Boarding standards - *The premises shall remain secure and locked. Broken windows and doors may be temporarily covered with boarding material, in accordance with Section D, boarding standards, for a time period no greater than thirty (30) business days, while arrangements are being made to replace the broken glass or broken parts of existing windows and doors. Otherwise windows and doors must be maintained in good repair and not boarded up.*

K. Administration; violation; penalties:

- 1. Whenever an owner or agent of a structure or premises fails to abate the conditions specified in this article or any order of the Planning & Zoning Commission or City Council after appeal within the time specified therein, the owner or agent shall be fined not more than \$500.00/month. Each month of violation shall be a separate offense.*
- 2. Any owner who fails to complete their approved plan of action, unless an exception is made by the building inspector, shall be fined not more than \$500.00 per month for each month of noncompliance. Each month of violation shall be a separate offense.*
- 3. If the owner fails to remove the building within six (6) months, or fails to pursue removal of the building without unnecessary delay, the enforcement officer shall recommend to the Monett Building Board the building to be demolished. The costs of removal may include an administration fee for the city's costs.*

Section 3. The new change shall take effect upon the passage of this Ordinance and fees shall only be levied three hundred and sixty five (365) days from passage on the effective date.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Whereupon a roll call vote was taken:

Ayes: _____

Nays: _____

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MONETT,
MISSOURI, THIS _____ DAY OF _____, 2026.

James R. Burke, Mayor

ATTEST:

Kelley McMillan, City Clerk

Staff Report

To: Planning and Zoning Commission
From: Andrew Miller, Development Assistant
Date: 6/1/2026
Re: Rezoning Petition for Monett Veterinary Hospital

GENERAL INFORMATION

Petitioner Erin & Zach Carnes – owners of the Monett Veterinary Hospital on Dairy St. (the Vet) – are seeking a rezone an unaddressed part of the property that their veterinary clinic sits upon. For the sake of clarity, I recommend looking at the attached map to understand where this property is.

To my understanding, the original purchase of the property upon which the Vet currently sits upon was merely a preexisting building upon the east half of their current owned property. It is my understanding that the following things occurred, but it is unknown in which order they occurred:

1. The Vet rezoned their parcel from Zone “B” to Zone “C” in 2019 through P&Z.
2. The Vet purchased an immediately-western adjoining lot for future expansion.
3. The Vet expanded their current building with addition that extended across the western boundary into this new lot.
4. The Vet built their new parking lot upon the new land (still zoned “B”).

All of this occurred and everything was completed within the realms of the law and our practices. This is just backstory and has little effect on the current rezoning petition.

At this time, however, the Vet would like to build a commercial sign for their establishment in the unused area of their owned western lot, immediately west of the parking lot. However, since this sign would qualify as a structure (or quasi-structure), they do need to rezone this half of their land to Zone “C” Commercial to be allowed to build their sign.

To be clear, their intentions are not to build a billboard. Billboards can only be built in industrial zones, and this rezoning would not allow them to build a billboard. This has been shared with the petitioner. Their sign can only be used to advertise their own services.

The change in zoning for this parcel is in line with the proposed Future Land Use Map as described in the yet-to-be-adopted City Comprehensive Plan. Likewise, the lots immediately to the west and east of this property are already zoned “C” Commercial.



PROPOSAL

Petitioner Erin & Zach Carnes of the Monett Veterinary Hospital are seeking to rezone their owned property immediately west of the Monett Veterinary Hospital from Zone “B” Multi-Family to Zone “C” Commercial in order to build a sign for their own business.

RECOMMENDATION

The Community Development Department recommends that the Planning and Zoning Commission recommend this rezoning to the City Council in order to match the zones of the surrounding lots, to correct the zoning upon which a commercial property is already being used, and to match the proposed Future Land Use Map.

ATTACHMENTS

Please see the following attachments:

1. Petition for Amendment of Zoning Ordinances
 2. Monett GIS Map of the Vet Hospital indicating Zoning
 3. Barry County GIS Map of the Property to be Rezoned
 4. Notice of Public Hearing
 5. Newspaper Proof
 6. Meeting Minutes from April 19th, 2019 P&Z Commission (attached digitally, only)
-



Petition for Amendment of Zoning Ordinance

Rezoning Petition

To the Planning and Zoning Commission of the City of Monett, and the City Council of the City of Monett, Missouri:

Come now petitioners Dr. Erin Coates, and states and shows to the City Planning and Zoning Commission and the City Council as follows:

That said parties are the owners of the following described real estate situated in Bourbon County, Missouri within the city limits of the City of Monett, Missouri to-wit:
(see attached legal description of the property)

The above-described real estate is also known as: 215 Dory St and Lot to the West

That according to the provisions of the zoning ordinances of the City of Monett, said real estate is currently zoned as district B.

An amendment is being requested to change the classification of the real property and its permitted uses from district B to district C.

Wherefore, petitioners request that the Council refer this petition to the Planning and Zoning Commission for report and recommendation and thereafter public notice to hold a public hearing and thereafter by ordinance shall provide classification of the above-described real property and thereby grant the requested amendment to zoning.

Dated this 22 day of May, 2020.

Signature of Petitioner: Erin Coates



Application & Procedures for Rezoning

Owner Name: Dr Erin Caines

Owner Mailing Address: 215 Daisy St Monett, MO 65708

Owner Phone Number: 417 489 0055 Email: monetted@outlook.com

Applicant Name (if different): _____

Applicant Mailing Address: _____

Applicant Phone Number: _____ Email: _____

Acknowledgement:

There currently is no direct fee taken by the City for rezoning property. However, as part of the rezoning process, and according to the City's ordinances, the petitioner must pay the publishing costs the City incurs in providing the legally required public notice period to the public. All publishing costs incurred by the City will be reimbursed by the petitioner prior to the Planning and Zoning meeting during which it shall be discussed. If this is not paid prior to the meeting, the petition will not be discussed during the meeting.

Likewise, the petitioner must provide the following items as part of the rezoning petition:

- Proof of ownership of the property (property deed)
- Legal Description of the property (usually found on the deed)

If you have any questions, please contact Andrew Miller, Development Assistant of the City of Monett at amiller@monettmo.gov or by calling 417-235-5306 ext. 2755.

By signing below, I acknowledge that I read and understand the above acknowledgement, acknowledge that I am required to pay publishing costs prior to the Planning and Zoning commission meeting during which this shall be held, and that I cannot be added to the meeting agenda until all items have been provided to the Community Development Department at the City of Monett.

Signature of Petitioner: [Signature] Date: 5-22-26

Signature of Applicant: _____ Date: _____



Acknowledgement

State of Missouri)
) ss.
County of Barry)

On this 22 day of May, 2026, before me, a notary public,

personally appeared Zack Carnes & Erin Carnes

to me known to be the person(s) described in and who executed the same as their free act and deed.

In Testimony, Whereof, I have set my hand and affixed by seal at my office in

Monett, Missouri on the day and year first above written.

