

Stone County, Missouri

# **Subdivision Regulations**

Adopted July 21, 2026

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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 Commission 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 County Commission, 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. **When Subdivision Regulations Apply:** The division of any parcel of land or tract into more than four (4) tracts, any of which are smaller than ten (10) acres, shall be made under the platting provisions of Article 6, "Submission of Plats". The division of any parcel of land or tract into four (4) or fewer lots, any of which are smaller than ten (10) acres may be made under the provisions of Article 5, "Administrative Minor Subdivision". All plats, replats, and administrative minor subdivisions shall comply with the provisions of these regulations. Any subdivision of land is subject to the minimum lot area or size requirements of their respective Zoning District.
5. **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 ten (10) acres or greater in area.
  - B. A change in the boundary between two adjoining, unplatted parcels or tracts of land which do 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.

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- D. Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided or re-subdivided or platted or re-platted prior to adoption of these regulations. However, any further subdivision or re-subdivision or platting or re-platting of lots, parcels or tracts must be performed in accordance with these regulations.
  - E. Any transfer by operation of law.
- 6. No land shall be subdivided within the unincorporated areas of the County until the subdivider or their agent shall have submitted a plat of the parcel to the Planning and Zoning Commission, the subdivider has obtained approval of the preliminary plat from the Planning and Zoning Commission, the approved preliminary plat has been recorded in the county Recorder of Deeds. No building or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, except Administrative Minor Subdivisions pursuant to Article 5, and no excavation of land or construction or any public or private improvements shall take place or be commenced except in conformity with the Regulations.

## **ARTICLE 2, ADMINISTRATION**

### **1. Duties of the Planning and Zoning Director:**

- A. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep publicly accessible 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 Director.
- C. Transmit preliminary and final plats to the Planning and Zoning Commission, and Planning and Zoning Commission recommendations regarding acceptance of dedications to the County Commission for its action, pursuant to the requirements of these Regulations.
- D. The Director shall receive, review, and officially accept all applications for subdivisions within unincorporated Stone County, subject to the following conditions:
  - i. Applications are not officially accepted until fees and appropriate submittal forms are received by the Director.
  - ii. Applications which are incomplete will not be processed by the Director or its assigns. Incomplete applications will not be deemed as submitted until such time as all appropriate submittal forms, pursuant to these Subdivision Regulations are received by the Director.
  - iii. Notification of incomplete submittal shall be sent by Director, or its assigns, within fifteen (15) business days from the date the document is stamped received or fees paid, whichever date is later.
- E. Notify the Office of the Recorder of Deeds of final plat approval.
- F. 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 plat does not so conform or comply. The subdivider may then correct any defective plat and resubmit the correct plat.
- G. Circulate documents and communications to, from, or among applicants, the County Engineer, the Planning and Zoning Commission, the Board of Adjustment, and/or the County Commission.
- H. The Planning and Zoning Director shall report all administrative approvals to the

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Planning and Zoning Commission on a monthly basis.

- I. Enforcement. It shall be the duty of the Planning and Zoning Director to enforce these Regulations.
  - i. No property description of any subdivision governed by these Regulations shall be entitled to be recorded in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved property description is recorded, proceedings shall be instituted to have such plat or deed declared invalid.
  - ii. No owner or agent of the owner of any parcel of land shall transfer or sell any land by reference to, exhibition of, or by use of a subdivision description, nor shall any person purchase such land, before said subdivision description has been approved by the Planning and Zoning Commission, in accordance with these Regulations, and filed with the Stone County Recorder of Deeds.
  - iii. Violations of these Regulations shall constitute a misdemeanor as provided in Chapter 64.895 of the Missouri Revised Statutes.
- J. Building Permits. The Planning and Zoning Director, or its assigns, shall not issue any building permits for the construction of any building or structure within a subdivision, except where a property or subdivision description has been approved in the manner prescribed herein.

### 2. **Duties of the Planning and Zoning Commission:**

- A. Review and approve, approve conditionally, or disapprove preliminary plats within thirty (30) days after submission.
- B. Review and approve, approve conditionally, or disapprove final plats and transmit final plats together with appropriate recommendations to the County Commission 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 Commission from time to time by these regulations, and by the applicable sections of the Missouri Statutes.

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### **3. Duties of the County Commission:**

- 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 Commission for their consideration.

