

BOONE COUNTY MISSOURI LAND USE REGULATIONS

CHAPTER I

SUBDIVISION REGULATIONS

Table of Contents

SECTION	TITLE	PAGE
1.1	Title	1
1.2	Authority	1
1.3	Scope and Purpose	1
1.4	Definitions	1
1.5	General Provisions	10
1.5.1	Subdivision Plat or Survey Required	10
1.5.1.1	Survey Not Required When	10
1.5.2	Determination of Type of Subdivision	10
1.5.3	Major Plat Required by Exceptional Circumstances	10
1.5.4	Unified Development	11
1.5.5	Compliance with Other Applicable Regulations	11
1.5.6	Prohibited Subdivisions	11
1.5.7	Prohibited Land Sales and Transfers	11
1.5.8	Prohibited Land Sales and Transfers of Illegally Created Lots	11
1.5.9	Building on Unlawfully Subdivided Land or an Illegally Created Lot Prohibited	12
1.5.10	Building on Nondevelopable or Not for Development Land Prohibited	12
1.5.11	Buildings Prohibited Within Major Thoroughfare Right of Way	12
1.5.12	Surveys, Survey Review and Plat Approval Required	12
1.5.13	Public and Private Road Restrictions	13
1.5.14	Private Access Easements	13
1.5.15	Building on Land Subject to Notice of Non-occupancy of the Property (NNOP) Prohibited	13
1.5.16	Determining the Number of Tracts Served by Private Access Easement	13
1.5.17	Private Subdivision Restrictions and Covenants	13
1.5.18	Prohibited Encumbrances	14
1.5.19	Advisory Point Ratings for Subdivision Plats	14
1.5.20	Recognized Utilities	15
1.5.21	Affidavit of Ownership	15
1.5.22	Prohibition of Transfer Prior to Recording	16

SECTION	TITLE	PAGE
1.5.23	Road Stub Location	16
1.5.24	Continuation of Stubbed Roads	16
1.6	Subdivision Category and Type	16
1.6.1	Abbreviated Administrative Approval Subdivisions	16
1.6.1.1	Property Boundary Survey	16
1.6.1.2	Utility Survey	17
1.6.2	Administrative Approval Subdivisions	17
1.6.2.1	Administrative Survey	17
1.6.2.2	Family Transfer Division Survey	17
1.6.2.3	Lot Consolidation Survey	18
1.6.2.4	Lot Line Adjustment Survey	18
1.6.3	Preliminary Plat	18
1.6.3.1	Preliminary Major Plat	18
1.6.3.2	Preliminary Multiple Use Plat	19
1.6.4	Final Plat	19
1.6.4.1	Final Major Plat	19
1.6.4.2	Final Multiple Use Plat	20
1.6.4.3	Final Minor Plat	20
1.7	Subdivision Plat and Survey Development Review	20
1.7.1	Concept Development and Review	20
1.7.2	Abbreviated Administrative Approval Subdivision Development and Review	21
1.7.2.1	Property Boundary Survey Development and Review	21
1.7.2.2	Utility Survey Development and Review	22
1.7.3	Administrative Approval Subdivisions	24
1.7.3.1	Administrative Survey Development and Review	24
1.7.3.2	Family Transfer Division Survey Development and Review	26
1.7.3.3	Lot Consolidation Survey Development and Review	29
1.7.3.4	Lot Line Adjustment Survey Development and Review	31
1.7.4	Preliminary Plat Development and Review	34
1.7.4.1	Commission Review	35
1.7.4.2	Appeals of Preliminary Plat Decision	36
1.7.4.3	County Commission Review of Preliminary Plat	37
1.7.4.4	Installation of Infrastructure	37
1.7.4.5	Development Agreements	39
1.7.5	Final Plat Development and Review	40
1.7.5.1	Pre-Submittal Conference	40
1.7.5.2	Plat Submittal	40
1.7.5.3	Final Plat Review	41
1.7.5.4	Commission Review	42
1.7.5.5	Appeal of Final Plat Disapproval	43
1.7.5.6	County Commission Review of Appeal of Final Plat Disapproval	44

SECTION	TITLE	PAGE
1.7.5.7	County Commission Acceptance	44
1.7.6	Time Limitations for Completion of Final Plat	45
1.7.7	Subdivider Responsibility	45
1.7.7.1	Final Plat of Major or Multiple Use Plat	46
1.7.7.2	Final Minor Plat	46
1.8	Replating and Plat Restrictions	46
1.8.1	Plat Vacation	46
1.8.1.1	Vacation of Entire Undeveloped Subdivision Plats	46
1.8.1.2	Subdivision Plats with Vacation Procedures	47
1.8.1.3	Subdivision Plats Without Vacation Procedures	47
1.8.2	Replatted Subdivisions	48
1.8.2.1	Replatted Subdivisions, Vacation Required	48
1.8.2.2	Replat Approval	48
1.9	Interpretation and Administration	49
2.0	Severability	50
2.1	Board of Adjustment Variances	50
2.1.1	Variance Not to be Granted Unless	50
2.2	Penalties and Remedies	51
2.3	Jurisdiction	51
2.4	Effective	51
2.5	Fees	51

APPENDIX A
SURVEY AND PLAT PREPARATION SPECIFICATIONS

1.	Submission Requirements	52
1.1	Concept Review	52
1.2	Abbreviated Administrative Approval Process	
	Submittal Requirements	53
1.2.1	Supplemental Requirements for Property Boundary Surveys	53
1.2.2	Supplemental Requirements for Utility Surveys	53
1.3	Administrative Approval Process Submittal Requirements	53
1.3.1	Supplemental Requirements for Administrative Surveys	55
1.3.2	Supplemental Requirements for Family Transfer Division Surveys	55
1.3.3	Supplemental Requirements for Lot Consolidation Surveys	56

SECTION	TITLE	PAGE
1.3.4	Supplemental Requirements for Lot Line Adjustment Surveys	56
1.4	Preliminary Plat Process Submittal Requirements	57
1.4.1	Supplemental Requirements for Preliminary Major Plats	59
1.4.2	Supplemental Requirements for Preliminary Multiple Use Plats	60
1.5	Final Plat Process Submittal Requirements	61
1.5.1	Supplemental Requirements for Final Major Plats	63
1.5.2	Supplemental Requirements for Final Multiple Use Plats	64
1.5.3	Supplemental Requirements for Final Minor Plats	64

APPENDIX B
DESIGN SPECIFICATIONS FOR SUBDIVISIONS

1.	General Specifications	66
1.1	Addresses	66
1.2	Blocks	66
1.2.1	Block Length in a Planned Development	66
1.3	Access Control	67
1.4	Common Land	67
1.5	Publicly Dedicated Common Land	68
1.6	Community Assets	68
1.7	Karst Area Development	68
1.8	Dams	69
1.8.1	Design	69
1.8.2	Dams in Excess of 35 Feet Tall	69
1.8.3	Use for Access	69
1.8.4	Maintenance	70
1.9	Lots	70
1.9.1	Stem Lots	70
1.9.2	Lot Specifications	70
1.10	Public Spaces and Areas	73
1.11	Private Drives	73
1.12	Private Access Easements (PAEs)	73
1.12.1	Easement and Maintenance Agreement	73
1.12.2	Construction of the Driving Surface	74
1.12.3	Notice of Non-Occupancy of the Property (NNOP)	74
1.12.4	Release of the Notice of Non-Occupancy of the Property	74
1.12.5	When Construction Occurs Prior to Recording the Plat or Survey	75
1.12.6	When Construction Occurs After Recording the Plat or Survey	75
1.12.7	Driving Surface Standards	76
1.13	Sidewalks	77
1.14	Street and Road Names	77
1.15	Subdivision Names	77
2.	Roads and Streets	77
2.1	Improvements	77

SECTION	TITLE	PAGE
2.2	Traffic Analysis	78
2.2.1	Consultant Selection	78
2.2.2	Payment for Traffic Analysis	78
2.2.3	Content of Traffic Analysis	79
2.2.4	Scoping Meeting	79
2.2.5	Waiver of Traffic Analysis	79
2.3	Improvement of Existing County Roads	80
2.4	Improvement of New Roads and Streets	80
2.5	Curb and Gutter, When Required	80
2.6	Installation of Street Signs	80
2.7	Right of Way and Roadways	81
2.7.1	Right of Way Width	81
2.7.2	Connectivity	81
2.7.3	Dedication Adjacent to Existing Right of Way	81
2.7.4	Designation of Functional Classification	82
2.7.5	Width of Right of Way	82
2.7.6	Slope Easement	83
2.8	Flooding	83
2.9	Intersection Geometry	83
2.9.1	Angle of Intersection	83
2.9.2	Truncations	83
2.9.3	Street Jogs	83
2.10	Cul-de-sacs	84
2.10.1	Measurement of Cul-de-sac	84
2.10.2	Cul-de-sac Radius	84
2.11	Agriculture District Roads	84
2.11.1	Applicability	84
2.11.2	Standards	84
3.	Sewers	85
3.1	Central Sewage Treatment	85
3.1.1	Minimum Lot Size	85
3.1.2	Connection to Existing System	85
3.1.3	Connection to Future System	86
3.1.4	Ownership of Central Sewage Treatment Systems	86
3.2	On-site Treatment	87
3.2.1	When Allowed	87
3.2.2	Cost Benefit Analysis	87
3.2.3	Waiver of Cost Benefit Analysis	88
3.2.4	Use of Cost Benefit Analysis	88
3.2.5	Standards for Use of Individual On-Site Systems	89

SECTION	TITLE	PAGE
4.	Water Supply and Fire Protection	90
4.1	Public Water Supply	90
4.2	Preliminary Water Supply Plan	90
4.3	Fire Protection	90
4.4	Fire Protection in Low Density Subdivisions	91
4.4.1	Waiver of Cost Benefit Analysis	92
4.4.2	Use of Cost Benefit Analysis	92
5.	Stormwater, Surface Drainage, Erosion Control	92
5.1	Stormwater Control and Surface Drainage	92
5.2	Erosion Control	92
6.	Utilities	92
6.1	Easements	92
6.2	Utility Standards	93
Table A	Boone County Point Rating System	94

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BOONE COUNTY MISSOURI LAND USE REGULATIONS

CHAPTER I

SUBDIVISION REGULATIONS

1.1 **Title:** These regulations including appendixes and tables shall be known, referred to, and cited as the Subdivision Regulations of Boone County, Missouri.

1.2 **Authority:** These regulations are enacted under authority vested in Boone County, Missouri by sections 64.825-.830 RSMo.

1.3 **Scope and Purpose:** In order to protect the public health and general welfare these regulations, including appendixes and tables, are intended to:

- Prescribe the procedures, standards and criteria for the subdivision of land within the unincorporated areas of Boone County, Missouri
- Prescribe the proper location and width of streets, building lines, open spaces, safety and recreation
- Provide for the avoidance of congestion of population including establishment of minimum dimensions for lots
- Prescribe the extent to which and the manner in which streets shall be graded and improved
- Prescribe the extent to which water, sewer and other utility services shall be provided

1.4 **Definitions:** Unless the context clearly indicates otherwise, the following words, phrases, terms and their derivations shall have the meaning given for purposes of these regulations and appendixes and tables pertaining to them. The following rules shall apply when consistent with the context in which any words or terms are used:

- Words used in the present tense include the future
- Words used in the plural number include the singular
- Words used in the singular number include the plural
- The word "shall" is always mandatory and not merely directory
- The word "may" is permissive
- Questions regarding the definition of any word not herein defined shall be decided by the Director. The Director may use any standard English dictionary or other appropriate reference material

1.4.1 **Block** - An area of land entirely bounded by roads, streets, highways, except alleys, pedestrian ways or exterior boundaries of a subdivision unless such exterior boundary is a street, road or highway, or a combination of streets, public parks, cemeteries, railroad right-of-ways, or shore lines or waterways, or corporate boundary lines.

1.4.2 **Board of Adjustment** - The Zoning Board of Adjustment as established by Section 15 of the Boone County Zoning Regulations.

1.4.3 **Building** - Any structure having a roof supported by columns or walls or other structural members for the shelter or enclosure of persons or property.

1.4.4 **Building Line** - A line specifically established upon a plat or by the zoning regulations, which identifies an open area unoccupied and unobstructed from the ground upward into which no part of a building shall project except as provided by the zoning regulations.

1.4.5 **Common Land** - Land within or related to a subdivision, not individually owned which may or may not be dedicated for public use and which is designed and intended for the common use, benefit or enjoyment of the residents of the subdivision. Such land may include complementary structures and improvements.

1.4.6 **Commission** - Planning and Zoning Commission of Boone County, Missouri.

1.4.7 **County Commission** - The governmental body of Boone County, Missouri charged by law with the final administration of these regulations.

1.4.8 **County Engineer** - The Chief Engineer of the Boone County Resource Management Department or other engineer designated by the County Commission.

1.4.9 **Cul-de-sac** - A street designed with only one outlet and having a turn-around for traffic circulation.

1.4.10 **Dam, Specified** - For the purpose of these regulations, any artificial or man-made barrier which impounds or diverts water and is

- more than 6 feet high and stores 50 or more acre-feet of water; or
- 25 or more feet high and stores more than 15 acre-feet of water

1.4.11 **Dedication** - The appropriation of land by its owner for general or special public use.

1.4.12 **Development** -

- A change in the zoning, intensity of use or allowed use of any land, building, structure or premises for any purpose.
- The subdivision or severance of land.
- The construction, erection or placing of one or more buildings or structures on land or use of land or premises for storage of equipment or materials.
- Making of an addition, enlargement or alteration to a building or structure, in, on, over or under land, which has the effect of increasing the size or usability thereof.
- Land disturbance activities such as but not limited to site-grading, excavation, drilling, removal of topsoil or the placing or dumping of fill and installation of drainage works.

- The use of the term shall include redevelopment in all cases unless otherwise specified in these regulations.

1.4.13 **Director** - The Director of the Department of Resource Management for Boone County, Missouri or other person as designated by the County Commission.

1.4.14 **Karst** - A type of topography characterized by features such as caves, bedrock pinnacles, losing streams segments and sinkholes.

1.4.15 **Lot** –

- An accurately measured portion of land having fixed boundaries and designated on a survey or plat.
- An area of land in a subdivision intended for sale or other form of ownership transfer to be used as a building site, or for other lawful purposes;
- A plot of land separated from other parcels or portions by descriptions as on a recorded subdivision plat, recorded plat of survey, or by metes and bounds description for the transfer to or use of another.

1.4.16 **Lot, corner** - A lot with frontage upon two or more streets at their intersection.

1.4.17 **Lot, Double Frontage** – A lot with street frontage along two or more street frontages that is not a corner lot.

1.4.18 **Lot, front of** - The front of a lot, tract or parcel shall be considered to be that part of a lot which has access upon a public street. For corner lots the front shall face the shortest street dimension of the lot. When a lot has no public road frontage the Director shall determine the front of lot.

1.4.19 **Lot, Illegally Created** – Any land division that did not comply with the land use and subdivision regulations that were in effect when the instrument creating the division was executed.

1.4.20 ***Lot, Legally Created*** – Any land division that complied with the land use and subdivision regulations that were in effect when the instrument creating the division was recorded with the Boone County Recorder of Deeds.

1.4.21 ***Major Thoroughfare Plan*** - The officially adopted plan of Boone County, Missouri, showing the approximate location and classification of existing and proposed roads.

1.4.22 ***Master Plan*** - The comprehensive long range plan adopted by the County Commission for the coordinated physical development of Boone County, including among other things, the major thoroughfare plan, sub-area plans, plans and programs regarding the location, character and extent of transportation routes, bridges, public buildings, schools, parks and other elements of land use and development deemed appropriate for long range planning.

