



Boone County, Missouri

Land Use Regulations

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Table of Contents

CHAPTER I	2
SUBDIVISION REGULATIONS	2
1.1 Title	2
1.2 Authority	2
1.3 Scope and Purpose	2
1.4 Definitions.....	2
1.5 General Provisions	8
1.6 Subdivision Classification.....	11
1.7 Subdivision Plat And Administrative Survey Development and Review	12
1.8 Replatting and Plat Restrictions	18
1.9 Miscellaneous.....	22
APPENDIX A	26
1. SUBMISSION PROCEDURES	26
2. FEES	27
3. PLAT SPECIFICATIONS	28
APPENDIX B.....	34
1. GENERAL SPECIFICATIONS	34
2. ROADS AND STREETS	39
3. SEWERS.....	43
4. WATER SUPPLY AND FIRE HYDRANTS	46
5. STORM WATER, SURFACE DRAINAGE	47
6. EROSION CONTROL PLAN	48
7. UTILITIES.....	48
TABLE A : REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS	50
TABLE B: BOONE COUNTY POINT RATING SYSTEM.....	51

**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:** 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 and the proper location and width of streets, building lines, open spaces, safety, recreation and to provide for the avoidance of congestion of population including minimum width and area of lots. These regulations are also intended to include the extent to which and the manner in which streets shall be graded and improved and the extent to which water, sewer and other utility services shall be provided to protect the public health and general welfare.
- 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. When consistent with the context, 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. Any word not herein defined shall be as defined in any recognized standard English dictionary.

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 engineer appointed by the County Commission charged with administration of the county road and bridge department or his delegate.

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** - Any artificial or man-made barrier which impounds or diverts water, is more than 6 feet high, as measured from the top to the toe of the slope on the downstream side, and stores 50 or more acre-feet of water; or is 25 or more feet high and stores more than 15 acre-feet of water (levees and small on-site wastewater systems levees are excluded from this definition).

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

1.4.12 **Development** - A designated area of land upon which real property improvements are planned for construction or installation for resale or in order to produce income.

1.4.13 **Director** - The Director of the Department of Planning and Building Inspection for Boone County, Missouri.

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 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 subdivision record or by metes and bounds description for the transfer to or use of another.

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

1.4.17 **Lot, front of** - The front of a lot shall be considered to be that part of a lot which has access upon a public street; except for corner lots, the front shall face the shortest street dimension of the lot.

1.4.18 **Major Thoroughfare Plan** - The officially adopted plan of Boone County, Missouri, showing the approximate location of existing and proposed roads classified as

collectors, arterials, expressways, or freeways that will provide adequate traffic circulation and serve as guidance for road planning and location in anticipation of future development.

1.4.19 **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, 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

1.4.20 **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.

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

1.4.22 **Planned Development** - Land developed pursuant to the Zoning Regulations of Boone County, Missouri under a unified plan with an overall density based on the zoning of the entire tract, which may include various types of housing and/or businesses with common open space and community facilities.

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

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

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

1.4.26 ***Private Drive*** - A driveway or driveway easement which provides entrance to a lot or lots or entry or circulation driveway within a lot or private road or roadway easement connecting to a public road.

1.4.27 ***Public Road*** - A road as term is defined in these regulations which is permanently controlled and maintained by a public governmental agency.

1.4.28 ***Replat*** - A change of a previously recorded subdivision plat, or portion thereof.

1.4.29 ***Right-of-Way*** - The location of an easement for the vehicular or pedestrian travel or use for public utilities as determined by recorded instrument or usage.

1.4.30 ***Road*** - Land delineated by survey, plat or use for travel by motor vehicles and other means of transportation which includes but is not limited to streets and private drives.

1.4.31 ***Road/Bridge Maintenance & Improvement Manual*** - A manual on policy and procedures for road/bridge maintenance and improvements as adopted by the Boone County Commission on the 18th day of December, 1990 with an effective date of January 1, 1991.

1.4.32 ***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.

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

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

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

1.4.36 **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.

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

1.4.38 **Subdivision** - The division of land which creates a lot, tract or parcel of land less than twenty (20) acres or the creation of a new public road or multiple use development as the term is used in these regulations. This definition shall not apply to the transfer of land to an immediate family member consisting of a transfer from or to a son, daughter, sister, brother, father or mother, or grandfather or grandmother, of agriculturally zoned land provided that only one transfer may be made to any one member; such transfer of land shall be documented on forms provided by the Director and recorded in the Office of the Recorder of Deeds and such land may not thereafter be retransferred or conveyed for a period of one year from the date of transfer to the recipient. This definition shall also not apply to the division of land which will otherwise result in creation of an Administrative Survey or Minor Plat as the terms are defined in these regulations if the division is created by survey, prominently states on the survey that the land described and contained in the survey is nondevelopable or not for development and such statement is approved and signed by the Director. In addition, for purposes of the Boone County Zoning regulations as they apply to the placement of mobile or manufactured homes, the definition of a subdivision as the term was defined by the Subdivision Regulations of Boone County, Missouri as of April 23, 1991 shall remain applicable for that purpose only.

1.4.39 **Through Street** - A public street which is not a cul-de-sac and which provides vehicular access from an area internal to a subdivision.

1.4.40 ***Urban Service Area*** - All sections of and in unincorporated Boone County which have been assigned a numerical rating of 50 or more points by the currently approved Point Rating System.

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

1.5.1 ***Subdivision Plat Or Administrative Survey Required*** - From and after the effective date of these regulations, any person who subdivides any land located within Boone County as the term is defined in these regulations and to which these regulations shall apply, shall cause a plat or administrative 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 administrative survey to be recorded in the office of the Recorder of Deeds.

