

This supersedes Ordinance No. 97-006

**COMPREHENSIVE DEVELOPMENT PLAN –
IMPLEMENTED IN 1997
MOST OF THESE HAVE BEEN AMENDED**

This Comprehensive Development Plan is intended to serve as a guide for making the Town of Loma Linda a better place to live. Our goal is to maintain the Town of Loma Linda as a residential golf course community with commercial development limited to the golf course and its necessary facilities such as its pro shop and restaurant. With our proximity to the City of Joplin, it is our intent that the basic land use of Loma Linda shall be upscale, single family residential with multi-family residences limited to those areas currently developed without any extension thereof. It is our intention to maintain the architectural integrity of our neighborhoods with an Architectural Committee and to preserve the historic nature of portions of Loma Linda, Missouri relating to the Butterfield Stage and Hotel. We anticipate minimal public buildings and do not envision the need for schools, medical facilities, religious institutions, or public transportation, but we recognize the need for playgrounds for the children and parks for the citizens of Loma Linda. Based upon the nature of current development, the Planning and Zoning Board believes that no agricultural or industrial uses should be permitted in the Town of Loma Linda. Because of the upscale nature of the homes in Loma Linda, the use of mobile homes, modular homes, or other pre-fabricated housing are not desirable and will be prohibited by our proposed ordinance. We believe that the height and bulk of buildings should be limited to the nature of those already in existence and that apartments, condominiums, and other multi-family housing, other than duplexes, should be restricted to areas already in existence. Duplexes will be allowed within limited areas. It is our intent to present a plan which will maintain the upscale nature of our residential community.

It is also our intent that no new subdivisions within the Town of Loma Linda shall be platted unless approved and accepted by the Town and that no subdivision shall be approved unless it fits within the upscale single family residential nature of the existing Town.

Enclosed are the subdivision regulation, comprehensive plan, and zoning ordinances for the Town of Loma Linda.

Town Code

CHAPTER XX - - SUBDIVISION REGULATIONS

XX.010 Jurisdiction: The rules and regulations governing plats of subdivisions of sub-divisions of land and lot splits contained herein shall apply within the corporate limits of Loma Linda in accordance with the provisions of Section 89.400, Missouri Statutes.

XX.030 Compliance: Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this regulation shall be guilty of a misdemeanor.

XX.040 Recording: Any owner or any proprietor of any tract of land situated within the corporate limits of the Town who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Town Clerk.

XX.050 Approval: No plat of a subdivision shall be recorded unless and until it shall have been submitted and approved by the Commission and the Board of Trustees in accordance with the regulations set forth in this chapter and so certified by the Town Clerk.

XX.060 Filing Fee: To defray partially the costs of notification and administration procedures, there shall be paid to the Town Clerk at the time of submission of the preliminary plat a fee as established by the Town Board of Trustees and set forth in the fee schedule. No action of the Zoning Commission or Chairman and Board of Trustees shall be valid until the fee has been paid to the Town Clerk. This fee will be charged on all plats, regardless of the action taken, whether the plat is approved or disapproved.

XX.070 Prepared by registered land surveyor: Every plat shall be prepared by a registered land surveyor duly licensed by the State, who shall endorse upon each such plat a certificate signed by him setting forth the source of the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of the title, and shall cause his seal to be affixed on the face of the plat.

XX.080 Required statement: Every plat or the deed of dedication to which such plat is attached, shall contain, in addition to the registered land surveyor's certificate, a statement to the effect that the above and foregoing subdivision of (here, insert correct description of the land subdivided) as appears in the plat in question is with the free consent and in accordance with the desire of the undersigned owners, proprietors and Trustees, if any, and shall be duly acknowledged, before some officer authorized to take acknowledgements of deeds, and when thus executed and Clerk of the Town and indexed under the names of the owners of the lands signing such statement and under the names of the subdivision.

XX.090 No contract of sale: No person, firm or corporation, proposing to make or have made a subdivision within the territorial jurisdiction of the regulations shall enter into any contract for the sale of, or shall offer to sell any subdivision or any part thereof, until he, or it, has obtained from the Zoning Commission approval of the final plat of the proposed subdivision and the approval made a matter of public record. Any person, firm or corporation engaged in the dividing, or subdividing of land into lots or parcels for the purpose of conveyance within the scope and application of these regulations shall be known as the developer.

XX.100 Undeveloped land: Land subject to flooding, land with excessive slope and land deemed by the Zoning Commission to be undesirable for development shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life, or property, or to aggravate erosion or flood hazard. Such land shall be set aside for uses compatible with existing conditions.