1.4.23 ***Notice of Non-Occupancy of the Property*** (NNOP)- Is a form provided by the Director to be used in cases where a PAE is used to provide access to a public road and the subdivider has elected to defer construction of the driving surface. The NNOP states that no building permits will be issued for any lot identified in the NNOP and the procedure for release of the NNOP. Standards governing NNOPs are found in Appendix B.

1.4.24 ***Owner*** - Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having legal title to or a sufficient proprietary interest in real estate to legally effectuate transfer of the property sought to be subdivided.

1.4.25 ***Paired Driveway*** – A shared access point along the common lot line between two lots both of which have frontage on a public road.

1.4.26 ***Parcel, Original*** – Any legally created lot that has been in existence prior to June 17, 1995.

1.4.27 **Parcel, Parent** - The configuration of a legally created lot immediately prior to any action to alter or subdivide said lot in compliance with these regulations.

1.4.28 **Parcel, Tax** – An area of land defined by the Boone County Assessor for purposes of taxation. The boundaries of a tax parcel are for inventory purposes and do not necessarily match the boundaries of a legally created lot or lots.

1.4.29 **Performance Bond** - Any surety submitted in an amount and form satisfactory to the County Commission.

1.4.30 **Planned Development** - Land developed pursuant to the Zoning Regulations of Boone County, Missouri for planned developments.

1.4.31 **Plat** - A scale drawing of a tract of land including a property description.

1.4.32 **Point Rating System** - A numerical rating system, based on urban development factors, which assigns point values to unincorporated areas of land.

1.4.33 **Presiding Officer** - The elected presiding commissioner for the County Commission or the acting presiding commissioner in the elected presiding commissioner's absence.

1.4.34 **Private Access Easement (PAE)** – PAEs consist of a combination of recorded documents and a constructed driving surface and are allowed in limited circumstances to provide access from two or more lots to a public road.

1.4.35 **Private Drive** - A driveway or driveway easement which provides entry or circulation driveway within a lot.

1.4.36 **Private Road** – A driveway, driveway easement or private roadway easement that provides access to a public roadway for more than one lot and is not a Private Access Easement, Private Drive or Public Road.

1.4.37 **Public Road** - A road contained within public right of way that is permanently controlled and maintained by a public governmental agency.

1.4.38 ***Qualifying Family Member*** – A person, 18-years of age or older, intended to receive a parcel of land created by family transfer division who has never received a parcel of land by family transfer and whose relationship to the grantor is grandmother, grandfather, granddaughter, grandson, mother, father, daughter, son, sister, brother. Any relationship other than those specifically listed in this section is not included in this definition.

1.4.39 ***Recognized Utility*** – A closely regulated enterprise that provides a public utility service deemed necessary for the public health, safety and welfare¹.

1.4.40 ***Recorder of Deeds*** – The Recorder of Deeds for the County of Boone, Missouri.

1.4.41 ***Replat*** - The act of changing a previously recorded subdivision plat, or portion thereof.

1.4.42 ***Right-of-Way*** – An area or strip of land that has been established by usage or dedicated to the public for the use of:

- vehicles
- pedestrians
- utilities

1.4.43 ***Small On-Site Wastewater System*** - Any subsurface sewage treatment system, lagoon disposal system or other waterborne waste disposal method employing basic hydrologic or engineering principles which receives 1500 gallons or less of waterborne waste per day.

1.4.44 ***Solid Waste Disposal Area*** - Any area, above or below ground, which is or has been used for the disposal of solid waste.

¹ See Section 1.5.18 for criteria regarding designation as a Recognized Utility.

1.4.45 **Stem** - The portion of a stem lot that connects the required yard area and buildable area with its road access or any utility (sometimes referred to as a tier lot).

1.4.46 **Street** - The improved portion of the public right-of-way which affords principal means of access to abutting property within a subdivision.

1.4.47 **Street Plan Lines** - Graphic street designation or possible location as indicated by the major thoroughfare plan.

1.4.48 **Structure** - Anything on the property constructed or installed for use on land including but not limited to portable structures used for housing, business, commercial, agricultural, recreational or office purposes.

1.4.49 **Subdivider** - Any owner, agent or employee of an owner who authorizes proceedings to effectuate a subdivision of property.

1.4.50 **Subdivision** - The division or proposed division of land which creates one or more of the following;

- A lot, tract or parcel of land greater than forty (40) acres in size
- A lot, tract or parcel of land forty (40) acres or less
- A new public road²
- A geometric reconfiguration of a property unless such a reconfiguration is done under another provision of this ordinance
- A multiple use development as the term is used in these regulations
- A lot that is or becomes partially within the corporate boundary of any city, town or village

1.4.51 **Subdivision Category** – One of four categories into which each subdivision type will be grouped³:

² See *Public Road* in Definitions Section 1.4
November 15, 2016

- Abbreviated Administrative Approval
- Administrative Approval
- Preliminary Plat
- Final Plat

1.4.52 **Subdivision Type** – One of the following nine types into which a land division will be assigned⁴:

- Administrative Survey
- Property Boundary Survey
- Family Transfer Division Survey
- Lot Consolidation Survey
- Lot Line Adjustment Survey
- Major Plat
- Minor Plat
- Multiple-Use Plat
- Utility Survey

1.4.53 **Surveyor** – A Professional Land Surveyor licensed to practice in the State of Missouri.

1.4.54 **Through Street** - A public street which is not a cul-de-sac or a circle.

1.4.55 **Urban Service Area** - All land in unincorporated Boone County that has been assigned a numerical rating of 50 or more points by the current approved Point Rating

³ See Section 1.7 for additional information

⁴ See Section 1.7 for additional information

System⁵ or designated as an official Urban Service Area on an official map adopted by the Boone County Commission.

1.5 **General Provisions** - The following general provisions shall be applicable to all subdivisions:

1.5.1 **Subdivision Plat or Survey Required** - From and after the effective date of these regulations, any person who subdivides any land located within Boone County to which these regulations shall apply, shall cause a plat or survey to be prepared of such subdivision in accordance with these regulations and the laws of the state of Missouri and shall cause such plat or survey to be recorded in the office of the Boone County Recorder of Deeds.

1.5.1.1 **Survey Not Required, When** - Divisions of land solely creating tracts equal to or greater than 40 acres may be surveyed in compliance with these regulations but are not required to be surveyed.

1.5.2 **Determination of Type of Subdivision** - The Director shall determine the Subdivision classification of all proposed land divisions.

1.5.3 **Major Plat Required by Exceptional Circumstances** - The Director, in the exercise of his/her discretion, may require what would otherwise qualify as a minor subdivision plat, administrative survey or family transfer division survey to be platted as a major subdivision plat if and only if:

- The Director finds that roads or utilities surrounding the proposed subdivision are inadequate to serve the proposed subdivision and/or the surrounding area.

and

- The requirements for approval of a major subdivision plat will facilitate adequate road, water, sewer or other utility service.

⁵ See *Point Rating System* in Definitions Section 1.4
November 15, 2016

1.5.4 ***Unified Development*** - No land shall be subdivided or resubdivided unless the Director determines that such action will not impair or otherwise hinder the unified development of the land to be further subdivided or resubdivided or areas adjacent thereto.

In making such a determination the Director shall consider the following:

- the potential population densities under current zoning
- the Boone County Master Plan⁶
- availability and adequacy of roads, water, sewers and other utilities
- the geography and current land use for the area

1.5.5 ***Compliance with Other Applicable Regulations*** - No final plat or survey shall be reviewed or approved by the Director, Commission or County Commission unless such plat is consistent with the Boone County Master Plan, and complies with the Zoning Regulations and other rules and regulations adopted by Boone County which may apply to the land subdivided or the use thereof.

1.5.6 ***Prohibited Subdivisions*** - It shall be unlawful for any person to file or record any plat, survey or other instrument of sale, transfer or conveyance with the Recorder of Deeds of Boone County, Missouri which affects a subdivision of land subject to these regulations unless such land has been subdivided in compliance with the provisions of these regulations.

1.5.7 ***Prohibited Land Sales and Transfers*** - It shall be unlawful for any person to sell or transfer any land which would affect a subdivision of land subject to these regulations without first subdividing such land in compliance with the provisions of these regulations.

1.5.8 ***Prohibited Land Sales and Transfers of Illegally Created Lots***⁷ – It shall be unlawful for any person to sell or transfer any illegally created lot without first subdividing such land in compliance with these regulations.

⁶ See *Master Plan* in Definitions Section 1.4
November 15, 2016

1.5.9 *Building on Unlawfully Subdivided Land, or an Illegally Created Lot Prohibited* -

No building permit or certificate of occupancy shall be issued, nor shall any person construct or install any building on unlawfully subdivided land or any illegally created lot.

1.5.10 *Building on Nondevelopable or Not for Development Land Prohibited* -

No building permit or certificate of occupancy shall be issued, nor shall any person construct or install any building or structure on land designated as non-developable or not for development on any plat or on a recorded or unrecorded survey signed and approved as such by the Director.

1.5.11 *Buildings Prohibited Within Major Thoroughfare Right-of-Way* - No building or structure shall be constructed, erected or installed within the designated right of way for any major thoroughfare shown on the Major Thoroughfare Plan⁸ if the boundaries of such right of way are:

- described or defined by boundary survey or
- described by other lawful metes and bounds description recorded or officially filed with the Director

All applicable building setback requirements shall apply from such designated right-of-way boundary lines.

1.5.12 *Surveys, Survey Review and Plat Approval Required* - No land shall be subdivided in any manner except by a land survey prepared by a Professional Land Surveyor licensed to practice in the State of Missouri. No survey of land of any kind prepared by or under the direction of a surveyor shall be recorded by the Boone County Recorder of Deeds unless reviewed and signed by the Director. The Recorder of Deeds shall not file or record a

⁷ See *Lot, Illegally Created* in Definitions Section 1.4

⁸ See *Major Thoroughfare Plan* in Definitions Section 1.4

subdivision plat or survey of any land located within the county unless the plat has been approved and signed by the proper officials in accordance with these regulations.

1.5.13 *Public and Private Road Restrictions* - It shall be unlawful to create or build any

- non-governmentally maintained publicly dedicated road or
- private road⁹

Except as authorized by these regulations or as authorized for planned developments¹⁰ under the Boone County Zoning Regulations.

1.5.14 *Private Access Easements(PAE)* – When allowed in Section 1.6, Private Access Easements shall be established and constructed in accordance with standards in Appendix B 1.12. If the subdivider elects to defer construction of the driving surface a Notice of Non-Occupancy of the Property (NNOP) shall be recorded prior to approval and recording of the plat or survey.

1.5.15 *Building on Land Subject to Notice of Non-occupancy of the Property (NNOP) Prohibited* – No building permit or certificate of occupancy shall be issued, nor shall any person construct or install any building or structure on land that is subject to an NNOP.

1.5.16 *Determining the Number of Tracts Served by a Private Access Easement (PAE)* – From the point where a private access easement (PAE) intersects with a public road¹¹ all tracts crossed by or adjoining a PAE shall be considered to be served by said PAE including any lot having public road frontage.

1.5.17 *Private Subdivision Restrictions and Covenants* - It shall be unlawful to establish or enforce any private subdivision restriction or covenant which conflicts with any

⁹ See *Private Drive* in Definitions Section 1.4

¹⁰ See *Planned Development* in Definitions Section 1.4

¹¹ See *Public Road* in Definitions Section 1.4

mandatory requirement of these regulations or impedes implementation or enforcement of any minimum requirement set forth in these regulations.

1.5.18 ***Prohibited Encumbrances*** – No Type of Subdivision, shall be approved under these regulations which subject or encumber, or make the following items, to be shown or platted on said Type of Subdivision, subject to exclusive easements or encumbrances:

- publicly dedicated roads or streets
- road or street right of way
- utility easements

1.5.18.1 ***Allowed Encumbrances***-The only types of prior encumbrances allowed are:

- Recorded non-exclusive utility easements which have had utilities installed within them and have been used for the purposes granted prior to December 5, 2000.
- Judgment liens, mechanic's liens and instruments of security for debt whether recorded or unrecorded, such as deeds of trust, mortgages, contracts for deed, leases with purchase options, and other instruments of security for debt.
- Publicly maintained roads and streets or road and street right of way.
- Recorded land use covenants, restrictions and other encumbrances which are unrelated to and have no effect upon roads, streets or utilities and which are not in conflict with the requirements and provisions of this chapter.

1.5.19 ***Advisory Point Ratings for Subdivision Plats*** - A point rating shall be assigned to each subdivision plat under the Subdivision Point Rating System¹² set forth in Appendix B Table A of these regulations. The purpose of the point rating is to determine whether subdivision development is proceeding in those areas with existing adequate infrastructure.

It is the desire of the County Commission that each major subdivision plat have a point

¹² See *Point Rating System* in Definitions Section 1.4
November 15, 2016

rating of at least 50 points under such system. However, such point rating system is primarily an advisory and study tool, and shall not be used as the sole basis for accepting or rejecting approval of any subdivision plat.

1.5.20 ***Recognized Utilities*** – The Director may develop a list of recognized utilities. In doing so, any or all of the following criteria may be used to determine whether an entity qualifies as a recognized utility¹³

- provides a service that is essential to the public, health, safety and general welfare
- regulated by a governmental agency
- granted an exclusive or near exclusive franchise for a specific geographic area
- required to provide service to all who apply within their franchised area or service area
- may have the right of condemnation
- are usually exempt from local development requirements or can appeal such requirements to an administrative agency

1.5.21 ***Affidavit of Ownership*** – Prior to approval and recording of any subdivision or survey the subdivider(s) shall provide an Affidavit of Ownership. A valid affidavit shall be on file with the Director at the time a subdivision or survey is approved, accepted or recorded. An Affidavit of Ownership must meet the following:

- shall be on a document provided by the Director
- shall be considered to be valid for a period of 30 days from the date of signing by the subdivider and notarization
- shall contain an accurate legal description that matches the property being subdivided.

¹³ See *Recognized Utility* in Definitions Section 1.4
November 15, 2016

1.5.22 ***Prohibition of Transfer Prior to Recording*** – The subdivider shall not transfer property for which any final plat approval or survey approval is pending prior to recording of that subdivision or survey.

1.5.22.1 ***Transfer With Notice Allowed*** – The subdivider may transfer the entire property for which a final plat or survey approval is pending if prior written notice is provided to the Director. In such cases, processing of the application will be discontinued until the new owner submits an Affidavit of Ownership in accordance with Section 1.5.21.

1.5.23 ***Road Stub Location*** – The Director shall determine the number and location of required road stubs in accordance with standards found in Appendix B 2.7.

1.5.24 ***Continuation of Stubbed Roads*** – The design of all subdivisions shall include continuation of roads and public rights of way that have been stubbed to the subject property. Such continued roads shall connect through the subject property to existing public road¹⁴, rights of way and adjoining property.

1.6 ***Subdivision Category¹⁵ and Type*** - From and after the effective date of these regulations all subdivisions subject to these regulations shall be surveyed or platted in accordance with the following:

1.6.1 ***Abbreviated Administrative Approval Subdivisions*** – The following subdivision types¹⁶ are within this category.

1.6.1.1 ***Property Boundary Survey*** - Any subdivision survey consisting of one or more lots created in compliance with these regulations and where either of the following applies:

¹⁴ See *Public Road* in Definitions Section 1.4

¹⁵ See *Subdivision Category* in Definitions Section 1.4

¹⁶ See *Subdivision Type* in Definitions Section 1.4

- All tracts shown on the survey are greater than 40 acres in size and no tract less than 40 acres is created whether or not said tract is shown on the survey
- The tract shown on the survey is a graphic depiction of the boundary of an existing legally created lot¹⁷ for which no change in configuration is proposed or depicted by said survey.