1.5.2 ***Compliance With Other Applicable Regulations*** - No final plat 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, except for the Administrative Allowance described by these regulations.

1.5.3 ***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.

1.5.4 ***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.

1.5.5 ***Building on Unlawfully Subdivided Or Nondevelopable Land Prohibited*** - No building permit or certificate of occupancy shall be issued, nor shall any person construct or install any building on land to which these regulations apply unless such land has been first subdivided in accordance with these regulations. 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 nondevelopable or not for development on a recorded or unrecorded survey signed and approved as such by the Director unless re-subdivided or further subdivided in accordance with these regulations.

1.5.6 ***Surveys, Survey Review and Plat Approval Required*** - No land shall be subdivided in any manner except by land survey prepared by a licensed or registered land surveyor. No survey of land of any kind prepared by or under the direction of a licensed or registered land surveyor shall be recorded by the Recorder of Deeds unless reviewed and signed by the Director. The Recorder of Deeds shall not file or record a subdivision plat of any land located within the county to which these regulations shall apply unless the plat has been approved and signed by the proper officials in accordance with these regulations.

1.5.7 ***Public and Private Roads Restrictions*** - It shall be unlawful to create or build any non-governmentally maintained publicly dedicated road or private drive except as authorized by these regulations or as authorized for planned developments under the Boone County Zoning Regulations.

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

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

1.5.9 *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 if the boundaries of such right of way are described or defined by boundary survey or other lawful metes and bounds description recorded or officially filed with the Director and designated by the major thoroughfare plan contained within the master plan in effect on the day these regulations are enacted or thereafter. All applicable building setback requirements shall apply from such designated right-of-way boundary lines.

1.5.10 *Prohibited Encumbrances* – No Administrative Survey, Major Plat, Minor Plat or Multiple Use Plat, as the terms are used in these regulations, shall be approved under these regulations which subject or encumber, or make publicly dedicated roads or streets, road or street right of way, or utility easements to be shown or platted on an Administrative Survey, Major Plat, Minor Plat or Multiple Use Plat, subject to exclusive easements or encumbrances except for: (a) recorded non-exclusive utility easements which have had utilities installed within them and have been used for the purposes granted prior to the adoption of this section 1.5.10 (b) 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 (c) publicly maintained roads and streets or road and street right of way, and (d) 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.

1.6 ***Subdivision Classification*** - 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 subdivision classifications:

1.6.1 ***Administrative Survey***- Any subdivision survey consisting of one or more lots, any and all of which are less than twenty (20) acres in size but equal to or greater than 10 acres and all of which have frontage upon and direct access to an existing public road or no more than four (4) such lots having a common private drive with direct access to a public road.

1.6.2 ***Major Plat*** - Any subdivision having six (6) or more lots, any or all of which are ten acres or less or the creation of a new public road or any other subdivision not specifically qualifying as a administrative survey or minor plat or multiple use plat.

1.6.3 ***Minor Plat*** - Any subdivision consisting of 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 road, or, a subdivision plat consisting of any number of lots, each being five (5) acres or more, where each lot has direct access to and frontage upon a public road, or has a common private driveway situated on and created for the exclusive use of no more than four (4) lots providing ingress and egress to a public road.

1.6.4 ***Multiple use plat*** - Any subdivision not qualifying as a major plat or any one or more lots, parcels or tracts of land not otherwise platted and not wholly contained within a planned development district as defined by the Zoning Regulations of Boone County which contain or are intended to contain two or more buildings, each designed or intended to contain two or more residential dwelling units or one or more buildings having more than one commercial or industrial business use, or two or more buildings each designed or intended to contain one commercial or industrial business use.

1.7 ***Subdivision Plat And Administrative Survey Development and Review*** - All administrative surveys and subdivision plats subject to these regulations shall be prepared in accordance with the following development and review process:

1.7.1 ***Concept Development and Review*** - Prior to submission of any administrative survey or subdivision plat a subdivider shall prepare a graphic proposal pertaining to the proposed subdivision which shall be submitted to the Director for his review and consideration and the subdivider shall meet with and discuss his proposed administrative survey or plat with the Director or his designee. At such meeting the parties shall discuss the procedure for adoption of the administrative survey or subdivision plat as proposed, technical requirements pertaining to the proposed administrative survey or plat and the requirements necessary for obtaining approval. The proposal shall be reviewed in terms of whether or not it does or will meet zoning and other land use regulations, the availability of utilities and adequacy of water supplies, waste disposal systems as well as impact on road use and other surrounding land uses. The meeting may also include discussion of the county point rating system in the case of proposed major subdivisions and whether or not the proposed plat will satisfy the requirements of the point rating system. Concept review shall also include the Director's and staff's assessment of the proposed administrative 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 the necessity of 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 ***Preliminary Plat Development and Review*** - A preliminary plat of a major subdivision or multiple use development shall be submitted to the Commission for review in accordance with the Subdivision Plat Standards and Specifications set forth in Appendix A and Design and Construction Specifications and required Improvements contained in Appendix B and in accordance with the following procedure. The preliminary plat and required number of copies shall be submitted to the Director for review prior to distribution to the Commission. The Director shall review the preliminary plat for compliance with these regulations 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. 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.

1.7.2.1 ***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. A preliminary plat may be disapproved if it is inconsistent with the official county master plan, is not in compliance with these regulations, the county zoning regulations, the major thoroughfare plan or other regulations established by the county. 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 or

disapproved, the Commission shall state for the minutes of the meeting the conditions and the reasons for conditional approval or disapproval. If disapproved, the subdivider may file an appeal with the County Commission within three (3) business days of denial on forms provided by the Department with a statement of the reasons for the appeal. In the event the Commission fails to report on a plat within thirty (30) calendar days of its submission to the Commission for review such plat shall be deemed approved and so certified upon the plat except that time period may be extended by mutual agreement of the subdivider and Commission. If the governing body of any municipality files 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 then the approval of 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.

