

**STONE COUNTY SUBDIVISION REGULATIONS**

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## ARTICLE 1, GENERAL PROVISIONS

1. **Jurisdiction:** These regulations shall apply to all land located in the unincorporated area of Stone County, Missouri. All plans, plats or replats of land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the jurisdiction of the Stone County Planning and Zoning Board shall be prepared, presented and recorded as herein described.
2. **Purpose and Intent:** The purpose and intent of these regulations is to provide for the harmonious development of the unincorporated areas of the County; to provide for the proper location and width of streets, building lines, open spaces, safety and recreation areas, utilities, drainage; for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure, to the governing body, the actual construction of such physical improvements.
3. **Applicability:** The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless exempted under Section 4 of this Article.
4. **Exemptions:** These regulations shall not apply in the following instances:
  - A. The division of any parcel or tract of land when the smallest parcel created is 20 acres or greater in area.
  - B. A change in the boundary between adjoining land which does not create an additional or substandard lot.
  - C. Land used for public street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
  - D. Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to adoption of these regulations. However, any further resubdivision of lots, parcels or tracts must be done in accordance with these regulations. The regulations allow one split of each lot, parcel or tract into not more than two parcels under lot split provisions of Article 5, without preparation of a subdivision plat.
  - E. Any transfer by operation of law.

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5. **When Subdivision Regulations Apply:** The division of any parcel of land or tract into more than two tracts, two or more of which are smaller than 20 acres, shall be made under the platting provisions of Article 6, "Submission of Plats". The division of any parcel of land or tract smaller than 20 acres into two tracts may be made under the provisions of Article 5, "Lot Splits". All plats and lot splits shall comply with the provisions of these regulations.

**ARTICLE 2, ADMINISTRATION**

**1. Duties of the Planning and Zoning Administrator:**

- A. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.
- B. File copies of all preliminary and final plats, together with applications and filing fees, in the Office of the Planning and Zoning Administrator.
- C. Transmit preliminary and final plats to the Planning and Zoning Board, and Planning and Zoning Board recommendations regarding acceptance of dedications to the governing body for its action.
- D. Notify the Office of the Recorder of Deeds of final plat approval.
- E. Transmit plat applications to the County Engineer and, after consideration of the County Engineer's opinion, shall notify the subdivider as to whether or not the application is consistent with the requirements of the Subdivision Regulations and/or design standards and, if not, of the specific manner in which such drawings do not so conform or comply. The subdivider may then correct any defective drawings and resubmit the correct drawings.
- F. Circulate documents and communications to, from, or among applicants, the County Engineer, the Planning and Zoning Board, the Board of Adjustment, and/or the governing body.

**2. Duties of the Planning and Zoning Board:**

- A. Review and approve, approve conditionally, or disapprove preliminary plats within 30 days after submission.
- B. Review and approve, approve conditionally, or disapprove final plats and transmit final plats together with appropriate recommendations to the governing body for its acceptance of the plat and dedications of easement and rights-of-way within 30 days after submission.
- C. Accept bond for the County Commission providing for and securing to the County the actual construction of improvements in the subdivision.
- D. Make other determinations and decisions as may be required of the Planning and Zoning Board from time to time by these regulations, and by the applicable sections of the Missouri Statutes.

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### 3. **Duties of the Governing Body:**

- A. Accept or reject final plats and the dedications of easements and rights-of-way in final plats.
- B. Take other actions as required from time to time including the consideration of amendments to these regulations.
- C. Approve or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by the regulations.

### 4. **Approvals Necessary for Acceptance of Subdivision Plats:**

All plans, plats, or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto shall be submitted to the Stone County Planning and Zoning Board for their consideration.

The Planning and Zoning Board shall determine if the plat conforms to the provisions of these regulations and shall recommend to approve or disapprove a preliminary plat within 30 days after submission of the preliminary plat to the secretary. The governing body shall act on the preliminary plat and accept or refuse the dedication of land for public purpose on final plats within 30 days after the first meeting of the governing body following the date of the submission of the plat to the governing body.

The division of any parcel of land or tract into more than two tracts, two or more of which are smaller than 20 acres, shall be made under the platting provisions of Article 6, "Submission of Plats". The division of any parcel of land or tract smaller than 20 acres into two tracts may be made under the provisions of Article 5, "Lot Splits". All plats and lot splits shall comply with the provisions of these regulations.

### 5. **Responsibilities of the Recorder of Deeds:**

The Recorder of Deeds shall not record any plat until such plat is approved by the Planning and Zoning Board and accepted by the governing body and is signed by the governing body of Stone County, Missouri. See Article 6, "Submission of Plats", for a detailed list of submittals needed for platting land and for all procedural requirements.

Pursuant to RSMO 137.185, no tract or parcel of less than one-sixteenth of a section shall be conveyed by metes and bounds without a survey, a certified and sealed copy of which shall be recorded in the office of the Recorder of Deeds on Stone County prior to the conveyance of the tract or parcel.

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### 6. Duties of the County Engineer:

- A. Review of Plat Applications: The County Engineer shall review all plat applications in order to advise as to whether the application conforms to the regulations and/or design standards. The County Engineer shall forward to the Planning and Zoning Director a notice stating his/her opinion and, in the event that it is the engineer's opinion that the application does not so conform or comply, the County Engineer shall notify the Planning and Zoning Director of the specific manner in which such drawings do not so conform or comply.

## ARTICLE 3, DEFINITIONS

1. **Definitions:** Definitions for the interpretation of these rules and regulations are as follows:

**Agricultural Uses:** The use of a tract of land of not less than 20 acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwellings of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots.

**Alley:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.

**Block:** A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

**County Engineer:** The person responsible to perform the duties of the County Engineer including any and all special engineers as appointed by the governing body. If the position of County Engineer is vacant, the governing body shall appoint an engineer to perform the County Engineer's functions under these Subdivision Regulations.

**Cul-de-sac:** A vehicular turnaround which is located at the closed end of a dead-end street or alley.

**Department of Natural Resources, Missouri (MDNR):** The Missouri Department of Natural Resources.

**Design:** The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

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**Easement:** A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

**Final Plat:** A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Recorder of Deeds of Stone County.

**Governing Body:** The County Commission of Stone County, Missouri.

**Green Space:** an area of land or water or combination thereof, as defined by the developer, set aside, dedicated, designated, or reserved for the public or private use, planned for maintenance of the natural environment; or for passive or active recreational use by all residents of a platted subdivision, or by the general public, including nature trails, picnic areas, and walking paths; and active recreation, such as swimming pools, tennis courts, and shuffleboard courts; and not including areas utilized for streets, alleys, or private roads, off-street parking or loadings areas. Open space shall be contiguous.

**Improvements:** Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the proper development of the county, as a condition precedent to the approval and acceptance of the final plat.

**Land Use Plan:** The Comprehensive Plan of Stone County, Missouri, as amended.

**Lot:** A portion of land in a subdivision or other parcel of land under single ownership, intended as a unit for transfer of ownership or for development, and, when more than one parcel, contiguous.

**Open Space:** An area of land or water or combination thereof, as defined by the developer, set aside, dedicated, designated, or reserved for the public or private use, planned for maintenance of the natural environment; or for passive or active recreational use by all residents of a platted subdivision, or by the general public, including nature trails, picnic areas, and walking paths, and active recreation, such as swimming pools, tennis courts, and shuffleboard courts; and not including areas utilized for streets, alleys, or private roads, off-street parking or loading areas. Open space in private ownership shall be contiguous and visible from a street right-of-way.