1.6.1.2 **Utility Survey** - Any subdivision created in compliance with these regulations creating a lot for the exclusive use of a recognized utility¹⁸ as a site for utility infrastructure or utility equipment

1.6.2 **Administrative Approval Subdivisions** – The following subdivision types¹⁹ are within this category:

1.6.2.1 **Administrative Survey**- Any subdivision survey consisting of one or more lots created in compliance with these regulations, any and all of which are forty (40) acres or less in size but equal to or greater than ten (10) acres and where either of the following applies:

- All tracts have frontage upon and direct access to an existing public road²⁰
- No more than eight (8) tracts share a private access easement²¹ that provides direct access to a public road

1.6.2.2 **Family Transfer Division Survey** - Any subdivision survey consisting of one or more lots created in compliance with these regulations and where the lots created

¹⁷ See *Lot, Legally Created* in Definitions Section 1.4

¹⁸ See *Recognized Utility* in Definitions Section 1.4

¹⁹ See *Subdivision Type* in Definitions Section 1.4

²⁰ See *Public Road* in Definitions Section 1.4

²¹ See *Private Access Easement* in Definitions Section 1.4

are (transferred) or (intended for transfer) to a Qualifying Family Member,²² as defined in these regulations, for which one or more of the following applies:

- The subject parcel is zoned A-1 (Agriculture)
- The subject parcel is zoned A-2 (Agriculture)
- The subject parcel is not contained within a recorded minor subdivision plat or recorded major subdivision plat

1.6.2.3 **Lot Consolidation Survey** - Any subdivision created in compliance with these regulations which consists of either of the following:

- The combination of two or more legally created lots into a single lot
- Absorption of legally vacated right of way into one or more legally created lots

1.6.2.4 **Lot Line Adjustment Survey** – Any subdivision created in compliance with these regulations for which all of the following apply:

- The purpose of the survey is to change the location of a lot line between two or more adjacent lots
- The number of resultant lots shown on the survey is the same as the number of lots prior to the survey
- The resultant boundary configuration of all lots of 40 acres or less is graphically depicted on the survey

1.6.3 **Preliminary Plat** – The following subdivision types²³ are within this category:

1.6.3.1 **Preliminary Major Plat** - Any subdivision created in compliance with these regulations for which one or more of the following applies:

²² See *Qualifying Family Member* in Definitions Section 1.4

²³ See *Subdivision Type* in Definitions Section 1.4

- A land division of the original parcel²⁴ having six (6) or more lots, any or all of which are less than ten acres in size where all lots have frontage on and direct access to a public road
- A land division of the original parcel having six (6) or more lots each being less than ten (10) acres but greater than five (5) acres, where no more than eight lots share a private access easement that provides direct access to a public road
- The creation of a new public road²⁵
- Any other subdivision not specifically qualifying as one of the following:
 - Administrative Survey
 - Property Boundary Survey
 - Family Transfer Division Survey
 - Lot Consolidation Survey
 - Lot Line Adjustment Survey
 - Minor Plat
 - Utility Survey

1.6.3.2 ***Preliminary Multiple Use Plat*** – A form of a major plat created in compliance with these regulations created to allow for the dedication of easements and right-of-way where multiple structures are located or going to be located on a single lot or parcel.

1.6.4 ***Final Plat*** – The following subdivision types²⁶ are within this category:

1.6.4.1 ***Final Major Plat*** – A final plat of an approved preliminary major plat.

²⁴ See *Parcel, Original* in Definitions Section 1.4

²⁵ See *Public Road* in Definitions Section 1.4

²⁶ See *Subdivision Type* in Definitions Section 1.4

1.6.4.2 ***Final Multiple Use Plat*** – A final plat of an approved preliminary multiple use plat.

1.6.4.3 ***Final Minor Plat*** - Any subdivision created in compliance with these regulations dividing the original parcel²⁷ into:

- Five or fewer lots, any one of which is less than ten (10) acres, where each lot has direct access to and frontage upon an existing public road²⁸
- Five or fewer lots, each being less than ten (10) acres but greater than 4.99 acres that share a private access easement²⁹ that provides direct access to a public road

1.7 ***Subdivision Plat and Survey Development and Review*** – All surveys and subdivision plats subject to these regulations shall be prepared in accordance with the following development and review processes:

1.7.1 ***Concept Development and Review*** - Concept reviews are normally scheduled for the second and third Mondays of each month. A one week notice is required in order to be placed on the next available scheduled date. Prior to submission of any survey or subdivision plat a subdivider shall prepare a graphic proposal pertaining to the proposed subdivision, in accordance with the Concept Review Standards and Specifications set forth in Appendix A, which shall be submitted to the Director for his review and consideration. The subdivider shall meet with and discuss his proposed survey or plat with the Director or his designee. At such meeting the parties shall discuss the following:

- The procedure for adoption of the survey or subdivision plat as proposed

²⁷ See *Parcel, Original* in Definitions Section 1.4

²⁸ See *Public Road* in Definitions Section 1.4

²⁹ See *Private Access Easement (PAE)* in Definitions Section 1.4

- The technical requirements pertaining to the proposed survey or plat
- The requirements necessary for obtaining approval of the survey or plat
- Whether or not it does or will meet zoning and other land use regulations
- The availability of utilities, adequacy of water supplies and waste disposal systems
- The impact on roads and road use
- The impact on other surrounding land uses

The meeting may also include discussion of the county point rating system³⁰ and whether or not the proposed plat or survey will satisfy the requirements of the point rating system. The concept review shall also include the Director's and staff's assessment of the proposed survey or subdivision plat so that the subdivider will have both general and specific familiarity with the requirements necessary for approval prior to further time and resource investment.

The Director may waive all or part of a concept review and/or graphic proposal in cases in which the Director believes such review is unwarranted or unnecessary. No representations by the Director or his designee shall be construed to waive, release or otherwise alleviate the need for strict compliance with the regulations herein contained.

1.7.2 Abbreviated Administrative Approval Subdivision Development and Review

1.7.2.1 Property Boundary Survey Development and Review A Property Boundary Survey shall be submitted to the Director for review after being prepared in accordance with the Survey and Plat Preparation Standards and Specifications set forth in Appendix A.

1.7.2.1.1 Property Boundary Survey Review – The Property Boundary Survey shall be reviewed in accordance with the following procedures:

³⁰ See *Point Rating System* in Definitions Section 1.4
November 15, 2016

- The Director shall review the Property Boundary Survey to verify that no new lots that are less than forty acres in area are being created and/or that no change in the configuration of the property is proposed or depicted by the survey.
- Within two business days of the date of the submittal the Director shall send notification to the surveyor of record whether the Property Boundary Survey has been approved or disapproved.

1.7.2.1.2 **Property Boundary Survey Approval** – Following completion of the review process, any Property Boundary Survey meeting the requirements of these regulations shall be signed as approved by the Director within two business days.

1.7.2.1.3 **Property Boundary Survey Disapproval** - Following completion of the review process, any Property Boundary Survey not meeting the requirements of these regulations shall be disapproved by the Director within two business days.

1.7.2.1.4 **Property Boundary Survey Restrictions** – The following restrictions shall apply to all Property Boundary Surveys:

1.7.2.1.4.1 **Property Boundary Survey Remainder** - A Property Boundary Survey may not create a lot either overtly or by omission if creation of such lot would constitute a different type of subdivision.

1.7.2.2 **Utility Survey Development and Review** – A utility survey shall be submitted to the Director for review after being prepared in accordance with the Survey and Plat Preparation Standards and Specifications set forth in Appendix A.

1.7.2.2.1 **Utility Survey Review** – The Utility Survey shall be reviewed in accordance with the following procedures:

- The Director shall review the utility survey for compliance with these regulations.
- Within two business days of the date of the submittal the Director shall send notification to the surveyor of record whether the utility survey has been approved or disapproved.

1.7.2.2.2 **Utility Survey Approval** – Following completion of the review process, any utility survey meeting the requirements of these regulations shall be signed as approved by the Director within two business days.

1.7.2.2.3 **Utility Survey Disapproval** - Following completion of the review process, any utility survey not meeting the requirements of these regulations shall be disapproved by the Director within two business days.

1.7.2.2.4 **Utility Survey Restrictions** – The following restrictions shall apply to all Utility Surveys:

1.7.2.2.4.1 **Conditional Uses** – Utility surveys for any utility that requires a Conditional Use Permit shall obtain such permit prior to approval of the utility survey.

1.7.2.2.4.2 **Remnant Tract** – A utility survey cannot result in a remnant tract that is not useable. The following criteria shall be used by the Director to evaluate whether a remnant tract is not useable:

- Whether there is sufficient buildable area for the type of construction allowed in the appropriate zoning district after

considering required setbacks and other applicable zoning restrictions

- Whether there is sufficient area for construction of an on-site wastewater system if the remnant tract is not served by a centralized sewer system
- Whether there is frontage on an existing public road³¹

1.7.2.2.4.3 *Limitations on Use of Private Access Easements*³² – Any lot within a utility survey that is used exclusively by a recognized utility³³ as a site for utility infrastructure or utility equipment may use a private access easement for access to a public road.

1.7.3 *Administrative Approval Subdivisions* - Surveys and all applicable plans and written documents shall be accepted for review on Monday and Thursday of each week. If Monday or Thursday is a holiday then the submittal will be accepted on the next working day after the holiday. The 10-business day review period shall begin on the first full business day following the applicable submittal deadline.

1.7.3.1 *Administrative Survey Development and Review* – An administrative survey shall be submitted to the Director for review after being prepared in accordance with the Survey and Plat Preparation Standards and Specifications set forth in Appendix A and Design and Construction Specifications and required Improvements contained in Appendix B. A minimum of five (5) copies of the survey shall be submitted for review and comment unless additional copies are required by the Director.

³¹ See *Public Road* in Definitions Section 1.4

³² See *Private Drive* in Definitions Section 1.4

³³ See *Recognized Utility* in Definitions Section 1.4

1.7.3.1.1 ***Administrative Survey Review*** - The administrative survey shall be reviewed in accordance with the following procedures:

- The Director shall circulate copies of the administrative survey to other agencies with jurisdiction and relevant utility providers for comment.
- The Director shall review the administrative survey for compliance with these regulations, the County Zoning Regulations and the County Master Plan.³⁴
- Within 10-business days of the date of submittal the Director shall forward his comments and the comments received from other agencies and utility providers to the subdivider or the subdivider's consultant and advise the subdivider of whether or not the proposed administrative survey satisfies the requirements of these regulations.
- The subdivider shall be given an opportunity to correct any deficiencies in the administrative survey prior to re-submittal to the Director.
- The subdivider shall submit the corrected administrative survey to the Director.

1.7.3.1.2 ***Administrative Survey Approval*** – Following completion of the review process, any administrative survey meeting the requirements of these regulations shall be signed as approved by the Director within ten business days of re-submission of the corrected Administrative Survey to the Director provided

- The administrative survey complies with these regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan.³⁵

³⁴ See *Master Plan* in Definitions Section 1.4
November 15, 2016

- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.

1.7.3.1.3 ***Administrative Survey Disapproval*** - Following completion of the review process, any administrative survey not meeting the following criteria shall be disapproved by the Director within ten business days of re-submission of the Administrative Survey to the Director:

- The County Subdivision regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan.
- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.
- Less than 90 days have passed since the first submittal date of the administrative survey unless the Director has authorized a longer time period not to exceed 180-days.

1.7.3.1.4 ***Administrative Survey Restrictions*** – The following restrictions shall apply to all Administrative Surveys:

1.7.3.1.4.1 ***Limitations on Use of Private Access Easements***³⁶ - No more than eight (8) tracts may share a private access easement to provide direct access to a public road.³⁷

1.7.3.2 ***Family Transfer Division Survey Development and Review*** – A Family Transfer Division Survey shall be submitted to the Director for review after being prepared in accordance with the Survey and Plat Preparation Standards and

³⁵ See *Master Plan* in Definitions Section 1.4

³⁶ See *Private Drive* in Definitions Section 1.4

³⁷ See *Public Road* in Definitions Section 1.4

Specifications set forth in Appendix A and Design and Construction Specifications and required Improvements contained in Appendix B

1.7.3.2.1 *Family Transfer Division Survey Review* – The Family Transfer Division Survey shall be reviewed in accordance with the following procedures:

- The Director shall circulate copies of the Family Transfer Division Survey to other agencies with jurisdiction and relevant utility providers for comment.
- The Director shall review the Family Transfer Division Survey for compliance with these regulations the County Zoning Regulations, all other applicable county regulations and the County Master Plan.³⁸
- Within 10-business days of the date of submittal the Director shall forward his comments and the comments received from other agencies and utility providers to the subdivider or the subdivider’s consultant and advise the subdivider of whether or not the proposed Family Transfer Division Survey satisfies the requirements of these regulations.
- The subdivider shall be given an opportunity to correct any deficiencies in the Family Transfer Division Survey prior to re-submittal to the Director.
- The subdivider shall re-submit the corrected Family Transfer Division Survey to the Director.

1.7.3.2.2 *Family Transfer Division Survey Approval* - Following completion of the review process, any Family Transfer Division Survey meeting the requirements of these regulations shall be signed as approved by the Director within ten business days of re-submission of the survey to the Director provided:

³⁸ See *Master Plan* in Definitions Section 1.4
November 15, 2016

- The Family Transfer Division Survey complies with these regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan.³⁹
- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.

1.7.3.2.3 **Family Transfer Division Survey Disapproval** - Following completion of the review process, any Family Transfer Division Survey not meeting the following criteria shall be disapproved by the Director within ten business days of re-submission of the Family Transfer Division Survey to the Director:

- The County Subdivision regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan
- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations
- Less than 90 days have passed since the first submittal date of the Family Transfer Division Survey

1.7.3.2.4 **Family Transfer Division Restriction** – The following restrictions apply to all family transfer divisions:

1.7.3.2.4.1 **Prohibited Transfer or Division** - Any parcel, including the remaining portion of the parent parcel,⁴⁰ created by family transfer division shall not thereafter be divided, retransferred or conveyed for a period of three years from the date of recording without filing a final plat pursuant to these regulations. This restriction shall appear on the

³⁹ See *Master Plan* in Definitions Section 1.4

⁴⁰ See *Parcel, Parent* in Definitions Section 1.4

deed or other instrument of conveyance and the Family Transfer Division Survey.

1.7.3.2.4.2 **Limited Number of Family Transfers** - A qualifying family member⁴¹ may only receive one tract by family transfer during his/her lifetime.

1.7.3.2.4.3 **Qualifying Family Member** - A family transfer may only be transferred to a single qualifying family member and their spouse if any.

1.7.3.2.4.4 **Limited Number of Remainder Tracts** - Only one remainder tract may be created in addition to a lot or lots created for purpose of transferring to a qualifying family member.

1.7.3.2.4.5 **Limitations on Use of Private Access Easement**⁴² – Lots contained within a Family Transfer Division Survey may use a private access easement for direct access to a public road.⁴³

1.7.3.2.5 **Family Transfer Division Revision** - A parcel created by family transfer may be increased in size by following the procedures for family transfer or by platting as determined by the Director.

1.7.3.3 **Lot Consolidation Survey Development and Review** – A Lot Consolidation Survey shall be submitted to the Director for review after being prepared in accordance with the Survey and Plat Preparation Standards and Specifications set forth in Appendix A and Design and Construction Specifications and required Improvements contained in Appendix B.