1.7.3 Final Plat Review - All plats shall be submitted for final review and approval in accordance with the Subdivision Plat Standards and Specifications set forth in Appendix A and the Design and Construction Specifications and Required Improvements set forth in Appendix B and in accordance with these procedures. All final plats shall be submitted to the Director for review for compliance with conditions imposed for final approval and for compliance with the requirements of these regulations. If the Director determines that the final plat is not in compliance with these regulations he may return same to the subdivider

with an explanation of the deficiencies and afford the subdivider an opportunity to correct any deficiencies in the final plat.

1.7.3.1 **Commission Review** - The Commission shall review any final plat submitted to it and upon review shall approve or disapprove the 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; otherwise, such final plat shall be deemed disapproved. If approved, the final plat shall be signed by the chairperson of the Commission and forwarded to the County Commission for review; if disapproved, the reasons for disapproval shall be set forth in the Commission's minutes and shall be final unless the subdivider whose final plat has been disapproved files an appeal of the disapproval with the County Commission within three (3) business days of disapproval on forms supplied by the Director stating the reasons for appeal. A final plat may be disapproved if it is found that it is inconsistent with the county master plan, is not in compliance with these regulations, the zoning regulations of the county, the thoroughfare plan of the county, is not in conformity with the approved preliminary plat, does not satisfy conditions imposed for conditional approval of the preliminary plat, or is not in compliance with other applicable county, state or federal regulations.

1.7.3.2 **County Commission Review** - The County Commission shall review and approve or disapprove all final plats. A final plat may only be disapproved if it is inconsistent with the county master plan, does not meet the requirements of these regulations, the zoning regulations of the county, the major thoroughfare plan, does not satisfy conditions imposed by the Commission or County Commission for

approval which may be imposed pursuant to these regulations or is not in 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 final plat shall be signed by the presiding officer of the County Commission and attested to by the County Clerk. The Director shall within ten business days file with the Recorder of Deeds the duly executed final plat and the original shall be retained by the county.

1.7.3.3 *Time Limitations for Completion of Final Plat* -No final plat shall be approved later than the fifth anniversary date after the date application for approval of the preliminary plat is filed with the Director unless the subdivider has constructed or installed all improvements required by these regulations; the subdivider seeking approval of a final plat shall have the burden of taking all necessary measures to comply with the requirements of these regulations as well as other applicable regulations necessary to obtain required review and final approval of such plat. All 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.

1.7.4 *Administrative Survey Review* - Any administrative survey meeting the requirements of these regulations shall be summarily signed as approved by the Director within ten business days of submission to the Director provided all required right of way and easements have been dedicated to public use and/or otherwise conveyed as required by these regulations.

1.7.5 ***Subdivision Improvements and Public Infrastructure*** - No final plat shall be approved by the County Commission unless all improvements specified in the plat, including but not limited to streets, roads, sewers, water lines, fire hydrants, utilities and other improvements designed to serve the platted lots have been constructed, installed and completed and adequate public infrastructure such as roads, highways, sewers, water supply and utilities are or will be available to serve the additional public infrastructure requirements of and caused by the subdivision. 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 and upon recommendation of the Director and with County Commission approval, the county may enter into a contractual development agreement with the subdivider and as a part of such agreement require the subdivider to improve or contribute payment to the County for the improvement of public infrastructure outside of but serving the subdivision reasonably proportional to the additional public infrastructure service requirements created by subdivision and proposed or permissible development therein authorized under applicable zoning and building regulations. 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. 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 specified by the Commission that is satisfactory to the County Commission.

1.8 ***Replating 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

- 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 of 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 or 1.8.2, no subdivision plat may be vacated in whole or part unless the owner of the land for which vacation is sought petitions the Director for the vacation on forms provided by the Director. All applications for plat vacations must be submitted concurrent to the submission of the replat and after a formal concept review about the project.

1.8.1.3.1 ***Administrative Approval***. The Director may approve the vacation, after consideration of the application and proposed replat, upon finding that:

- The area being vacated does not include any public right of way,
- And publicly dedicated easements shall be replaced or relocated by the corresponding replat,
- The proposed vacation and replat does not adversely affect access, drainage, or utility service to any other lot or tract,
- Proposed vacation and replat complies with the subdivision regulations.

1.8.1.3.2 ***County Commission Approval***. The Director shall refer all vacation requests that do not meet the criteria listed in section 1.8.1.3.1 for administrative approval to the County Commission to hold a public hearing on the request. The County Commission may approve the vacation request after consideration of the following criteria:

- Character of the neighborhood
- Traffic conditions, circulation, the proper location, alignment and improvement of streets and roads with 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.

1.8.1.3.3 **Effective.** Any plat vacation approved by the Director or County Commission shall not take effect until the corresponding replat has been reviewed and approved by the procedures designated by these regulations and recorded in the land records by the Recorder of Deeds.

1.8.2 **Replatted Subdivision, When Permitted –**

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 development or if the land to be replatted has had all preexisting plat 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 **Replatting Requirements, Minor Plat** - The requirements and process for replatted minor subdivisions shall be the same as for a minor 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 replatted, 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.

1.8.3 ***Unified Development*** - No land within a recorded administrative survey or minor, major or multiple-use subdivision plat shall be further subdivided or resubdivided as an administrative survey or minor or multiple-use subdivision plat or by other means of description, unless the Director determines that further subdivision or resubdivision by means of the administrative survey or minor or multiple-use platting or other means of description will not impair or otherwise hinder the unified development of the land to be further subdivided or resubdivided or areas adjoining or adjacent thereto considering the potential population densities under current zoning, the county master plan and availability and adequacy of roads, water, sewers and other utilities as well as the geography and current land use for the area.