XX.110 Procedure: In planning and developing a subdivision the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Section XX.150, and with the rules and regulations, and concerning required improvements set forth in Section XX.160, in these regulations, and in every case shall pursue the following procedure:

1. Not less than 45 days before preparing and submitting the preliminary plat to the Zoning Commission, the developer or his engineer or surveyors shall consult with the representative of the Zoning Commission, while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds and other community facilities or planned developments and to acquaint himself with the Commission's requirements. The pre-application time period may be reduced by the representative at his discretion. During pre-application proceedings, the general features of the subdivision, its layout, facilities and required improvements shall be determined to the extent necessary for preparation of the preliminary plat. Pre-application proceedings shall be properly documented by minutes of conferences and memoranda, as may be necessary, and copies of such documentation shall be furnished the developer.
2. The developer shall submit a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Section XX.120 at least two weeks prior to the meeting of the Zoning Commission at which action is desired.
3. The preliminary plat shall be checked by the Zoning Commission as to its conformity with the Town Plan, and as to the plat's compliance with the standards, requirements and principles hereinafter prescribed; and the Zoning Commission shall cause said preliminary plat to be checked by the Zoning Commission's representative to ascertain compliance with all applicable additional requirements of municipal, county, state and federal departments and agencies concerned and with applicable regulations of public utility companies.
4. Upon completion of all required improvements as stipulated by the Zoning Commission, the developer shall file with the Zoning Commission the final plat of the subdivision. The final plat may include all or any reasonably acceptable part of the approved preliminary plat, and completion of improvements, or the bond or escrow agreements therefore need only cover that portion of the plat for which final approval is requested.
5. The approval of the Commission or the refusal to approve shall take place within 60 days from and after the submission of the plat for final approval, unless the developer agrees in writing to an extension of this time period; otherwise said plat shall be deemed to have been approved and the certificate of said Zoning Commission as to the date of the submission of the plat for approval as to the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required. The

ground of refusal of any plat submitted or regulations violated by the plat shall be stated upon the record of the Zoning Commission.

XX.120 Preliminary plat requirements:

1. The preliminary plat of the proposed subdivision, three black line or blue line prints prepared by a qualified registered professional engineer or surveyor, shall accompany an application in writing to the Zoning Commission. The horizontal scale of the preliminary plat shall be 100 feet or less to the inch, and the vertical scale of street and sewer profiles 10 feet or less to the inch.
2. A vicinity sketch at a scale of 400 feet or more to the inch shall be drawn on or shall accompany the preliminary plat. The sketch shall show:
 - a. All existing subdivisions and the street and tract lines or acreage parcels of land, together with the name of record owners of such parcels immediately adjoining the proposed subdivisions and between it;
 - b. The nearest existing highways or thoroughfares, streets and alleys in neighboring subdivisions or unplatted property involved in producing the most advantageous development of the entire neighborhood;
 - c. Section, range and township;
 - d. Any corporation or ad hoc district lines, such as school or sewer districts, etc.
3. The preliminary plat shall clearly show the following features and information:
 - a. Name: The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the Town.
 - b. Designation: The tract designation according to real estate records of the recorder of the county where located.
 - c. Owners of Record: The names and addresses of the owner or owners of record, the developer and the engineer or surveyor.
 - d. Abutting Owners: The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
 - e. Boundary Lines: The boundary lines, accurate in scale, of the tract to be subdivided.
 - f. Streets – Other Features: The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings; large trees and water courses; railroad lines; corporation and township lines; utility lines, etc.
 - g. Utility – Existing and Proposed: Existing and proposed sewers, water mains, culverts and other underground structures within the tract and immediately adjacent.
 - h. Physical Characteristics: Topography; contours, normally with intervals of two feet, or as may be otherwise required by the Planning and Zoning Commission.
 - i. Proposed Design – Street, Drainage, Etc.:
 1. The functional classification (major, minor, etc.) and widths of proposed streets, alleys, and easements;
 2. The location and approximate sizes of catch basins, culverts and other drainage structures;

3. The layout, numbers and approximate dimensions of Zoning commission representative and the approval obtained from the local U.S. Postmaster and shall not duplicate or closely approximate any existing or platted street names in the Town, except extensions of existing streets.
- j. Zoning: Zoning boundary lines if any; proposed uses of property and proposed front yard set-back lines.
- k. North Point, Etc.: North point, scale, date, title.
- l. Deed Restrictions: Copies of any private restrictions to be included in the deeds should be attached to the preliminary plat.

XX.130 Final Plat Requirements: In addition to all of the standard requirements for a preliminary plat as indicated in Section XX.120 of this document, the altered or additional requirements contained below will be required as part of the final plat.