Terry Moller

Notary Public

My commission expires: Oct 03, 2027

TERRY MOLLER
Notary Public - Notary Seal
State of Missouri
Commissioned for Lawrence County
My Commission Expires: October 03, 2027
Commission Number: 15419525

Recorded in Barry County, Missouri

Recording Date/Time: 05/13/2022 at 02:47:47 PM

Book: 22 Page: 3173

Instr #: 202203230

Pages: 2

Fee: \$27.00 S

Electronically Recorded
RANDALL MASRI AND RANDALL PC



Danielle Still
Recorder of Deeds

DEED OF PERSONAL REPRESENTATIVE

Know all men by these presents, that

WHEREAS, the Probate Division of the Circuit Court of Barry County, Missouri, is not required to order, authorize or direct the undersigned in the nature of an independent administration of estate, Rebecca Thomas, as Personal Representative of the Estate of Jo Ann Thomas, deceased, can sell, at private sale, for cash, the real property hereinafter described belonging to the estate of said decedent and to use the appraisal of said real property filed with the Inventory of said estate, and

WHEREAS, in obedience to said Order, I am on May 13, 2022, selling said real property at private sale to Carnes Holdings, LLC. for Forty-two Thousand Dollars (\$42,000.00) in cash with said sale being for more than 70% of the appraised value of said real property as shown by the appraisal thereof filed with the Inventory of said estate, and

NOW THEREFORE, in obedience to the orders of said Court and in consideration of the payment to me by the said Carnes Holdings, LLC, of the full purchase price for said real property in cash as specified in said Order to sell real property as stated above, the receipt of which is hereby acknowledged, I, Rebecca Thomas, as Personal Representative of the Estate of Jo Ann Thomas, deceased, do hereby Sell and Convey unto the said **Jo Ann Thomas**, her heirs and assigns, all of the right, title and interest which the said Jo Ann Thomas, deceased, had at the time of her death in and to the following described real property lying, being and situate in Barry County, Missouri, to-wit:

A part of the Southeast quarter of the Southeast Quarter of Section 31, Township 26 North, Range 27 West, Monett, Barry County Missouri Being more particularly described as follows:

Commencing at the Northeast Corner of Lot 3, Block 2, Jones-Thomas Subdivision; Thence South 88°31'26" East along the Southerly right-of-way of Dairy Street as now located 189.90 feet to the point of beginning.

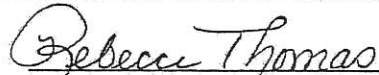
Thence continuing South 88°31'26" East along said right-of-way 189.90 feet; thence South 02°38'46" West departing said right-of-way 274.76 feet to the Northerly

right-of-way of US Highway "60" as now located; thence North 88°32'55" West along said Northerly right-of-way 186.44 feet, thence North 01°55'28" last departing said right-of-way 274.79 feet to the point of beginning containing 1.19 acres more or less Subject to any and all encumbrances and right recorded and unrecorded.

Subject to any easements, rights of way, restrictions, reservations and covenants of record or fact

To have and to hold the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in any wise appertaining unto the said **Carnes Holdings, LLC**, his heirs and assigns, forever.

IN WITNESS WHEREOF, I, Rebecca Thomas, as Personal Representative of the Estate of Jo Ann Thomas, deceased, have hereunto set my hand and seal on this the 12th day of May, 2022.



Rebecca Thomas,
Personal Representative of the
Estate of Jo Ann Thomas,
deceased.

STATE OF MISSOURI)
COUNTY OF BARRY)

On this the 12th day of May, 2022, before me, a Notary Public in and for said County and State, personally appeared **Rebecca Thomas**, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed as **Personal Representative of the Estate of Jo Ann Thomas, deceased**.

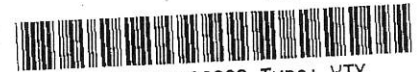
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Monett, Missouri, the day and year last above written.



Notary Public



JAMES J. RANDALL
My Commission Expires
October 5, 2023
Lawrence County
Commission #11543600



Doc ID: 003119130002 Type: WTY
 Recorded: 09/05/2018 at 09:53:08 AM
 Fee Amt: \$27.00 Page 1 of 2
 Barry County, Recorder
 Craig Williams Recorder
 BK 18 PG 6226

2700
 Security Abstract & Title

WARRANTY DEED

THIS INDENTURE, made on the 31st day of August, A.D. Two Thousand Eighteen, by and between **Brent E. Herrin** and **Cordelia F. Herrin**, husband and wife, of Barry County, Missouri, Grantors, and **Carnes Holdings, LLC, a Missouri Limited Liability Company**, of the County of Barry in the State of Missouri, Grantee, whose mailing address is 507 Elm, Pierce City, MO 65723.

WITNESS, That the said Grantors, in Consideration of the sum of Ten Dollars and other good and valuable considerations, to them paid by the said Grantee, the receipt of which is hereby acknowledged, do by these presents **Grant, Bargain and Sell, Convey and Confirm** unto the said Grantee, its successors and assigns, the following described lots, tracts of land, lying, being and situate in the County of Barry, State of Missouri, to-wit:

Tract 1:

Commencing at the Southeast corner of the Southeast Quarter of the Southeast Quarter of Section 31, Township 26, Range 27, Barry County, Missouri, thence North 635.5 feet to the South line of Dairy Street, thence West along said line 445.6 feet to point of beginning; thence South 273.5 feet, thence North 89 degrees 23 minutes West 183.4 feet, thence North 271.5 feet to the South line of Dairy Street, thence East 183.4 feet to the point of beginning.

Subject to any easements, rights of way or restrictions of record or fact.

Tract 2:

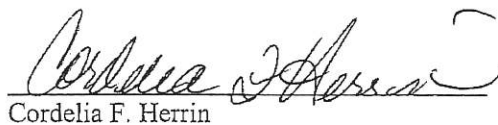
All that part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 26 North, Range 27 West, Barry County, Missouri, described as follows: Commencing at a set iron pin at the Northwest corner of Lot 1, Block 2 of Jones-Thomas Subdivision recorded in Plat Book 3 at Page 109, thence South 88 degrees 32 minutes 00 seconds East along the South right of way line of Dair Street, 679.86 feet to a set iron pin and the point of beginning; thence South 02 degrees 38 minutes 41 seconds West along an existing fence line 274.71 feet to a set iron pin on the North right of way line of U. S. Highway 60, thence South 88 degrees 32 minutes 00 seconds East along said right of way line 11.57 feet to the Southeast corner of a tract of land recorded in Book 07 at Page 4922, thence North 01 degrees 53 minutes 16 seconds East along the East line of said tract of land 274.66 feet to a point on the South line of aforesaid Dairy Street, thence North 88 degrees 32 minutes 00 seconds West along said South right of way line 7.94 feet to the point of beginning,

containing 0.06 acres, more or less. Subject to any existing easements or restrictions of record.