**Pedestrian Way:** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

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**Planning and Zoning Administrator:** The individual appointed by the governing body to administer these regulations. Also known as Planning and Zoning Director.

**Planning and Zoning Board:** Shall mean the Stone County Planning and Zoning Board. Also known as the Planning and Zoning Commission.

**Preliminary Plat:** A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.

**Secretary:** Secretary of the Planning and Zoning Board.

**Significant/Specimen Tree or Stand:** Any tree or grouping of trees that is considered to be of high value due to its size, species, form, historical significance, or other professional criteria.

**Setback:** The required minimum horizontal distance between the building line and the related front, side, or rear property line as provided in the Stone County Planning and Zoning Regulations.

**Street:** A right-of-way, which provides vehicular and pedestrian access to adjacent properties, whether dedicated to the public, or private.

**Street, Public:** A right-of-way, dedicated to the public and accepted by the County, which provides vehicular and pedestrian access to adjacent properties.

**Subdivider:** A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for itself or for others.

**Subdivision:** The division of a tract of land into two 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; except that, the division of land shall not be considered to be a subdivision when the smallest parcel created is more than twenty (20) acres in area. The term "subdivision" includes "resubdivision", and the term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same.

**ARTICLE 4, MINIMUM DESIGN STANDARDS**

**1. Water and Sewer:**

- A. The area of the lots shall be determined by the standards in the zoning regulations and the availability of public sanitary sewer and a public water supply. Prior to the submission of a preliminary plat, the subdivider shall obtain a determination from the County Engineer as to whether adequate public sewer and water supply are available, as provided in Article 7.
- B. If the proposed subdivision is serviced by a public water supply and a public sanitary sewer system, the minimum lot area requirements shall be subject to those set forth herein in the Zoning Regulations.
- C. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, or is serviced with a public sewer system, but not a public water supply, the preliminary plat shall be prepared on the basis of minimum 2.5 acre lots; provided, however, additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on standards of the Stone County Health Department.
- D. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, lots less than 2.5 acres in area may be approved if the area is suitable for on-site septic systems at a density greater than one on-site system per 2.5 acres, upon a satisfactory soils test provided by the subdivider, and as determined and approved by the Stone County Health Department.
- E. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivider shall submit a preliminary plat on the basis of minimum 3.5 acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on standards of the Stone County Department of Health; provided, further, that less lot area may be required if the area is suitable for on-site septic systems at a density greater than one on-site system per 3.5 acres on the same lot as a private well, but not smaller than on a 2.5 acre lot, as determined by the Stone County Health Department.
- F. All water and sewer systems shall be approved by the Planning & Zoning Commission upon recommendation by the County Engineer as provided in Article 8.

**2. Blocks:**

- A. Length: Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded,

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the blocks shall not exceed 1,320 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten feet.

- B. Width: In residential developments, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

### 3. Streets and Alleys:

- A. Relationship to Adjoining Street Systems: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such street rights-of-way in new subdivisions shall be not less than the minimum street widths established herein. Alleys, when required, and street arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other one half of the street or alley shall be platted and dedicated as a public way.
- B. Street Names: Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names. Streets and house numbers shall be numbered in accordance with the adopted house numbering policy of Stone County.
- C. Arterial Streets: Arterial streets through subdivisions shall conform to the major street plan of the Land Use Plan as adopted by the Planning and Zoning Board and the governing body.
- D. Local Streets: Local streets should be designed so as to discourage through or non-local traffic.
- E. Cul-de-sacs: An adequate turnaround of not less than a 100-foot diameter right-of-way shall be provided at the closed end of a dead-end local street longer than one lot in length. Such local street segment should not exceed 600 feet in length from the centerline of an intersection of a cross street to the center of the cul-de-sac, but may be longer, based on the density of platted lots, as approved by the Planning and Zoning Board upon the recommendations of the County Engineer.

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- F. **Right-Angle Intersections:** Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 60 degrees.
- G. **Streets Adjacent to a Railroad Right-of-Way, Principal Highway or Arterial Street:** Where lots front or side, but do not back on railroad rights-of-way, limited access freeways, or principal highways or arterial streets, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade-separated intersections.
- H. **Half-Streets:** The dedication of one-half of a right-of-way (Half-streets) shall be prohibited, except where no lots front on such half-street.
- I. **Alleys:** Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, wherever possible; but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end. Alleys should be avoided in residential areas except where alleys of adjoining subdivisions would be closed or shut-off by failing to provide alleys in the adjoining subdivision.
- J. **Design Standards.**
  - 1. Streets and roadways shall be constructed so as to comply with minimum design standards as established by the Stone County Highway Commission.
  - 2. **Minimum Requirements:** The right-of-way grades and widths for streets and alleys, in order to be dedicated and accepted, shall conform to the designation in the Land Use Plan and shall not be less than the minimum for each classification as follows:

	<u>Minimum Right-of-Way Width</u>	<u>Maximum Recommended Grade</u>
<b>Major Streets:</b>		
Arterials	80 feet	10%
Collectors	70 feet	10%
<b>Local Streets:</b>		
Residential	50 feet	15%
Industrial & Commercial	50 feet	6%

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	<u>Minimum Right-of-Way Width</u>	<u>Maximum Recommended Grade</u>
Cul-De-Sacs:	100 feet diameter	
Marginal Access Streets or Frontage Roads:		
Two-Way	40 feet	10%
One-Way	40 feet	10%
Alleys	20 feet	10%
Pedestrian Ways	10 feet	

When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated. The minimum gradient on any street shall be 0.50%, unless impractical, in which case the absolute minimum gradient shall be no less than 0.32%.

K. Street Alignment: On streets with reverse curves, a reasonable tangent shall be provided between curves to permit a smooth flow of traffic. Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

(1) Minimum Horizontal-Radii at the Centerline:

Arterial Streets .....	500 feet
Collector Streets.....	300 feet
Local Streets.....	100 feet

(2) Minimum Sight Distance on Vertical Curves:

Arterial Streets .....	350 feet
Collector Streets.....	250 feet
Local Streets.....	150 feet

L. Street Layout: Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades.

## 4. Lots:

- A. Minimum lot width shall be measured at the building setback line. In addition, corner lots should have a width fifteen (15) feet greater than the minimum width.
- B. Minimum lot depth shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- C. For lots smaller than 2.5 acres, the maximum depth of residential lots should not exceed four (4) times the width thereof.

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- D. Minimum lot area shall be subject to the Zoning Regulations of the district in which the subdivision is located and the minimum design standards of this regulation. The more restrictive of the regulations shall govern.
- E. All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- F. Front building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks required by the Zoning Regulations or any other regulations adopted by the governing body; the most restrictive setback requirement shall govern.
- G. Double frontage lots shall be avoided unless, in the opinion of the Planning and Zoning Board, a variation to this rule will give better street alignment and lot arrangement.
- H. Every lot shall abut on a street other than an alley.
- I. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the Zoning Regulations or the minimum design standards of these regulations.
- J. Where possible, residential lots should not face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the side lines of lots abut collector streets wherever land shapes and topography permit.