1. Seven black line or blue line prints of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Zoning Commission by the developer together with a written application for approval on forms provided by the Zoning Commission. The plat shall be a print or prints on linen tracing cloth: Cronaflex, Mylar or similar durable material. The plat shall be drawn at a scale of 100 feet or less to the inch. Said scale shall be indicated on the plat graphically.
2. True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be letter on them. The length of all arcs-radii, points of curvature and tangent bearing; all easements and right-of-ways when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); all lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes.
3. The accurate location and material of all permanent reference monuments.
4. Lots shall be arranged in numerical order.
5. The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use shall be marked on each plat, "Dedicated to the Public", and shall be accepted, in writing, by the governing body of the Town by affixing the signature of the chief elected official on the plat.
6. Affidavit and certificate by a qualified registered land surveyor to the effect that he has fully complied with the requirements of these regulations and the subdivision laws of the State of Missouri governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.

7. A certificate issued by the authorized Town and county officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

XX.140 Modification and Exceptions: The following shall be permitted as exceptions to this Chapter:

1. In the case of a small subdivision (4 lots or more) of minor importance situated in a locality where conditions are will defined, the Planning and Zoning Commission on written request of the developer, may exempt the developer from complying with some of the requirements stipulated in Sections XX.110 and XX.130 pertaining to the preparation of the plats. A developer may not, however, be exempted from any design requirements specified in Section XX.150 of these regulations.
2. Any proposed lot-split shall be submitted to the Zoning Commission for review and if the Zoning Commission, acting through its representative, is satisfied that such proposed lot-split is not contrary to applicable regulations, it shall, within 20 days after submission, approved such lot-split and, on presentation of a conveyance of said parcel, shall stamp the same "Approved by the Town Zoning Commission, no plat required" and have it signed by the Town Engineer or other official as may be designated by it. In so doing, the Zoning Commission may require the submission of a sketch plat, record of survey and such other information as it may deem pertinent to its determination hereunder.
3. In any particular case where the developer can show by plan and written and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Zoning Commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable general development or welfare of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Ordinance. Any modification thus granted shall be spread upon the minutes of the Zoning Commission setting forth the reasons which in the opinion of the Zoning Commission justified the modification.

XX.150 Subdivision Design Standards and Requirements: The following standards shall be required of all subdivisions.

1. In order to protect the health, safety and general welfare of the people, the Zoning Commission will reject any proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage or other adverse physical characteristics and impairment, the Zoning commission may approve the plat, provided the developer binds himself legally to make such improvements as, in the judgment of the Zoning commission, will render the subdivision substantially safe and otherwise acceptable for the

intended use. In this case the developer shall post with the commission a surety performance bond, running to the Town or other security acceptable to the Zoning commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.

2. The subdivision layout shall conform to the official Major Street Plan or other elements of the Comprehensive Plan. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare or other major or collector street so designated on said Plan, such part of such public way shall be platted by the developer in the location and at the width indicated in the Plan.
3. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous and aesthetically pleasing development in the entire neighborhood, including adjoining areas. Where appropriate to the design proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
 - a. Dead-End Streets: Dead-end streets of reasonable length (normally not over 500 feet) may be approved where necessitated by topography or where, in the opinion of the Zoning Commission, they are appropriate for the type of development contemplated.
 - b. Intersecting Streets: Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Four-way intersections shall be used for minor interior streets wherever practicable and not in conflict with other applicable design principles and standards. Street jogs with centerline offsets of less than 125 feet shall be avoided.
 - c. Half-Width Streets: Wherever there abuts the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted such that the ultimate right-of-way of such street or alley shall be platted such that the ultimate right-of-way conforms to the minimum standards included herein.
 - d. Block Widths: Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except in the case of reversed frontages.
 - e. Block Length: The length of blocks shall be such as may be appropriate, in the opinion of the Zoning Commission, for the locality and the type of development contemplated, but shall not exceed 1,500 feet where the average size of lots does not exceed two acres in area.
 - f. Access: Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally. Subdivision intended for commercial or industrial occupancy shall have access to a collector street, but shall not have direct access to any residential street or residential collector street under any circumstances, except in the case of appropriately separated planned retail centers. Direct ingress or egress to an arterial street shall not be permitted from areas zoned R-1, R-2, and R-3.
4. Street right-of-way requirements and utility easements as follows:
 - a. Highways and Major Thoroughfares: Highways and major thoroughfares as specified in the official Major Street Plan of the Comprehensive Plan; not less than the easement width specified for a secondary thoroughfare.