TO HAVE AND TO HOLD the premises aforesaid with all and singular the rights, privileges, appurtenances, and immunities thereto belonging, or in anywise appertaining unto the said Grantee, and its successors and assigns Forever, the said Grantors hereby covenanting that they are lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that they have good right to convey the same; that the said premises are free and clear of any incumbrance done or suffered by them or those under whom they claim; and that they will Warrant and Defend the title to the said premises unto the said Grantee, and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The said Grantors have hereunto set their hands and seals, the day and year first above written.

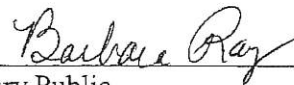

Brent E. Herrin

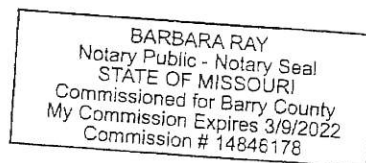

Cordelia F. Herrin

STATE OF MISSOURI,)
) ss.
County of Barry)

On this 31st day of August, A.D. 2018, before me personally appeared Brent E. Herrin and Cordelia F. Herrin, husband and wife, to me personally known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Cassville, Missouri, the day and year first above written.


Notary Public



Prepared by Ellis, Cupps and Cole



15' Alley

15' Alley

15' Alley

140'

1

500'

Zone B

50'

60'

Dairy St

100'

100'

100'

67.5'

1

204.8'

2

2

3

274.9'

Zone C

Zone B

3

MARSHALL ESTATE SURVEY

40'

100'

82'

55.7'

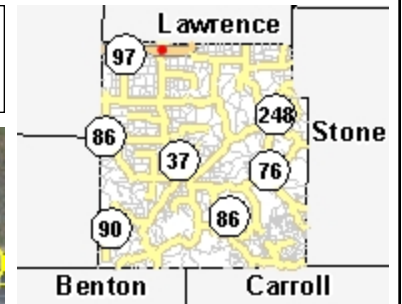
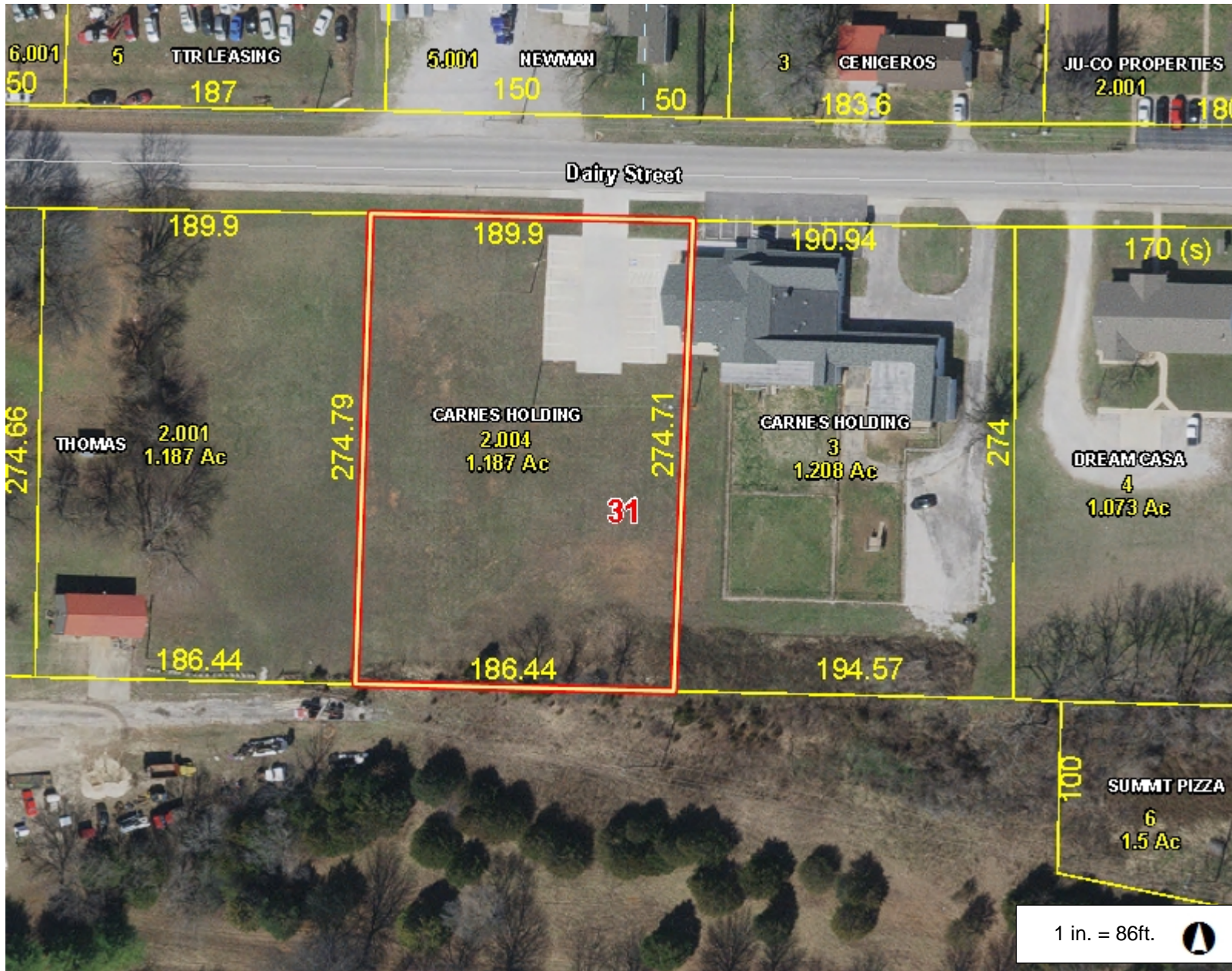
Waldensian Rd

Us Hwy 60

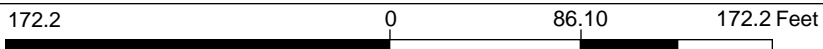
Us Hwy 60

100'

Barry County, MO



- ### Legend
- Road Centerlines
 - US Highway
 - State Highway
 - Roads
 - + Railroad
 - Parcel
 - Parcel Number/Acres
 - Owner Last Name
 - Corporate Limit Line
 - Land Hook
 - Solid
 - Dashed
 - Lot Line
 - Sections
 - County Boundary



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

NOTICE OF PLANNING AND ZONING COMMISSION HEARING

Notice is hereby given to all interested parties that a meeting of the Planning and Zoning Commission has been scheduled for **June 18th, 2026 @ 6:00pm**. The following is a tentative agenda for that meeting:

Consideration and Review of the following

Rezone the below parcel from zone “B” Multi-Family Residential to zone “C” Local Business (Commercial).