### 5. Easements:

- A. **Utility Easements:** Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall be shown on the plat. Permanent easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at their own risk.

A twelve (12) foot temporary construction easement shall be provided on each side of all lot lines for initial construction of water, sewer and other utility lines.

- B. **Drainage Easements:** If a subdivision is traversed by a water course, drainage way or channel, then a storm water easement shall be provided. Such

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easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets may be required in connection therewith. The subdivider may be required to have an engineer's study prepared for the Planning and Zoning Board as to the required width of such easement for each major water course or drainageway involved. Such study shall be based on a 100-year storm.

### 6. Subdivision Design:

- A. **Access Control:** In the interest of public safety and for the preservation of the traffic-carrying capacity of the streets system, the Planning and Zoning Board shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat.
- B. **Subdivision Design:** The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Land Use Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning and Zoning Board shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.
- C. **Storm Water Runoff Plan:** The subdivider may be required to have an engineer's study prepared on the amount of increased storm water runoff which will be created by proposed development and a plan of how this runoff will be accommodated. The County may require design modification of the proposed storm water system to reduce increased runoff.
- D. **Natural Resource Preservation:** To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. Significant trees or stands of trees shall be preserved as undeveloped open space, to the extent consistent with reasonable utilization of land, and in accordance with applicable state or local regulations.

Environmental Feature Areas as identified in the Land Use Plan including sites on the Natural Features Inventory map, the 100 year floodplain, drainage areas, and significant water resources such as lakes, creeks and rivers.

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- E. Design Techniques:** The 1995 edition of the Stone County Subdivision Regulations contained illustrations of examples which may be used as guides in the review of the subdivision applications. Those illustrations are retained.
- F.** A minimum of fifteen percent (15%) open space/green space, as defined, shall be required in all subdivision plats submitted.

**ARTICLE 5, LOT SPLITS**

1. **General:** The intent of this section is to provide for the issuance of building permits for lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning and Zoning Administrator may approve or disapprove lot splits in accordance with the following regulations.
  
2. **Application Procedure:** Requests for lot split approval shall be made by the owner of the land to the Planning and Zoning Administrator. Four (4) copies of a scale drawing and legal description of the lots involved and the location of any structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.
  
3. **Approval Guidelines:** Approval or disapproval of lot splits shall be made by the Planning and Zoning Administrator, based on the following guidelines:
  - A. No lot split shall be approved if:
    - (1) A new street or alley is needed or proposed.
    - (2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
    - (3) Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).
    - (4) There is less street right-of-way than required by these regulations or the Land Use Plan unless such dedication can be made by separate instrument.
    - (5) All easement requirements have not been satisfied.
    - (6) Such split will result in a tract without direct access to a street.
    - (7) A substandard-sized lot or parcel will be created.
    - (8) The lot has been previously split in accordance with these regulations.
  - B. The Planning and Zoning Administrator may make such additional recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

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- C. The Planning and Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove, the lot split within five (5) working days of application.
4. **Filing Fee:** The filing fee for lot splits shall be established by the governing body.

**ARTICLE 6, SUBMISSION OF PLATS**

1. **Pre-Application:** Prior to the filing of the preliminary plat, the subdivider shall contact the Planning and Zoning Administrator to determine:
  - A. Procedure for filing plats.
  - B. Availability of sewer and water.
  - C. Comprehensive Plan requirements for improvements such as major streets, land use, parks, schools and public open spaces.
  - D. Zoning requirements for the property in question and adjacent properties.
  - E. Special setback requirements for arterial, collector and local streets.
  
2. **Preliminary Plats:** After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplementary information necessary to the Planning and Zoning Administrator.
  - A. Submission of a Preliminary Plat:
    - (1) **Filing Fee:** A filing fee established by the governing body shall accompany the filing of each preliminary plat. The preliminary plat shall not be accepted for filing until the filing fee has been paid by the subdivider.
    - (2) **Number of Copies:** This subdivider shall submit ten (10) copies of the preliminary plat and of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision; and one copy reduced to 11" x 17". These plats shall be filed with the Planning and Zoning Administrator at least fourteen (14) days prior to a regular meeting of the Planning and Zoning Board at which the preliminary plat is to be considered.
    - (3) The subdivider shall submit a certificate proving ownership of the entire tract to be platted.
    - (4) The subdivider shall submit proof that the proposed plat has been reviewed by all affected utility companies or agencies along with any comments from these companies or agencies.
    - (5) A preliminary grading and drainage plan, including location and size of all storm drainage improvements, existing and proposed land elevations and contours, and necessary widths of all open drainageways shall be

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submitted to the County Engineer. These plans are not intended to be detailed suitable for construction.

- (6) Preliminary plats shall contain:
- a. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of an existing subdivision.)
  - b. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
  - c. The names and addresses of the developer, owner, and the engineer or land surveyor who prepared the plat.
  - d. Scale of the plat, 1" = 100' or larger.
  - e. Date of preparation and north point.
  - f. Existing conditions:
    - o Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
    - o All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.
    - o Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
    - o Topography (unless specifically waived) with contour intervals of not more than two feet, referred to U.S.G.S. datum; where the ground is too flat for contours, spot elevations shall be provided.
    - o Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
    - o Current zoning classification.

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- o Significant stands of trees and unique or specimen trees.
  - o Environmental Feature Areas as identified in the Land Use Plan including sites on the Natural Features Inventory map, the 100 year floodplain, drainage areas, and significant water resources such as lakes, creeks and rivers.
  - g. The general arrangements of lots and their approximate size.
  - h. Location and width of proposed streets, alleys, and pedestrian ways and easements to accommodate drainage.
  - i. The general plan of sewage disposal, water supply and drainage.
  - j. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
  - k. General layout of adjacent property within two hundred (200) feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.
  - l. Approximate gradient of streets.
- B. Preliminary Plat Action:** The Planning and Zoning Board shall approve, conditionally approve, or disapprove the preliminary plat within 30 days of submission of the plat. Action by the Planning and Zoning Board shall be conveyed to the subdivider in writing. In case the plat is disapproved by the Planning and Zoning Board, the subdivider shall be notified of the reason for such action and what requirements shall be recommended to meet approval. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- C.** Applicants may be offered the option of waiving the 30-day provision of §64.830 (Approval of plats).
- D.** If a meeting of the Planning and Zoning Board is not scheduled within 30 days of the filing of a plat application, and if the County Engineer has reported upon the plat application as provided in Article 2, Section 2 of these Subdivision Regulations, the Planning and Zoning Administrator shall transmit to the governing body the Plat Application and attachments, and the County Engineer's report. The governing body may consider the Plat Application and attachments, and the County Engineer's report, and decide whether to approve, conditionally approve, or disapprove the preliminary plat.

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- E. **Effective Date:** The approval of the preliminary plat shall be effective for two (2) years.

### 3. **Final Plat:**

A. **Submission:**

- (1) After approval of the preliminary plat, the subdivider may submit a final plat; except that the Planning and Zoning Administrator may accept simultaneous subdivision of the preliminary and final plats.
- (2) The original (on mylar, tracing cloth or similar material) and the number of prints required by the Planning and Zoning Board shall be submitted to the Planning and Zoning Administrator at least fourteen (14) days prior to the Planning and Zoning Board public meeting at which the plat will be considered.
- (3) The names and signatures of the owner or owners of the property, duly acknowledged and notarized, shall appear on the original copies submitted.
- (4) The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100'. The size of the sheet on which such final plat is prepared shall be 36 inches by 22 inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale. The dimensions indicated are standard for all final plats and must be complied with. Title, description and other written data shall be located either right or left.
- (5) The final plat shall be reviewed for accuracy by the County Engineer prior to submission to the governing body.