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

The division of any parcel of land or tract into more than four (4) tracts, any of which are smaller than ten (10) acres shall be made under the platting provisions of Article 6, "Submission of Plats". The division of any parcel of land or tract into four (4) or fewer tracts, any of which are smaller than ten (10) acres may be made under the provisions of Article 5, "Administrative Minor Subdivisions". All plats and lot splits shall comply with the provisions of these regulations and each tract must comply with the minimum lot area or size requirements of their respective Zoning District.

### **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 Director, or approved by the Planning and Zoning Commission and accepted by the County Commission and is signed by the County Commission of Stone County, Missouri. See Article 5, "Administrative Minor Subdivision" and Article 6, "Submission of Plats", for a detailed list of submittals needed for platting land and for all procedural requirements.

Pursuant to §137.185, RSMo. 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



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shall be recorded in the office of the Recorder of Deeds on Stone County prior to the conveyance of the tract or parcel.

### **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 plat do not so conform or comply.

## ARTICLE 3, DEFINITIONS

1. **Definitions:** Definitions for the interpretation of these rules and regulations are as follows:
  - a. **Administrative Minor Subdivision:** Any division of unplatted land in which not more than four (4) tracts will be created, including any remainder proposed to be retained by the owner and which does not follow the preliminary/final plat procedure in compliance with the requirements of Article 6.
  - b. **Agricultural Use:** The use of a tract of land 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.
  - c. **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.
  - d. **Board of Adjustment:** A board appointed by the County Commission pursuant to Missouri law and authorized to hear and decide appeals, grant variances, and perform such other duties as provided in these Regulations and applicable state statutes.
  - e. **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.
  - f. **Comprehensive Plan:** Shall mean the Stone County Comprehensive Plan of Stone County, Missouri, as adopted.
  - g. **Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership, solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
  - h. **County Commission:** The County Commission of Stone County, Missouri.
  - i. **County Engineer:** The person responsible to perform the duties of the County Engineer including any and all special engineers as appointed by the County Commission. If the position of County Engineer is vacant, the County Commission shall appoint an engineer to perform the County Engineer's functions under these Subdivision Regulations.
  - j. **Cul-de-sac:** A vehicular turnaround which is located at the closed end of a dead-end street or alley.

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- k. Department of Natural Resources, Missouri (MDNR): The Missouri Department of Natural Resources.
- l. 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.
- m. Developer: Any person, firm, partnership, corporation, or other entity acting as a unit, subdividing or proposing to subdivide land as herein defined.
- n. 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.
- o. Final Plat: A plat prepared in accordance with the provisions of these regulations 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.
- p. Frontage: Lot width requirement measured at lot line abutting road right-of-way, or at the setback line on curved streets.
- q. 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. Green space shall be contiguous.
- r. 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.
- s. Lot: A portion of land under single ownership, intended as a unit for transfer of ownership or for development, and, when more than one parcel, contiguous. Also commonly known as a tract, parcel, or plot.
- t. 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

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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.

- u. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- v. Planning and Zoning Director: The individual appointed by the County Commission to administer these regulations. Also known and referred to as the Planning and Zoning Administrator.
- w. Planning and Zoning Commission: Shall mean the Stone County Planning and Zoning Commission. Also known and referred to as the Planning and Zoning Board.
- x. Plat: A plat representing a tract or parcel of land prepared by a Missouri-licensed professional land surveyor, showing the division or proposed division of land into lots, blocks, streets, easements, rights-of-way, common areas, dedications, reservations and other features required by these Regulations. A plat includes, as applicable, an administrative minor subdivision plat, a preliminary plat, a final plat, an amended plat, a re-plat, a lot split plat, a lot combination plat, or other subdivision plat submitted to the County for review, approval, and where required, recording.
- y. Preliminary Plat: A plat made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.
- z. Property Description: Description of a lot, tract, or parcel by metes and bounds, by reference to a plat, or by reference to government survey. Also referred to as a Legal Description.
- aa. Re-plat: A subdivision plat and any accompanying required data, the purpose of which is to resubdivide lots or revise lot lines, combine lots within a subdivision, easements, or other features on a previously recorded subdivision plat.
- bb. Secretary: Secretary of the Planning and Zoning Commission.
- cc. 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.