⁴¹ See *Qualifying Family Member* in Definitions Section 1.4

⁴² See *Private Access Easement* in Definitions Section 1.4

⁴³ See *Public Road* in Definitions Section 1.4

1.7.3.3.1 ***Lot Consolidation Survey Review*** - The Lot Consolidation Survey shall be reviewed in accordance with the following procedures:

- The Director shall circulate copies of the Lot Consolidation Survey to other agencies with jurisdiction and relevant utility providers for comment.
- The Director shall review the Lot Consolidation Survey for compliance with these regulations the County Zoning Regulations, all other applicable county regulations and the County Master Plan.⁴⁴
- Within 10-business days of the date of submittal the Director shall forward his comments and the comments received from other agencies and utility providers to the subdivider or the subdivider's consultant and advise the subdivider of whether or not the proposed Lot Consolidation Survey satisfies the requirements of these regulations.
- The subdivider shall be given an opportunity to correct any deficiencies in the Lot Consolidation Survey prior to re-submittal to the Director.
- The subdivider shall re-submit the corrected Lot Consolidation Survey to the Director.

1.7.3.3.2 ***Lot Consolidation Survey Approval*** – Following completion of the review process, any Lot Consolidation Survey meeting the requirements of these regulations shall be signed as approved by the Director within ten business days of re-submission of the Lot Consolidation Survey to the Director provided

- The Lot Consolidation Survey complies with these regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan.

⁴⁴ See *Master Plan* in Definitions Section 1.4
November 15, 2016

- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.

1.7.3.3.3 ***Lot Consolidation Survey Disapproval*** - Following completion of the review process, any Lot Consolidation Survey not meeting the following criteria shall be disapproved by the Director within ten business days of re-submission of the Lot Consolidation Survey to the Director:

- The County Subdivision regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan⁴⁵
- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations
- Less than 90 days have passed since the first submittal date of the Lot Consolidation Survey

1.7.3.3.4 ***Lot Consolidation Survey Restrictions*** – The following restrictions shall apply to all Lot Consolidation Surveys:

1.7.3.3.4.1 ***Vacation Procedures Required*** – A Lot Consolidation Survey does not vacate public easements and or right of way.

1.7.3.3.4.2 ***Limitations on Use of Private Roads***⁴⁶ – A private road may be used for access to a public road⁴⁷ in a Lot Consolidation Survey if and only if one or more of the lots being consolidated currently uses the private road for access to a public road.

1.7.3.4 ***Lot Line Adjustment Survey*** – A Lot Line Adjustment Survey shall be submitted to the Director for review after being prepared in accordance with the Survey

⁴⁵ See *Master Plan* in Definitions Section 1.4

⁴⁶ See *Private Drive* in Definitions Section 1.4

⁴⁷ See *Public Road* in Definitions Section 1.4

and Plat Preparation Standards and Specifications set forth in Appendix A and Design and Construction Specifications and required Improvements contained in Appendix B.

1.7.3.4.1 ***Lot Line Adjustment Survey Review*** - The Lot Line Adjustment Survey shall be reviewed in accordance with the following procedures:

- The Director shall circulate copies of the Lot Line Adjustment Survey to other agencies with jurisdiction and relevant utility providers for comment.
- The Director shall review the Lot Line Adjustment Survey for compliance with these regulations the County Zoning Regulations, all other applicable county regulations and the County Master Plan.⁴⁸
- Within 10-business days of the date of submittal the Director shall forward his comments and the comments received from other agencies and utility providers to the subdivider or the subdivider's consultant and advise the subdivider of whether or not the proposed Lot Line Adjustment Survey satisfies the requirements of these regulations.
- The subdivider shall be given an opportunity to correct any deficiencies in the Lot Line Adjustment Survey prior to re-submittal to the Director.
- The subdivider shall re-submit the corrected Lot Line Adjustment Survey to the Director.

1.7.3.4.2 ***Lot Line Adjustment Survey Approval*** – Following completion of the review process, any Lot Line Adjustment Survey meeting the requirements of these regulations shall be signed as approved by the Director within ten business days of re-submission of the Lot Line Adjustment Survey to the Director provided:

⁴⁸ See *Master Plan* in Definitions Section 1.4
November 15, 2016

- The Lot Line Adjustment Survey complies with these regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan.
- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.

1.7.3.4.3 ***Lot Line Adjustment Survey Disapproval*** - Following completion of the review process, any Lot Line Adjustment Survey not meeting the following criteria shall be disapproved by the Director within ten business days of re-submission of the Lot Line Adjustment Survey to the Director:

- The County Subdivision regulations, the County Zoning Regulations, all other applicable county regulations and the County Master Plan.⁴⁹
- All required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.
- Less than 90 days have passed since the first submittal date of the Lot Line Adjustment Survey.

1.7.3.4.4 ***Lot Line Adjustment Survey Restrictions*** –

1.7.3.4.4.1 ***Lot Configuration*** - The resultant lot configuration shall conform to the lot configuration standards found in Appendix B.

1.7.3.4.4.2 ***Limitations on Use of Private Roads***⁵⁰ – Only lots that use an existing private road for access to a public road⁵¹ shall be allowed to continue using the private road for access to a public road.

⁴⁹ See *Master Plan* in Definitions Section 1.4

⁵⁰ See *Private Drive* in Definitions Section 1.4

⁵¹ See *Public Road* in Definitions Section 1.4

1.7.3.4.4.3 *Compliance with Zoning Ordinance* - The resultant lot configuration does not create a situation where any aspect of the existing conditions of the lots or structures, contained within the lot, prior to this Lot Line Adjustment Survey

- Goes out of compliance with the Zoning Ordinance of Boone County Missouri.
- Becomes less compliant with the Zoning Ordinance of Boone County Missouri.
- Becomes more non-compliant with the Zoning Ordinance of Boone County Missouri.

1.7.4 *Preliminary Plat Development and Review* – Plats and all applicable plans and written documents must be submitted at least twenty four (24) days prior to the next regularly scheduled Planning Commission meeting date to be placed on the agenda for that meeting. A preliminary plat of a major subdivision or multiple use subdivision shall be submitted to the Director for review in accordance with the Survey and Plat Preparation Specifications set forth in Appendix A and Design and Construction Specifications and Required Improvements contained in Appendix B and in accordance with the following procedures; failure to comply with these submittal requirements and procedures shall result in the plat being removed from the agenda:

- The preliminary plat and required number of copies shall be submitted to the Director for review.

- The Director shall circulate copies of the plat to other agencies with jurisdiction and relevant utility providers for comment.
- The Director shall review the preliminary plat for compliance with these regulations and other applicable County regulations and the County Master Plan.⁵²
- The Director shall forward his comments and the comments received from other agencies and utility providers to the subdivider or the subdivider's consultant and advise the subdivider of whether or not the proposed preliminary plat satisfies the requirements of these regulations.
- The subdivider shall be given an opportunity to correct any deficiencies in the plat prior to review by the Commission and shall respond to said comments by 3:00 P.M. on the second Thursday of the month of the corresponding cycle of the Commission schedule.

The Director may, for good cause shown, waive requirement of a preliminary plat for a multiple use development consisting of one building intended for multiple commercial or industrial uses.

1.7.4.1 Commission Review - The Director shall forward the preliminary plat and all supporting documentation to the Commission for its review together with a report or statement concerning whether or not the preliminary plat, in the Director's opinion, is in compliance with these regulations as well as any facts relevant thereto. Upon review the Commission shall by majority vote of the members then sitting approve, conditionally approve or disapprove the preliminary plat.

1.7.4.1.1 Approval of Preliminary Plat – A preliminary plat shall be approved if it is consistent with the following:

⁵² See *Master Plan* in Definitions Section 1.4
November 15, 2016

- The Boone County Master Plan⁵³
- The County Subdivision and Zoning Regulations
- The Major Thoroughfare Plan⁵⁴
- All other applicable county, state or federal regulations

If the preliminary plat is approved the chairperson of the Commission shall sign the original and one copy; one copy of the plat shall be retained by the department and the original shall be returned to the subdivider. If the preliminary plat is conditionally approved the Commission shall state for the minutes of the meeting the conditions and the reasons for conditional approval.

1.7.4.1.2 ***Time Limit for Preliminary Plat*** – The approved preliminary plat shall remain valid for a period of three years from the date of approval by the Commission.

1.7.4.1.3 ***Disapproval of Preliminary Plat*** - A preliminary plat may be disapproved if it is inconsistent with any of the following:

- The Boone County Master Plan⁵⁵
- The County Subdivision and Zoning Regulations
- The Major Thoroughfare Plan⁵⁶
- All other applicable county, state or federal regulations

If the preliminary plat is disapproved, the Commission shall state, for the minutes of the meeting, the reasons for the disapproval.

1.7.4.2 ***Appeals of Preliminary Plat Decision*** –

⁵³ See *Master Plan* in Definitions Section 1.4

⁵⁴ See *Major Thoroughfare Plan* in Definitions Section 1.4

⁵⁵ See *Master Plan* in Definitions Section 1.4

⁵⁶ See *Major Thoroughfare Plan* in Definitions Section 1.4

1.7.4.2.1 ***Appeal by Subdivider*** - If disapproved, the subdivider may file an appeal with the County Commission within three (3) business days of denial. The appeal shall be filed on forms provided by the Department with a written statement of the reasons for the appeal. The appeal form shall be submitted to the Director.

1.7.4.2.2 ***Appeal by Neighboring Municipality*** - The governing body of any municipality may file a certified copy of a resolution of the governing body against the Commission's approval of a plat of land lying within one and one-half miles of the city limits of the incorporated area of the municipality prior to the County Commission's action thereon. In such a case the approval of the Commission shall be deemed overruled, and the plat may be approved only by a full vote of the County Commission and the reasons for approval or disapproval shall be stated in the records of the County Commission and certified to the Commission.

1.7.4.3 ***County Commission Review of Preliminary Plat*** - Upon approval of a preliminary plat the Director shall report to the County Commission by providing a copy of the approved preliminary plat, conditions of approval (if any) and Commission record to the County Commission.

1.7.4.4 ***Installation of Infrastructure*** – Upon approval of the preliminary plat the subdivider may proceed with detailed engineering plans for construction of roads, bridges, utilities, drainage works and other required infrastructure improvements. The subdivider may proceed with construction after

- submission of such plans to the departments and agencies having jurisdiction

- receipt from departments and agencies having jurisdiction of necessary permits and approvals
- delivery of copies of such permits and approvals to the Director

The subdivider shall arrange for inspections by the County Engineer and by any other departments and agencies having jurisdiction at such times and phases of completion as required. All construction of roadways, water and sewer systems shall be done under the supervision of a licensed civil engineer in accordance with approved plans.

1.7.4.4.1 ***Bonding of Infrastructure*** –

1.7.4.4.1.1 ***Performance Bond***⁵⁷ - In lieu of immediate completion or installation of all or part of any required improvements, the County also may accept bond from the subdivider in such amount and with such sureties and secure the actual construction, installation and completion of all such improvements within a period that is satisfactory to the County Commission.

1.7.4.4.1.2 ***Warranty Bond*** – The developer shall provide a bond to ensure against defects in material and/or workmanship of public roadways⁵⁸ that were required to be constructed for the subdivision in accordance with the following:

- The value of the bond shall be twenty five percent (25%) of the cost to construct said roadways subject to approval by the County Engineer.

⁵⁷ See *Performance Bond* in Definitions Section 1.4

⁵⁸ See *Public Road* in Definitions Section 1.4

- The bond shall be for a period of two years from the date of roadway acceptance.
- The warranty bond may not be combined with any other bond.

1.7.4.5 *Development Agreements* - If in the Director's judgment public infrastructure is not available to reasonably and adequately serve the requirements created by the subdivision or the subdivision itself under permissible uses of the zoning district in which the subdivision is located, he shall notify the subdivider of such finding as soon as practicable. Upon recommendation of the Director and with County Commission approval, the county may enter into a contractual development agreement with the subdivider. As a part of such agreement the subdivider may be required to improve or contribute payment to the County for the improvement of public infrastructure outside of but serving the subdivision. Such improvements must be both

- Directly attributable to impacts caused by or to be caused by the development of the proposed subdivision and
- Roughly proportional in value to the impact caused by the development of the proposed subdivision.

Development agreements requiring improvements or payment contributions shall be on such terms and conditions prescribed by the County Commission as are reasonable to timely assure adequate public infrastructure services to the subdivision and to address additional public infrastructure service requirements caused by the subdivision and permissible land use therein.

1.7.5 Final Plat Development and Review – Final Plats and all applicable plans and written documents must be submitted at least twenty four (24) days prior to the next regularly scheduled Planning Commission meeting date to be placed on the agenda for that meeting.

1.7.5.1 Pre-Submittal Conference - Prior to submission of a final plat of all or any portion of a Major Plat or Multiple Use Plat, the subdivider shall request and attend a pre-application conference with the Director. The subdivider shall meet with and discuss his proposed final plat with the Director or his designee. The Director may require a pre-submittal conference for a final plat of a minor subdivision. At the pre-submittal conference the parties shall discuss the following:

- Documentation that will be required in order to verify installation and acceptance of all required infrastructure and other improvements
- Documentation that will be required to verify compliance with all conditions of plat approval, if any

The Director shall have the discretion to waive the requirement for a pre-submittal conference if no infrastructure improvements are required for plat approval.

1.7.5.2 Plat Submittal – Following the pre-submittal conference the subdivider may submit an original final plat and required number of copies to the Director. All final plats shall be submitted for final review and approval in accordance with the Survey and Plat Preparation Specifications set forth in Appendix A and the Design and Construction Specifications and Required Improvements set forth in Appendix B and all other applicable county regulations. Submittals that do not contain all required documentation shall be rejected.

1.7.5.3 *Final Plat Review* - All final plats shall be reviewed in accordance with the following procedures. Failure to comply with these procedures shall result in the plat being removed from the agenda:

- The Director shall circulate copies of the plat to other agencies with jurisdiction and relevant utility providers for comment.
- The Director shall review the final plat for compliance with the following:
 - All infrastructure required by these regulations has been installed or appropriate surety has been provided to ensure its installation to the satisfaction of the appropriate agency and the Director
 - The Boone County Master Plan⁵⁹
 - The County Subdivision and Zoning Regulations
 - The Major Thoroughfare Plan⁶⁰
 - The approved preliminary plat
 - Any conditions imposed for conditional approval of the preliminary plat
 - All other applicable county, state or federal regulations.
- The Director shall forward his comments and the comments received from other agencies and utility providers to the subdivider or the subdivider's consultant and advise the subdivider of whether or not the proposed final plat satisfies the requirements of these regulations.
- The subdivider shall be given an opportunity to correct any deficiencies in the plat prior to review by the Commission and shall respond to said

⁵⁹ See *Master Plan* in Definitions Section 1.4

⁶⁰ See *Major Thoroughfare Plan* in Definitions Section 1.4

comments by 3:00 P.M. of the second Thursday of the appropriate cycle of the Commission schedule.

The Director shall forward the final plat and all supporting documentation to the Commission for its review together with a report or statement concerning whether or not the final plat, in the Director's opinion, is in compliance with these regulations, conditions of approval attached to the preliminary plat as well as any facts relevant thereto.

1.7.5.4 **Commission Review** - The Commission shall review any final plat submitted to it and upon review shall approve or disapprove the final plat.

1.7.5.4.1 **Approval of Final Plat** – A final plat shall be approved if it is found that it is consistent with all of the following:

- All infrastructure required by these regulations has been installed or appropriate surety has been provided to ensure its installation to the satisfaction of the appropriate agency and the Director
- The Boone County Master Plan⁶¹
- The County Subdivision and Zoning Regulations
- The Major Thoroughfare Plan⁶²
- The approved preliminary plat
- Satisfies conditions imposed for conditional approval of the preliminary plat
- All other applicable county, state or federal regulations

If approved, the final plat shall be signed by the chairperson of the Commission and forwarded to the County Commission for further action.