B. **Information:** The final plat shall show and contain the following information:

- (1) Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
- (2) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (5,000).

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- (3) The location of existing monuments or bench marks shall be shown and described on the final plat. Location of such monument shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
- (4) The location of lots; streets and highway rights-of-way; parks and other features; with accurate dimensions in feet and decimals of feet with the length of radii and of arcs along with the intersection angle (delta) on all curves, and all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve on lot lines.
- (5) Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
- (6) The exact locations, widths and names of all streets and alleys to be dedicated.
- (7) Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.
- (8) Building setback lines on the front and side streets with dimensions.
- (9) Name, signature and seal of the registered land surveyor preparing the plat.
- (10) Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point, including basis for north.
- (11) Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.
- (12) The following certificates, which may be combined where appropriate:
  - a. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consented to the preparation and recording of said subdivision map.
  - b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use, including open space and easements; and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

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- c. The acknowledgement of a notary in the following form:

State of \_\_\_\_\_, County of \_\_\_\_\_, SS.

Be it remembered that on \_\_\_\_\_, 20\_\_, before me, a notary public in and for said County and State, came \_\_\_\_\_, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

\_\_\_\_\_  
Notary Public

- d. The certificate of the Planning and Zoning Board in the following form:

This plat of \_\_\_\_\_ addition has been submitted to and approved by the Stone County Planning and Zoning Board on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

- e. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record on \_\_\_\_\_, 20\_\_.

Deputy

\_\_\_\_\_  
Recorder of Deeds

- C. Supplemental Information to be Submitted with Final Plat: The following additional data shall be submitted with the final plat:

- (1) A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.

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- (2) A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.
- (3) A copy of any deed restrictions applicable to the subdivision.
- (4) A computer disk of the final plat that is compatible with the Stone County computer system.

### D. Final Plat Action:

- (1) Within 30 days after the submission of a final plat, the Planning and Zoning Board shall approve, conditionally approve, or disapprove the final plat. After approval by the Planning and Zoning Board, the governing body shall either accept or reject the dedication of land for public purposes within 30 days after the first meeting of the governing body after the plat was approved. The action of the Planning and Zoning Board and the governing body shall be conveyed to the subdivider in writing within ten (10) days of the meeting of the governing body at which the plat was considered. If the final plat is disapproved, the subdivider shall be notified of the reasons for such disapproval.
- (2) If a final plat is amended or rejected by the Planning and Zoning Board, or if the council or board of trustees of any municipality files with the Planning and Zoning Board a certified copy of a resolution of such council or board protesting against the action of the Planning and Zoning Board any final plat of land lying within one and one-half miles of the city limits of such municipality, such approval shall be deemed overruled, and such plat may then be approved only by a unanimous vote of the county commission, and the reasons for the approval or failure to approve such plat shall be recorded in the record of the county commission and certified to the Planning and Zoning Board.

**ARTICLE 7, IMPROVEMENTS**

1. **Required Improvements:** The subdivider shall install, or provide for the installation of, the following improvements in conformance with the County Engineer's standards and specifications.:

A. Streets:

- (1) Streets in subdivisions comprised of lots smaller than 15,000 square feet shall be hard-surfaced with asphalt or concrete.
- (2) Streets in subdivisions comprised of lots larger than 15,000 square feet shall be hard-surfaced with chip and seal or asphalt or concrete; except that, streets in subdivisions comprised of lots larger than 5 acres may be improved with gravel.
- (3) Streets in subdivisions with hard-surfaced roads shall have access via an improved, hard-surfaced street to a public highway, road or street.
- (4) Private Street Development Procedures: Residential subdivisions developed with private streets on rights-of-way not dedicated to the public, shall meet the following requirements:
  - a. The proposed development shall have access via an improved, hard-surfaced street to a public highway, road or street.
  - b. No street intended to be private is planned to be extended to serve property outside that development;
  - c. The subdivider demonstrates to the reasonable satisfaction of the County that the private roads will be properly maintained, including creation of a homeowners' association with bylaws requiring establishment of a street maintenance and reconstruction fund, which fund may be used for the cost of legal proceedings in case of enforcement, and annual accounting reports of which must be submitted to the Planning and Zoning Administrator;
  - d. The final plat of the development proposing private streets includes a clear statement that such streets are private and that the purchaser of the lot shall be furnished a disclosure statement outlining maintenance responsibilities for the streets; and
  - e. The private streets are developed to County standards recommended by the County Engineer for design and improvement of private streets.

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- B. Water: Where a public water supply is proposed to serve a subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. The system shall be of equal or better quality and size than the minimum standards of the County and shall meet all State DNR standards. Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply. Private water systems shall meet all requirements of the State DNR.
- C. Sewer: A public or district sanitary sewer shall be used in all subdivisions wherever available, based upon a finding by the County Engineer. The sewer shall be designed and constructed to provide service to each lot within the subdivision.

Upon determination of the County Engineer that the public or district sewer system is not practicably available to the development, the subdivider may submit plans for consideration for disposal of sewage into a central, private system, or individual on-site system. The sewer system shall meet all State DNR standards.

In subdivisions where individual private wastewater systems are proposed, adequate provision shall be made for easements to allow the installation of a public system should the property ever be annexed or required to develop a public system.

- D. Storm Drainage: The subdivider shall install culverts, storm drainage, rip-rap slopes, stabilized ditches and other storm drainage improvements, including on-site detention. All improvements shall comply with the minimum standards of the governing body and such plans shall be examined and approved by the County Engineer.
- E. Street Signs: The developer shall install street signs at all intersections within a subdivision as prescribed by the County Commission.
- F. Trees: Street trees should be planted in accordance with landscape design standards and the Zoning Regulations. Except for clearing necessary to provide utilities and access to the site, no clearing of significant or specimen trees shall be permitted within 25 feet of a dedicated public right-of-way; however such vegetative buffer shall include no more than 20% of a lot or tract.
- G. Permanent Monuments: Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the County. Said permanent monuments shall be 1/2-inch minimum iron bars or pipe, eighteen (18) inches long, shall be set with top of monument flush with existing ground line, and shall include an identification cap on the bar.