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- dd. 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.
- ee. Street: A right-of-way, which provides vehicular and pedestrian access to adjacent properties, whether dedicated to the public, or private.
- ff. Street, Public: A right-of-way, dedicated to the public and accepted by the County, which provides vehicular and pedestrian access to adjacent properties.
- gg. Subdivider: A person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for itself or for others.
- hh. Subdivision: The division of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; except that, these Subdivision Regulations shall not apply to a division of land when the tract is subdivided into more than one (1) tract, all of which are ten (10) acres or greater. The term "subdivision" includes "re-subdivision."
- ii. Subdivision Description: Description of a lot, tract, or parcel located within a recorded subdivision plat, typically identified by lot number, block designation, subdivision name, and other information necessary to uniquely identify the property.
- jj. Substandard Lot: A substandard lot shall mean any lot, parcel, or tract of land that does not conform with the minimum lot area, width, depth, frontage, or other dimensional requirements of these Subdivision Regulations or the Stone County Zoning Regulations. However, a substandard lot shall not include any lot that was created in violation of the Subdivision Regulations or Zoning Regulations in effect at the time of its creation.

## 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 based on the minimum lot size requirements determined by the relevant Zoning Regulations; 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 not served with either a public water supply or a public sewer system, the subdivider shall submit a preliminary plat based on the minimum lot size requirements determined by the relevant Zoning Regulations; 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.
- E. All water and sewer systems shall be approved by the Planning and 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, 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 Commission and the County Commission.
- 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 Commission upon the recommendations of the County Engineer.
- 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-

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

|                                            | <u>Minimum<br/>Right-of-Way<br/>Width</u> | <u>Maximum<br/>Recommended<br/>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%                                      |



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## 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 in any district, the maximum depth of residential lots should not exceed four (4) times the width thereof.
- 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 County Commission; the most

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restrictive setback requirement shall govern.

- G. Double frontage lots shall be avoided unless, in the opinion of the Planning and Zoning Commission, 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 re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision 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 must receive utility approval prior to installing fences or landscaping the easement with grass and shrubs.

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, drainageway or channel, then a storm water easement shall be provided. Such 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 Commission 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:**

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- 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 Commission 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 and location of the proposed subdivision is proper. The Planning and Zoning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, the layout does not comply with applicable regulations, or if the development of the subdivision would be premature, particularly with regards to infrastructure.
- 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.

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

## ARTICLE 5, ADMINISTRATIVE MINOR SUBDIVISION

1. **Administrative Approval Procedure:** Any division, combination, or reconfiguration of unplatted land which results in four (4) or fewer lots or tracts, including any remainder proposed to be retained by the owner, may be approved by the Planning and Zoning Director when the following requirements are met:
  - i. Four (4) or fewer lots or tracts, any of which are smaller than ten (10) acres in size shall be created, reconfigured, or combined to another tract, inclusive of any tract retained by owner.
  - ii. The lots or tracts created shall be in compliance with the requirements of the zoning district within which the properties are located.
  - iii. The lots or tracts were lawful under these regulations at the time the existing property description was recorded.
  - iv. If the configuration of the property was created by a court decree or order resulting from testamentary or intestate provisions, such property configuration must be in compliance with the zoning district or had a variance granted by the Board of Adjustment.
  - v. The configuration of the property is created by the combination of existing tracts of record not located within an existing platted subdivision.
2. **Exemptions:** An Administrative Minor Subdivision shall be exempt from the preliminary and final plat procedures required in Article 6 of these Subdivision Regulations.
3. **Informal Discussion:** Subdividers are encouraged to discuss possible development sites and issues with the Director and staff prior to the submission of a plat.
4. **Required Information:** All requests for administrative minor subdivision shall be made to the Stone County Planning and Zoning Director. The required information for an administrative approval includes:
  - i. Three (3) paper copies of the plat and one (1) electronic file (PDF), preferred;
  - ii. One (1) copy of the Application for Administrative Approval signed by the preparer and applicant(s); and
  - iii. Application fee as provided by the adopted fee schedule.
5. **Plat Requirements.** Plats should provide sufficient information to determine general compliance with zoning, subdivision, and minimum design standards. The Plat shall be prepared by a qualified professional in accordance with these Regulations.