1.8.4 ***Advisory Point Ratings for Major Subdivisions*** -In order to permit the Commission and to determine whether major subdivision development is proceeding in those areas with existing adequate infrastructure, as opposed to those areas which are undeveloped and do not possess substantial existing infrastructure, a point rating shall be assigned to each major subdivision plat under the Subdivision Point Rating System set forth in Table B of these

regulations; it being the desire of the County Commission that each major subdivision have a point rating of at least 50 points under such system. However, such point rating system is maintained purely as an advisory and study tool, and shall not be used as a basis for accepting or rejecting approval of any major subdivision plat.

1.8.5 **Minor Plat Restriction** - The Director in the exercise of his discretion may require what would otherwise qualify as a minor subdivision plat or administrative survey to be platted as a major subdivision plat if and only if the Director finds that roads or utilities surrounding the proposed subdivision or administrative survey are inadequate to serve the proposed subdivision and/or the surrounding area and that the requirements for approval of a major subdivision plat will facilitate adequate road, water, sewer or other utility service.

1.9 **Miscellaneous** - The following provisions shall be applicable to these regulations:

1.9.1 **Interpretation** - 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. 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.

1.9.2 ***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 provision of Appendix A or B of these regulations. 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 Appendix A or B of these regulations shall be granted unless the Board finds:

- (a) The applicant will incur unreasonable and unnecessary hardship if a variance is not granted and the variance is not sought primarily to avoid financial expense in complying with the requirements of these regulations
- (b) Grant of a variance will not endanger the health, safety or welfare of the public, and
- (c) Grant 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.

1.9.2.1 ***Administrative Allowance, Setback*** - The Director may grant an allowance where an existing structure is or will be located in the front setback after the property is subdivided. In allowing the Administrative Allowance the Director must be able to make the following findings:

- The structure(s) has been legally constructed,

- The structure(s) shall be a minimum of 25 feet to the new right-of-way created in conjunction with the plat or administrative survey,
- Structures must not encroach into existing or proposed utility easements,
- There shall be no impact on current or future utility service, including easements as requested by the utility providers,
- The allowance does not adversely affect access, drainage, or utility service to any other lot or tract.

Any structure that is proposed by the subdivider to receive an Administrative Allowance for a setback shall clearly be labeled on the proposed subdivision plat. The land surveyor shall identify each structure with a corresponding letter or number on the plat, and shall meet the following conditions:

- Add the following note to the plat: “These structures encroach into the required front setback and are allowed to remain in said setback provided the structure is not damaged by any means equal to more than seventy-five (75) percent of the actual value of the building immediately prior to the damage.”
- Add the following note to the plat: “Structures damaged, by any cause, to the extent of more than seventy-five (75) percent of the actual value of the building immediately prior to the damage shall be removed. Any reconstruction shall be in a location that is compliant with the required setback, rendering the Administrative Allowance void.”
- Conditions on approval of administrative allowances for existing structures within the minimum yard requirements can be placed upon approval, at the Director’s sole discretion.
- The graphic component of the plat shall show:

- existing structures and distance to the front property line and dimension of the encroachment into the front setback,
- the dedicated right of way,
- the required front setback.

1.9.3 ***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.

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

1.9.5 ***Effective*** - These regulations shall become effective from and after sixty days after the Boone County Commission enters an order adapting these regulations and apply to all final plats not approved by the Commission on or before the effective date.

APPENDIX A**ADMINISTRATIVE SURVEY AND PLAT PREPARATION SPECIFICATIONS**

1. **SUBMISSION PROCEDURES:** The following procedures and criteria shall be applicable to the preparation of administrative surveys and subdivision plats:

1.1 **Concept Review for Major and Minor Plats** - 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. Graphic proposals shall be submitted one week prior to the scheduled review. Eight (8) copies of a graphic proposal shall be prepared and presented to the Director for review and discussion.

1.2 **Administrative Surveys** - Administrative surveys may be submitted for review during all regular office hours. A minimum of three (3) copies of the survey shall be submitted for review and comment unless additional copies are required by the Director. The Director shall transmit one copy to the Road and Bridge Department and one copy to each company or public agency which may provide utility service. The Director shall review and forward all comments on said submittal within ten (10) working days.

1.3 **Preliminary, Minor, Major and Multiple-Use Plats** - 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. One (1) copy of existing and proposed restrictions and restrictive covenants shall be submitted for all preliminary plats. Twelve (12) copies of the plat and, when applicable, the following shall be submitted to the Director and applicable government agencies for all final minor, major and multiple-use plats:

- One copy of restrictions and restrictive covenants to be recorded
- One copy of a traffic analysis for road or street capacity

- One copy of a wastewater system cost benefit analysis and proposal as required by Appendix B
- two (2) copies of an engineered erosion control plan;
- two (2) copies of engineered street plans;
- two (2) copies of engineered storm water/surface drainage plans;
- three (3) copies of engineered water supply plans including information on the quantity and approximate flow rate available as well as fire hydrant locations and construction details unless such plans are provided by an applicable government agency providing water service to the platted subdivision;
- two (2) copies of engineered sanitary sewer plans for collector system with treatment plant or connection to trunk line;
- the appropriate fees;
- engineer's cost estimate for bonded improvements;
- graphic layout of collector or on-site system(s) as required in Appendix B of these regulations.

The Director and all applicable government agencies shall review and forward all comments on submittals within seven working days of receipt. The subdivider should respond to said comments by the second Thursday of each month. Failure to comply with the above outlined submittal requirements will result in the plat being removed from the agenda.

2. ***FEES*** - The following fee schedule shall be applicable to all administrative surveys and subdivision plats payable to the County of Boone:

2.1 ***Applicable Fees*** - Applicable fees shall be determined by the fee schedule as established by the County Commission.