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- H. Street Lights: The County shall require the installation of street lights at street intersections and other locations as it determines necessary. The developer shall be responsible for all costs of providing street lighting equipment.
- I. Designation and Maintenance of Parks, Open Spaces, Common Improvements, Greenspaces, Roads, Streets, Alleys or Rights-of-way:
- (1) The County will not accept in subdivision plats, dedications to the public, or dedications to public use, of parks, open spaces, common improvements, greenspaces, roads, streets, alleys or rights-of-way.
  - (2) No plat will be approved if the plat purports to dedicate to public use: parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way.
  - (3) All plans, plats, or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto shall be submitted to the Stone County Planning & Zoning Commission for its consideration.
  - (4) Subdivisions, developments, and/or neighborhoods shall be platted and developed with private streets on rights-of-way not dedicated to the public. The private streets must be developed to County standards for design and improvement, and be approved by the County Engineer.
  - (5) The subdivider of a subdivision, development, and/or neighborhood must demonstrate to the reasonable satisfaction of the Planning & Zoning Commission, and to the County Commission, that the parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way in the subdivision will be properly maintained by creation of a homeowners' or property owners' association with covenants and bylaws requiring establishment of a street maintenance and reconstruction fund, which fund may also be used for the cost of legal proceedings in case of enforcement.
  - (6) The final plat must include a clear statement that the parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way are private and that the purchasers of the lots shall be responsible to maintain the parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way.
  - (7) The subdivider of a subdivision, development, and/or neighborhood must comply with *Stone County Zoning Regulations, Article 24, Common Open Space and Common Improvement Regulations*.

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### 2. Exceptions for Existing Improvements:

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Article and are in good condition as determined by the governing body upon its consideration of the opinion of the County Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements as determined by the governing body upon its consideration of the opinion of the County Engineer, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements as determined by the governing body upon its consideration of the opinion of the County Engineer.
  
- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the governing body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the governing body. The governing body shall determine what adjustment to make where the aforesaid widening merges with existing streets which are of smaller width at the boundary of such proposed subdivision. The governing body may reduce the minimum roadway system in the proposed subdivision if the extension of such roadway is already improved at each end of such roadway in the subdivision and the roadway in the proposed subdivision is two (2) blocks or less in length.

## **ARTICLE 8, IMPROVEMENT PROCEDURES**

### **1. Land Disturbance, When.**

- A. If the land to be disturbed is greater than 20 acres. After the approval of the preliminary plat, but before the recording of the final plat, the Subdivider may do the grading and any drainage work that is required, all according to plans approved by the County Engineer, provided the Subdivider has provided and received approval of a Reclamation Bond as required by Section 3 of this Article.
- B. If the land to be disturbed is 20 acres or less. After the approval of the preliminary plat, but before the recording of the final plat, the Subdivider may do the grading and any drainage work that is required, all according to plans approved by the County Engineer.

### **2. Construction of Physical Improvements.**

- A. Option 1 - Actual Construction of All Physical Improvements Required. Before the filing of the final plat with the Recorder of Deeds, all physical improvements (sewer system if applicable, water system if applicable, street paving, storm drainage, and utility lines) must be installed in accordance with this Article; and plans and installation approved by the appropriate utility company ; and all grading work completed.
- B. Option 2 - Subdivision Development Bond. In lieu of the actual construction of all physical improvements (sewer system if applicable, water system if applicable, street paving, storm drainage, and utility lines) before the filing of the final plat, the Planning and Zoning Commission may accept a bond or letter of credit in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Planning and Zoning Commission. Such surety shall be properly executed and delivered to the Planning and Zoning Director before any grading or construction begins.

### **3. Reclamation Bond Required for Land Disturbances Greater Than 20 Acres.**

A bond secured by cash, commercial surety or letter of credit in the amount that will guarantee the reclamation of an area that is being significantly altered for Subdivision, commercial or industrial uses, to provide for restoration to its natural or pre-development state. Such surety shall be executed in the form required by this Article and accepted by the Planning and Zoning Director before any grading or construction begins. The amount of said bond shall be no less than one hundred twenty-five percent (125%) of the estimated excavation and grading costs as determined by the Planning and Zoning Commission after hearing the recommendation of the County Engineer. The bond must provide for restoration of the land to its natural or pre-development state.

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### 4. Requirements for Sureties on Subdivision Development Bonds and Reclamation Bonds.

- A. All bonds shall be in form acceptable to the Planning and Zoning Director and be executed by surety companies that are
  - 1. Licensed to write bonds of such character and amount by the Missouri Department of Insurance, and
  - 2. Named in the current list of *Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsurance Companies* as published in Circular 570 (amended) by the Audit Staff Bureau of Accounts, U.S. Treasury Department.
- B. The bond must show the amount and contain an impression of the surety's corporate seal.
- C. A completed Power of Attorney form must accompany the bond, indicating the name of the Attorney-in-Fact who completed the bond, that the bond is acceptable for financial responsibility, and that the surety company will cover the amount of the bond; and the signatures of both the Principal and Attorney-in-Fact must be notarized on the bond.
- D. A certified copy of the agent's authority to act must accompany all bonds signed by an agent. If the surety furnished on any bond is declared bankrupt or becomes insolvent or its right to do business is terminated in Missouri, or it ceases to meet the requirements of this paragraph, the Subdivider shall within five days substitute another bond and surety, both of which must be acceptable to the Planning and Zoning Director and meet the requirements of this paragraph.

### 5. Building Permits.

- A. No building permit or occupancy permit shall be issued for a lot or tract within a Subdivision unless:
  - (1) The physical improvements (sewer system if applicable, water system if applicable, street paving, storm drainage, and utility lines) have been installed, approved by the County Engineer; or
  - (2) The Subdivider has provided, and the Planning and Zoning Director has accepted, a Subdivision Development Bond.
- B. No building permit shall be issued for lot or tract within a Subdivision unless the Subdivider has provided, and the Planning and Zoning Director has accepted, a Reclamation Bond, if a Reclamation Bond is required by Section 3 of this Article.

**6. Plans and Specifications.**

Upon the approval of the preliminary plat, the Subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the data and information specified below:

- A. Content of Engineering Drawings. Engineering drawings for required improvements shall contain the following data and information:
- (1) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1" = 20' horizontal, and 1" = 5' vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.
  - (2) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
  - (3) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
  - (4) Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
  - (5) Grading plans for all lots and other sites in the Subdivision.
  - (6) When unusual site conditions exist, the Planning and Zoning Director may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
  - (7) All plans shall be based on U.S.G.S. datum for vertical control.
- B. Review of Plans. The County Engineer shall review within 30 days all engineering drawings in order to advise as to whether or not such drawings are consistent with the approved preliminary plat and comply with their design standards. The County Engineer shall forward to the Planning and Zoning Director a notice stating his/her opinion and, in the event that it is the engineer's opinion that the drawings do not so conform or comply, the County Engineer shall notify the Planning and Zoning Director of the specific manner in which such drawings do not so conform or comply. After consideration of the County Engineer's opinion, the Planning and Zoning Director shall notify the Subdivider as to whether or not the drawings are consistent with the approved preliminary plat and comply with their design standards and, if not, of the specific manner in

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which such drawings do not so conform or comply. The Subdivider may then correct any defective drawings and resubmit the correct drawings.

- C. Approval by Planning and Zoning Commission. The Planning and Zoning Commission shall approve a final plat only after its determination that the plat conforms to the requirements of these regulations and after consideration of the County Engineer's opinion that the drawings are consistent with the approved preliminary plat and with the adopted County design standards.

### 7. Construction of Improvements.

No land shall be disturbed, nor any grading or drainage work done, nor improvements constructed, nor any work preliminary thereto be done, until:

- A. All requirements specified in the Stone County Zoning Regulations and the Stone County Subdivision Regulations shall have been complied with.
- B. The engineering drawings for the subdivision shall have been approved by the Planning and Zoning Commission.
- C.
  - (1) a final plat has been approved, or
  - (2) a Subdivision Development Bond and a Reclamation Bond (if required by Section 3 of this Article) have been accepted by the Planning and Zoning Director.

