

**AN ORDINANCE AMENDING CHAPTER 420 OF THE MUNICIPAL CODE
REGARDING SUBDIVISION REQUIREMENTS;
FIXING AN EFFECTIVE DATE**

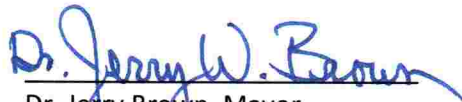
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WAYNESVILLE, MO AS FOLLOWS:

Section 1. That Chapter 420, Subdivision Regulations, shall be amended according to "Exhibit A", which is attached to this ordinance.

Section 2. All other section of Chapter 420 shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect from the date of its approval and passage.

PASSED BY THE CITY COUNCIL ON THIS 15th DAY OF APRIL, 2021.


Dr. Jerry Brown, Mayor

ATTEST:


Michele Brown, City Clerk



EXHIBIT A

SECTION 420.110: REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL SUBDIVISION IMPROVEMENTS.

The following requirements shall apply to residential and commercial subdivisions improvements if the developer elects to have the City construct the infrastructure in the subdivision. For a subdivision to qualify for this agreement between the City and the developer the subdivision must be located within the City limits of Waynesville, Missouri and currently served by all utilities offered by the City including but not limited to:

- City Sanitary Sewer
- City Water
- City Electric
- City Natural Gas

- A. Prior to the granting of final approval of a proposed subdivision, the subdivider thereof shall dedicate to the city, or have entered into a written agreement with the city for the ultimate dedication to the city the necessary easements, rights-of-way and improvements installed or to be installed pursuant to the provisions of this article.
- B. After the final plat has been approved and recorded pursuant to the provisions of this article, the subdivider shall be eligible to participate in the City of Waynesville's subdivision improvement program provided for in this article. The subdivision improvement program available under this subsection shall consist of the city's construction of the infrastructure in the subdivision, including streets, curbs, sidewalks, utility and stormwater piping and water retention ponds. In order to participate the subdivider shall notify the community development/building department supervisor in writing that participation is desired and pay an earnest money deposit in the amount of one thousand dollars (\$1,000.00). The subdivider's subdivision will then be placed on a list and any and all subdividers' participation in the program shall be in the same order that the subdivisions are placed on the list.
- C. When the subdivider is notified that the city is ready to proceed with the project, the subdivider shall enter into a written contract of development with the city committing to develop the subdivision in conformity with the City of Waynesville Code including this section and shall also pay the City of Waynesville a sum equal to forty-two dollars and fifty cents (\$42.50) per running front foot along all platted lots in the subdivision on both sides of each proposed street for a total of eighty-five dollars (\$85.00) per foot, which will constitute one-half of the total project cost and which must be paid before the city will be required to commence construction of the improvements. The balance of the sum due, to-wit, eighty-five dollars (\$85.00) per running foot shall be due when the city has completed all improvements in the subdivision less the one thousand dollars (\$1,000.00) earnest money payment. The payment referred to above includes the following fees found in Title VI of the Waynesville Municipal Code:

- the water connection fee provided for in Section 615.100.
- the sewer connection fee provided for in Section 620.140.

but does not include

- electrical deposits and fees required Section 615.070.
- building permits fees provided for in the Section 405.770.
- water facility impact fees required by Section 615.025.
- waste water impact fees required by Section 615.025.

which amounts shall be paid in addition to the said fee. In the case of corner lots the front footage shall be measured along the longest side of the lot which is adjacent to the proposed street.

1. In the event the subdivider desires to develop an additional subdivision phase, the requirements and the provisions of subsection (2) shall apply, however, the subdivider shall not be permitted to put the additional subdivision phase on the list unless and until all fees required under subsection (3) have been paid for the previous phase.
2. In the event the city is not required to engineer, construct and install all the facilities referred to in subsection (2) because the subdivision is located adjacent to an existing street and/or facilities are already in place in the subdivision that meet the requirements of the standard specifications as adopted by the city council pursuant to the provisions set forth at that time, the fee referred to in subsection (3) shall be adjusted in accordance with the standard charge made for those facilities as approved by the city council.
3. Each front foot segment on which facilities are constructed shall be contiguous and must be in the same subdivision or an adjoining extension thereof owned by the same owner if the plat thereof has been approved and recorded as provided in subsection (2).
4. In the event construction costs of the facilities referred to in this article will significantly exceed the usual and standard costs of the construction and installation of the facilities, the subdivider shall be responsible for such excess costs per the schedule listed in the City of Waynesville Policy Manual, with the schedule being reviewed and amended from time to time by the city council and as recommended by the public works director and which amount shall be paid prior to the time construction commences.
5. In the event the proposed subdivision, development, project or improvement requiring city water and/or sewage utility service(s) is located within the established municipal boundaries prior to the passage of this article, and is situated more than five hundred (500) feet, as measured along the most efficient route as determined by the city from the current location of any city water and/or sewage service(s), then the developer shall be required to participate in the expense of planning, easement procurement, engineering and installation, including labor and material of such utilities attributable to costs involved beyond five hundred (500) feet. In the event the proposed subdivision, development, project or improvement is situated five hundred (500) feet or less from the current location of any city water and/or sewage service(s), then the developer shall not be required to participate in the expenses outlined above.
6. The developer's cost of the utility extension per linear foot is hereby established at thirty dollars (\$30.00) per linear foot beyond the first five hundred (500) feet for each utility that is required or requested. In the event the improvement is a subdivision, the developer's cost shall be paid at the time the project commences. In the case of any other type of project, the developer's cost shall be paid at the time of building permit issuance. The contact or hook-up point, the route to be used and the point of contact with the developer's property shall be determined at the sole discretion of the city. The city shall also be solely in charge of the planning, engineering and construction of each project. Any project extension is subject to prior approval of the city.
7. Any proposed subdivision, development, project or improvement requiring city water and/or sewage service(s) as a part of an annexation project that is initiated after June 30, 2021, that is not compact to existing utility service(s), shall be charged on a per-foot basis per each utility as