2.2 **Recording Fees** - As required by law for an 18" by 24" document or for a 24" by 36" document.

3. **PLAT SPECIFICATIONS** - The following specifications shall be applicable to graphic subdivision plat proposals, subdivision plats and administrative surveys:

3.1 **Concept Review** - A graphic proposal shall meet the following specifications and contain the following information:

- show subdivision classification;
- drawn to an approximate scale;
- show tract boundaries;
- contain section, township, range;
- show north point and approximate scale;
- show existing adjacent streets;
- contain proposed general street layout;
- contain proposed general lot layout;
- show adjacent municipal boundaries;
- contain date of scheduled concept review meeting;

3.2 **Administrative Survey** - An administrative survey shall be prepared by a registered land surveyor, 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 a 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 of one(1) acre or more 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 known easements, rights-of-way and utilities;
- show dedicated street rights-of-way and utility easements;
- 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 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 surveyor's 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 registered land surveyor responsible for preparing the plat;
- contain a statement of approval by the Director;
- show submittal date to the Director.

3.3 ***Preliminary Plats*** - A preliminary plat shall be prepared by a registered land surveyor, 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 plotted;
- show the entire tract proposed for subdivision along with all adjacent land within 200 feet owned by the subdivision;
- 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 five (5) 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 karst topography;
- show the 100 year floodplain plotted as shown by the current flood insurance rate map (FIRM) of Boone County;
- show existing community assets;
- show known existing solid waste disposal areas;
- 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 waterlines, gas lines and fire hydrants;
- show existing property lines, building lines, buildings and structures;

- show existing streets including location and width of existing street right-of-way, street plan lines as shown by the Major Thoroughfare plan. 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 small 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, 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 land 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 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 registered land surveyor responsible for preparing the plat and work phone number and address.

3.4 ***Final Minor, Major and Multiple-Use Plats*** - A final minor, major or multiple-use plat shall be prepared by a registered land surveyor, meet the following specifications and contain the following information;

- be drawn clearly, legibly and graphically in ink on 18” by 24” or 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 only if in his judgment 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 a 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 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 registered land surveyor responsible for preparing the plat.

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 this Appendix 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. Garth Ave (City of Columbia) shall be the north-south base line and the designation of north and south shall be indicated on either side of Broadway (City of Columbia). Broadway shall be the east-west base line and the designation of east and west shall be shown on either side of Garth Ave.

1.2 ***Alleys*** - Alleys shall be provided in commercial and industrial districts for off street loading and unloading. The Commission may waive this requirement where other acceptable provision is made for service access.

1.3 ***Blocks*** - Block lengths may not exceed 1320 feet nor be less than 200 feet except as the Commission deems necessary to secure the efficient use of land or desired features of road layout pursuant to Table A. 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. The Commission may approve block widths providing for a single tier of lots where topographic conditions or size of the property would prevent two tiers. Where the subdivision abuts or contains an arterial road or expressway as designated on the Major Thoroughfare Plan, the Commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such arterial or expressway and to afford separation of local traffic, through one of the following means: either, a) by providing vehicular access to such

lots by means of a paved thirty foot wide public road 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, or, b) by designing double frontage lots.

1.4 ***Common Land*** - When common land is to be included in or adjacent to a subdivision or development, a private trust agreement shall be recorded concurrently with the plat which shall provide for the proper and continuous maintenance and supervision of said common land by a trustee and payment for such maintenance and supervision by means of annual or more frequent assessments against lots and provision for assessment secured by assessment liens enforceable by foreclosure. 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 recorded contractually binding agreement conferring financial responsibility and liability for maintenance and supervision of such common land with any such agency or entity.

1.5 ***Community Assets*** - In designing any subdivision, the following specific areas shall be protected and preserved: a) 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; b) sensitive plant species and high quality natural communities as compiled by the Missouri Department of Conservation in the Natural Heritage database for Boone County; c) sites listed on the National Register of Historic Places, and d) cemeteries and burial grounds.

1.6 ***Sink Hole Area Development*** - Any portion of land which is located within the limits of a designated sink hole area as shown in the Boone County Zoning Regulations adopted September 1991 shall be subdivided and developed to insure that the plat is designed to minimize the flow of stormwater into and erosion of areas in and around

existing sinkholes as a result of construction. The plat shall also be designed to prevent wastewater from contaminating existing sinkholes or groundwater.

1.7 **Dams** - Dams to be constructed in excess of 25 feet tall within or adjacent to any subdivision or development must be designed by a registered professional engineer and built in accordance with accepted engineering standards and existing dams shall be certified by a registered professional engineer as safe for inhabitants within or near the subdivision. 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. Roads may not be constructed on dams except upon review and approval of the County engineer. 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 prior to the issuance of any building permits for lots situated below the lake formed by such dam. The provisions for maintenance and supervision of common lands contained in this Appendix shall be applicable to all dams within or adjacent to subdivisions or developments when owned or controlled by the subdivider.

1.8 **Lots** - Except as otherwise provided and specifically authorized as an approved planned development under the Zoning Regulations of Boone County, all lots hereafter shall have frontage upon a public road.

1.8.1 **Tier Lots** - The Commission may allow tier lots on previously unplatted land when the following criteria are met: a) tier lot design is the most feasible means to access lots due to extreme topographic conditions; b) the stem of a tier lot, that is the portion of the lot which connects it with required yard area and buildable area with its public road access, shall not be less than twenty (20) feet nor more than fifty-nine (59) feet in width and not shorter than twenty-five (25) feet nor

longer than two hundred fifty (250) feet in length, and may not be included within any required yard area or lot size under the Boone County Zoning Regulations, and c) the allowance of tier lots will not endanger the public health, safety and general welfare.