- b. Collector Streets: 60 feet.
 - c. Minor Street, Dead-End Streets and Cul-De-Sac Streets: All minor streets shall have a street easement width of 50 feet. All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 100 feet, unless the Zoning Commission approves a "T" or "Y" shaped paved space in place of the required turning circle. Turnarounds shall not be required on dead-end streets which are less than 250 feet in length and are planned to be extended in the future.
 - d. Alleys: Alleys, where platted, shall have a minimum of 20 feet.
 - e. Utility Easements: Utility easements where required shall be at least ten (10') feet wide [five (5') feet on each side of the lot line] along rear, front, and side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Easements five (5') feet in width may be allowed for underground cable installations.
5. Minimum pavement widths, back to back of curb, required to be installed at subdivider's expense.
- a. Major Thoroughfares and Collector Streets: Thirty-six (36') feet. In the case of a major thoroughfare or collector street requiring pavements wider than thirty-six (36') feet, the matter of financial and other arrangements for installing such wider pavements at the time the developer will make the improvements shall be taken up by the developer with the officials having jurisdiction.
 - b. Minor, dead-End and Cul-De-Sac Streets: Twenty-six (26') feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of eighty (80') feet. A "T" or "Y" shaped paved space, when approved by the Zoning commission in place of a turning circle shall extend entirely across the width of the street right-of-way, except for sidewalk space, and shall be at least ten (10') wide with the flared portion rounded by minimum radius of twenty (20') feet.
 - c. Alleys and Service Drives: Twenty (20') feet.
6. The grades of streets shall not exceed the following, except where unusual or exceptional conditions exist, the Planning and Zoning Commission may modify these requirements.
- a. Highways and Major Thoroughfares: 4.0 percent.
 - b. Collector Streets: 7.0 percent.
 - c. Minor Streets, Service Drives, and Alleys: 12.0 percent.
 - d. Pedestrian Ways or Crosswalks: 12.0 percent, unless steps of an acceptable design are to be constructed.
 - e. Minimum Grade: In no event shall the minimum grade of any street or alley be less than five-tenths of one percent.
 - f. Radii of Curvature: The radii of curvature on the centerline shall not be less than four hundred (400') feet for major thoroughfares, two hundred fifty (250') feet for collector streets and one hundred fifty (150') feet for minor streets.
 - g. Corner Radii: Curbs at intersections shall have a minimum radius of thirty-two (32') feet at the back of the curb.

7. The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development contemplated in compliance with applicable Zoning Ordinance or Regulations.
 - a. Depth: Excessive depth in relation to width shall be avoided. (A proportion of 1:1 or 2:1 will normally be considered appropriate, except in the case of narrow lots.)
 - b. Street Access: Every lot shall abut on a street, subject to the requirements of Section XX.150, number 3.
 - c. Width: Lots for residential purposes shall have sufficient width at the building set-back lines to permit compliance with side yard or distance requirements of the applicable zoning Ordinance or Regulations and still be adequate for a building of practicable width.
 - d. Double-Frontage: Except as otherwise provided, double-frontage lots and reversed frontage lots shall be avoided.
 - e. Side Lot Lines: Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.
 - f. Corner Lots: Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements for the applicable Zoning Ordinance.
 - g. Minimum Lot Size: Where not otherwise determined by applicable Zoning Ordinance or Regulations, the minimum lot size for residential purposes shall be as platted and lots cannot be divided without approval of Zoning and Architectural Committee.
 - h. No Utilities: Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with the requirements of XX.160.

XX.160 Improvements Installation Requirements: All improvements required under these regulations shall be constructed in accordance with the specifications and under the supervision of the official having jurisdiction in the manner prescribed below:

1. Before consideration of a final subdivision plat, the subdivider must have submitted and obtained approval of improvement plans for all improvements planned for the subdivision and have installed said improvements in accordance with the approved improvement plans, or in lieu of installation of said improvements, a satisfactory escrow agreement, lenders agreement or land subdivision bond may be submitted insuring or guaranteeing their construction in accordance with approved plans.
2. The escrow agreement, lenders agreement, or land subdivision bond provided shall:
 - a. Be prepared on forms furnished by the Zoning Commission, and stored in the office of the Administrative Officer.
 - b. Approved by the Town Engineer and Town Attorney.
 - c. Be executed by the Zoning Commission Chairman, subject to the approval of the Board of Trustees.