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A. The Plat must be drawn to an exact scale. The minimum plat size shall be 24 x 36 inches. The following items shall be included on the Plat:

- i. Boundary of the property showing relevant dimensions;
- ii. Location map at a scale of 1"= 2,000' to the inch, showing;
  - a. Section, township, and range;
  - b. Quarter section lines;
  - c. Major roads within and adjacent to section;
  - d. Major roads and streets, labeled; and
  - e. Location of subdivision, shaded.
- iii. North arrow and scale;
- iv. Existing topographic and physical features within five hundred (500) feet of the site, including the following:
  - a. Topographic contours at a maximum interval of ten (10) feet;
  - b. Drainageways and water bodies;
  - c. Floodplains; and
  - d. Sinkholes, springs, caves, and other significant karst features.
- v. Existing streets on and adjacent to the site, including width of rights-of-way;
- vi. Proposed street layout;
- vii. Proposed lot layout showing the proposed frontage dimension of each lot;
- viii. Development notes, including the following;
  - a. Current zoning classification and required minimum lot size;
  - b. Proposed zoning, if applicable, including minimum lot size requirement for the proposed zoning;
  - c. Proposed means of wastewater treatment and disposal;
  - d. Proposed water supply and supplier; and
  - e. Other proposed utilities such as electricity, natural gas, etc., and name(s) of supplier(s).
- ix. Name and address of preparer.

B. The Plat shall be reviewed by the Director and staff for the following criteria:

- i. Alignment with the Stone County Comprehensive Plan.
- ii. Compliance with the Stone County Zoning Regulations.

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iii. Compliance with the Stone County Subdivision Regulations and design standards.

iv. Compliance with regulations and policies concerning environmental factors, such as floodplain, drainageways, downstream flooding, sinkholes, caves, etc.

C. The Director shall deny any administrative minor subdivision if one or more of the following are necessary to serve tracts created:

i. The dedication or construction of a new public street or other public way, not including dedication of additional right-of-way adjacent to an existing street.

ii. A change in alignment of existing streets/roads, or a change in location or width of easements for water, sewer, or other public improvement.

ii. Extension of storm drainage facilities, except as necessary to directly serve the tract(s) created and provided direct connection to an existing and approved system.

D. The Director may submit the Plat for the review and comment of other agencies and departments as is deemed necessary.

E. Within thirty (30) days of Submittal, the Director shall either approve the Plat, or return the Plat without approval to the developer with comments stating the reason the plan was not approved.

i. If after review, the Director determines approval of the administrative minor subdivision is proper, the Director shall notify the subdivider in writing, stamp the Plat, and the subdivider shall be allowed to record the Plat with the Stone County Recorder of Deeds.

ii. If after review, the Director denies the request for administrative minor subdivision, the subdivider shall be notified in writing of the denial and specify the reason(s) for the denial.

F. The Submittal Date shall be determined by the date in which all Required Information required by Article 5, Section 3, has been received by Director. In the event that a portion of the Required Information is submitted at a later date, the entire Submittal Date shall be determined by the later date.

6. **Appeal.** The developer has the right to appeal the Director's decision to the Planning and Zoning Commission.

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A. Appeal of the Director's decision must be submitted to the Director no later than thirty (30) days following the date of denial. The appeal must include three (3) copies of the Plat and any supplementary materials necessary to document the appeal.

B. The subdivider and/or representative must be present to provide testimony and answer questions with regard to the appeal.

C. The Planning and Zoning Commission shall hold a public hearing on the Plat, which shall be treated as a request for final plat approval. The Planning and Zoning Commission shall review any recommendations from agencies or officials, testimony and exhibits submitted at the public hearing. The Planning and Zoning Commission shall have the authority to impose additional conditions on approval of the Plat.

i. If approved, the Planning and Zoning Commission shall express its approval and state the conditions of approval, if any. The Director shall stamp the Plat.

ii. If denied, the Planning and Zoning Commission shall express its disapproval and its reasons therefore and instruct the Director to notify the applicant of the Planning and Zoning Commission's determination. The subdivider may appeal to the Board of Adjustment within ninety (90) days after the Planning and Zoning Commission's action, pursuant to the requirements of appeals to the Board of Adjustment.

## ARTICLE 6, SUBMISSION OF PLATS

1. **Pre-Application:** Prior to the filing of the preliminary plat, the subdivider shall contact the Planning and Zoning Director 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 Director.
  - A. Submission of a Preliminary Plat:
    - (1) **Filing Fee:** A filing fee established by the County Commission 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 five (5) 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 Director at least fifteen (15) days prior to a regular meeting of the Planning and Zoning Commission 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. For the purposes of this provision, such proof shall be submitted in the form of a letter, e-mail, or similar correspondence from the relevant agency. At the discretion of the Planning and Zoning Director, alternative forms of proof may be accepted.
    - (4) 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 submitted



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

(5) 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:
  - 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.
  - 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.
  - Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
  - 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.
  - Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
  - Current zoning classification.