⁶¹ See *Master Plan* in Definitions Section 1.4

⁶² See *Major Thoroughfare Plan* in Definitions Section 1.4

1.7.5.4.2 *Disapproval of Final Plat* - A final plat shall be disapproved if it is found that it is inconsistent with any of the following:

- All infrastructure required by these regulations has been installed or appropriate surety has been provided to ensure its installation to the satisfaction of the appropriate agency and the Director
- The Boone County Master Plan
- The County Subdivision and Zoning Regulations
- The Major Thoroughfare Plan
- The approved preliminary plat
- Any conditions imposed for conditional approval of the preliminary plat
- All other applicable county, state or federal regulations

If disapproved, the reasons for disapproval shall be set forth in the Commission's minutes and shall be final unless an appeal is filed.

1.7.5.4.3 *Conditional Approval of Final Plat* - The Commission may conditionally approve the final plat and table final approval if the Commission determines that any deficiency in the final plat can and will be corrected prior to its next regular meeting. If the deficiencies cannot be corrected prior to the next regular meeting the final plat shall be disapproved.

1.7.5.5 *Appeal of Final Plat Disapproval* -

If disapproved, the subdivider may file an appeal with the County Commission within three (3) business days from the date of denial. The appeal shall be filed on forms provided by the Department with a written statement of the reasons for the appeal. The appeal form shall be submitted to the Director.

1.7.5.6 *County Commission Review of Appeal of Final Plat Disapproval* - The County Commission shall review and approve or disapprove the final plat that is the subject of the appeal. The decision to approve or disapprove shall be based on the following criteria:

- All infrastructure required by these regulations has been installed or appropriate surety has been provided to ensure its installation to the satisfaction of the appropriate agency and the Director
- Compliance with the Boone County Master Plan⁶³
- Compliance with the County Subdivision and Zoning Regulations
- Compliance with the Major Thoroughfare Plan⁶⁴
- Compliance with the approved preliminary plat (if a Major Subdivision)
- Compliance with the conditions imposed for conditional approval of the preliminary plat
- Compliance with other applicable county, state or federal regulations;

If disapproved, the reasons for disapproval shall be set forth in the minutes. If approved, the County Commission shall take action to receive and accept the final plat in accordance with procedures outlined below.

1.7.5.7 *County Commission Acceptance* – All approved final plats shall be presented to the County Commission who shall take action to receive and accept the plat including the dedication of public easements and rights of way. Prior to the County Commission taking such action the Director shall certify receipt of the following:

- Payment for recording fees for the plat

⁶³ See *Master Plan* in Definitions Section 1.4

⁶⁴ See *Major Thoroughfare Plan* in Definitions Section 1.4

- All documents to be recorded concurrently with the plat
- Payment for all recording fees for documents to be recorded concurrently with the plat

The presiding officer⁶⁵ of the County Commission shall sign the final plat with attestation by the County Clerk.

1.7.5.8 **Recording the Final Plat** - The Director shall file the duly executed final plat with the Boone County Recorder of Deeds within ten business days of acceptance by the County Commission,. The original final plat shall be retained by the county.

1.7.6 **Time Limitations for Completion of Final Plat** - No final plat shall be approved later than the third anniversary date after the date the preliminary plat was approved by the Commission unless either

- A longer period of time was approved by the Commission when the preliminary plat was approved.
- The subdivider has constructed or installed all improvements prior to the third anniversary date after the date the preliminary plat was approved by the Commission and
 - All construction of improvements has been executed in compliance with the approved plans
 - All necessary inspections have been conducted and that the improvements qualify for acceptance

1.7.7 **Subdivider Responsibility** - The subdivider seeking approval of a final plat shall have the burden of taking all necessary measures to comply with the requirements of these

⁶⁵ See *Presiding Officer* in Definitions Section 1.4
November 15, 2016

regulations as well as other applicable regulations necessary to obtain required review and final approval of such plat.

1.7.7.1 ***Final Plat of Major or Multiple Use Plat*** - Final plats of a preliminary plat sought to be approved under the provisions of these regulations shall comply with the requirements of the regulations as they existed at the time the preliminary plat was approved by the Commission.

1.7.7.2 ***Final Minor Plat*** - All final minor plats sought to be approved under the provisions of these regulations shall comply with the requirements of these regulations as they exist at the time the application for review and approval is filed with the Director.

1.8 ***Replatting⁶⁶ and Plat Restrictions*** - All plats and replats of subdivisions shall be subject to the following requirements and restrictions.

1.8.1 ***Plat Vacation*** - Recorded subdivision plats may be vacated in whole or part only under the following circumstances and conditions:

1.8.1.1 ***Vacation of Entire Undeveloped Subdivision Plats*** - A recorded subdivision may be vacated in its entirety without approval of the Commission or the County commission so long as:

- All real estate contained within the subdivision to be vacated is owned by the party or parties seeking vacation.

and

⁶⁶ See *Replat* in Definitions Section 1.4
November 15, 2016

- No buildings, structures, utilities or other improvements have been constructed, erected or otherwise installed or placed upon property contained within the subdivision to be vacated.

1.8.1.2 ***Subdivision Plats with Vacation Procedures*** - A plat may be vacated in whole or part without approval of the Commission or County Commission if a Vacation Covenant has been placed on the face of the recorded subdivision plat and

- The recorded subdivision covenant is applicable to and binding upon all property within the subdivision
- The vacation covenant establishes a method or procedure to permit or authorize subdivision lot or plat vacation
- The established vacation method or procedure has been used as shown of record

1.8.1.3 ***Subdivision Plats Without Vacation Procedures*** - Except as otherwise provided in section 1.8.1.1 or 1.8.1.2, no subdivision plat may be vacated in whole or part unless the owner of the land for which vacation is sought petitions the County commission for the vacation in writing and the County Commission finds after public hearing that the vacation will not adversely affect:

- the character of the neighborhood
- traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision
- property values within the subdivision

- public utility facilities and services
- the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate

1.8.2 *Replatted*⁶⁷ *Subdivisions* -

1.8.2.1 *Replatted Subdivision, Vacation Required*- Prior to replatting a recorded final plat or multiple use plat or any portion thereof, it must first be vacated in accordance with Section 1.8.1.

1.8.2.2 *Replat Approval* - A replat of a recorded final plat or multiple use plat may be approved by the County Commission only if it is part of a duly approved planned development⁶⁸ or if the land to be replatted has had all preexisting plats applicable to it vacated and if the County Commission finds after public hearing that replat will not adversely affect

- the character of the neighborhood
- traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision,
- property values within the subdivision
- public utility facilities and services
- the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate

1.8.2.2.1 *Replating Requirements, Minor Plat* - The requirements and process for replatted minor subdivisions shall be the same as for a minor

⁶⁷ See *Replat* in Definitions Section 1.4

⁶⁸ See *Planned Development* in Definitions Section 1.4

subdivision unless the Director for good cause requires submission of a preliminary replat of the subdivision prior to preparation of a final replat.

1.8.2.2.2 *Replating Requirements, Major Plat and Multiple Use Plat* -A replat of lots contained within a major subdivision or multiple use subdivision shall not change the nature of the original subdivision, or the lots to be replatted⁶⁹, to any other type of subdivision plat. The requirements and process for replatted major subdivisions shall be the same as for a major subdivision. The requirements and process for replatted multiple use subdivisions shall be the same as for a multiple use subdivision.

1.9 *Interpretation and Administration* – The Director shall have the authority and responsibility to administer and interpret these regulations.

- These regulations shall be construed as minimum requirements for the promotion of the public health, safety and welfare and shall be liberally and broadly construed and applied to the greatest extent permitted by law in order to promote and protect the public health, safety and welfare.
- These regulations are not intended to conflict with, abrogate or annul any other rule, law or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, rule or law, the provision which is more restrictive or imposes a higher standard shall control.
- These regulations including appendixes and tables are intended to be construed and interpreted harmoniously and consistently with each other and with all other applicable rules, laws and regulations.

⁶⁹ See *Replat* in Definitions Section 1.4
November 15, 2016

2.0 **Severability** - If any part or provision of these regulations is declared invalid or unconstitutional then the remainder of these regulations shall not be declared invalid or unconstitutional but shall remain in full force and effect to the greatest extent permitted by law.

2.1 **Board of Adjustment Variances** - The Boone County Board of Adjustment organized and existing under the zoning regulations of Boone County, Missouri as now and hereafter in effect shall have jurisdiction to and be charged with the duty of hearing and deciding applications for variances from the strict application of the provisions of any Appendix to these regulations.

2.1.1 **Variance Not to be Granted Unless** - The Board may grant a variance only if it finds after public hearing and upon competent and substantial evidence that the applicant meets the criteria for grant of a variance required by these regulations. No variance from any requirement contained within the Appendices of these regulations shall be granted unless the Board finds:

- The applicant will incur unreasonable and unnecessary hardship as an unreasonable deprivation of use, as distinguished from a mere grant of privilege, if a variance is not granted.
- The relief sought is not made necessary by the action of the owner or any previous owner of the property.
- The variance is not sought in order to avoid financial expense in complying with the requirements of these regulations.
- The relief sought can only be obtained by variance and not by any other method(s) authorized by Boone County Land Use Regulations.
- Granting of a variance will not endanger the health, safety or welfare of the public.
- Granting of a variance will not hinder, thwart or circumvent the general intent or any specific purpose of these regulations.

All applications for variances shall be filed with the Director and after review thereof the Director shall make a recommendation to the Board to grant or deny the application and state the reasons for his recommendation. Either the applicant or the Director may appeal or seek judicial review of any decision of the Board as may be provided by law.

2.2 ***Penalties and Remedies*** - Any person who violates any provision of these regulations shall be deemed guilty of a misdemeanor and shall be upon conviction punished as provided by law; each day's violation for any such regulation shall constitute a separate and distinct offense. The penalty provided in this section shall not be construed to be exclusive but is intended to be supplemental and in addition to any other remedy provided by law or at equity.

2.3 ***Jurisdiction*** - These regulations shall be applicable to all unincorporated areas within Boone County, Missouri.

2.4 ***Effective*** - These regulations shall become effective from and after January 1, 2017 and apply to all final plats not approved by the Commission on or before the effective date.

2.5 ***Fees*** – All fees shall be paid at the time of submittal in accordance with Appendix A.

- Fee amounts paid shall be as established by order of the County Commission.
- Recording fees shall be deposited with the Director in an amount according to a fee schedule published by the Boone County Recorder of Deeds. Said fee will be held by the Director until such time as the document(s) is submitted to the Recorder of Deeds for recording.

APPENDIX A

SURVEY AND PLAT PREPARATION SPECIFICATIONS

1. ***SUBMISSION REQUIREMENTS:*** All surveys and plats shall be prepared by a Professional Land Surveyor licensed to practice in the State of Missouri. The following procedures and criteria shall be applicable to the preparation of surveys and subdivision plats:

1.1 ***Concept Review*** -. A concept review request shall be submitted at least one week prior to the scheduled review. The proposal shall be prepared and presented to the Director for review and discussion, preferably in electronic format. The Director may require additional materials to be submitted in order to provide clarity with respect to the nature of the proposal. The graphic proposal shall include the following specifications and contain the following information:

- show subdivision classification
- shall be drawn to an approximate scale
- show tract boundaries
- contain section, township, range
- show north point and graphic scale
- show existing adjacent streets
- show proposed general street layout
- show proposed general lot layout
- show all known easements
- show adjacent municipal boundaries
- include assessors parcel numbers for all property contained within the proposed subdivision
- include the name and address of the subdivider
- show all existing buildings, structures and on-site wastewater systems

1.2 Abbreviated Administrative Approval Process Submittal Requirements

- The survey shall be prepared by a Professional Land Surveyor licensed to practice in the state of Missouri.
- Three copies of the survey shall be submitted.
- Fees shall be paid according to a fee schedule adopted by the County Commission.
- Recording fees shall be submitted according to a fee schedule published by the Boone County Recorder of Deeds.
- Affidavit of ownership in compliance with Section 1.5.19.

1.2.1 Supplemental Requirements for Property Boundary Surveys

- The survey shall be titled Property Boundary Survey.
- The surveyor shall submit a completed application on a form provided by the Director.

1.2.2 Supplemental Requirements for Utility Surveys

- The survey shall be titled Utility Survey.
- The surveyor shall submit a completed application on a form provided by the Director.

1.3 Administrative Approval Process Submittal Requirements

Five copies of the survey and required easements shall be submitted; the Director may require submittal of additional copies as deemed necessary

- Fees shall be paid according to a fee schedule adopted by the County Commission.
- Recording fees shall be submitted according to a fee schedule published by the Boone County Recorder of Deeds.
- Affidavit of ownership in compliance with Section 1.5.19.

- The survey shall be prepared by a Professional Land Surveyor licensed to practice in the state of Missouri, meet the following specifications and contain the following information:
 - be drawn clearly, legibly and graphically in ink at a scale no smaller than 1"=200'. The Director may authorize a smaller scale if, in his judgment, it would provide a better overall view of the land to be platted
 - contain an accurate metes and bounds legal description of the property to be subdivided with a reference to the recorded book and page of the owner's deed
 - show location of all lot lines; all lot lines shall be dimensioned
 - show the location of boundary lines with respect to all section lines, quarter-section lines and municipal boundaries
 - show relationships to and name of all adjacent subdivisions
 - if more than one lot is created, each lot shall be numbered
 - the area of the administrative survey and any lot shall be shown to the nearest 1/100 of an acre
 - contain the name, width, and location of all streets
 - contain the name, width and location of all easements of record, rights-of-way and utilities
 - show dedicated street rights-of-way and utility easements
 - show all existing and proposed easements contained within the survey
 - show the location of the 100-year flood plain (if applicable) plotted as shown by the current flood insurance rate map (FIRM) of Boone County
 - show a note indicating whether or not 100-year floodplain is present on the property and stating the appropriate Community and Panel Number
 - show the location of all required stream buffers
 - a note indicating whether there are stream buffers present on the property and compliance with the Boone County Stream Buffer Regulations
 - A note indicating compliance with the Boone County Stormwater Regulations

- show the location of all existing buildings and wastewater lagoons that encroach on existing or proposed building setbacks. When the location appears critical, the Director may require the location be shown by dimensions
- contain a certification or declaration that the surveyor has surveyed the described property and subdivided it as shown on the plat in accordance with the current minimum standards for property boundary surveys adopted by the board of registration for land surveys in the State of Missouri
- contain the signature and seal of the surveyor responsible for preparing the plat
- contain a statement of approval by the Director
- show submittal date to the Director

1.3.1 Supplemental Requirements for Administrative Surveys

- The survey shall be titled Administrative Survey
- One copy of an engineer's report that includes the following:
 - One copy of a traffic analysis for road and street capacity in accordance with Appendix B 2.2
 - Upon request by the Boone County Health Department or the Boone County Regional Sewer District one copy of a wastewater system cost benefit analysis and proposal in accordance with Appendix B 3.2.2
 - A preliminary stormwater management plan in accordance with the Boone County Stormwater Design Manual
- The surveyor shall submit a completed application on a form provided by the Director
- Graphic layout of collector or on-site wastewater system(s) as required in Appendix B of these regulations

1.3.2 Supplemental Requirements for Family Transfer Division Surveys

- The survey shall be titled Family Transfer Division Survey.

- The surveyor shall submit a completed application on an application form provided by the Director.
- A completed Boone County Family Transfer Authorization Form on a form provided by the Director.
- A copy of the proposed deed that clearly identifies the grantor and grantee and includes the 3-year restriction on transfer of ownership.
- Five (5) copies of proposed easements.
- Graphic layout of collector or on-site wastewater system(s) as required in Appendix B of these regulations.