- d. Guarantee the improvements set forth in the approved improvement plans by providing for a deposit with a qualified escrow depository of that sum of lawful money of the United States of America, or a land subdivision bond or a lenders agreement in the amount which the Town Engineer shall reasonably estimate as the cost of said improvements.
 - e. If there is an escrow sum it shall be held in a special account by the escrow holder subject to the audit of the Town Engineer and/or Board of Trustees of the Town of Loma Linda, Missouri.
 - f. If there is a lenders agreement it shall be subject to the audit of the Town Engineer and/or Board of Trustees of the Town of Loma Linda, Missouri.
3. The estimated sum shall be held by the escrow holder or the lender as in the agreement provided until such time as the Town Engineer recommends a release be authorized by the Administrative Officer. Authorization shall be written and addressed to the escrow holder or the lender authorizing release. The Administrative Officer may authorize release for disbursement by the escrow holder or the lender for the payment of labor and materials used in the construction and installation of the improvements guarantee, as the work progresses, and when approved by the Town Engineer. In no case shall the escrow holder or lender release more than 90% of the estimated sum until improvements and installations have been completed in a satisfactory manner in accordance with the Subdivision Regulations, and approved by the Town Engineer. The remaining 10% shall be released upon acceptance of final approval of said improvements by the Chairman or Board of Trustees. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Chairman or Board of Trustees shall be written authorization addressed to the surety, release the Land Subdivision bond total sum. This amount shall only be authorized to be released in its entirety after the Town Engineer certifies that all the improvements have been constructed in accordance with the approved plans, meet all the requirements of the Town of Loma Linda Subdivision Regulations and the streets and storm water sewers and storm structures located within the public right-of-way have accepted for maintenance by the Town of Loma Linda, Missouri.
4. The Administrative Officer shall release funds for any completed segment of the work 30 days after the request for an inspection if the segment of the work has been made, provided no deficiencies were reported during the 30 day period.
5. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the improvement plans, the Town of Loma Linda has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Zoning Commission.
6. Streets shall be graded to full width of the right-of-way and fully constructed to County specifications with all-weather macadam or concrete wearing pavements surfaced with asphaltic or Portland Cement concrete wearing surfaces, in accordance with the standard street specifications of the Newton County, Missouri.
 - a. Improvement of Existing Streets: For any development fronting on an existing road or street, it shall be the responsibility of the developer to bring the road or street up to County specifications to the center line of the road or street, plus an additional eight (8') feet of width as per County specifications.

7. Where a public water supply main is reasonably accessible, in the judgment of the Zoning Commission, the subdivision shall be provided with a complete loop type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with the requirements of the Missouri Inspection Bureau. The Zoning Commission shall not approve final plat until the Missouri State Board of Health has issued a construction permit for the water distribution system to service the area being platted.
8. Every subdivision shall be provided with a storm water sewer or drainage system adequate to serve the area being platted and otherwise meeting the approval of the officials having jurisdiction.
9. Where a public sanitary sewer system is not reasonably accessible, in the opinion of the Zoning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such system and connection shall comply with the regulations of the Missouri Clean Water Commission, the Newton County Health Department, and the Village Board of Trustees.
 - a. Where a public sanitary sewer system is not reasonably accessible, in the opinion of the Zoning Commission, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the appropriate Town, County or State Officials, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the governing body of the Town, County and the State Board of Health. In this case the results of percolation tests made at the site will accompany the plans.
 - b. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph, or individual disposal devices may be installed on each lot within the subdivision, provided that no individual disposal devices shall be permitted unless the lots to be so served have sufficient area to allow adequate soil absorption area for on-site sewerage disposal. The Zoning Commission may modify lot area requirements in relation to soil conditions and other pertinent facts and findings in any particular subdivision; however, no lot shall be less than three (3) acres. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the Town, County and Missouri State Board of Health.
10. Planting, Street Lighting:
 - a. Landscaping: All landscaped strips, parkways and screening areas dedicated to the public shall be graded, seeded and planted in an appropriate manner. Street trees shall be planted by the developer throughout the entire subdivision. Such trees shall be planted in the parkway, on both sides of the street, not less than forty (40') feet apart, but at least one tree per lot, and shall be not less than two (2") inches in diameter. Specimen shall be determined by the Zoning Commission or its representative where shrubs are required for

the purpose of screening, specimen, density, and other pertinent features shall also be determined by the Zoning Commission.

- b. Lighting: Provisions shall be made by the developer for adequate lighting of public streets within the proposed subdivision, in accordance with standards and specifications of the Town Engineer.

11. Street Name Signs and Street Naming:

- a. Street name signs meeting the requirements of the Town Engineer shall be erected by the subdivider at all intersections.
- b. For purposes of street naming, the following suffixes shall be applied:
 - 1. Avenue shall be used only for streets that run in a generally east-west direction;
 - 2. Street shall be used only for thoroughfares that run in a generally north-south direction;
 - 3. The words north, south, east, or west should be avoided as part of a street name whenever possible.
- c. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
- d. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.
- e. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Zoning Commission prior to such names being assigned or used.