### 8. Inspection.

- A. All improvements constructed or erected shall be subject to inspection at any time by the County Engineer and/or the Planning and Zoning Director.
- B. The Subdivider shall give at least forty-eight (48) hours written notification to the Planning and Zoning Director before the performance of any of the following work:
  - (1) All phases of roadway construction.
  - (2) All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring, and other required improvements.

**9. Inspection Procedures.**

After notice is received according to Section 8.B of this Article, the Planning and Zoning Director shall arrange for an on-site inspection by the County Engineer to determine that the work complies with the approved engineering plans and specifications; except that, inspection may be by a licensed engineer employed by the owner or developer upon approval by the County Engineer. After such inspection has been made, the inspecting engineer shall notify the Planning and Zoning Director of his or her opinion thereof. If the Planning and Zoning Director shall determine, after consideration of the opinion of the County Engineer, that such work does not comply with the approved engineering plans and specifications, the Planning and Zoning Director shall so notify the Subdivider, and may require the Subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the Planning and Zoning Director. Upon the correction of such defect, deficiency, or deviation, the Subdivider shall again notify Planning and Zoning Director as provided for in Section 8 of this Article.

**10. Final Inspection.**

- A. Upon completion of all improvements within the area covered by the final plat, the Subdivider shall notify the Planning and Zoning Director who shall arrange for a final inspection by the County Engineer of all improvements installed. If the inspection is made by the County Engineer, after such inspection has been made, the County Engineer shall notify the Planning and Zoning Director of his or her opinion thereof. If the Planning and Zoning Commission shall determine, after consideration of the opinion of the County Engineer, that there are defects, deficiencies, or deviations in any such improvements as installed, or there are any deviations in such improvements as installed from the approved engineering plans and specifications, the Planning and Zoning Director shall so notify the Subdivider in writing, and the Subdivider shall, at its sole expense, correct such defects, deficiencies or deviations. Once these have been corrected, the Subdivider shall notify Planning and Zoning Director that the improvements are ready for reinspection.
- B. The cost of one final inspection visit and review by the County Engineer is included in the subdivision fee. The County Engineer's costs and expenses for further inspections and reinspections shall be paid by the Subdivider.

**11. County Will Not Accept Improvements.**

The County will not accept ownership of, operation of, or responsibility for any improvements, including common areas, green space, sewer systems, water systems, wells, well lots, water storage tanks, streets, storm drainage systems, and/or utility lines.

**ARTICLE 9, VARIANCES AND WAIVERS**

1. **Variances:** Whenever the Planning and Zoning Board deems full conformance to provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Planning and Zoning Board may authorize variances of these regulations. In authorizing such variances or exceptions, the Planning and Zoning Board shall find the following:
  - A. That there are special circumstances or conditions affecting the property.
  - B. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
  - C. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
  
2. **Waivers:** Any waiver of the required improvements shall be only by the Planning and Zoning Board on a showing that such improvements are technically not feasible.

**ARTICLE 10, ADMINISTRATION**

1. **Permits:** No building permit shall be issued for any structure that is located upon a lot in a subdivision filed after the date of the adoption of these rules that has not been subdivided in accordance with these Subdivision Regulations and recorded by the subdivider with the County Recorder of Deeds. No such plat or replat or dedication or deed of a street or public way shall be filed, as provided by law, until such plat or replat or dedication or deed shall have endorsed upon it the fact that it has been submitted and approved by the Planning and Zoning Board.
2. **Recorded Plats:** The subdivider shall submit the required number of copies of the recorded plat, and shall be submitted to the Planning and Zoning Administrator for distribution to various public and quasi-public departments, offices or agencies.
3. **Consideration of Subdivision Regulation Amendments:** Before adopting or amending any subdivision regulations, the Planning and Zoning Board shall call and hold a hearing on such regulations or amendments thereto; and shall act as provided for amending the zoning regulations. The governing body shall act on the recommendations of the Planning and Zoning Board by the same procedure as for zoning amendments.

**ARTICLE 11, SEVERABILITY**

**1. Severability and Savings Clause:**

- A. Each section and each subdivision of a section of these Subdivision Regulations are hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of these Subdivision Regulations are concerned and invalidity of any section or subdivision of a section of these Subdivision Regulations shall not invalidate any other section or subdivision of a section thereof.
- B. These Subdivision Regulations shall in no manner affect pending actions either civil or criminal founded on or growing out of any ordinance or part of any ordinance hereby repealed, and these Subdivision Regulations shall in no manner affect rights or causes of action either civil or criminal not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed.

## **Stone County Subdivision Regulations**

Amendments current through June 10 2014

### **ARTICLE 12, PENALTY**

Any person violating the provisions of these Subdivision Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), plus costs, and shall stand committed to jail until such fine and costs be paid or otherwise discharged according to law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

**SUBDIVISION REGULATIONS,  
EFFECTIVE FEBRUARY 2 1995.**

**SUBDIVISION REGULATIONS, FIRST AMENDMENTS,  
EFFECTIVE MAY 1 2012:**

1. **Article 2, Administration  
Section 1, Duties of the Planning and Zoning Administrator**

Planning & Zoning Commission recommendation: add the following two paragraphs:

- E. Transmit plat applications to the County Engineer and, after consideration of the County Engineer's opinion, shall notify the subdivider as to whether or not the application is consistent with the requirements of the Subdivision Regulations and/or design standards and, if not, of the specific manner in which such drawings do not so conform or comply. The subdivider may then correct any defective drawings and resubmit the correct drawings.
- F. Circulate documents and communications to, from, or among applicants, the County Engineer, the Planning and Zoning Board, the Board of Adjustment, and/or the governing body.

County Commission action: approved

2. **Article 2, Administration  
Section 1, Duties of the Planning and Zoning Commission  
Paragraphs A and B**

Planning & Zoning Commission recommendation: change *37 days after submission* to read *30 days after submission* in both paragraphs A and B.

County Commission action: approved

3. **Article 2, Administration  
Section 4, Approvals Necessary for Acceptance of Subdivision Plats**

Planning & Zoning Commission recommendation: change *County Clerk* to *governing body* in the last sentence of the second paragraph.

County Commission action: approved

4. **Article 2, Administration**  
**Section 6, Duties of the County Engineer**  
**Paragraph A**

Planning & Zoning Commission recommendation: add Section – 6, Duties of the County Engineer, Paragraph A to read as follows:

- A. Review of Plat Applications: The County Engineer shall review all plat applications in order to advise as to whether the application conforms to the regulations and/or design standards. The County Engineer shall forward to the Planning and Zoning Director a notice stating his/her opinion and, in the event that it is the engineer's opinion that the application does not so conform or comply, the County Engineer shall notify the Planning and Zoning Director of the specific manner in which such drawings do not so conform or comply.

County Commission action: approved

5. **Article 3, Definitions**  
**Section 1 – Definitions**

Planning & Zoning Commission recommendation: add the following to the definition of "County Engineer":

If the position of County Engineer is vacant, the governing body shall appoint an engineer to perform the County Engineer's functions under these Subdivision Regulations.