1.3.3 Supplemental Requirements for Lot Consolidation Surveys

- The survey shall be titled Lot Consolidation Survey and shall contain the lot number and subdivision name of all of the lots contained within the survey that have been previously platted.
- Contain the plat book and page reference for all lots that have been previously platted and the deed book and page reference for lots that have been previously surveyed but not platted.
- The Director may require an engineers report.
- The surveyor shall submit a complete application on an application form provided by the Director.
- Graphic layout of collector or on-site wastewater system(s) as required in Appendix B of these regulations, unless waived by the Director.

1.3.4 Supplemental Requirements for Lot Line Adjustment Surveys

- The survey shall be titled Lot Line Adjustment Survey and shall contain the lot number and subdivision name of all of the lots contained within the survey that have been previously platted.
- Contain the plat book and page reference for all lots that have been previously platted and the deed book and page reference for lots that have been surveyed but not platted.
- The Director may require an engineers report.
- The surveyor shall submit a completed application form on an application form provided by the Director.
- The surveyor shall submit a graphic layout of collector or on-site system(s) as required in Appendix B of these regulations.

1.4 Preliminary Plat Process Submittal Requirements

- Twelve (12) copies of the plat and required easements shall be submitted.
The Director may require submittal of additional copies as deemed necessary.
- Fees shall be paid according to a fee schedule adopted by the County Commission.
- The plat shall be prepared by a Professional Land Surveyor licensed to practice in the state of Missouri, meet the following specifications and contain the following information:
 - Be drawn clearly, legibly and graphically in ink at a scale no smaller than 1"=100. The director may authorize a smaller scale if in his judgment it would provide a better over all view of the land to be platted.
 - Show the entire tract proposed for subdivision along with all adjacent land within 200 feet owned by the subdivider.
 - Contain a reference to the latest recorded ownership deed and, if available, a survey of the property.
 - Show proposed subdivision name and classification.
 - Show approximate acreage of the tract to be subdivided.

- Show approximate location and dimension of boundary lines of the subdivision and the relationship to any section and quarter-section line, and any municipal boundaries adjacent to the subdivision.
- Contain a site location map showing the proposed subdivision, all adjacent land owned by the subdivider and its relationship to the surrounding area.
- Contain the subdivision name and submittal date.
- Contain scale, graphic scale, north arrow and legend.
- Contain two (2) foot contours showing natural drainage of the land. On hilly or flat terrain, the Director may require contour intervals which more appropriately describe the terrain.
- Contain graphic description of the location of existing natural features such as wooded areas, ponds, lakes and areas of karst⁷⁰ topography.
- Show the 100 year floodplain plotted as shown by the current flood insurance rate map (FIRM) of Boone County.
- Show a note indicating whether or not the 100-year floodplain is present on the property and stating the appropriate community and panel number.
- Show the location of all required stream buffers.
- Show the location of all sensitive areas, on or within 1000-feet of the property, as defined by the Boone County Stormwater regulations.
- Show existing community assets.
- Show known existing solid waste disposal areas.⁷¹
- Show existing utilities and easements within the proposed subdivision, immediately adjacent to the proposed subdivision and those offsite that affect the subdivision.
- Show existing culverts, drain pipes, storm drains and watercourses.
- Show existing electric lines, waterlines, gas lines and fire hydrants.
- Show existing property lines, building lines, buildings and structures.
- Show existing streets including name, location and width of existing street right-of-way, street plan lines⁷² as shown by the Major Thoroughfare plan.

⁷⁰ See *Karst* in Definitions Section 1.4

⁷¹ See *Solid Waste Disposal Area* in Definitions Section 1.4

Each street shall be identified by its proposed street name in accordance with county regulations.

- Show alleys, roads, and bridges.
- Show railroads and railroad right-of-way.
- Show, if applicable, existing on site wastewater systems and other wastewater treatment facilities and associated appurtenances on a lot by lot basis.
- Show graphically approximate location of proposed lot lines and the building lines along street right-of-way, streets, alleys, bridges, electric lines, gas lines, water lines, fire hydrants, utility easements and rights of way, culverts, drainpipes, storm drains, water courses and wastewater treatment facilities.
- Show approximate location of and describe use of lots designated as common land⁷³ or for special uses or features and the stated intent for ownership or dedication and supervision and maintenance.
- All lots shall be consecutively numbered.
- Show the current zoning for the proposed subdivision and all abutting properties.
- Contains the names of all adjacent subdivisions and adjacent unsubdivided areas and show the adjacent property ownership as disclosed by current records.
- Contain the name and addresses of the recorded owner(s) and the subdivider.
- Show the signature and seal of the surveyor responsible for preparing the plat and work phone number and address.

1.4.1 *Supplemental Requirements for Preliminary Major Plats*

- The plat shall be titled Preliminary Major Plat.
- The surveyor shall submit a completed application form on a form provided by the Director.
- One copy of an engineer's report that includes the following:

⁷² See *Street Plan Lines* in Definitions Section 1.4

⁷³ See *Common Land* in Section 1.4 Definitions

- One copy of a traffic analysis for road and street capacity in accordance with Appendix B.
- One copy of a wastewater system cost benefit analysis and proposal in accordance with Appendix B.
- A preliminary stormwater management plan in accordance with the Boone County Stormwater Design Manual.
- A Preliminary Water Supply Plan in accordance with Appendix B.4.2.
- A geotechnical report if the proposed subdivision is within a designated sinkhole area as identified in the Boone County Zoning Regulations Section 14 or within 1000 feet of a Karst⁷⁴ feature.
- One copy of draft restrictions and restrictive covenants.
- Graphic layout of collector or on-site wastewater system(s) as required in Appendix B of these regulations.

1.4.2 Supplemental Requirements for Preliminary Multiple Use Plats

- The plat shall be titled Preliminary Multiple Use Plat
- The surveyor shall submit a completed application form on a form provided by the Director
- One copy of an engineer's report that includes the following:
 - One copy of a traffic analysis for road and street capacity in accordance with Appendix B.

⁷⁴ See Definitions Section 1.4
November 15, 2016

- One copy of a wastewater system cost benefit analysis and proposal in accordance with Appendix B.
- A preliminary stormwater management plan in accordance with the Boone County Stormwater Design Manual
- A Preliminary Water Supply Plan in accordance with Appendix B.X
- A geotechnical report if the proposed subdivision is within a designated sinkhole area as identified in the Boone County Zoning Regulations Section 14 or within 1000 feet of a Karst⁷⁵ feature.
- One copy of draft restrictions and restrictive covenants
- Graphic layout of collector or on-site wastewater system(s) as required in Appendix B of these regulations.

1.5 Final Plat Process Submittal Requirements

The following information must be submitted along with twelve (12) copies of the plat and required easements. The Director may require submittal of additional copies as deemed necessary.

- Documentation that all required stormwater management improvements have been constructed in compliance with approved plans.
- Documentation that all required road construction and roadway improvements have been installed in compliance with approved plans.
- Documentation from the public water supplier that all required water supply infrastructure has been installed and accepted for operation and maintenance by the supplier.
- Documentation from the public sewer provider that all required sewer infrastructure has been installed and accepted for operation and maintenance by the supplier.
- Fees shall be paid according to a fee schedule adopted by the County Commission.

⁷⁵ See Definitions Section 1.4
November 15, 2016

- Recording fees shall be submitted according to a fee schedule published by the Boone County Recorder of Deeds.
- Affidavit of ownership in compliance with Section 1.5.19.
- The plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Missouri, meet the following specification and contain the following information:
 - Be drawn clearly, legibly and graphically in ink on 24" by 36" sheets of single or double matte polyester film or an approved equivalent without adhesive stick-ons, at a scale no smaller than 1"=100'. The Director may authorize a smaller scale if it would provide a better overall view of the land being subdivided. When necessary, the plat may be on several sheets, accompanied by an index showing the entire subdivision.
 - Contain the name of the subdivision classification and submission date.
 - Contain site location map showing the proposed subdivision, all adjacent land owned by the subdivider and its relationship to the surrounding area.
 - Contain graphic scale, legend, reference bearing and north arrow.
 - Contain an accurate metes and bounds legal description of the property to be subdivided including a reference to the owner's deed. The area of the subdivision shall be indicated to the nearest 1/100 of an acre.
 - Show length and bearing of each boundary line of the property as determined by survey. Show all boundary lines and other site lines with accurate dimensions, bearings or angles and radii, arc and central angles of all curves. All angles, points and points of curves shall be dimensioned to lot lines. The relationship of streets in the subdivision to adjacent streets shall be shown.
 - Show the type and location of all monuments including a notation showing whether existing or set by the surveyor.
 - Show the location, dimension and purpose of all easements and rights-of-way.
 - Show the names of all streets and adjacent subdivisions. The name of street extensions shall whenever possible be the same as existing streets.
 - Show the 100-year floodplain plotted as shown by the current flood insurance rate map (FIRM) of Boone County.

- Show a note indicating whether or not the 100-year floodplain is present on the property and stating the appropriate community and panel number.
- Show the location of all required stream buffers.
- Show the location of all sensitive areas, as defined by the Boone County Stormwater regulations, on or within 1000-feet of the property.
- Show the location and designation of all lots and other sites. All lots greater than one (1) acre be shown to the nearest 1/100 of an acre. All lot lines shall be dimensioned. All lots shall be consecutively numbered. Note: subsequent plats shall continue numbering as previously established.
- Show the location of existing buildings, building lines and existing lagoons; when the location of the building or improvement appears critical, the Director may request the location be shown by dimension.
- Contain a description and book and page reference to any related documents recorded contemporaneously with the plat.
- Contain certification that the owner has given consent to the subdivision and dedication of street rights-of-way, easements and all land intended for public use if the owner is not the subdivider.
- Contain a statement of approval for the chairperson of the Commission.
- Contain a statement of acceptance by the County Commission, attestation by the signature and seal of the County Clerk or deputy clerk.
- Contain certification for recording.
- Contain a statement that the survey was executed in accordance with the current minimum standards for property boundary surveys adopted by the Board of Registration for Land Surveyors of the State of Missouri.
- Show signature and seal of the surveyor responsible for preparing the plat.

1.5.1 *Supplemental Requirements for Final Major Plats*

- The plat shall be titled Final Major Plat.

- The surveyor shall submit a completed application form on a form provided by the Director.
- One copy of restrictions and restrictive covenants to be recorded.
- One copy of an engineers cost estimate for improvements to be bonded.

1.5.2 Supplemental Requirements for Final Multiple Use Plats

- The plat shall be titled Final Multiple Use Plat.
- The surveyor shall submit a completed application form on a form provided by the Director.
- One copy of restrictions and restrictive covenants to be recorded.
- One copy of an engineers cost estimate for improvements to be bonded.

1.5.3 Supplemental Requirements for Final Minor Plats

- The plat shall be titled Final Minor Plat.
- The surveyor shall submit a completed application form on a form provided by the Director.
- One copy of an engineer's report that includes the following:
 - One copy of a traffic analysis for road and street capacity in accordance with Appendix B.
 - One copy of a wastewater system cost benefit analysis and proposal in accordance with Appendix B.
 - A preliminary stormwater management plan in accordance with the Boone County Stormwater Design Manual.
 - A Preliminary Water Supply Plan in accordance with Appendix B. 4.2 for Subdivisions that require a public water supply in accordance with Appendix B 4.1.

- A geotechnical report if the proposed subdivision is within a designated sinkhole area as identified in the Boone County Zoning Regulations Section 14 or within 1000 feet of a Karst⁷⁶ feature.
- One copy of restrictions and restrictive covenants to be recorded.
- Graphic layout of collector or on-site wastewater system(s) as required in Appendix B of these regulations.
- One copy of an engineers cost estimate for improvements to be bonded.

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⁷⁶ See Definitions Section 1.4
November 15, 2016

APPENDIX B

DESIGN SPECIFICATIONS FOR SUBDIVISIONS

1. ***GENERAL SPECIFICATIONS***: All required improvements shall be designed and constructed to meet or exceed the minimum requirements of these specifications. All required improvements shall comply with the standards and criteria referred to in these Appendices and the following general specifications.

1.1 ***Addresses*** - All subdivision lots shall be addressed to comply with the addressing system of the county established by order of the County Commission as codified in Section 27 of the Boone County Zoning Regulations.

1.2 ***Blocks*** - Block lengths shall conform to the following standards:

- maximum length: 1320 feet
- minimum length: 200 feet
- Each block shall be wide enough to allow two (2) tiers of lots of sufficient depth to provide an adequate building site on each lot
- Block length must comply with Boone County specifications for street spacing

1.2.1 ***Block Length in a Planned Development*** - In a planned development⁷⁷ the Commission may vary the block length standards as it deems necessary to secure the efficient use of land or desired features of road layout. The Commission may approve block widths providing for a single tier of lots under the following circumstances or conditions:

- Extreme topography
- The size of the property would prevent two tiers
- Where one frontage abuts a limited or no access road

⁷⁷ See *Planned Development* in Definitions Section 1.4
November 15, 2016

1.3 **Access Control** - Where the subdivision abuts or contains an arterial road or expressway as designated on the Major Thoroughfare Plan, the Commission shall require that measures be taken to reduce the impact of heavy traffic on roadways and the lots abutting or fronting upon such arterial or expressway and to afford separation of local traffic, through one of the following means:

- By providing vehicular access to such lots by means of a paved thirty foot wide public road⁷⁸ separated from the arterial or expressway by using a planting strip at least 30 feet in width and connecting it at infrequent intervals with the arterial or expressway.
- By designing double frontage⁷⁹ lots with access provided only to the lesser category road.
- By designing lots that utilize paired driveways.⁸⁰

1.4 **Common Land** - When common land is to be included in or adjacent to a subdivision or development, a private trust or other maintenance agreement approved by the Commission shall be recorded concurrently with the plat. The trust or other agreement shall:

- Provide for the proper and continuous maintenance and supervision of said common land by a trustee or other suitable entity as approved by the Commission.

and

- Confer financial responsibility and liability for maintenance and supervision of such common land with said trustee or other suitable entity as approved by the Commission.

⁷⁸ See *Public Road* in Definitions Section 1.4

⁷⁹ See *Lot, Double Frontage* Definitions Section 1.4

⁸⁰ See *Paired Driveway* in Definitions Section 1.4

- Provide for funding operation and maintenance activities by means:
 - Of requiring annual or more frequent assessments against lots and provision for assessment secured by assessment liens enforceable by foreclosure.

or

- Establishment of a trust fund in an amount sufficient to cover all projected maintenance costs for a period of 20 years.

1.5 ***Publicly Dedicated Common Land*** - No common land shall be dedicated to public use or otherwise conveyed to the public or any public agency or other public or private entity without the express written consent of the entity to which the land is proposed to be dedicated.

1.6 ***Community Assets*** - In designing any subdivision, the following specific assets shall be protected and preserved:

- Tree(s) identified as Missouri champion trees by the Missouri Department of Conservation or any tree(s) seventy-five (75%) or larger of the circumference of the largest known species of such tree in Missouri.
- Sensitive plant species and high quality natural communities as compiled by the Missouri Department of Conservation in the Natural Heritage database for Boone County.
- Sites listed on the National Register of Historic Places.
- Cemeteries and burial grounds.

1.7 ***Karst⁸¹ Area Development*** – Any land being subdivided that contains one or more karst feature(s) shall be subdivided and developed to ensure that the plat is designed to:

⁸¹ See Definitions Section 1.4
November 15, 2016

- Minimize the flow of stormwater into and erosion of areas in and around existing karst features as a result of construction.
- Prevent wastewater from contaminating existing karst features or groundwater.
- Provide a stable building site.