12. Easements for underground conduits for electric light or telephone lines shall be provided along rear and side lot lines.* *From a civil defense standpoint, and, of course, aesthetically, telephone and electric power lines should be located underground.

13. Permanent and other monuments shall be placed in accordance with the following requirements—and under the supervision of the Zoning Commission representative or his designee.

- a. Street Points: Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street, centerlines.
- b. Stakes: Stakes of a permanent nature shall be set at rear lot corners; top to be set not more than two (2") inches above ground.

14. Improvements plans, including the following, for improvements to be installed shall be prepared by a qualified, registered professional engineer and submitted in accordance with the specifications of the officials having jurisdiction and no improvements shall be installed until and unless said plans have been received and approved by the said officials:

- a. Centerline Profile: The centerline profile of each proposed street, with tentative grades indicated;
- b. Street Cross Section: The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of utility mains;
- c. Sewer Plans and Profiles: The plans and profiles of proposed sanitary sewers and storm water sewers or storm drainage plans, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers; the drainage area contributing to the flow in each storm sewer shall be shown on a map and the hydraulic calculations for the sewer shall be provided.

d. Water Distribution Plan: A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.

XX.170 Inspection: Prior to starting any of the work covered by the above plans, after approval thereof, the developer shall make arrangements to provide for inspection of the work, sufficient, in the opinion of the Town Engineer, to assure compliance with the plans and specifications as approved, and written approval obtained from the Zoning Commission or its representative.

1. Fees for inspection will be required to be deposited with the Administrative Officer at the time of submission of the improvement plans. These fees will be estimated by the developer's engineer upon forms provided by the Administrative Officer and must meet the approval of the Town Engineer.
2. The construction of all improvements required by these rules and regulations shall be completed within two years from the date of approval of the final plat by the Zoning Commission, unless good cause can be shown for the granting of an extension of time by authority of the Zoning Commission.
3. Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency; provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance, and supervision of such facilities.

XX.180 Modifications: Where unusual or exceptional factors or conditions exist, the Zoning Commission may modify any of the provisions of these regulations except those of Section XX.160 (1) through XX.160 (5) on written application by the developer. The developer's application shall set forth the reasons for such requested modification and shall be attached to all copies of the construction plans.

CHAPTER xx - - ZONING
SUBCHAPTER A - - GENERAL

xx.010 Title: This Chapter shall be known and may be cited as "The Town of Loma Linda, Missouri, Zoning Ordinance".

xx.020 Purpose: In order to promote the health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure proper use of land; to facilitate adequate and economical public improvements and service; and to lessen or avoid congestion on the public streets; the following regulations and zones are imposed on the Town of Loma Linda, Missouri.

xx.030 Zones: Be it ordained by the governing body of the Town of Loma Linda, Missouri, that the following zones and regulations be imposed within the incorporated limits of said Town.

Residential

- R-1 One Family District
- R-2 Two Family District
- R-3 Multiple Family District
- R-4 Golf Course
- R-5 Parks

Commercial

- C-1 General Commercial District

xx.040 Zoning Map: Said districts are bounded and defined as shown on a map entitled "Zoning Map for the Town of Loma Linda, Missouri", adopted by the Board of Trustees and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

1. The zoning map shall be kept and maintained by the Town Clerk and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

xx.050 Rules for Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:

1. Where district boundaries on the zoning map are indicated as approximately following the centerlines of streets, streams, highways, or railroads, such boundaries shall be deemed to be located as such midpoints.
2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.
3. Where the boundary of a district follows a stream, lake or other body of water, said boundary lines shall be deemed to be at the limit of the jurisdiction of the Town of Loma Linda unless otherwise indicated.

xx.060 Nonconforming Use: Except as provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located:

1. The lawful use of land or buildings existing at the time of the passage of this Ordinance, although such does not conform to the regulations, may be continued. A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months shall not thereafter be occupied except by the uses which conform to the use regulations of the district in which it is located. In

those instances where nonconformity of use, land, or building exists, clear intent upon the part of the owner to abandon the nonconformity or nonconformities shall thereafter render the said property to the use regulations of the district in which it is located.

2. If rezoning is granted by the Town Board of Trustees, and the owner fails to use the land or buildings to conform to the new zoning district purposes within the six (6) month period from the date of rezoning, the lawful use of the land and buildings will return to the original zoning of said property. The lack of change by the owner to the rezoned district will be clear intent that the rezoning is deemed unnecessary and said property will be returned to the use regulations of its original zoning district except where other time limitations are specified in the Zoning Ordinances for a specific district.

xx.070 Application of Regulations: Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area; or,
 - d. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with provisions of this section shall be included as a part of a yard or other open space similarly required for another building.