Barry County

A part of the Southeast quarter of the Southeast Quarter of Section 31, Township 26 North, Range 27 West, Monett, Barry County Missouri, being more particularly described as follows:

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Thence continuing South 88°31'26” East along said right-of-way 189.90 feet; thence South 02°38'46” West departing said right-of-way 274.76 feet to the Northerly right-of-way of US Highway “60” as now located; thence North 88°32'55” West along said Northerly right-of-way 186.44 feet, thence North 01°55'28” last departing said right-of-way 274.79 feet to the point of beginning; containing 1.19 acres more or less. Subject to any and all encumbrances and right recorded or unrecorded.

Subject to any easements, rights of way, restrictions, reservations and covenants of record or fact.

Notice is further given that said Commission of the City of Monett, Missouri at the hour of **6:00pm on the 18th day of June 2026** will consider said agenda. The meeting of the Planning and Zoning Commission will be held in the Council Chambers at the Monett City Annex, located at 100 South Maple Street. The meeting is open to the public and all interested parties may attend and be heard.

/s/ Mike Wallace

Chairman-Planning and Zoning Commission

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Chairman-Planning and
Zoning Commission

#R-16380-6-3-1tc



Randy Burke, Mayor
Ken Gaspar, Commissioner • Darren Indovina, Commissioner
Mickey Ary, City Administrator

www.monettmo.gov
217 Fifth Street • Monett, Missouri 65708
(417) 235-3763

Staff Report

To: Planning and Zoning Commission
From: Community Development Department
Date: 5/14/2026
Re: Information on Subdivision Processes

GENERAL INFORMATION

The Community Development Department has been asked by members of the Planning and Zoning Commission for information on the differences between Minor and regular Subdivisions. We are writing this report and will provide a question-and-answer period as a way to explain the differences and illuminate the subject with examples.

The Subdivision of Land is a function of county-level government in Missouri. Typically, in unincorporated areas or townships such as those that exist outside of City limits, subdivision of land is held solely at the County level. In unincorporated areas with both Barry and Lawrence Counties, there are no Planning and Zoning Commissions, thus there is no formal approval process to how land is subdivided as long as it is recorded with the County Recorder of Deeds. This function of government is partially delegated to incorporated cities after the city has adopted a Master Street Plan and filed it with the County Recorder. At that point, the County generally would not accept any subdivision of land without prior authorization from the City.

Effectively, this means the City has to approve a proposed subdivision of land or the County will simply not accept – nor record – the subdivision. There have been unnamed individuals who have recently tried to bypass this City requirement (unbeknownst to themselves and at little fault of their own) and have been told directly by the County that they need to subdivide their land through our processes first.

An important caveat here is that while two persons could come to an informal agreement to sell a portion of Person A’s land to Person B without the involvement of the County, this sale would not be legal, could not be legally enforced, and could prevent all future land sales on that parcel. Thus, an accepted and recorded land sale is required in effectively all scenarios in Missouri to be considered legal and actionable.



GENERAL INFORMATION, CONT.

Subdivision of Land

This brings us to closer to the differences between a Minor and regular Subdivision of Land. This is perhaps a misnomer, however, as *any* subdivision of land is not Minor. Rather, the key caveat between a regular Subdivision and a Minor Subdivision is that a Minor Subdivision is a subdivision that does not entail the creation of any public infrastructure. This is the single largest factor when determining if a subdivision can be given the Minor tag or not. Since cities are typically obligated by their charters to provide certain services to city residents, this financial burden often comes at an overwhelming cost to the city. Therefore, if a traditional neighborhood were to be developed, the City of Monett's Subdivision of Land requirements put both the legal and financial requirements of developing infrastructure upon the developer. Sure, the City *could in theory* choose to put financial incentives or obligations towards the infrastructure, but it is not obligated to do so.

Let us take an aside, however, to discuss these infrastructure requirements from the financial perspective. The City of Monett provides all citizens (nuances and edge cases aside) with water access, sewer access, electric access, and road access – among others. The key word, however, is access. These city services extend typically only within the right-of-way along the edge of the property or through an easement within the property. It is the homeowner's responsibility – both physically and financially – to connect the access point to their actual residence.

In regular and typical situations, this is not a problem. However, with new developments, homeowners expect that these services are provided by the City – and the City is required to provide them. Therefore, the City has an extremely vested interest in how this infrastructure is built, the requirements of such infrastructure, and must sign off on the validity of such infrastructure. We, generally, establish all of this within our Platting Process.

Minor Subdivisions

However, the City of Monett has also designated a special type of Subdivision of Land within its code that does not involve the creation of any infrastructure requirements: the Minor Subdivision. Typically, Minor Subdivisions can be thought of as a "lot split". These lot splits merely involve the legal boundaries of the property and not any physical changes or infrastructure development. It is not to say that they could not involve the obligation for the City to create new infrastructure, but rather that they must not. The Code is written that the Planning and Zoning Commission will not review an application for Minor Subdivision if changes to infrastructure is required. Again, the City *can do such a thing on its own accord*, but the subdivision itself cannot trigger a requirement for the City to do so. Keep in mind there are nuances ignored and edge cases not included, but the infrastructure is the key distinguishing feature.

Specifically, a Minor Subdivision in Monett also cannot have more than five subdivided lots.



GENERAL INFORMATION, CONT.

There are two additional overarching points to consider when qualifying a subdivision as a Minor Subdivision. One – that no more than five (5) lots are created. Simple enough.

The second overarching point is that “the tract or lot to be subdivided has been previously created through the minor subdivision procedures of this Article.” Occasionally this aspect of the rules needs to be interpreted as *re-platting* a previous Minor Subdivision as is stated in the Intent of the ordinance is to ensure proper procedures are met.

Although the Minor Subdivision is more agile and of a lower impact than a regular Subdivision, and by the letter of the law only needs the approval of the Planning and Zoning Commission to be accepted by the County, the City Council has instituted a policy of approving Minor Subdivisions at the Council level as well.

The Community Development Department must acknowledge that the vast, vast majority of proposed Subdivisions are clearly of one type or the other. In general, they fall into “a new neighborhood” and “only a lot split”. But when those two examples are not as clear, we would then turn to who is initiating the subdivision and for what purpose – is this a resident who intends to sell off a chunk of their property? Or is this a developer who’s intending to build multiple properties upon this land? Again, that would generally determine what type of Subdivision they intend to seek.

One Other Type of Lot-Split

There is a separate type of parcel-split that does not require any City-level subdivision – only because the subdivision has occurred in the past. Through the majority of the developed urban core of Monett, individual parcels are spread across two, three, or even more individual lots. This is a remnant of a time where newly added land to the City were sold in 25’ or 30’ lots – which allowed folks of different wealth levels to purchase lots of different sizes (keep in mind, we’re talking of the early 1900’s). Today, these lots remain legal entities, even if a parcel exists across multiple lots. If an individual wanted to sell off a portion of their parcel that allowed for infill development within City limits, as long as the lots to be split off are a continuous lot or previously subdivided in such a way, the subdivision process may be avoided entirely and a County-level record of sale achieved. It should be expected that this type of lot split would increase as the appropriate level of infill development in Monett is prioritized through instances of the LLO and MCCD. However, there is a very limited amount of areas where this could take place, and new lots are now required to be of a much larger size, so there is a finite amount of these previously-subdivided lots available for development.