* 1.8.2 ***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:

- corner lots shall have sufficient width for compliance with front yard building lines on all streets;
- side lot lines generally shall be at right angles to straight streets and radial to curved streets;
- Lots abutting a subdivision street shall maintain a front building line as required by the zoning regulations;
- lot depth shall comply with Table A.

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. Right of way shall not be included within the dimensions or areas of lots. Lots abutting any road or private drive at least 50 feet in width shall be required to maintain a front or back building line beginning at least fifty (50) feet from the center of such road or street. Not more than one hundred (100) RS zoned lots nor more than fifty (50) RD zoned lots nor more than six (6) acres of RM zoned land may be contained within a plat when the design of the plat is such that only one point of public road access is provided for those lots within the plat. A point of a public road 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.

*Amended 5/27/14 //Commission Order 259-2014

1.9 ***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.

1.10 ***Private Drives*** - Private drives may be allowed to provide internal circulation within a lot or access to a public road or other tracts as otherwise authorized in these regulations.

1.11 ***Sidewalks*** - Sidewalks shall be constructed and installed as required by Table A and in compliance with these regulations and the design and construction standards outlined in the Road/Bridge Maintenance and Improvement Manual. Sidewalks shall be treated as and comply with the requirements in these regulations applicable to common land.

1.12 ***Street and Road Names*** - Names of new streets or roads shall not duplicate existing or platted street names either in the unincorporated area of the county, or within any municipality in Boone County, unless the new street is a continuation of an existing platted street.

1.13 ***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 the Road and Bridge Maintenance and Improvement Manual. Developments resulting in less than 100 living units shall be subject to a traffic analysis conducted under the supervision of the County Engineer. Development resulting in more than 100 living units shall require a traffic analysis conducted by a qualified registered engineer, the results of which will be reviewed by the County Engineer. Commercial development and multi-use developments shall require a traffic analysis, taking into consideration types of vehicular traffic, including delivery traffic. Traffic analysis shall be used to determine road and street capacity within the proposed subdivision and needed road improvements for public roads 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. Such 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; when reliable traffic counts cannot be obtained, estimates may be used based upon objective criteria and disclosed assumptions consistent with generally accepted engineering practices. The traffic analysis shall also include 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. The subdivider shall be responsible for the cost of completing any required traffic analysis, whether performed by the County Engineer or by a

qualified registered engineer retained by the subdivider as specified above to prepare traffic analysis for developments resulting in more than 100 living units. The Commission in its discretion may waive in whole or part, upon recommendation of the County Engineer, the necessity of a written traffic analysis report when current adequate motor vehicle traffic counts are available or when no road improvements are necessary or when the precise needed improvements have previously been specified, or in such cases where preparation of such report is unnecessary or unreasonable. Any major 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, or if the subdivision fronts an existing paved public road or gravel public road with an existing or resulting (due to the subdivision) daily motor vehicle count of 250 or more vehicles per day as determined by the traffic analysis for street and road capacity as described above, or such subdivision fronts a gravel road scheduled for paving on any existing funded road improvement plan officially adopted by the County Commission. 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 1.7.5 of these regulations and according to the recommendations of the traffic analysis prepared for the subdivision, subject to the written approval of the County Engineer and as otherwise provided in these regulations. All new roads and streets shall be constructed in accordance with the requirements of these specifications; existing roads and streets within or adjoining the subdivision which do not meet the requirements of these specifications with regard to width or type of construction shall at a minimum be brought into conformity on that portion of the road or street within or adjoining the platted subdivision. 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.

2.2 ***Right-of-Way*** - The arrangement of rights-of-way in a subdivision shall provide for the continuation of existing streets or rights-of-way in adjoining areas, unless the Commission deems such continuation undesirable for reasons of topography or design. In no case shall the street or right-of-way in a subdivision be less width than provided in this Appendix or Table A. Where a new subdivision adjoins undivided land suitable for development, new roads or streets shall be carried to the boundaries of such land and a temporary cul-de-sac shall be installed at that point unless this requirement is for good cause shown waived by the Commission. Any administrative survey or subdivision platted along both sides of an existing public road or street shall allow additional right-of-way, as necessary, to meet the minimum width requirements as required by these regulations. When a administrative survey or subdivision 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. 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. Roads designated on, adjacent to or near a plat shall be categorized as either arterial, collector or local in accordance with the Major Thoroughfare Plan or the functional classifications of roadways as outlined in the Road and Bridge Maintenance and Improvement Manual. Minimum design standards for roads, streets and highways shall be as follows:

RIGHT-OF-WAY WIDTH

<u>Road Type</u>	<u>R-O-W Widths</u>
ARTERIAL:	
Inside urban service area	100'
Outside urban service are	80'
COLLECTOR:	66'
LOCAL:	See Table A
ALLEYS:	See Table A

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.

2.3 *Curves and Grade Changes* - A tangent of at least 200 feet shall be maintained between reverse curves on arterial and collector streets. Where there is a deflection angle of more than 5 degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be provided. The minimum radii of curves shall be as follows:

CENTER LINE CURVE RADIUS

<u>Street Type</u>	<u>Minimum Center Line Curve Radius</u>
ARTERIAL:	765'
COLLECTOR:	575'
LOCAL:	
Residential street	100'
Commercial/industrial street	250'

2.4 ***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.

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

2.6 ***Cul-de-sacs*** - Permanent cul-de-sacs shall be no longer than 1000 feet unless a greater length is approved by the Commission due to topography or other unique features as measured from the center of any cul-de-sac to the right-of-way line of the nearest through street from which it derives. Cul-de-sacs shall have a right-of-way radius of at least forty-seven (47) feet.