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- Significant stands of trees and unique or specimen trees.
  - 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. Review**

1. The preliminary plat and supplemental information submitted with the preliminary plat shall be reviewed by the Planning and Zoning Commission for the following criteria:
  - a. Compliance with the Stone County Comprehensive Plan.
  - b. Compliance with the Stone County Zoning Regulations.
  - c. Compliance with the Stone County Subdivision Regulations and minimum design requirements.
  - d. Compliance with regulations and policies concerning environmental factors such as, floodplain, drainageways, downstream flooding, sinkholes, caves, etc.

- C. Preliminary Plat Action:** The Planning and Zoning Commission shall approve, conditionally approve, or disapprove a properly submitted preliminary plat within thirty (30) days of submission of said plat. Action by the Planning and Zoning Commission shall be conveyed by the Planning Director to the subdivider in writing. In case the plat is disapproved by the Planning and Zoning Commission,

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the subdivider shall be notified of the reason for such action and what requirements shall be recommended to meet approval. Approval of the preliminary plat does not constitute acceptance or final approval of the subdivision, but authorizes the applicant to proceed with preparation of the final plat.

- D. The Planning and Zoning Director is hereby authorized to establish a deadline for applications for preliminary plat approval to be considered by the Planning and Zoning Commission. The deadline for applications shall ensure adequate time for staff review, preparation of public notices and distribution of materials to the Planning and Zoning Commission and the public. Applications for preliminary plat approval must be complete, with all required materials, and fees paid on or before the set cut-off date in order to be placed on the next available Planning and Zoning Commission agenda. Applications received after the cut-off date shall be considered incomplete until after the next Planning and Zoning Commission meeting.
- E. The Director is hereby authorized to determine whether an application for preliminary plat approval is complete for processing. If an application is incomplete the applicant shall be notified in writing and may resubmit the application prior to a future cut-off date.
- F. Applicants may be offered the option of waiving the 30-day provision of §64.830 (Approval of plats).
- G. If a meeting of the Planning and Zoning Commission 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 Director shall transmit to the County Commission the Plat Application and attachments, and the County Engineer's report. The County Commission 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.
- H. **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 Director 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 Commission shall be submitted

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to the Planning and Zoning Director at least fourteen (14) days prior to the Planning and Zoning Commission 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 County Commission.

**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).
- (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.

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- (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.
  - 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 Commission in the

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following form:

This plat of \_\_\_\_\_ addition has been submitted to and approved by the Stone County Planning and Zoning Commission 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.
- (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. Review

1. The final plat and supplemental information submitted with the final plat shall be reviewed by the Planning and Zoning Commission for the following criteria:

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- a. Compliance with the Stone County Comprehensive Plan.
  - b. Compliance with the Stone County Zoning Regulations.
  - c. Compliance with the Stone County Subdivision Regulations and minimum design requirements.
  - d. Compliance with regulations and policies concerning environmental factors, such as floodplain, drainageways, downstream flooding, sinkholes, caves, etc.
  - e. The final plat shall substantially conform to the approved preliminary plat, subject to any items or issues reviewed and approved by the County Engineer and Planning and Zoning Commission subsequent to approval of the preliminary plat.
- E. Final Plat Action:
- (1) Within 30 days after the submission of a final plat, the Planning and Zoning Commission shall approve, conditionally approve, or disapprove the final plat. After approval by the Planning and Zoning Commission, the County Commission shall either accept or reject the dedication of land for public purposes within 30 days after the first meeting of the County Commission after the plat was approved. The action of the Planning and Zoning Commission and the County Commission shall be conveyed to the subdivider in writing within ten (10) days of the meeting of the County Commission at which the plat was considered. If the final plat is disapproved, the subdivider shall be notified of the reasons for such disapproval.
  - (2) The Planning and Zoning Director is hereby authorized to establish a deadline for applications for preliminary plat approval to be considered by the Planning and Zoning Commission. The deadline for applications shall ensure adequate time for staff review, preparation of public notices and distribution of materials to the Planning and Zoning Commission and the public. Applications for preliminary plat approval must be complete, with all required materials, and fees paid on or before the set cut-off date in order to be placed on the next available Planning and Zoning Commission agenda. Applications received after the cut-off date shall be considered incomplete until the next Planning and Zoning Commission meeting.
  - (3) The Director is hereby authorized to determine whether an application for preliminary plat approval is complete for processing. If an application is incomplete the applicant shall be notified in writing and may resubmit the application prior to a future cut-off date.
- F. If a final plat is amended or rejected by the Planning and Zoning Commission, or