SUBCHAPTER B - - ZONING DISTRICTS

xx.080 R-1 One Family Residential Districts

1. Uses permitted:
 - a. One family dwellings of a single story shall have not less than 2,000 square feet (SEE Bill No. 05-010) of living space above ground. a., b., and c. shall apply in the Town except in the platted area of Loma Linda South Plat.
 - b. One family dwellings of a story and a half shall have not less than 2,000 square feet (SEE Bill No. 05-010) of living space above the ground on the main floor.

- c. One family dwelling of two story construction shall have not less than 2,000 square feet (SEE Bill No. 05-010) of living space above ground on the main floor.
 - d. In Loma Linda South Plat, one family homes may be 1800 square feet (SEE Bill No. 05-010) of living space, all above ground. Main level shall have 1,800 square feet on the main level, regardless of how many square feet are in a basement, in a story and a half or two story structure.
 - e. For measurements of the square foot of living space for all of the above paragraphs, there shall be counted only the heated living space exclusive of garages, porches and patios. Garages, porches and patios shall be disregarded for calculation of living square feet regardless of whether or not they are heated. A finished and heated basement may be counted toward total living space, provided the single family dwelling complies with the above square feet requirements of the main floor in a., b., and c.
 - f. A single family residential lot in Loma Linda, North Plat shall be at least one (1) acre and in Loma Linda, South Plat shall be at least one-half (1/2) acre.
 - g. All future plats shall be submitted to the Zoning Board for approval and unless specific provisions for a square footage provides otherwise, the requirements of paragraphs a., b., and c. shall apply and not those requirements provided for Loma Linda South Plat.
2. Building height: No building shall be erected or enlarged to exceed two and one-half (2 ½) stories, excluding basement, or thirty-five feet (35') in height from the ground level as measured from the street side of house and if a corner lot, whichever street level is highest.
 3. Percentage of lot coverage: All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.
 4. Single family dwelling, not served by sanitary sewer system: Must be on a three (3) acre lot or more or conform and be approved by County Regulations as lawful.
 5. Single family dwelling on less than a three (3) acre lot: Must be hooked up to the central sewer system and possess an aerated wastewater treatment unit of at least five hundred (500) gallon capacity which possesses the National Sanitation Foundation Seal of Acceptance or conform and be approved for County Regulations as lawful.
 6. Yard required: Each lot shall have front, side and rear yards not less than the depth or width following:
 - a. Front yard footage along the street shall equal or exceed the depth footage of the lot.

- b. Each side yard width to be a minimum of ten feet (10') from the property line to the building so that a total of twenty feet (20') of space exist between buildings and except if property line abuts a street; then the required distance shall be no less than thirty feet (30') from the street.
 - c. Rear yard depth of twenty-five feet (25') is required between building and rear yard property line.
7. Parking regulations:
- a. Trailers, boats, motor powered cycles, golf carts or other similar vehicles or conveyances shall be housed in garages, carports, or other buildings as may be approved by the Town of Loma Linda.
 - b. Overnight parking on roads and streets except for automobiles and light trucks (one-half ton or less) is prohibited. No unlicensed or inoperable motor vehicle shall be stored on any residential lot but may be stored in a designated storage area located at the barn near the rear entrance to the subdivision.
 - c. Extended parking on streets of any vehicle is prohibited.

xx.090 R-2 Two Family Residential Districts:

- 1. Uses permitted:
 - a. All uses permitted in R-1 Districts, subject to all the restrictions specified in said R-1 Districts.
 - b. Two family dwellings, but not including trailer houses, mobile or modular homes; of at least one-thousand eight hundred (1,800) square feet (SEE Bill No. 05-011) per unit, above ground.
- 2. Building height: Same as R-1 District.
- 3. Required lot area: One-half (1/2) acre.
 - a. Each two family dwelling shall be located on a lot having an area of at least ten-thousand seven-hundred fifty (10,750) square feet.
- 4. Percentage of lot covered: Same as R-1 District.
- 5. Yards required: Same as R-1 District.
- 6. Parking requirements: Same as R-1 District.

xx.100 R-3 Multiple Family Residential Districts:

- 1. Uses permitted:
 - a. All uses permitted in R-2 Districts, subject to all of the restrictions specified.
 - b. Multiple family dwellings, apartment houses.
 - c. Town houses.
- 2. Building height: Three stories but not exceeding forty (40) feet.
- 3. Required lot area: No dwelling shall be established on a lot having an area or width less than specified for one family residence in R-1 Districts; provided, however, that

each separate development shall not exceed a density of two (2) dwelling units per gross acre of lot.