2.7 ***Intersections*** - Roads and streets shall intersect each other as near a 90 degree angle as possible. No roads or streets shall intersect at angles less than 60 degrees and 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.

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, and any other public governmental agency having jurisdiction.

3.1 ***Central Sewage Treatment*** - Any subdivision containing any lot less than two and one-half acres in size shall have an engineered centralized sewage collection and/or

treatment 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. Where a public governmental agency plans for installation of sanitary sewers in the vicinity of the subdivision under officially approved masterplan 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 Clean Water Commission and 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. Any such treatment facility shall be designed by a licensed engineer, 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. No privately owned or operated sewage collection system or treatment facilities shall be permitted except as authorized by public governmental agency having jurisdiction.

3.2 ***On-Site Treatment*** -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 other than a subdivision by administrative survey and all lots within such subdivision are 2.5 acres or greater, the Commission shall be provided

with a cost benefit analysis prepared by a licensed engineer for a centralized sewage collection and treatment system for the proposed subdivision comparing 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. The cost benefit analysis shall include analysis of the feasibility of using interim collection type treatment systems when the subdivision is within an area designated for future installation 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. The Commission may waive the necessity of a cost benefit analysis when the subdivider elects to use a collection type sewage system for the subdivision or in other cases when only one type of wastewater collection and treatment is feasible based upon clear and convincing evidence and objective criteria. If a cost benefit analysis is performed and the Commission determines a centralized collection and treatment system is more economically feasible and beneficial than use of on-site systems, then an engineered centralized collection and treatment system shall be designed and used within the subdivision and such collection and treatment system shall be conveyed and transferred to the public governmental agency providing wastewater treatment having jurisdiction. When the Commission determines that a centralized collection and treatment system is not feasible, small on-site wastewater systems shall be permitted. A plan shall be submitted with the preliminary and final plat for each lot that includes the proposed location of septic tanks and lateral fields, lagoons or any other type of alternate sewage treatment systems. These plans must be consistent with the minimum standards established by the Boone County Code of Health Regulations and other applicable laws or regulations. If the proposed on-site sewage treatment system for individual lots consists of septic tank

absorption systems, the plans must include alternative location for soil absorption fields for each lot and the results of a percolation test performed as required by the Boone County Code of Health Regulations demonstrating such system is feasible and can be constructed in accordance with those regulations.

4. ***WATER SUPPLY AND FIRE HYDRANTS***

4.1 ***Water Supply*** - All subdivisions except those classified as administrative surveys or Minor Plats containing three or less lots shall have centralized water supply systems to all lots provided by the governmental agency having jurisdiction over the water supply service in the geographic area in which the subdivision is located or by a private business organization licensed and regulated by the Missouri Public Service Commission to provide public water supply service in such geographic area. All centralized water supply mains shall be shall be constructed and have such supply capacities that meet or exceed the requirements of standard 1231-Water Supplies for Suburban and Rural Firefighting, published by the National Fire Protection Association (NFPA) taking into account building construction, occupancy class and square footage of buildings and structures permitted within the proposed subdivision; provided, however, that all water mains shall be a minimum of six inches in diameter, be capable of providing a minimum of 250 gallons per minute to all lots within the subdivision and be capable of providing the needed fire flow pursuant to the above standards for the largest structure within the subdivision for a period of two hours while maintaining at least 20 pounds per square inch residual water pressure.

4.2 ***Fire Hydrants*** - Fire hydrants shall be installed and operational in all subdivisions subject to these regulations prior to any building construction except those subdivisions classified as administrative surveys or Minor Plats containing three or less lots. Fire

hydrants shall meet or exceed the Guidelines for Fire Hydrant Installation published by the Insurance Service Office (ISO) and be sized to accommodate required water supply capacities for the water supply system required for the subdivision under NFPA standard 1231-Water Supplies for Suburban and Rural Fire Fighting; provided, however, that all fire hydrants shall have a minimum barrel size of five and one half (5 ½) inches with National Standard threads and be installed in a like sized main at intervals not more than 500 feet in residentially zoned subdivisions and not more than 300 feet in commercially or industrially zoned subdivisions.

5. ***STORM WATER, SURFACE DRAINAGE***

5.1 ***Stormwater Control*** - Stormwater sewers or other stormwater controls shall be installed according to current Boone County standards established by order of the Boone County Commission for all plats other than subdivisions established by administrative survey or minor subdivisions containing three lots or less.

5.2 ***Drainage Easements*** - Adequate drainage easements shall be required if deemed necessary by the Commission for proper drainage within or through a subdivision. Whenever a stream, creek or surface drainage course is located in an area proposed for subdivision, the subdivider shall provide an adequate easement and facilities to prevent flooding or erosion along each side of the stream, creek or course. These easements shall be for the purpose of preserving, widening, deepening, sloping, improving or protecting the stream, creek or course or for drainage, parkway or recreational use as determined by the Commission. The subdivider may be required to enlarge or improve an existing drainage channel at the time of development.

5.3 **Utility Connections** - Storm water drainage systems and sewage disposal systems shall not be connected or joined.

6. **EROSION CONTROL PLAN**

In order to conserve soil, minimize water pollution, reduce the amount of sediment deposited on adjacent properties and to prevent public roads and drainage ways from being filled or covered with earth and debris, the subdivider shall be required to submit an Erosion Control Plan for all plats other than administrative surveys.

6.1 **Submission** - A preliminary erosion control plan shall be submitted for review with the final plat. Final approval of the Erosion Control Plan is contingent upon compliance with any improvement recommendations or acceptable alternatives.

6.2 **Contents** - Features of the erosion control plan shall be graphically illustrated at the same scale and contour interval as the preliminary plat. The Director may require a written narrative plan in addition to the graphic illustration.