County Commission action: approved

6. **Article 3, Definitions**  
**Section 1 – Definitions**

Planning & Zoning Commission recommendation: add the following to the definition of *Planning and Zoning Administrator*:

Also known as Planning and Zoning Director

County Commission action: approved

7. **Article 3, Definitions**  
**Section 1, Definitions**

Planning & Zoning Commission recommendation: add the following to the definition of *Planning and Zoning Board*:

Also known as Planning and Zoning Commission

County Commission action: approved

8. **Article 4, Minimum Design Standards**  
**Section 1, Water and Sewer**  
**Paragraph F**

Planning & Zoning Commission recommendation: replace *governing body* with *Planning and Zoning Commission*.

County Commission action: approved

9. **Article 6, Submission of Plats**  
**Section 2, Preliminary Plats**  
**Paragraphs C and D**

Planning & Zoning Commission recommendation: add the following as Section 2, Paragraphs C and D:

- C. Applicants may be offered the option of waiving the 30-day provision of §64.830 (Approval of plats).
- D. If a meeting of the Planning and Zoning Board is not scheduled within 30 days of the filing of a plat application, and if the County Engineer has reported upon the plat application as provided in Article 2, Section 2 of these Subdivision Regulations, the Planning and Zoning Administrator shall transmit to the governing body the Plat Application and attachments, and the County Engineer's report. The governing body may consider the Plat Application and attachments, and the County Engineer's report, and decide whether to approve, conditionally approve, or disapprove the preliminary plat.

The current Paragraph C will become Paragraph E.

County Commission action: approved

10. **Article 7, Improvements**  
**Section 1, Required Improvements**  
**Paragraph I**  
**Subparagraphs 1 through 7**

Planning & Zoning Commission recommendation: add Paragraph I,  
Subparagraphs 1 through 7 to read as follows:

- I. Designation and Maintenance of Parks, Open Spaces, Common Improvements, Greenspaces, Roads, Streets, Alleys or Rights-of-way:
  - (1) The County will not accept in subdivision plats, dedications to the public, or dedications to public use, of parks, open spaces, common improvements, greenspaces, roads, streets, alleys or rights-of-way.
  - (2) No plat will be approved if the plat purports to dedicate to public use: parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way.
  - (3) All plans, plats, or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto shall be submitted to the Stone County Planning & Zoning Commission for its consideration.
  - (4) Subdivisions, developments, and/or neighborhoods shall be platted and developed with private streets on rights-of-way not dedicated to the public. The private streets must be developed to County standards for design and improvement, and be approved by the County Engineer.
  - (5) The subdivider of a subdivision, development, and/or neighborhood must demonstrate to the reasonable satisfaction of the Planning & Zoning Commission, and to the County Commission, that the parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way in the subdivision will be properly maintained by creation of a homeowners' or property owners' association with covenants and bylaws requiring establishment of a street maintenance and reconstruction fund, which fund may also be used for the cost of legal proceedings in case of enforcement.

- (6) The final plat must include a clear statement that the parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way are private and that the purchasers of the lots shall be responsible to maintain the parks, open spaces, greenspaces, roads, streets, alleys or rights-of-way.
- (7) The subdivider of a subdivision, development, and/or neighborhood must comply with *Stone County Zoning Regulations, Article 24, Common Open Space and Common Improvement Regulations.*

County Commission action: approved

## 11. Article 8 – Improvement Procedures

Planning & Zoning Commission recommendation: replace the entire old Article 8 with the rewritten Article 8:

### **ARTICLE 8, Improvement Procedures Section 1, Land Disturbance, When.**

- A. If the land to be disturbed is greater than 20 acres. After the approval of the preliminary plat, but before the recording of the final plat, the Subdivider may do the grading and any drainage work that is required, all according to plans approved by the County Engineer, provided the Subdivider has provided and received approval of a Reclamation Bond as required by Section 3 of this Article.
- B. If the land to be disturbed is 20 acres or less. After the approval of the preliminary plat, but before the recording of the final plat, the Subdivider may do the grading and any drainage work that is required, all according to plans approved by the County Engineer.

### **Section 2, Construction of Physical Improvements.**

- A. Option 1 - Actual Construction of All Physical Improvements Required. Before the filing of the final plat with the Recorder of Deeds, all physical improvements (sewer system if applicable, water system if applicable, street paving, storm drainage, and utility lines) must be installed in accordance with this Article; and plans and installation approved by the appropriate utility company ; and all grading work completed.

- B. Option 2 - Subdivision Development Bond. In lieu of the actual construction of all physical improvements (sewer system if applicable, water system if applicable, street paving, storm drainage, and utility lines) before the filing of the final plat, the Planning and Zoning Commission may accept a bond or letter of credit in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Planning and Zoning Commission. Such surety shall be properly executed and delivered to the Planning and Zoning Director before any grading or construction begins.

**Section 3, Reclamation Bond Required for Land Disturbances Greater Than 20 Acres.**

A bond secured by cash, commercial surety or letter of credit in the amount that will guarantee the reclamation of an area that is being significantly altered for Subdivision, commercial or industrial uses, to provide for restoration to its natural or pre-development state. Such surety shall be executed in the form required by this Article and accepted by the Planning and Zoning Director before any grading or construction begins. The amount of said bond shall be no less than one hundred twenty-five percent (125%) of the estimated excavation and grading costs as determined by the Planning and Zoning Commission after hearing the recommendation of the County Engineer. The bond must provide for restoration of the land to its natural or pre-development state.

**Section 4, Requirements for Sureties on Subdivision Development Bonds and Reclamation Bonds.**

- A. All bonds shall be in form acceptable to the Planning and Zoning Director and be executed by surety companies that are
1. Licensed to write bonds of such character and amount by the Missouri Department of Insurance, and
  2. Named in the current list of *Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsurance Companies* as published in Circular 570 (amended) by the Audit Staff Bureau of Accounts, U.S. Treasury Department.

- B. The bond must show the amount and contain an impression of the surety's corporate seal.
- C. A completed Power of Attorney form must accompany the bond, indicating the name of the Attorney-in-Fact who completed the bond, that the bond is acceptable for financial responsibility, and that the surety company will cover the amount of the bond; and the signatures of both the Principal and Attorney-in-Fact must be notarized on the bond.
- D. A certified copy of the agent's authority to act must accompany all bonds signed by an agent. If the surety furnished on any bond is declared bankrupt or becomes insolvent or its right to do business is terminated in Missouri, or it ceases to meet the requirements of this paragraph, the Subdivider shall within five days substitute another bond and surety, both of which must be acceptable to the Planning and Zoning Director and meet the requirements of this paragraph.

#### **Section 5, Building Permits.**

- A. No building permit or occupancy permit shall be issued for a lot or tract within a Subdivision unless:
  - (1) The physical improvements (sewer system if applicable, water system if applicable, street paving, storm drainage, and utility lines) have been installed, approved by the County Engineer; or
  - (2) The Subdivider has provided, and the Planning and Zoning Director has accepted, a Subdivision Development Bond.
- B. No building permit shall be issued for lot or tract within a Subdivision unless the Subdivider has provided, and the Planning and Zoning Director has accepted, a Reclamation Bond, if a Reclamation Bond is required by Section 3 of this Article.