Additional Information

The vast majority of the City’s codes regarding the subdivision of land are taken directly from, or are very clearly based on, the respective State of Missouri Code regarding Subdivision of Land.



ATTACHMENTS

Please see the following attachments:

1. Ch. 405 Subdivision of Land, Article I General Provisions
2. Ch. 405 Subdivision of Land, Article VI Improvements
3. Ch. 405 Subdivision of Land, Minor Subdivision Procedure

For further information, please reference (found at revisor.mo.gov):

1. Missouri Code 64.241 – Subdivision Regulations, Contents, How Adopted
 2. Missouri Code 64.245 – Subdivision Plat Filing and Recording
 3. Missouri Code 64.660 – County Board of Zoning Adjustment
 4. Missouri Code 64.830 – Planning Commission Report on Plat
 5. Missouri Code 89.400 – Platting Jurisdiction of Municipalities
 6. Missouri Code 89.410 – Regulations Governing Subdivision of Land, Limitations, Contents
 7. Missouri Code 89.450 – Sale of Land Within Platting Jurisdiction
 8. Missouri Code 445.070 – Penalty for Selling Lots
-

Chapter 405

SUBDIVISION OF LAND

ARTICLE I General Provisions

Section 405.010. Administration of Chapter.

Section 405.020. Interpretation and Purposes of Chapter.

Section 405.030. Scope of Chapter — Conflicting Provisions.

Section 405.040. Definitions.

Section 405.050. Compliance With Chapter.

Section 405.060. Variances.

ARTICLE II Plats and Platting Procedure

Section 405.070. Plat Approval and Recording Prerequisite To Certain Actions — Changes in Plat After Approval.

Section 405.080. Approval Procedure.

ARTICLE III Preliminary Plat Form and Contents

Section 405.090. Form.

Section 405.100. Contents.

ARTICLE IV Final Plat Form and Contents

Section 405.110. Form.

Section 405.120. Contents.

ARTICLE V Design Standards

Section 405.130. Conformity To Official Map.

Section 405.140. Streets.

Section 405.150. Easements.

Section 405.160. Blocks.

Section 405.170. Lots.

ARTICLE VI Improvements

Section 405.180. Required Improvements Enumerated.

ARTICLE VII Minor Subdivisions

Section 405.190. Minor Subdivision Procedure.

Cross References — As to city zoning and planning commission generally, §§400.280 — 400.290; as to buildings generally, ch. 500; as to mobile homes and mobile home parks generally, ch. 410; as to zoning generally, ch. 400; as to zoning district boundaries, these are on file in the city offices.

ARTICLE I
General Provisions

Section 405.010. Administration of Chapter. [R.O. 2012 §405.010; CC 1979 §28-1; Ord. No. A-3976 §4, 8-15-1978]

The provisions of this Chapter shall be administered by the Zoning and Planning Commission and the City Council.

Section 405.020. Interpretation and Purposes of Chapter. [R.O. 2012 §405.020; CC 1979 §28-2; Ord. No. A-3976 §2, 8-15-1978]

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services and safe streets.

Section 405.030. Scope of Chapter — Conflicting Provisions. [R.O. 2012 §405.030; CC 1979 §28-3; Ord. No. A-3976 §3, 8-15-1978]

This Chapter shall apply to any lot forming a part of a subdivision created and recorded after September 1, 1978. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control.

Section 405.040. Definitions. [R.O. 2012 §405.040; CC 1979 §28-4; Ord. No. A-3976 §5, 8-15-1978 ; Ord. No. A-6631, 2-5-1998]

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

COMMISSION — The Zoning and Planning Commission of the City.

FINAL PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder for recording.

LOT — A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

OFFICIAL MAP — The map of the City showing its streets and alleys, subdivisions and other boundaries, as prepared by the City Engineer.

OWNER — Any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

PRELIMINARY PLAT — The preliminary map, drawing or chart indicating the proposed layout of a subdivision to be submitted to the Commission for its consideration.

STREETS AND ALLEYS —

1. *Street*: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise.
2. *Alley*: A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
3. *Cul-de-sac or dead-end street*: A minor street with only one (1) outlet.
4. *Street width*: The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER — Any person commencing proceedings under this Chapter to effect a subdivision of land for himself/herself or for another.

SUBDIVISION —

1. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided, that a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions, or a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street, shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
2. The regulations of Chapter 405 shall apply both to mobile home park development and to manufactured home subdivision development. The same platting procedure, approval procedure, preliminary and final plat, design standards and improvement procedures of Articles II and VI shall apply to mobile home parks as to manufactured home subdivisions.

Section 405.050. Compliance With Chapter. [R.O. 2012 §405.050; CC 1979 §28-5; Ord. No. A-3976 §6, 8-15-1978]

Except as provided in this Chapter, no person shall subdivide any tract of land which is located within the City except in conformity with the provisions of this Chapter.

Section 405.060. Variances. [R.O. 2012 §405.060; CC 1979 §28-6; Ord. No. A-3976 §13, 8-15-1978]

- A. The Commission, with the approval of the City Council, may authorize a variance from the regulations of this Chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission and Council shall prescribe only conditions that they deem necessary to or desirable for the public interest. In making its findings, the Commission and Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Council finds:
 1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land; or
 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

3. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- B. Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The application shall state fully the grounds for the application and all the facts relied upon by the petitioner. Such application shall be presented to the Council when the final plat is submitted.

ARTICLE II
Plats and Platting Procedure

Section 405.070. Plat Approval and Recording Prerequisite To Certain Actions — Changes in Plat After Approval. [R.O. 2012 §405.080; CC 1979 §28-8; Ord. No. A-3976 §7, 8-15-1978]

- A. *Recording Of Plat.* No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed in this Chapter. In the event any such unapproved plat is recorded, it shall be considered invalid.
- B. No owner, or agent of the owner, of any land located within the platting jurisdiction of any municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Council and recorded in the office of the County Recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such Council and the sale is contingent upon the approval of such plat by such Council. Any person violating the provisions of this section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. A municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.
- C. *Issuance Of Permits.* The Building Inspector shall not issue building or repair permits for any structure on a lot in a subdivision to which this Chapter is applicable, for which a plat has not been approved and recorded in the manner prescribed herein.
- D. *Public Improvements.* The City will withhold all public improvements and services of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and electric and water service, from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed in this Chapter.
- E. *Revision Of Plat After Approval.* No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission and endorsed in writing on the plat, unless such plat is first resubmitted to the Commission and the same is approved by the Commission and by the City Council, when required.

Section 405.080. Approval Procedure. [R.O. 2012 §405.090; Ord. No. A-6186 §1, 10-2-1995 ; Ord. No. A-6952 §1, 5-10-2000 ; Ord. No. A-7051, 7-27-2001 ; Ord. No. 7365, 11-13-2003]

Preliminary plats are approved by the Zoning and Planning Commission and by the City Council, in accordance with Subsection (A) below. Final plats are approved by the City Council in accordance with Subsection (B) below.