4. Percentage of lot coverage: All buildings including accessory buildings shall not cover more than forty (40%) percent of the area of the lot.
5. Yard required: Yards of the following minimum depths shall be provided:
 - a. Front yards: Thirty-five (35') feet.
 - b. Side yards: Ten (10') feet from property line.
 - c. Rear yards: Twenty-five (25') feet from property line.
6. Distance between buildings on same plot: No principal buildings shall be closer to any other principal building than twenty (20') feet.
7. Parking requirements: Same as R-1.

xx.110 R-4 Golf Course

xx.120 R-5 Parks

xx.130 General Commercial Districts: This commercial district is intended for the conduct of personal business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

1. Uses permitted:
 - a. Resort/residential structures and accessory buildings.
 - b. Restaurants and golf course pro shop.

The foregoing uses shall comply with the following provisions:

1. All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen planting, which shall meet with the approval of the adjacent residential property owner, that it cannot be seen by a person standing on ground level in a residential district when located to the side or rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7') feet in height. Adjacent residential property owner may waive the fence requirement in writing to the Zoning Commission. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by ornamental fences or evergreen planting or be permanent buildings that it cannot be seen from a public street.
2. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round.

3. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
4. Outdoor lighting, when provided, shall have an arrangement or reflectors and an intensity of lighting which will not interfere with adjoining residential areas and adjacent streets or adjoining residential areas, and shall not be of a flashing or intermittent type.

SUBCHAPTER C - - SUPPLEMENTARY REGULATIONS

The provisions of this Chapter shall be subject to the exceptions, additions or modifications provided by the following regulations.

- xx.300 Advertising Billboards or Signs: No billboards shall be permitted in any residential district, excepting normal real estate "For Sale" signs.
- xx.310 Public Buildings and Utilities: These uses may be permitted in districts subject to such protective restrictions deemed necessary by the Town Zoning Commission.
- xx.320 Floodplains: Notwithstanding the regulations contained in any part of this Chapter, no use other than a public park or parkway and public street or highway will be permitted in any zone designated on the zoning map as a floodplain area unless adequate measures are taken to protect the use from flood damage, and flood plain insurance has been purchased. These measures will be subject to approval by the Zoning Commission.
- xx.330 Area: On corner lots, no fence, wall, hedge or other structure or planting more than three (3') feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are sufficiently distant from the point of intersection to provide adequate sight distance for vehicles travelling at design approach speed of street.
- xx.340 Annexed Territory: All territory which may hereafter be annexed to the Town shall be classified as R-1 Residential until, within a period not to exceed ninety (90) days following date of annexation, the Planning and Zoning Commission shall appropriately reclassify such territory.
- xx.350 Vacation of Public Easements: Whenever any street, alley or other public easement is vacated, the district classifications of property to which the vacated portions of land accrue shall become the classification of the vacated land.

xx.360

Storage and Parking of Trailers and Commercial Vehicles: Commercial vehicles and trailers of all types, including travel, camping and hauling shall not be parked or stored in any area, except designated storage areas, as currently provided by Loma Linda.

1. Minimum spaces: The minimum number of required spaces shall be determined by the following criteria: (In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified in this Chapter.)
 - a. Uses permitted in R-1, R-2, R-3, and R-4 Zoning Districts:
 1. Single-family dwellings: Two covered (2) parking spaces per dwelling unit.
 2. Two-family dwellings: Two (2) parking spaces per dwelling unit.
 3. Multi-family dwellings: Two (2) parking spaces per dwelling unit.
 4. Golf Course: Adequate spaces so that residential parking is not limited.

SUBCHAPTER D - - DEFINITIONS

xx.370

For the purpose of this Chapter, the following definitions of certain terms and words can be located at Loma Linda Town Hall, 5000 Butterfield Drive:

Accessory Building	Frontage	Sign
Accessory Use	Garage, Private	Story
Agricultural Use	Home Occupation	Street
Alterations	Hotel	Street Easement
Area, Building	House Trailer	Street Line
Area, Net Site	Loading Space	Structure
Basement	Lot	Tourist Camp
Billboard or Sign Board	Lot, Corner	Town House
Building, Front Line of	Lot Depth	Trailer
Comprehensive Plan	Lot Width	Use
Coverage	Mobile Homes	Yard
Dwelling	Motel	Yard, Rear
Dwelling, One Family	Nonconforming Use	Yard, Side
Dwelling, Multiple Family	Parking Space, Automobile	Yard, Front
Family	Plat	Dwelling, Two Family