All such development is subject to the provisions of the Boone County Stormwater Regulations section titled *Environmentally Sensitive Areas: Enhanced Criteria*.

1.8 **Dams** – All dams constructed within a subdivision shall comply with the following regulations.

1.8.1 **Design** – All Specified⁸² Dams within any subdivision shall meet the following criteria:

- Shall be designed by a registered professional engineer licensed to practice in the State of Missouri.
- Shall be built in accordance with accepted engineering standards.
- Design and as-built drawings for any newly constructed dam in excess of 25 feet tall shall be submitted to the County engineer for permanent county records.
- Dam height shall be measured from the top to the toe of the slope on the downstream side.

1.8.2 **Dams in Excess of 35 Feet Tall** - Dams in excess of 35 feet tall shall be inspected and approved by the Missouri Department of Natural Resources or other governmental regulatory agency having jurisdiction.

1.8.3 - **Use for Access** - Roads may not be constructed on dams except upon review and approval of the County engineer

⁸² See Definitions Section 1.4
November 15, 2016

1.8.4 **Maintenance** - All dams within a subdivision shall be subject to the provisions for maintenance and supervision of common lands contained in this Appendix.

1.9 **Lots** - Except as otherwise provided and specifically authorized by these regulations or in an approved planned development⁸³ under the Zoning Regulations of Boone County, all lots hereafter shall have frontage upon a public road.⁸⁴

1.9.1 **Stem Lots** - The Commission may allow stem lots on previously un-platted land when the allowance of stem lots will not endanger the public health, safety and general welfare.

The stem of a stem lot shall meet the following standards:

- minimum width: twenty (20) feet
- maximum width: fifty-nine (59) feet
- minimum Length: twenty-five (25) feet
- maximum Length
 - lots less than 10 acres in area: two hundred fifty (250) feet
 - lots 10 acres or greater in area: six hundred sixty (660) feet
- The stem of one lot shall not be adjacent to the stem of a separate lot
- The area included within the stem portion of the lot may not be included within any required yard area or lot size under the Boone County Zoning Regulations.

1.9.2 **Lot Specifications** - Lots shall be arranged to comply with building permit requirements, the zoning regulations as to size, access, relationship to topography, provisions for utilities or other conditions specified below:

⁸³ See *Planned Development* in Definitions Section 1.4

⁸⁴ See *Public Road* in Definitions Section 1.4

- Corner lots shall have sufficient width for compliance with front yard requirements on all streets.
- Side lot lines shall be at right angles to straight streets and radial to curved streets unless otherwise authorized by the Director.
- Lots abutting a subdivision street shall maintain a front setback in compliance with the yard requirements in the Zoning Regulations.

1.9.2.1 **Minimum Lot Depth** -

- Lots greater than 2.49-acres 250-feet
- Lots from 0.5 to 2.49 acres 125-feet
- Lots from 7,000 square feet to .49 acres 100-feet

1.9.2.2 **Maximum Lot Depth** -

- Lots 10-acres or greater none
- Lots less than 10-acres 3X lot width

1.9.2.3 **Minimum Lot Width** - Minimum lot width shall be maintained throughout the lot between the front and rear setback line as established by the Minimum Yard Requirements in the Zoning Regulations.

- Lots greater than 2.49 acres 150-feet
- Lots from 7,000 square feet to 2.49 acres 60-feet

1.9.2.4 **Minimum Road Frontage** - All lots that are required to have frontage on a publicly maintained road shall have a minimum of 20-feet of frontage.

1.9.2.5 **Double Frontage Lots** - Lots with double frontage may be provided where essential to provide separation of development from traffic arteries or otherwise required by topography or other similar conditions.

1.9.2.6 **Right of Way Exclusion** - Right of way dedicated by plat shall not be included within the dimensions or areas of lots.

1.9.2.7 **Contiguity** – All portions of a lot must be contiguous and can not be divided by public rights of way. Private access easements created in accordance with these regulations shall not be considered to divide a lot.

1.9.2.8 **Setbacks from Private Drives**⁸⁵ - Lots abutting any private road or private access easement shall be required to maintain a front or back setback beginning at least twenty five (25) feet from the edge of such road or PAE or access easement whichever is greater.

1.9.2.9 **Multiple Accesses, When Required** – At least two points of access to a publicly maintained through street⁸⁶ shall be provided to subdivisions that meet the following criteria:

- contain more than fifty (50) A-1, A-2, AR or RS zoned lots;
- contain more than twenty five (25) RD zoned lots;
- contain more than three (3) acres of RM zoned land.

A point of a public road⁸⁷ access shall at a minimum consist of a connection to a through street. Streets which dead-end or “stub” into property which is adjacent to the property being subdivided shall not count as a second access until such time as the dead-end or “stub” street is connected to a through street and becomes a public road. Access is also regulated by the applicable fire code. The developer should consult with the fire protection agency with jurisdiction in order to determine additional access requirements.

⁸⁵ See *Private Drive* in Definitions Section 1.4

⁸⁶ See *Through Street* in Definitions Section 1.4

⁸⁷ See *Public Road* in Definitions Section 1.4

1.10 **Public Spaces and Areas** - Sites designated for public ownership or use which are acceptable to the subdivider and to an applicable public governmental agency may be used for schools, parks, recreation or areas for other public improvements or services and may be reserved or designated for such uses on the plat of any subdivision provided there is a recorded contractual agreement or conveyance to a public governmental agency accepting title, use or responsibility for such site including maintenance and supervision.

1.11 **Private Drives**⁸⁸ - Private drives may be allowed to provide internal circulation within a lot.

1.12 **Private Access Easements (PAEs)** – PAEs consist of a combination of recorded documents and a constructed driving surface. When allowed by these regulations, Private Access Easements must meet the following:

1.12.1 **Easement and Maintenance Agreement** – When a PAE is used, the subdivider shall provide an easement and a maintenance agreement. The easement and maintenance agreement may be separate documents or may be combined into one document and must be prepared in a format that is suitable for recording.

1.2.1.1 **Easement** – The location of the easement shall be shown graphically on the survey or the plat. The subdivider shall also provide a written easement document that includes:

- Legal description of the easement
- A description of the purpose of the easement
- The legal description of all lots that the easement crosses and all lots that rely on the easement for access to a public road

⁸⁸ See *Private Drive* in Definitions Section 1.4
November 15, 2016

1.2.1.2 ***Maintenance Agreement*** – All lots that rely on the PAE for access to a public road must be included in the maintenance agreement. The agreement shall, at a minimum, include the following information:

- Define the effective term of the agreement, which shall be in perpetuity
- Include the legal description for each lot subject to the agreement
- Describe each lot owner’s responsibility for driving surface maintenance
- Describe each lot owner’s responsibility for driving surface repair
- Reference the standards to which the driving surface must be maintained
- Define a remedy or remedies in case of default or failure to comply

1.12.2 ***Construction of the Driving Surface*** – At the subdivider’s discretion, construction of the driving surface may occur before the plat or survey is recorded or construction may be deferred to an unspecified date in the future. If the subdivider chooses to defer construction then a Notice of Non-Occupancy of the Property shall be recorded concurrently with the plat or survey.

1.12.3 ***Notice of Non-Occupancy of the Property (NNOP)***- The NNOP shall consist of a form provided by the Director with a notarized signature of the subdivider(s). It shall identify each lot within the plat or survey that is dependant upon the PAE for access to a public road. The NNOP will state that no building permits will be issued for any lot identified in the NNOP. It shall also state the procedure for release of the NNOP.

1.12.4 ***Release of the Notice of Non-Occupancy of the Property*** - Construction of the driving surface shall be certified by a qualified engineer licensed to practice in the State of Missouri who shall certify to the Director that the driving surface has been constructed in accordance with the standards contained below. When such

documentation is presented to the Director, the Director shall record a release of the NNOP. In no case will a release be recorded for a lot to which construction of the approved driving surface has not been certified.

1.12.4.1 ***Partial Release of the NNOP*** - The Director may record a Release of NNOP for all or some of the lots using the PAE for access to a public road. If a partial release is requested, the Engineers Certification must stipulate the lots to which the driving surface has been constructed from a publicly maintained road. In no case will a release be recorded for a lot for which the engineer's certification has not been provided.

1.12.5 ***When Construction Occurs Prior to Recording the Plat or Survey*** – The following steps must be completed prior to recording the plat or survey:

- All necessary documents must be reviewed and approved by the County which includes:
 - the plat or survey
 - all required easements
 - road maintenance agreement (the access easement and road maintenance agreement may be combined into one document)
- Inspection and certification, by a Professional Engineer licensed to practice in the state of Missouri, that the driving surface has been constructed to meet the standards contained below has been provided to the Director
- Simultaneous recording of plat or survey, easement and maintenance agreement

1.12.6 ***When Construction Occurs After Recording the Plat or Survey*** - The following steps must be completed prior to recording the plat or survey:

- Document Review all necessary documents must be reviewed and approved by the County. The documents include:
 - the plat or survey
 - all required easements
 - road maintenance agreement (the access easement and road maintenance agreement may be combined into one document)
 - Notice of Non-Occupancy of the Property (NNOP)
- Simultaneous recording of plat or survey, easement, maintenance agreement and NNOP

1.12.7 ***Driving Surface Standards*** – The driving surface shall be constructed to the following standards:

- A PAE shall not be closer than 200 feet to another PAE
- Minimum width 20-feet, if fire hydrants are installed the driving surface shall be widened to 26 feet for a distance of 20-feet on both sides of the hydrant
- Maximum grade is 10%
- Centerline horizontal curve radii shall not exceed 100-feet
- Minimum load: shall support a 50,000 pound vehicle
- Surface material:
 - If the property is within the urban service area the driving surface shall be paved
 - If the property is not within the urban service area the driving surface may be gravel or paved at the discretion of the subdivider

- Approved turnarounds shall be constructed at every driveway connection to the PAE or at least every 2500-feet
- An approved turnaround shall be constructed at the end of the PAE
- Approved turnarounds must comply with Appendix D of the International Fire Code except that the cul-de-sac diameter shall be a 38 foot radius driving surface

1.13 ***Sidewalks*** - Sidewalks shall be constructed and installed in multiple use subdivisions and subdivisions containing one or more lots that are less than one-half acre and in compliance with these regulations and the design and construction standards outlined in the Boone County Roadway Regulations. Sidewalks shall be treated as and comply with the requirements in these regulations applicable to common land.

1.14 ***Street and Road Names*** – New streets and roads shall be named in accordance with Boone County road naming regulations established by the County Commission as codified in Chapter 27 of the Boone County Zoning Regulations.

1.15 ***Subdivision Names*** - The proposed name of the subdivision shall not duplicate the name of any other subdivision in Boone County. Whenever multiple plats of any subdivision are approved in series, each plat submitted for approval shall be consecutively numbered.

2. ***ROADS AND STREETS***

2.1 ***Improvements*** - All roads and streets contained within any subdivision shall be constructed to comply with standards adopted by the County Commission for construction of roadways and other public improvements. Any major subdivision, minor subdivision or

multiple use subdivision plat establishing roads to be constructed within a subdivision shall be paved if the subdivision is located:

- Within an Urban Service Area as defined by these regulations
- Fronts an existing paved public road
- Fronts an existing gravel public road with an existing or resulting (due to the subdivision) traffic count of 250 vehicles per day as determined by Traffic Analysis described below
- Fronts on a public gravel road scheduled for paving on any existing funded road improvement plan officially adopted by the County Commission

2.2 Traffic Analysis - All subdivisions, Administrative Surveys, Minor Plats, Major Plats and Multiple Use Plats shall require a traffic analysis conducted by a qualified registered engineer, the results of which will be reviewed by the County Engineer and the Director. The traffic analysis shall be used to determine road and street capacity within the proposed subdivision and needed road improvements for public roads⁸⁹ adjacent to and serving or providing access to the subdivision which are necessitated by existing traffic conditions and the traffic volumes caused by the subdivision. Failure to provide the traffic analysis with the application constitutes failure to submit a complete application and will result in the application being summarily rejected.

2.2.1 Consultant Selection - The qualified professional engineer performing the traffic study shall be selected by the developer from a list maintained and provided by the Director. The engineer will be retained or employed by Boone County.

2.2.1 Payment for Traffic Analysis - The subdivider shall be responsible for all costs incurred in conducting the traffic study. Such costs shall be paid from an

⁸⁹ See *Public Road* in Definitions Section 1.4
November 15, 2016

escrow account established and funded by the subdivider and administered by the County.

2.2.2 Content of Traffic Analysis - A traffic analysis shall consist of a written report that shall include but not be limited to:

- Traffic counts for each public road providing service or access to the subdivision from the nearest arterial or highway
- Types of traffic expected and the effects on the existing roads
- An evaluation of the proposed and existing road system serving the subdivision as to necessary capacity and improvements to accommodate such capacity
- All proposed new or improved roads or streets shall be listed by name and classification and shall specifically describe needed right-of-way and design specifications

2.2.3 Scoping Meeting – A scoping meeting is required for all traffic studies. The scoping meeting may result in additional required content beyond that which is described in 2.2.2. The subdivider, and the consulting traffic engineer and County staff shall attend the meeting. Issues to be discussed at the meeting shall include the cost of the study and a schedule for completion.

2.2.4 Waiver of Traffic Analysis - The Director may waive, in whole or part, upon recommendation of the County Engineer, the necessity of a written traffic analysis report under the following circumstances:

- When current adequate motor vehicle traffic counts are available
- When no road improvements are necessary
- When the precise needed improvements have previously been specified

- In such cases where preparation of such report is unnecessary or unreasonable

2.3 Improvement of Existing County Roads - All existing county roads adjacent to or providing service or access to a subdivision and perimeter roads shall be improved by the subdivider or at the subdivider's expense in accordance with:

- the provisions of section 1.7.4.5 of these regulations
- the recommendations of the traffic analysis prepared for the subdivision
- the requirements and specification of the Boone County Roadway Regulations

All subject to the written approval of the County Engineer and as otherwise provided in these regulations.

2.4 Improvement of New Roads and Streets - All new roads and streets shall be constructed in accordance with the requirements of these Regulations and the Boone County Roadway Regulations.

2.5 Curb and Gutter, When Required - Curb and gutter shall be required in all Multiple Use Subdivisions and in all subdivisions that contain one or more lots that are less than one-half acre in area.

2.6 Road Naming and Installation of Street Signs –

2.6.1 Street signs and posts shall be installed in conformity with Boone County standards and shall be legible from each direction of travel. The subdivider shall bear the cost of posts and signs which shall be installed and maintained by the Boone County Road and Bridge Department. Street signs shall comply with the Boone County Zoning Regulations Section 27.12.2, Road Name Signage and Sign Sizing.

2.6.2 Road names shall be assigned in accordance with Boone County Zoning Regulations Section 27.

2.7 Right-of-Way and Roadways - The arrangement of rights-of-way in a subdivision shall provide for the continuation of existing streets or rights-of-way in adjoining areas and the extension of new road, streets and rights of way to adjoining properties.

2.7.1 Right of Way Width - In no case shall the street or right-of-way in a subdivision be less width than provided in Appendix B 2.7.5.