- A. *Preliminary Plat.*
1. *Contents generally.* The preliminary plat shall show, on a map, all the facts needed to enable the Commission and the City Council to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest, including the information and in the form prescribed by Article III of this Chapter.
 2. *Preparation.* The preliminary plat shall be prepared by a registered engineer or surveyor.

3. *Filing.* The subdivider, thirty (30) working days prior to the Commission meeting at which consideration is desired, shall file an application for preliminary approval and at least five (5) paper copies of the preliminary plat with the Building and Zoning Department, according to the standards and other provisions of this Chapter. [**Ord. No. 8479, 10-20-2016**]
4. *Approval.*
 - a. *Time requirement.* The Commission shall act on the preliminary plat within forty-five (45) days after filing, unless such time is extended by agreement with the subdivider or his/her agent. If no action is taken by the Commission within such forty-five (45) days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved, and it shall be the duty of the Chairman of the Commission to comply with Subsection (A)(4)(b).
 - b. *Notice of action taken.* The Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved and shall give notice to the subdivider and the City Council in the following manner:
 - (1) If approved, the Chairman of the Commission shall affix his/her signature to the plat and attach thereto a notation that it has received preliminary approval and forward to the City Council for approval.
 - (2) If approved with modifications or disapproved, the Chairman of the Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider.
 - (3) In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the Commission.
 - c. *Effect of approval.* Approval of the preliminary plat by the Commission shall not constitute acceptance of the subdivision by the Council.
 - d. Following approval of the preliminary plat by the Commission, the City Council shall consider and approve the preliminary plat in the same manner.
 - e. *Right of subdivider after approval.* Preliminary approval by the Commission and the City Council shall confer upon the subdivider the right for a one (1) year period from the date of the approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

B. *Final Plat.*

1. *Scope.* The final plat will have incorporated all changes or modifications required by the Zoning and Planning Commission or the City Council; otherwise, it shall conform to the preliminary plat, and it may constitute only that portion or phase of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, that such portion or phase conforms with all the requirements of this Chapter.
2. *Preparation.* The final plat shall be prepared by a registered engineer or surveyor.
3. *Filing.*
 - a. *Required items.* After receiving notice of the action of the Commission and the City Council approving the preliminary plat, the subdivider shall proceed to file with the City

Council:

- (1) Four (4) paper copies and one (1) mylar copy of the final plat. [**Ord. No. 8479, 10-20-2016**]
 - (2) A written application for final approval.
 - (3) A statement by the City Engineer certifying that he/she is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed.
 - (4) Developer shall provide final certification from the engineer of record that all infrastructure, including water mains, sewer mains, storm sewers, storm water detention, streets and curb and gutter has been inspected by the engineer and constructed by the developer in accordance with the requirements of the Monett City Code, and will function to meet the minimum standards of the City of Monett and the State of Missouri.
- b. *Time limits.* The final plat shall be filed not later than one (1) year after the date of approval of the preliminary plat; otherwise, it will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Council. The final plat shall be filed at least ten (10) working days prior to the City Council meeting at which it is to be considered. The final plat shall be considered officially filed after it is examined by the Council and is found to be in full compliance with the formal provisions of this Chapter accepted by the Council, with approval by the Council certified thereon.
- c. *Recording.* The subdivider shall record the final plat in the office of the County Recorder within thirty (30) days after the date of approval; otherwise, the final plat shall be considered void.

ARTICLE III
Preliminary Plat Form and Contents

Section 405.090. Form. [R.O. 2012 §405.100; CC 1979 §28-10; Ord. No. A-3976 §11, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000 ; Ord. No. 8479, 10-20-2016]

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than twenty-four (24) inches by thirty-six (36) inches. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required. Five (5) paper copies are required.

Section 405.100. Contents. [R.O. 2012 §405.110; CC 1979 §28-11; Ord. No. A-3976 §11, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000]

A. The preliminary plat shall contain the following information:

1. *General information.*

- a. *Proposed name of the subdivision.* The name shall not duplicate, be the same in spelling as or be alike in pronunciation with the name of any other recorded subdivision.
- b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- c. Names and addresses of the subdivider, owner and engineer or surveyor.
- d. Location by Section, Town, Range, Township, County and State.
- e. Names of streets within the adjoining land.
- f. All parcels of ground within the subdivision to be reserved for public purposes, whether they are intended for avenues, streets, alleys, commons or other public uses.
- g. All lots by numbers and the precise lengths and widths thereof.
- h. The scale and the direction of north and the date of preparation shall be accurately noted on the plat.
- i. The location of the subdivision to block or section of the United States survey shall be shown, and if such subdivision is intersected by or abuts on a quarter section or section line or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location reported to be platted can be determined by the inspection of the plat.

2. *Existing conditions.*

- a. Boundaries of the subdivision indicated by a heavy line and the approximate acreage.
- b. Location, widths and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section and corporation lines.
- c. Zoning districts, if any.
- d. Drainage channels, wooded areas, power transmission poles and lines and any other significant items should be shown.

3. *Proposals.* Location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use.
4. *Other information.*
 - a. Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry, so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
 - b. Proposed covenants and restrictions.
 - c. Source of water supply.
 - d. Provisions for sewage disposal, drainage and flood control.
 - e. If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.

ARTICLE IV
Final Plat Form and Contents

Section 405.110. Form. [R.O. 2012 §405.120; CC 1979 §28-12; Ord. No. A-3976 §12, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000 ; Ord. No. 8479, 10-20-2016]

The final plat shall be clearly and legibly drawn. The size of the map shall not be less than twenty-four (24) inches by thirty-six (36) inches. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required. Four (4) paper copies and one (1) mylar copy are required.

Section 405.120. Contents. [R.O. 2012 §405.130; CC 1979 §28-13; Ord. No. A-3976 §12, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000]

A. The final plat shall include:

1. *General information.*

- a. Name of the subdivision.
- b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- c. Names and addresses of the subdivider, owner and engineer.
- d. Location by Section, Town, Range, Township, County and State.
- e. Names of streets within the adjoining plat.
- f. All parcels of ground within the subdivision to be reserved for public purposes, whether they are intended for avenues, streets, alleys, commons or other public uses.
- g. All lots by numbers and the precise lengths and widths thereof.
- h. The scale and the direction of north and the date of preparation shall be accurately noted on the plat.
- i. The location of the subdivision to block or section of the United States survey shall be shown, and if such subdivision is intersected by or abuts on a quarter section or section line or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location reported to be platted can be determined by the inspection of the plat.

2. *Existing conditions.*

- a. All plat boundaries.
- b. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat.
- c. Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distance and bearings.
- d. Accurate location of all monuments.