6.3 **Review and Approval** - The subdivider's erosion control plan shall be reviewed by the Director and may be reviewed by any governmental agency having jurisdiction over soil and water conservation. The Director may waive for good cause shown an erosion control plan in cases where erosion will be minimal due to topography or development plans or other reasons making such plans unnecessary. The plan shall be approved if it is reasonably calculated to meet the above objectives and no written objection to the plan is made by the Director or agency having jurisdiction prior to final plat approval. If written objection is made, the plat shall not be finally approved until an acceptable plan is submitted.

7. **UTILITIES**

7.1 ***Easements***- Utility easements including easements for future use shall be required as deemed necessary by the utility service providers and a minimum of a ten (10) foot utility easement shall be provided along all roads and streets.

7.2 ***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.

TABLE A : REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

<u>ADMIN</u>	<u>MINOR/MAJOR</u>	<u>MINOR/MAJOR</u>	<u>MINOR/MAJOR</u>	<u>MINOR/MAJOR</u>	<u>MINOR/MAJOR</u>
ALL LOTS 10 ACRES OR GREATER	ANY LOT 2.5 ACRES OR GREATER	ANY LOT 0.5 ACRE TO 2.49 ACRES	ANY LOT BETWEEN 7,000 SQ. FT. - .49 ACRES	ANY LOT BETWEEN 4,000 SQ. FT. - 6,999 SQ. FT.	MULTI-USE DEV

RIGHT OF WAY

ALONG EXISTING CO. RD ¹	YES	YES	YES	YES	YES	YES
LOCAL STREETS	N/A	50'	50'	50'	50'	50'-66' ²
ALLEY WIDTH	N/A	N/A	N/A	24'	24'	24'
UTILITY EASEMENTS ALONG ROADS ³	20'	20'	20'	20'	20'	20'
MAX BLOCK LENGTH	N/A	1320'	1320'	1320'	1320'	1320'
MIN BLOCK LENGTH	N/A	200'	200'	200'	200'	440'
MAX CULDESAC LENGTH	N/A	1000'	1000'	1000'	1000'	1000'
MIN CULDESAC RADIUS	N/A	47'	47'	47'	47'	47'

IMPROVEMENTS

PAVEMENT WIDTH	N/A	24'	28'	32'	32'	32'-38' ²
SHOULDER WIDTH	N/A	4'	N/A	N/A	N/A	N/A
MAX GRADE	N/A	10%	10%	10%	10%	10%-6% ⁴
MIN GRADE	N/A	1%	1%	1%	1%	1%
MIN SIGHT DISTANCE	N/A	250'	250'	250'	250'	250'
WATER SYSTEM	N/A	YES	YES	YES	YES	YES
FIRE HYDRANT	NO	YES	YES	YES	YES	YES
CURB & GUTTER	NO	NO	NO	YES	YES	YES
PAVING REQUIRED	NO	SEE NOTE ⁵	YES	YES	YES	YES
SIDEWALKS	NO	NO	NO	YES	YES	YES
CENTRAL SEWERS	NO	SEE NOTE ⁶	YES	YES	YES	YES
MIN LOT WIDTH AT BUILDING LINE	150'	150'	150'	60'	40'	60'
MIN LOT DEPTH	250'	250'	125'	100'	60'	100'
MAX LOT DEPTH	N/A	3 X WIDTH	3 X WIDTH	3 X WIDTH	N/A	3 X WIDTH
TIER LOTS	NO	SEE NOTE ⁷	SEE NOTE ⁷	SEE NOTE ⁷	SEE NOTE ⁷	SEE NOTE ⁷

¹. As required per Section 2. Subsection 2.2 per Appendix B

². Width of right-of-way or pavement to be determined by the Boone County Public Works Dept.

³. Utility easements along road are in the regulations as 10' but will not pass utilities approval.

⁴. Grade to be determined by Boone County Public Works Dept.

⁵.As required per Section 2.1 of 2 Appendix B

⁶. As required per Section 3.2 Appendix B.

⁷. See Section 1.8.1 of Appendix B

TABLE B

BOONE COUNTY POINT RATING SYSTEM DEVELOPMENT POINT SCHEDULE FOR SECTION

1. Proximity	Points if Within				Over
	<u>1 Mi</u>	<u>2 Mi</u>	<u>3 Mi</u>	<u>4 Mi</u>	<u>4 Mi</u>
Columbia -	25	20	15	10	0
Centralia, Ashland, Sturgeon, Hallsville	25	10	5	0	0
Rocheport, Midway, Harrisburg, Hartsburg	25	10	0	0	0
2. Sewer					
Central off-site treatment available now -					15
Section in 201 planning area -					10
Not in area served nor in planning stage -					0
3. Roads; Most logical route to nearest urban area:					
County, State, or Federal Highway -					12
Less than one-half mile of county gravel road travel -					6
One-half to one mile of gravel road -					0
More than one mile gravel road -					-6
Within one mile of a numbered (not lettered highway) -					2
Route includes a load-limit bridge or is under water -					-5
4. School Capacity:					
Overcrowding is not a problem -					8
Facilities presently overcrowded -					0
5. Fire Protection					
Station within 3 miles -					5
Station within 5 miles -					3
Greater than 5 miles -					0
6. Water System					
Main Larger than 4", at property now -					8
Four-inch main at property now -					5
Four-inch main to be installed without decreasing service to others -					3
Additional line would be dead-end or require added storage or pumping					0
7. Flood Prone and Sensitive Areas:					
All areas except bottomlands -					8
Bottomland, Sinkhole Areas, Airport Zones -					0
8. Soil Capabilities					
Class	<u>I & II</u>	<u>III</u>	<u>IV</u>	<u>VI</u>	<u>VII & VIII</u>
	-10	-5	0	+5	+10