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if the council or board of trustees of any municipality files with the Planning and Zoning Commission a certified copy of a resolution of such council or board protesting against the action of the Planning and Zoning Commission 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 Commission.

### G. Vacation of Plats:

- (1) Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein by a written instrument, to which a copy of such plat shall be attached declaring the same to be vacated. Such an instrument shall be reviewed by the Planning and Zoning Commission in like manner as plats of subdivisions under this Article. The County Commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys. Such an instrument shall be executed, acknowledged, or approved, and recorded or filed in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in streets, alleys, public grounds, and all dedications laid out or described in such plat.
- (2) When lots have been sold in platted property, the plat may be vacated in the manner herein, provided all the owners of lots in such plat join in the execution of such writing.



## ARTICLE 7, REPLATS

1. **General:** A replat is required when a lot or lots that have previously been recorded as part of a subdivision plat are further divided, joined together, or reconfigured, or when a feature recorded on a lot, such as an easement or setback line, is being altered. Replats are limited to three (3) new lots being created. If four (4) or more lots are created, a new plat is required. Replats shall be approved administratively.
2. **Application Guidelines:** Replats shall follow the same application procedures as a Final Plat, with the following exceptions:
  - A. Four (4) paper copies and one (1) electronic file (PDF) of the plat shall be submitted.
  - B. The plat may be 24 x 36 inches or 18 x 24 inches.
  - C. A completed submission form and copy of the ownership deed are also required at the time of application.
  - D. Security agreements do not apply to replats.
  - E. The scale of the required location map on the plat may be 1" = 2,000' or 1" = 1,000'.
  - F. A Certificate of Ownership may be substituted for a Statement of Dedication.
  - G. Lot numbers within the replat shall begin with 1. Original lot numbers shall not be used.
3. **Review Guidelines:** The review process for Replats is as follows:
  - A. Once an application is submitted, staff will distribute the plat to various commenting agencies and departments.
  - B. Staff will review the proposed replat for compliance with Subdivision and Zoning Regulations.
  - C. The initial review period extends approximately thirty (30) days from the date of application.
  - D. Once the review period has ended, the consultant will be contacted via email and notified of any changes or modification to the plat that will be required based on

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comments and staff review. The consultant may submit revisions of the plat electronically.

- E. Once all requirements are met, the consultant will be notified via email. One (1) mylar copy and four (4) printed copies of the plat shall be submitted for recording. Submissions must be signed by all owners. Replats are subject to a recording fee.
  - F. Replats which meet all requirements of the Subdivision and Zoning Regulations are submitted to the office of the Stone County Assessor for verification of title to property, as shown on the plat.
  - G. Replats are also reviewed by the office of the Stone County Collector prior to recording to ensure that all real estate taxes due on December 31<sup>st</sup> of the previous calendar year (assessment year) have been paid.
4. **Filing Fee:** The filing fee for replats shall be established by the County Commission.

## ARTICLE 8, 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, but less than five (5) acres, shall be hard-surfaced with chip and seal or asphalt or concrete;
    - (3) Streets in subdivisions comprised of lots larger than five (5) acres may be improved with gravel.
    - (4) Streets in subdivisions with hard-surfaced roads shall have access via an improved, hard-surfaced street to a public highway, road or street.
    - (5) No street, road, alley, or other right-of-way dedicated for public use shall be gated, obstructed, or otherwise restricted from public access.
    - (6) 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;
      - 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

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- f. The private streets are developed to County standards recommended by the County Engineer for design and improvement of private streets.
  - g. Any street that is gated, obstructed, or otherwise restricted from public access shall be considered a private street and shall not be eligible for County adoption or maintenance. Temporary restrictions authorized by the Planning and Zoning Commission for construction, emergency response, or public safety purposes shall not cause a street to be classified as private.
- 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 Missouri Department of Natural Resources (MDNR) 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 MDNR.
- 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 MDNR 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 County Commission 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.