3. *Survey data.*
 - a. Lengths of all arcs, radii, internal angles, points of curvature and tangent bearings.
 - b. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the width at the building line.
4. *Drafting of plat.* Date of preparation, scale of map and north points.
5. *Proposals.*
 - a. All easements for rights-of-way provided for public services or utilities, and any limitations of such easements.
 - b. All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk-way lines.
 - c. Accurate outlines of any areas to be dedicated or temporarily reserved for public use, with the purpose indicated thereon.
 - d. Building setback lines, with dimensions.
6. *Other information.*
 - a. Protective covenants shall be shown on the plat.
 - b. City Engineer's certificate as required under Section 405.080(B)(3)(a)(3).
 - c. Certification shall be furnished from the City Collector that all taxes and assessments have been paid on the land within the proposed subdivision.
 - d. If a zoning change is involved, certification from the Zoning and Planning Commission shall be furnished indicating that the change requested has been approved and is in effect.
 - e. Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him/her, and that all monuments shown thereon actually exist, and that their location is correctly shown.
 - f. An acknowledgment by the owners of their adoption of the plat and of the dedication of streets and other public areas.

ARTICLE V
Design Standards

Section 405.130. Conformity To Official Map. [R.O. 2012 §405.140; CC 1979 §28-14; Ord. No. A-3976 §9, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000]

The proposed subdivision shall conform to the Official Map.

Section 405.140. Streets. [R.O. 2012 §405.150; CC 1979 §28-15; Ord. No. A-3976 §9, 8-15-1978 ; Ord. No. A-6460 §1, 2-28-1997 ; Ord. No. A-6630, 2-5-1998 ; Ord. No. A-6739 §1, 9-3-1998 ; Ord. No. A-6952 §1, 5-10-2000 ; Ord. No. 7423, 6-1-2004]

- A. *Conformity To Official Map, Etc.* The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Official Map, the arrangement and other design standards of streets shall conform to the provisions found herein.
- B. *Relation To Adjoining Street System.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- C. *Projection Of Streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
- D. *Streets To Be Carried To Property Lines.* When a new subdivision adjoins unsubdivided land susceptible of being subdivided, the new streets shall be carried to the boundaries of the tract proposed to be subdivided. Permanent dead-end streets shall terminate in a cul-de-sac. Temporary dead-end streets, designated for eventual continuation onto unsubdivided land, shall terminate in either a temporary cul-de-sac, an alternate configuration such as a tee, or other approved design. Such temporary turnaround areas may be paved with six (6) inch Type 1 compacted base rock, and may be on easements granted to the City of Monett. Minimum area of each side of the tee shall be twenty-five (25) feet by twenty-five (25) feet. The easements shall be released whenever the adjoining land is subdivided and the street is properly extended.
- E. At least one (1) new street shall be carried to the boundaries of adjacent tracts susceptible of being subdivided on each side of each new subdivision, in at least every one-quarter ($\frac{1}{4}$) mile, unless technically or topographically impracticable to do so.
- F. *Street Jogs.* Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- G. *Street Widths And Cul-De-Sac.*
 1. *Street designs.* Streets shall have right-of-way widths, pavement widths, and cul-de-sac lengths as follows:
 - a. *Zoning District "A," "MH" and mobile home parks.* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-sac length of three hundred (300) feet. [Ord. No. 8961, 7-20-2023]
 - b. *Zoning Districts "B," "C," "D" and "AG".* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-

- sac length of three hundred (300) feet.
- c. *Zoning District "MD" feeder streets.* Must have a minimum right-of-way width of fifty (50) feet; minimum pavement width of twenty-six (26) feet; and a maximum cul-de-sac length of six hundred (600) feet.
 - d. *Zoning District "MD" collector streets.* Must have a minimum right-of-way width of sixty (60) feet; minimum pavement width of thirty-six (36) feet; and a maximum cul-de-sac length of six hundred (600) feet.
2. Pavement width specified is exclusive of the curb and gutter. Cul-de-sac diameter shall in all Zoning Districts be a minimum one hundred (100) feet diameter to property line, minimum eighty (80) feet diameter paved surface.
- H. *Intersections.* The intersection of more than two (2) streets at one (1) point shall be avoided, except where it is impracticable to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible. Street intersections shall be rounded with a radius of twenty (20) feet measured at the back of curbs when such intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Commission.
 - I. *Subdivision Into Tracts Larger Than Ordinary Building Lots.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
 - J. *Half Streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Chapter and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such tract.
 - K. *Street Names And Numbers.* Names of new streets shall not duplicate or sound similar to existing or platted street names, unless a new street is a continuation of or in alignment with the existing or platted street. The names of streets shall be subject to approval by the City Council.
 - L. *Access To Streets Across Ditches.* The subdivider shall provide access to all proposed streets, across all ditches, in a method approved by the City Engineer, which approval shall not be unreasonably withheld.
 - M. *Vacation Of Streets.* The Council shall not vacate any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.
 - N. *Private Streets And Cross-Access Easements.* Private streets shall not be approved nor shall public improvements be approved for any private street in a residential subdivision. Cross-access easements shall be permitted in commercial or industrial subdivisions to allow access from one lot to another and to a City street. Construction and maintenance of the drives in the cross-access easements shall be the responsibility of the property owners.
 - O. *Arrangement To Avoid Hardship To Owners Of Adjoining Property.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting and providing convenient access to their own land.

Section 405.150. Easements. [R.O. 2012 §405.160; CC 1979 §28-16; Ord. No. A-3976 §9, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000]

- A. *Utilities.* Easements with a right-of-way width of ten (10) feet shall be provided on each side of all front lot lines and along side lot lines where necessary for utilities.
- B. *Drainage.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement of drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction as will be adequate for the purpose.

Section 405.160. Blocks. [R.O. 2012 §405.170; CC 1979 §28-17; Ord. No. A-3976 §9, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000]

Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

Section 405.170. Lots. [R.O. 2012 §405.180; CC 1979 §28-18; Ord. No. A-3976 §9, 8-15-1978 ; Ord. No. A-6952 §1, 5-10-2000]

- A. *Dimensions.* Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.
- B. *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a street that has received legal status as such.
- C. *Lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- D. *Corner Lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. *Uninhabitable Lots.* Lots subject to flooding and lots deemed by the Commission to be uninhabitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- F. *Lot Remnants.* All remnants of lots below minimum size, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels.