#### **Section 6, Plans and Specifications.**

Upon the approval of the preliminary plat, the Subdivider shall have prepared by a licensed professional engineer, engineering

drawings for proposed required improvements containing the data and information specified below:

- A. Content of Engineering Drawings. Engineering drawings for required improvements shall contain the following data and information:
- (1) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1" = 20' horizontal, and 1" = 5' vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.
  - (2) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
  - (3) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
  - (4) Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
  - (5) Grading plans for all lots and other sites in the Subdivision.
  - (6) When unusual site conditions exist, the Planning and Zoning Director may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
  - (7) All plans shall be based on U.S.G.S. datum for vertical control.
- B. Review of Plans. The County Engineer shall review within 30 days all engineering drawings in order to advise as to whether or not such drawings are consistent with the approved preliminary plat and comply with their design standards. The County Engineer shall forward to the

Planning and Zoning Director a notice stating his/her opinion and, in the event that it is the engineer's opinion that the drawings do not so conform or comply, the County Engineer shall notify the Planning and Zoning Director of the specific manner in which such drawings do not so conform or comply. After consideration of the County Engineer's opinion, the Planning and Zoning Director shall notify the Subdivider as to whether or not the drawings are consistent with the approved preliminary plat and comply with their design standards and, if not, of the specific manner in which such drawings do not so conform or comply. The Subdivider may then correct any defective drawings and resubmit the correct drawings.

- C. Approval by Planning and Zoning Commission. The Planning and Zoning Commission shall approve a final plat only after its determination that the plat conforms to the requirements of these regulations and after consideration of the County Engineer's opinion that the drawings are consistent with the approved preliminary plat and with the adopted County design standards.

### **Section 7, Construction of Improvements.**

No land shall be disturbed, nor any grading or drainage work done, nor improvements constructed, nor any work preliminary thereto be done, until:

- A. All requirements specified in the Stone County Zoning Regulations and the Stone County Subdivision Regulations shall have been complied with.
- B. The engineering drawings for the subdivision shall have been approved by the Planning and Zoning Commission.
- C.
- (1) a final plat has been approved, or
  - (2) a Subdivision Development Bond and a Reclamation Bond (if required by Section 3 of this Article) have been accepted by the Planning and Zoning Director.

### **Section 8, Inspection.**

- A. All improvements constructed or erected shall be subject to inspection at any time by the County Engineer and/or the Planning and Zoning Director.
- B. The Subdivider shall give at least forty-eight (48) hours written notification to the Planning and Zoning Director before the performance of any of the following work:
  - (1) All phases of roadway construction.
  - (2) All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring, and other required improvements.

### **Section 9, Inspection Procedures.**

After notice is received according to Section 8.B of this Article, the Planning and Zoning Director shall arrange for an on-site inspection by the County Engineer to determine that the work complies with the approved engineering plans and specifications; except that, inspection may be by a licensed engineer employed by the owner or developer upon approval by the County Engineer. After such inspection has been made, the inspecting engineer shall notify the Planning and Zoning Director of his or her opinion thereof. If the Planning and Zoning Director shall determine, after consideration of the opinion of the County Engineer, that such work does not comply with the approved engineering plans and specifications, the Planning and Zoning Director shall so notify the Subdivider, and may require the Subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the Planning and Zoning Director. Upon the correction of such defect, deficiency, or deviation, the Subdivider shall again notify Planning and Zoning Director as provided for in Section 8 of this Article.

### **Section 10, Final Inspection.**

- A. Upon completion of all improvements within the area covered by the final plat, the Subdivider shall notify the Planning and Zoning Director who shall arrange for a final inspection by the County Engineer of all improvements installed. If the inspection is made by the County Engineer, after such inspection has been made, the County Engineer

shall notify the Planning and Zoning Director of his or her opinion thereof. If the Planning and Zoning Commission shall determine, after consideration of the opinion of the County Engineer, that there are defects, deficiencies, or deviations in any such improvements as installed, or there are any deviations in such improvements as installed from the approved engineering plans and specifications, the Planning and Zoning Director shall so notify the Subdivider in writing, and the Subdivider shall, at its sole expense, correct such defects, deficiencies or deviations. Once these have been corrected, the Subdivider shall notify Planning and Zoning Director that the improvements are ready for reinspection.

- B. The cost of one final inspection visit and review by the County Engineer is included in the subdivision fee. The County Engineer's costs and expenses for further inspections and reinspections shall be paid by the Subdivider.

#### **Section 11, County Will Not Accept Improvements.**

The County will not accept ownership of, operation of, or responsibility for any improvements, including common areas, green space, sewer systems, water systems, wells, well lots, water storage tanks, streets, storm drainage systems, and/or utility lines.

County Commission action: approved

#### **12. Article 13, Effective Date.**

Planning & Zoning recommendation: remove the entire Article 13 as suggested by County Counselor William McCullah.

County Commission action: approved

13. **Article 1, General Provisions**  
**Section 4, Exemptions**  
**Paragraph A**

Planning & Zoning recommendation: change *greater than 20 acres in area* to *20 acres or greater in area*.

County Commission action: approved

**ZONING REGULATIONS, SECOND AMENDMENTS,  
 EFFECTIVE JANUARY 15 2013:**

1. **Article 4, Minimum Design Standards**  
**Section 3, Streets and Alleys**  
**Paragraph J, Minimum Requirements**

Planning & Zoning Commission recommendation: Insert a new paragraph J.1. The existing paragraph J will become paragraph J.2.:

1. Streets and roadways shall be constructed so as to comply with minimum design standards as established by the Stone County Highway Commission.
2. Minimum Requirements: The right-of-way grades and widths for streets and alleys, in order to be dedicated and accepted, shall conform to the designation in the Land Use Plan and shall not be less than the minimum for each classification as follows:

	<u>Minimum Right-of-Way Width</u>	<u>Maximum Recommended Grade</u>
Major Streets:		
Arterials	80 feet	10%
Collectors	70 feet	10%
Local Streets:		
Residential	50 feet	15%
Industrial & Commercial	50 feet	6%
	<u>Minimum Right-of-Way Width</u>	<u>Maximum Recommended Grade</u>
Cul-De-Sacs:	100 feet diameter	

Marginal Access Streets or Frontage Roads:

Two-Way	40 feet	10%
One-Way	40 feet	10%
Alleys	20 feet	10%
Pedestrian Ways	10 feet	

When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated. The minimum gradient on any street shall be 0.50%, unless impractical, in which case the absolute minimum gradient shall be no less than 0.32%.

County Commission decision: Approved

**SUBDIVISION REGULATIONS, THIRD AMENDMENTS,  
EFFECTIVE JUNE 10 2014:**

1. **Article 4, Minimum Design Standards  
Section 6, Subdivision Design**

Planning & Zoning Commission recommendation: Add a new subparagraph F:

- F. A minimum of fifteen percent (15%) open space/green space, as defined, shall be required in all subdivision plats submitted.

County Commission decision: Approved

2. **Article 3, Definitions**

Planning & Zoning Commission recommendation: Add a new definition:

Green Space: an area of land or water or combination thereof, as defined by the developer, set aside, dedicated, designated, or reserved for the public or private use, planned for maintenance of the natural environment; or for passive or active recreational use by all residents of a platted subdivision, or by the general public, including nature trails, picnic areas, and walking paths; and active recreation, such as swimming pools, tennis courts, and shuffleboard courts; and not including areas utilized for streets, alleys, or private roads, off-street parking or loadings areas. Open space shall be contiguous.

County Commission decision: Approved