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- 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.
- 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 may 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.
  - (3) All subdivision plats that divide land into building lots, including associated streets, alleys, easements, or other areas intended for public or private use by lot owners, shall be submitted to the Stone County Planning and Zoning Commission for review and consideration.
  - (4) Subdivisions, developments, and/or neighborhoods may 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 and Zoning Commission, and to the County Commission, that the privately-owned 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.
  - (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. If any portion of the plat is to be dedicated to the public, such statement shall also be provided, as outlined above, on the final plat.
  - (7) The subdivider of a subdivision, development, and/or neighborhood must comply with Stone County Zoning Regulations, Article 24, Road, Street, Common Open Space and Common Improvement Regulations.

**2. Exceptions for Existing Improvements:**

- A. Where the proposed subdivision is a re-subdivision 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 County Commission 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 County Commission 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 County Commission upon its consideration of the opinion of the County Engineer.
- B. Where the proposed subdivision is a re-subdivision 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 County Commission, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the County Commission. The County Commission 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 County Commission 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 9, 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.

**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 thirty (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 in writing 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 in writing as to whether or not the drawings are consistent with the approved preliminary plat and comply with their design standards and, if not, of

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the specific manner in which such drawings do not so conform or comply. The Subdivider may then correct any defective drawings and resubmit the corrected 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 satisfied;
- B. The engineering drawings for the subdivision shall have been approved by the Planning and Zoning Commission; and,
- C. One of the following has occurred:
  - (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.

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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. After such inspection has been made, the inspecting engineer shall notify the Planning and Zoning Director of his or her opinion thereof. If the County Engineer shall determine that such work does not comply with the approved engineering plans and specifications, the County Engineer shall inform the Planning and Zoning Director of their findings. 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 of the installed improvements by the County Engineer. Following the inspection, the County Engineer shall provide the Planning and Zoning Director with a written opinion regarding the condition and compliance of the improvements. If the County Engineer determines that any defects, deficiencies, or deviations exist in the installed improvements or that the improvements do not conform to the approved engineering plans and specifications, the Planning and Zoning Director shall so notify the Subdivider in writing. The Subdivider shall be responsible, at its sole expense, for correcting all identified defects, deficiencies or deviations, and shall notify the Planning and Zoning Director when 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 10, VARIATIONS AND WAIVERS

1. **Variations:** Whenever the Planning and Zoning Commission deems full conformance to provisions of these regulations may result in extraordinary hardships or practical difficulties 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 Commission may authorize variations from these regulations. In authorizing such variations or exceptions, the Planning and Zoning Commission shall find the following:
  - A. That there are special circumstances or conditions affecting the property.
  - B. That the variations or exceptions are necessary for the reasonable and acceptable development of the property in question.
  - C. That the granting of the variations 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 Commission on a showing that such improvements are technically not feasible.
3. **Conditions:** In recommending variations and waivers, the Planning and Zoning Commission may require such conditions as will, in its judgement, ensure adherence to the objectives of the Stone County Zoning and Subdivision Regulations.
4. **Procedures:** A request for variation or waiver shall be submitted in writing by the subdivider as part of the preliminary plat application. The request shall state fully the grounds for the variation(s) or waiver(s).

## ARTICLE 11, 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 Commission.
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 Director for distribution to various public and quasi-public departments, offices or agencies.
3. **Amendments:** For the purposes of providing for the public health, safety, and general welfare, the Planning and Zoning Commission may from time to time amend the provisions imposed by these Regulations.
4. **Consideration of Subdivision Regulation Amendments:** Before adopting or amending any subdivision regulations, the Planning and Zoning Commission shall call and hold a hearing on such regulations or amendments thereto; and shall act as provided for amending the zoning regulations. The County Commission shall act on the recommendations of the Planning and Zoning Commission by the same procedure as for zoning amendments.
5. **Compliance with Subdivision Regulations:** The subdivision of land is a privilege conferred upon developers by the laws of the State of Missouri and through these Subdivision Regulations. It is the developer seeking to acquire these advantages who has the duty of compliance with the reasonable conditions laid out in these Subdivision Regulations for the design, dedication, improvement, and restrictive use of the land, so as to conform to the physical and economic development of Stone County and to the safety and general welfare of future lot owners within the subdivision and of the community at large.

## **ARTICLE 12, 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.

## **ARTICLE 13, 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.