ARTICLE VI
Improvements

Section 405.180. Required Improvements Enumerated. [R.O. 2012 §405.190; CC 1979 §28-19; Ord. No. A-3976 §10, 8-15-1978 ; Ord. No. A-6628 §1, 1-20-1998 ; Ord. No. A-6828, 5-3-1999 ; Ord. No. A-6829, 5-3-1999 ; Ord. No. A-6952 §1, 5-10-2000 ; Ord. No. A-7096, 10-26-2001]

- A. Prior to the granting of final approval of a final plat by the City Council, the subdivider shall have installed, or shall have furnished the prescribed bond or deposit for the ultimate installation of, the following:
1. *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size and length as may be approved by the City Engineer.
 2. *Streets.*
 - a. *Surfacing.* All streets shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the City Engineer.
 - b. *Curbs, gutters and drainage.* Curbs and gutters on each street, drainage and drainage structures shall be constructed in accordance with standard specifications of the City. Such construction shall be subject to the inspection and approval of the City Engineer.
 3. *Water supply.*
 - a. *Accessible public water supply.* Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. Extensions of water mains shall be constructed and paid for as provided by this Code and other ordinances of the City. All connections shall be subject to the approval of the City Engineer.
 - b. *Non-accessible public water supply.* In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness and potableness of the water supply shall be subject to the approval of the State Health Department.
 4. *Sanitary sewer system.*
 - a. *Accessible public sanitary sewer.* Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer.
 - b. *Non-accessible public sanitary sewer.* Where a public sanitary sewer is not reasonably accessible, sanitary sewage disposal facilities shall be constructed in compliance with this Code and other ordinances of the City and laws of the State.
 5. *Storm water management.* Storm water management shall be provided in accordance with Chapter 525.

6. Prior to the granting of final approval, the subdivider shall submit a projected completion date of the improvements enumerated in this Article and the prescribed bond or deposit shall guarantee performance of same prior to the projected completion date. Upon expiration of the projected completion date, the subdivider may, for good cause shown, request an extension of the projected completion date, provided that the prescribed bond or deposit guarantees performance of the improvements enumerated in this Article prior to the expiration of the new projected completion date.
7. Prior to any subdivider or owner occupying any building or structure in the subdivision, and prior to the City granting any occupancy permit for such building or structure, the subdivider shall actually have installed all of the improvements enumerated in this Article and same shall have been inspected, approved and accepted by the City.
8. The prescribed bond or deposit shall be equal to one hundred twenty-five percent (125%) of the cost estimate of the improvements enumerated in this Article, based on the estimates of a licensed professional engineer registered in the State of Missouri, and based on the current State of Missouri Prevailing Wage Determination. The City may, in its discretion, employ its own licensed professional engineer to review the cost estimates provided by the subdivider and, if deemed necessary, require the subdivider to provide an increased bond or deposit to ensure the ultimate installation of all required improvements.
9. Any cash deposit placed in the hands of the City under this Section shall be placed in a separate interest bearing checking account. Upon complete compliance of all required improvements enumerated herein, the funds deposited, plus interest earned thereon, shall promptly be refunded to the subdivider.
10. The person submitting subdivision plans, engineering plans, storm water detention plans, water or sewer main plans, street plans or other such plans for review or approval, or any such person requesting engineering studies, shall pay all costs incurred by the City of Monett for engineering, engineering review, inspections, studies, publication costs or any other costs.

ARTICLE VII
Minor Subdivisions

Section 405.190. Minor Subdivision Procedure. [R.O. 2012 §405.200; Ord. No. A-6473 §405.200, 3-13-1997 ; Ord. No. A-6952 §1, 5-10-2000 ; Ord. No. 7208 §1, 8-20-2002]

- A. *Applicability And Intent.* The intent of this Article is to provide for the subdivision of a tract or lot into not more than five (5) lots, including any remainder proposed to be retained by the owner, provided that public improvements are not required and the resulting lots shall not again be divided without replatting. The Planning and Zoning Commission shall approve or disapprove minor subdivisions in accordance with the provisions of this Article.
- B. *Minor Subdivision Procedure And Approval.*
1. An application for minor subdivision approval shall be submitted to the Building and Zoning Department no less than fifteen (15) days prior to the scheduled Planning and Zoning Commission meeting. The application shall be accompanied by four (4) paper copies and one (1) mylar copy of the following. [**Ord. No. 8479, 10-20-2016**]
 - a. A certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of any structure(s) thereon, together with the exact nature, location and dimension of the proposed minor subdivision.
 - b. The minor plat shall be clearly and legibly drawn. The size of the map shall not be less than eighteen (18) inches by twenty-four (24) inches and shall be drawn to a scale of one (1) inch equals fifty (50) feet, and showing:
 - (1) Tract boundaries.
 - (2) Proposed general lot layout.
 - (3) Streets on and adjacent to the tract.
 - (4) Location of any easements.
 - (5) North point and approximate scale.
 2. The Planning and Zoning Commission shall review applications for minor subdivisions based on the following guidelines:
 - a. No minor subdivisions shall be approved if:
 - (1) More than five (5) lots will be created.
 - (2) New streets or alleys are needed or proposed.
 - (3) A vacation of streets, alleys, easements, setback lines or access control is needed or proposed.
 - (4) There is less street right-of-way than required by the City Code, unless such dedication can be made by separate instrument.
 - (5) A substandard sized lot will be created.
 - (6) The subdivision will result in a lot or tract without direct sixty (60) foot frontage on

a City street.

- (7) The extension of a public water or sewer system is needed or proposed.
- (8) The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots is needed or proposed.
- (9) The subdivision will result in significant increases in utilities and services levels or will interfere with maintaining existing utilities and services (e.g., traffic control, street maintenance, etc.).
- (10) The tract or lot to be subdivided has been previously created through the minor subdivision procedures of this Article.

- 3. The Planning and Zoning Commission shall make a determination within thirty (30) working days of the meeting at which the minor subdivision is considered. The Planning and Zoning Commission shall approve the proposed subdivision unless the proposed subdivision fails to comply with Section 450.200 or any other applicable requirement of this Article. If the subdivision is disapproved, the Planning and Zoning Commission shall provide the applicant with a written statement of the reasons for denial within ten (10) days of action by the Planning and Zoning Commission.
- 4. Approval of the minor subdivision is contingent upon the survey being recorded within sixty (60) days after the date the Certificate of Approval is signed by the Planning and Zoning Commission Secretary.

C. *Certifications For Minor Subdivision.* The following certificates shall be signed and affixed to the minor subdivision survey and a certified copy shall be recorded in the Barry County Registry:

1. ***Certificate of Ownership***

I hereby certify that I am the owner of property described hereon, which property is within the jurisdiction of the City of Monett, Missouri and that I freely adopt this plan of subdivision.

Owner

Date

My Commission Expires: ____

2. ***Certificate of Approval***

I hereby certify that the minor subdivision shown on this survey does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in compliance with the City of Monett Subdivision Ordinance and that therefore this subdivision has been approved by the Monett Planning and Zoning Commission, subject to its being recorded in the Barry County Registry within sixty (60) days of the date below.

Date _____

Chairman, Planning and
Zoning Commission

3. *Certificate of Survey and Accuracy*

I, _____, hereby state that the survey of the land herein described was prepared under my supervision and that the corner monuments and lot corner pins shown herein were placed under personal supervision of _____, in accordance with the Minimum Standards for Property Boundary Surveys, for the City of Monett, Missouri.

Date _____

Surveyor

Registration No.

4. Legal description of subdivision and lots (to be entered on certification sheet).