2.7.2 Connectivity - Where a new subdivision adjoins land suitable for development, new roads or streets shall be carried to the boundaries of such land. The location of the street carried to said boundaries shall be determined by the Director and a temporary cul-de-sac shall be installed at that point unless this requirement is for good cause shown waived by the Commission. In making this determination the Director may utilize the following criteria:

- Topography
- Block length as specified in Appendix B 1.2
- Development potential of the adjoining property taking into consideration whether the property is developed, undeveloped or partially developed
- Physical characteristics of the property both natural and manmade

2.7.3 Dedication Adjacent to Existing Right of Way –

2.7.3.1 Subdivisions of Land on Both Sides of Right of Way - Any Administrative Approval Subdivision or Final Plat platted along both sides of an existing public road⁹⁰ or street shall dedicate additional right-of-way,

⁹⁰ See *Public Road* in Definitions Section 1.4
November 15, 2016

as necessary, to meet the minimum width requirements as required by these regulations.

2.7.3.2 Subdivisions of Land on One Side of Right of Way - When an Administrative Approval Subdivision or Final Plat is located on only one side of an existing or proposed public road or street, one-half of the right-of-way width required by these regulations, measured from the center line of the existing roadway, shall be provided.

2.7.4 Designation of Functional Classification - All roads shall be designated as either:

- expressway
- arterial
- commercial
- collector
- local

in accordance with the Major Thoroughfare Plan or the functional classifications of roadways as outlined in the Boone County roadway regulations as adopted by the County Commission.

2.7.4.1 Default Classification - Any existing public road in which the right-of-way is not defined on an existing subdivision plat or on the Major Thoroughfare Plan shall be deemed a collector.

2.7.5 Width of Right of Way - Minimum design standards for roads, streets and highways shall be as follows:

Road Type	Right of Way Width
Expressway	250 feet

Arterial	100 feet
Commercial	66 feet
Collector	66 feet
Local	50 feet
Alleys	24 feet

2.7.6 **Slope Easement** - Where a cut or fill for a street extends beyond the limits of the right-of-way, a slope easement of sufficient area and limits to permit the construction and maintenance of the slope shall be provided.

2.8 **Flooding** - No roads or streets which due to design or topography are subject to frequent inundation or flooding shall be contained within a subdivision plat based upon the Boone County Flood Insurance Rate Map.

2.9 **Intersection Geometry** –

2.9.1 **Angle of Intersection** - Roads and streets shall intersect at a 90 degree angle unless otherwise approved by the County Engineer for cause shown. Under no circumstances shall roads or streets intersect at angles less than 60 degrees.

2.9.2 **Truncations** - When roads or streets intersect at an angle of less than 80 degrees the County engineer may require that intersecting right-of-way lines and pavement lines to be rounded to provide proper sight distance.

2.9.3 **Street Jogs** - Intersecting roads or streets shall have center lines as nearly straight as possible. Roads or streets with center lines offset at intersections shall be offset by:

- less than five (5) feet

or

- more than one hundred twenty-five (125) feet.

2.10 ***Cul-de-sacs*** - Permanent cul-de-sacs shall be no longer than 1000 feet. The Commission may approve a greater length due to topography or other unique features.

2.10.1 ***Measurement of Cul-de-sac*** – Cul de sac length shall be measured from the center of any cul-de-sac to the right-of-way line of the nearest through street⁹¹ from which it derives.

2.10.2 ***Cul-de-sac Radius*** - Cul-de-sacs shall have a right-of-way radius as specified in the Boone County roadway regulations as adopted by the County Commission.

2.11 ***Agriculture District Roads*** – Lower density and larger lots sizes that are characteristic of subdivisions in the A-1 and A-2 zoning districts generate different needs for transportation infrastructure than higher densities and smaller lots found in urban types of development. In recognition of this, a set of road standards is adopted for roads serving subdivisions in Agriculture A-1 and Agriculture A-2 Districts and that are designed to serve a maximum of 750 ADT. Where applicable, these standards supersede similar standards found elsewhere in these regulations.

2.11.1 ***Applicability*** - The following criteria must be met in order to qualify for Agriculture District Roads:

- The property being subdivided must be zoned A-1 or A-2
- Roads shall have an ADT of 750 or less
- ADT of roads stubbed to adjacent properties must take into account the potential for traffic generated offsite

2.11.2 ***Standards*** – Agriculture District Roads qualify for the following standards:

⁹¹ See *Through Street* in Definitions Section 1.4
November 15, 2016

- Maximum block length is 2,640 feet
- There is no maximum cul-de-sac length
- Remote Access Standards of the XX International Fire Code will regulate the number of lots on cul-de-sac
- An approved turnaround, meeting the requirements of the XX International Fire Code are required at every residential driveway or at a minimum spacing of 500 feet
- Approved turnarounds may be incorporated into residential driveways
- An approved turnaround is required at the terminus of every non-through street
- Shall meet the standard for Agriculture District Roads as specified in the Boone County Roadway Regulations

3. ***SEWERS***

The method of and requirements for sanitary sewage waste disposal shall be in accordance with these regulations, the rules and regulations of the Missouri Clean Water Commission, the Boone County Code of Health Regulations, Boone County Regional Sewer District and any other public governmental agency having jurisdiction.

3.1 ***Central Sewage Treatment -***

3.1.1 ***Minimum Lot Size*** - All subdivisions containing any lot less than two and one half (2.50) acres in size shall have an engineered centralized sewage collection and/or treatment system.

3.1.2 ***Connection to Existing System*** - Where an adequate governmentally owned and operated sanitary sewer system is reasonably accessible and available for use, the subdivider shall provide a collection type sewer system and connect such

governmentally owned and operated sanitary sewer system with collector sewer lines available for connection to each lot.

3.1.3 *Connection to Future System* - Where a public governmental agency plans for installation of sanitary sewers in the vicinity of the subdivision under an officially approved master plan the subdivider shall install collector sewers in the subdivision to be platted although connection to an existing trunk line may not be immediately available under such master plan. In such cases, and until a connection can be made,

- The use of a centralized sewage treatment facility specifically engineered for the subdivision shall be required.
- Any treatment facility shall be constructed in accordance with the rules and regulations of the Missouri Clean Water Commission and the public governmental agency having jurisdiction to provide wastewater treatment facilities and services in the geographic area in which the subdivision is located.
- Any such treatment facility shall be designed by a qualified engineer licensed to practice in the State of Missouri.
- The design shall conform to any applicable and officially adopted governmental master plan for centralized sewage treatment promulgated by the governmental agency having jurisdiction and be built in accordance with applicable federal, state and local standards and regulations.

3.1.4 *Ownership of Central Sewage Treatment Systems* - All such systems shall be subject to permanent ownership by or permanent contractual agreement with a public governmental agency having jurisdiction to provide wastewater treatment

facilities and services in the geographic area in which the subdivision is located. No privately owned or operated sewage collection system or treatment facilities shall be permitted except as authorized by the public governmental agency having jurisdiction.

3.2 ***On-Site Treatment*** – The Commission may allow the use of on site wastewater treatment systems subject to the following requirements:

3.2.1 ***When Allowed*** – On site wastewater systems may only be allowed when:

- When no governmentally owned or operated sanitary sewer system is reasonably accessible or available to connect to a collector type sewage treatment system within a proposed subdivision.
- All lots within such subdivision are two and one half (2.5) acres or greater.
- The subdivision is not within an area designated for future installation of trunk lines or out falls under an officially approved master plan of the public governmental agency having jurisdiction for wastewater treatment in the geographic area of the subdivision.
- All lots within the subdivision are capable of physically supporting an onsite wastewater system as shown by the plan required by Section 3.2.5.

3.2.2 ***Cost Benefit Analysis*** - the Commission shall be provided with a cost benefit analysis (CBA) prepared by a qualified engineer licensed to practice in the State of Missouri for a centralized sewage collection and treatment system for the proposed subdivision. The CBA shall:

- Compare the total cost of installation of all such facilities, including operation and maintenance costs, with the total cost of all permissible small on-site systems including operation and maintenance for 20 years.

- Compare systems that discharge a similar quality of effluent with the minimum standard set as discharge limits established for that location by Missouri Department of Natural Resources.
- Compare the proposed maintenance, where a central system will be publicly maintained and onsite systems will be privately maintained by the property owner.

3.2.3 Waiver of Cost Benefit Analysis -The Director may waive the necessity of a cost benefit analysis when:

- the subdivider elects to use a central collection and treatment system for the subdivision or
- good cause is shown and after consultation with the Health Department and the Boone County Regional Sewer District

3.2.4 Use of Cost Benefit Analysis – The Commission shall use the CBA for the basis of its decision whether to allow the use of individual onsite wastewater systems or require installation of a centralized collection and treatment system.

3.2.4.1 Requirement for Centralized System - If a cost benefit analysis is performed and the Commission determines a centralized collection and treatment system is economically feasible and more beneficial with respect to water quality and environmental health than use of on-site systems, then an engineered centralized collection and treatment system shall be designed, installed and used within the subdivision and shall conform to the standards outlined in Section 3.1 above.

3.2.4.2 *Allow Use of Individual Onsite Systems* - When the Commission determines that a centralized collection and treatment system is not feasible, small on-site wastewater systems shall be permitted. In such cases the type of system used shall be one of the systems analyzed by the CBA and as specified by the Commission.

3.2.5 *Standards for Use of Individual On- Site Systems* - A plan shall be submitted with all Administrative Approval Subdivisions, Preliminary Plats and Final Plats for each lot that shall be drawn to a scale to match the survey or plat and includes:

- The proposed location(s) of septic tanks and lateral fields, lagoons or any other type of alternate sewage treatment systems
- Proposed building site or sites
- Two foot contours if so determined at the concept review
- All areas of each lot where the existing slope is greater than thirty percent
- Proposed lagoon size
- The location of the features that are within the specified distances, whether on or off the subject property, contained in CSR 20-3.060(D) Table 1

The Director or the Columbia Boone County Department of Public Health and Human Services may require additional information. All plans must be consistent with the minimum standards established by the Boone County Code of Health Regulations and other applicable laws or regulations.

3.2.5.1 *Soils Report, When Required* - All subdivision proposals that include the use of on-site sewage treatment systems for individual lots shall include a soils analysis performed when required by the Boone County Code of Health Regulations. The analysis shall demonstrate that such a system is

feasible for each proposed building lot and can be constructed in accordance with those regulations. If the proposal includes the use of soil absorption systems the soils report shall also include alternative locations for soil absorption fields for each lot.

4. ***WATER SUPPLY AND FIRE PROTECTION***

4.1 ***Public Water Supply*** - All subdivisions except those classified as Abbreviated Administrative Approval Subdivisions, Administrative Approval Subdivisions or Minor Plats containing three or fewer lots shall have a centralized water supply system providing water to all lots. The water supply system shall be provided by the governmental agency having jurisdiction over the water supply service in the geographic area in which the subdivision is located.

4.2 Preliminary Water Supply Plan – A water supply plan shall be prepared by a qualified engineer licensed to practice in the state of Missouri. When submittal of a preliminary water supply plan is required by Appendix A, the following information shall be included in the Engineers Report:

- Name of the entity that will be supplying water
- Flow rate available at the site
- Any limitations that the supplier may have in serving the proposed development including fire protection needs including a description of offsite improvements that may be necessary

4.3 ***Fire Protection*** – Fire protection shall be provided in all subdivisions that are required to be served by a public water system according to Appendix B 4.1 except as specified below in Section 4.4. Installation of the fire protection system shall be in accordance with

the International Fire Code (IFC) as adopted by the Boone County Commission and any fire protection agency with jurisdiction. Fire hydrants shall be installed and operational prior to any building construction within the subdivision. Design of the fire protection system, at a minimum, shall address the following:

- fire hydrant size
- fire hydrant location and spacing
- water main size and flow
- access for emergency vehicles and personnel
- any other relevant issue as identified by the fire protection agency with jurisdiction.

4.4 Fire Protection in Low Density Subdivisions – When all lots within a subdivision are 10-acres or larger and the property is more than 250-feet from an existing waterline capable of providing fire flow, the subdivider shall provide a cost benefit analysis (CBA) to determine the feasibility of providing fire flow to the development. The CBA shall be completed by a qualified professional engineer licensed to practice in the state of Missouri.

The CBA shall:

- State the distance from the property to the nearest existing waterline capable of providing fire flow
- Evaluate the cost of extending the existing waterline to the subdivision
- Evaluate the cost of installing wells on each lot in the subdivision
- Compare the cost of extending the existing waterline to the subdivision against the cost of installing wells on each lot in the subdivision
- Include a statement from the water provider as to whether the provider will agree to provide fire flow

4.4.1 *Waiver of Cost Benefit Analysis* – The Director may waive the requirement for the cost benefit analysis when the subdivider agrees to provide fire flow to the subdivision.

4.4.2 *Use of the Cost Benefit Analysis* – The Commission shall use the CBA as the basis for its decision whether to require the subdivision to be provided with fire flow.

5. ***STORM WATER, SURFACE DRAINAGE AND EROSION CONTROL***

5.1 *Stormwater Control and Surface Drainage* - Stormwater sewers or other stormwater controls shall be installed according to current Boone County Stormwater Regulations as established by order of the Boone County Commission.

5.2 *Erosion Control* - Erosion control shall be installed according to the current Boone County Land Disturbance and Stormwater Regulations as established by order of the Boone County Commission.

6. ***UTILITIES***

6.1 *Easements*- The location of utility easements including easements for future use shall be required along all roads and streets as deemed necessary by the utility service providers or the Director of Resource Management. Easements shall meet the following standards:

- minimum width: ten (10) feet
- maximum width: twenty (20) feet unless a wider easement is approved by the Commission upon review of written evidence from the supplier of utility service requesting the additional easement width

6.2 *Utility Standards*- Utilities including but not limited to water, sewer, natural gas, cable T.V., electric and telephone shall be provided to lots in accordance with the standards and specifications which have been or are hereafter adopted by the County or utility companies or government utility service providers having jurisdiction.

DRAFT

**BOONE COUNTY SUBDIVISION REGULATIONS
APPENDIX B, TABLE A
BOONE COUNTY POINT RATING SYSTEM**

	Pts.	1MI	2MI.	3MI	4MI.	+4MI	Score
1. Proximity							
Columbia-	----	25	20	15	10	0	
Centralia, Ashland, Sturgeon, Hallsville	----	25	10	5	0	0	
Rocheport, Harrisburg, Hartsburg	----	25	10	0	0	0	
2. Sewer							
Central Sewer available	15	----	----	----	----	----	
Sewer Main on Property Now	10	----	----	----	----	----	
Central Sewer Not Available	0	----	----	----	----	----	
3. Roads							
County, State or Federal Highway	12	----	----	----	----	----	
Less than 0.5 mile gravel road	6	----	----	----	----	----	
0.5 to 1 mile gravel road	0	----	----	----	----	----	
More than 1 mile gravel road	-6	----	----	----	----	----	
Within 1 mile of a numbered state highway	2	----	----	----	----	----	
Route includes load limit bridge or low water x-ing	-5	----	----	----	----	----	
4. Karst							
Property is not in a designated Karst area	8	----	----	----	----	----	
Property is within 1000 feet of Karst feature	0	----	----	----	----	----	
5. Fire Protection							
Within 3 miles	5	----	----	----	----	----	
Within 5 miles	3	----	----	----	----	----	
Greater than 5 miles	0	----	----	----	----	----	
6. Water System							
Main larger than 10-inch at property now	8	----	----	----	----	----	
6-inch main at property now	5	----	----	----	----	----	
6-inch main to be installed with no decrease in service to others	3	----	----	----	----	----	
Main less than 6-inch or no service available	0	----	----	----	----	----	
7. Flood Plain							
Flood plain areas on property	0	----	----	----	----	----	
No flood plain areas on property	8	----	----	----	----	----	
8. Soil Capabilities							
Class I&II	-10	----	----	----	----	----	
Class III	-5	----	----	----	----	----	
Class IV	0	----	----	----	----	----	
Class VI	5	----	----	----	----	----	
Class VII&VIII	10	----	----	----	----	----	