calculated and certified by the public works director for each specific project. The contact or hook-up point, the route to be used and the point of contact with the developer's property shall be determined at the sole discretion of the city. The city shall also be included during the planning, engineering and construction of each project.

B. The following requirements shall apply to all residential and commercial subdivision improvements if the developer elects to construct the infrastructure in the subdivision:

1. Developers of residential and commercial subdivisions shall have the option to construct the infrastructure in the subdivision, including streets, curbs, sidewalks, utility and stormwater piping and water retention ponds, at their own expense, in which case the city electrical department will pull all wiring, set all sectional boxes, transformers and make all terminations.
2. The developer shall be responsible for obtaining the services of a registered professional engineer subject to approval by the city, after the engineer demonstrates his experience and expertise by listing projects satisfactorily completed that were of similar size, scope and complexity.
3. The engineer shall prepare plans and specifications for streets, curbs, sidewalks, utility and stormwater piping, which shall conform to all City Code requirements and which must be approved by the city. The developer shall be responsible for submitting plans and specifications to all state and local offices for approval and to obtain all necessary permits.
4. The plans and specifications of the infrastructure including watersheds for stormwater, storm sewers and utilities, shall be designed to accommodate the development of adjacent property, not owned in whole or in part by the developer. The city will only be responsible for material cost differences required for water, sewer and electricity to adequately serve or protect adjacent properties.
5. Any and all contractors proposed to perform work on the project shall be subject to approval of the city after review of at least three (3) references and review of at least three (3) projects of similar size, scope and complexity.
6. Prior to the final city approval of the proposed infrastructure, the developer shall consent in writing to grant the city all improvements to be constructed and/or installed, pursuant to the plans and specifications.
7. The developer will be responsible to supply a performance bond of one hundred (100) percent of the contracted cost for construction and materials, or one hundred (100) percent of the cost of construction based on city subdivision improvement fees, whichever is greater. The developer shall provide the city with lien waivers for all labor, materials and contract expenditures for development before acceptance of the improvements by the city.
8. The developer will be responsible for any defects in materials and workmanship for a 12-month period after the acceptance of the project by the city.
9. The work schedule for laborers working on the project shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, unless a schedule change is otherwise approved by the city. The

developer will be responsible for city inspection costs at a rate of thirty dollars (\$30.00) per hour, per inspector, for any work performed outside regular business hours. The regular city business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

10. The developer shall certify compliance with the Missouri Department of Labor guidelines and shall submit certified timesheets of all employees who are entitled to receive the prevailing wage.
11. The city inspection fees shall be paid to the city by the developer before any work has commenced to assure compliance with city construction specifications at a rate as follows:
 - a. Water, per lineal foot \$1.00
 - b. Sewer, per lineal foot \$1.00
 - c. Electric, per lineal foot \$1.00
 - d. Storm, per lineal foot \$1.00
 - e. Street, per lineal foot \$1.00
 - f. Administration, per lineal foot \$2.00
12. The developer shall provide the name and contact information of their project manager or representative who is responsible for assuring compliance of city construction specifications at the time inspections fees are paid. All compliance issues will be directed to this representative to be corrected or resolved promptly.
13. The developer shall provide a final geotechnical engineering report by a State of Missouri registered professional engineer for streets constructed with excessive fill or in marginal soils. The developer shall also provide certification of compliance of material specifications from suppliers of both concrete and asphalt to assure material quality. The paid invoices for both concrete and asphalt shall be submitted by the developer to the city to certify material volumes.
14. The developer will be responsible for all costs associated with concrete testing for the project. The city may request sampling and testing of concrete at the city inspector's discretion but not to exceed three (3) samples per twenty (20) cubic yards of concrete.
15. In the event the developer requests and is denied a variance by the public works director, or if any other dispute or disputes should arise, the developer shall have the right to appeal to the code board of appeals.